



Committee Report

Planning Committee - 14 July 2020

Application no DC/20/1541/FUL

Location

Agricultural Barn at Ringsfield Hall
Farm (Barn 1)
School Road
Ringsfield
NR34 8JR

Expiry date 16 June 2020

Application type Full Application

Applicant Mr Shaun Lake

Parish Ringsfield

Proposal Full planning application for the conversion of agricultural building to residential use following Class Qa & Qb approval under DC/19/4531/PN3

Case Officer Iain Robertson
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1. Summary

- 1.1. Planning permission is sought for the conversion of a former agricultural building to a residential dwelling and for the provision of a garden area and associated access.
- 1.2. In 2019 permitted development prior approval was granted for the conversion of this building from agriculture to residential use Ref: DC/19/4531/PN3. This building is not a heritage asset, and neither is it a building which is locally distinctive or of architectural merit as required by policy WLP8.11.
- 1.3. Although this proposal would be contrary to the Local Plan, in that it would not meet any of the exceptions against new residential development in isolated locations, the extant prior approval is considered to be a realistic fallback position which must be given substantial weight. In these circumstances, approval is recommended.

1.4. The application is at planning committee as it is a departure from the Local Plan.

2. Site description

2.1. The application site is adjacent to Ringsfield Hall Farm, which is accessed from Hall Road along Bridleway 16. The village of Ringsfield is located in a North Easterly direction from the application site and is a village of very few facilities. The nearest Town is Beccles situated 5km to the North East.

2.2. Public Rights of Way (PROW) number 09 follows the Eastern and Northern boundaries of this site and joins up with Bridleway 16.

2.3. The building subject of this application is a modern agricultural building of concrete block construction with corrugated fibre cement roof, internally it is a metal roof structure.

2.4. This building benefits from prior approval under Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015 Ref: DC/19/4531/PN3. This application seeks to create a larger garden curtilage which is not permissible under Class Q.

2.5. Also, on this site adjacent to this building is another building with prior approval consent under Class Q Ref: DC/19/4532/PN3, which is also being considered under a separate application for planning permission Ref: DC/20/1542/FUL.

3. Proposal

3.1. Full planning application for the conversion of agricultural building to residential use following Class Qa & Qb approval under DC/19/4531/PN3. The proposal would create a two-bedroom single storey property with a rendered finish with brick plinth and metal roof and powder coated aluminium windows. A garden curtilage is proposed to the front of the property with parking area an indicative plating layout.

4. Consultations/comments

4.1. One representation of support raising the following material planning considerations:

- We hope the application is approved as it will tidy up the view that we have as a neighbour as the land is derelict and has been left to dilapidate It will be a welcome improvement.

Consultees
Parish/Town Council

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Ringsfield Parish Council | 24 April 2020 | 12 May 2020 |
| <p>Summary of comments:</p> <p>The policy for retaining agricultural building was intended to breathe new life into old buildings to retain the character of the countryside. The Parish Council feels this intention locally would be brick and pantile or timber framed & timber clad buildings over 100 years old.</p> <p>These buildings are relatively modern, concrete framed structures, don't believe appear to meet the intention of the government policy.</p> <p>Once renovated they will appear to be new buildings with modern metal roofing and new cladding to the walls.</p> <p>Additionally, two new residential units will increase the amount of vehicle traffic on a very narrow road that has many blind corners so will affect the safety of residents living in that road.</p> <p>The Parish Council recommend refusal of the application on the basis that the buildings are not suitable for preservation for the benefit and safety of the rural community in a that area.</p> | | |

Statutory consultees

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Suffolk County - Highways Department | 24 April 2020 | 14 May 2020 |
| <p>Summary of comments:</p> <p>No objection subject to conditions</p> | | |

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Suffolk County - Rights of Way | 24 April 2020 | 27 April 2020 |
| <p>Summary of comments:</p> <p>General advice given about PROW's and Bridleway</p> | | |

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Essex And Suffolk Water PLC | 24 April 2020 | No response |
| <p>Summary of comments:</p> <p>No comments received.</p> | | |

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Suffolk Fire and Rescue Service | N/A | 29 May 2020 |
| Summary of comments: General advice given on access and firefighting facilities, water supplies and sprinklers. | | |

Non statutory consultees

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Environmental Protection (Internal) | 24 April 2020 | 6 May 2020 |
| Summary of comments: The Enviroscreen report submitted states that there are records of landfilling on or within 25m of the site, which will need investigating. In addition, these buildings may have been contaminated during their agricultural use by pesticides, fertilizers etc. Please apply the full range of contaminated Land conditions | | |

| Consultee | Date consulted | Date reply received |
|---|----------------|---------------------|
| Waveney Norse - Property and Facilities | 24 April 2020 | No response |
| Summary of comments: No comments received. | | |

| Consultee | Date consulted | Date reply received |
|--|----------------|---------------------|
| Ecology (Internal) | 27 April 2020 | 19 May 2020 |
| Summary of comments: Internal - Comments included in main report. | | |

5. Publicity

The application has been the subject of the following press advertisement:

| | | | |
|---|----------------------------------|-------------------------------|--|
| Category Departure | Published 26 June 2020 | Expiry 17 July 2020 | Publication Lowestoft Journal |
| Category Departure | Published 26 June 2020 | Expiry 17 July 2020 | Publication Beccles and Bungay Journal |
| Category Public Right of Way Affected | Published 1 May 2020 | Expiry 26 May 2020 | Publication Lowestoft Journal |

| Category | Published | Expiry | Publication |
|------------------------------|------------|-------------|----------------------------|
| Public Right of Way Affected | 1 May 2020 | 26 May 2020 | Beccles and Bungay Journal |

Site notices

| | |
|---------------------|--|
| General Site Notice | Reason for site notice: In the Vicinity of Public Right of Way Date posted: 27 April 2020 Expiry date: 19 May 2020 |
|---------------------|--|

6. Planning policy

- 6.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that *“where in making any determination under the planning Acts, if regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”*.
- 6.2. National Planning Policy Framework (NPPF) (2019)
- 6.3. National Planning Policy Guidance (NPPG)
- 6.4. The East Suffolk Council - Waveney Local Plan was adopted on 20 March 2019 and the following policies are considered relevant:
 - WLP1.1 – “Scale and Location of Growth”
 - WLP1.2 – “Settlement Boundaries”
 - WLP7.1 – “Rural Settlement Hierarchy and Housing Growth”
 - WLP8.11 – “Conversion of Rural Buildings to Residential Use”
 - WLP8.34 – “Biodiversity and Geodiversity”
 - WLP8.35 – “Landscape Character”

7. Planning considerations

Principle

- 7.1. This site is situated in a rural location not near to any settlement which benefits from a settlement boundary as defined on the Local Plan Policies Map. As highlighted in Policy WLP1.2, settlement boundaries define the built-up area of settlements, and subject to the other policies of this Local Plan, indicate where development for housing would be suitable. Land which is outside of settlement boundaries and allocations in the Local Plan and Neighbourhood Plans is considered as the Countryside, for planning purposes.
- 7.2. Policy WLP1.1 - Scale and Location of Growth states that housing development will be focused on the Lowestoft area followed by Beccles and the other market towns. Rural Areas equate to approximately - 10% of housing growth (See Policy WLP7.1 for more detail on the distribution across rural villages)
- 7.3. Policy WLP7.1 - Rural Settlement Hierarchy and Housing Growth states that the 10% figure for housing growth in rural areas will be distributed as follows:

- Approximately 70% of new housing development in the rural areas will be in the larger villages,
 - 20% in the smaller villages and
 - 10% elsewhere in other rural settlements in the Countryside. The development requirements in the larger and smaller villages in the rural area will be delivered through site allocations in this Local Plan.
- 7.4. The development requirements elsewhere in other rural settlements in the Countryside will come forward through Neighbourhood Plans and windfall sites in accordance with Policies WLP8.6, WLP8.7, WLP8.8 and WLP8.11 of this Local Plan.
- 7.5. Policy WLP8.11 - "Conversion of Rural Buildings to Residential Use" would be the only policy of relevance in this case and states the following:
- 7.6. The conversion of redundant rural buildings in the Countryside to residential use will be permitted where it secures or safeguards a heritage asset or:
- The building is locally distinctive and of architectural merit;
 - The conversion requires only minimal alteration;
 - The design maintains or enhances the structure, form and character of the rural building;
 - The creation of a residential curtilage does not have a harmful effect on the character of the countryside or settlement;
 - The conversion enhances the immediate setting of the area;
 - The site is served by an appropriate existing access; and
 - The development when considered cumulatively with other developments in the Countryside would not result in a level of development which would be contrary to the strategy outlined in Policies WLP1.1 and WLP7.1.
- 7.7. Paragraph 79 of the NPPF states that planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the criteria of paragraph 79 apply:
- 7.8. Paragraph 79(c) of the NPPF allows for the provision of homes in isolated locations in the countryside where they would re-use redundant or dis-used buildings and enhance the immediate setting and,
- 7.9. In terms of 79(c) Policy WLP8.11 - "Conversion of Rural Buildings to Residential Use", considers when such conversions are acceptable. This policy stipulates that the conversion of redundant rural buildings in the Countryside to residential use will be permitted where it secures or safeguards a heritage asset or meets the other qualifying criteria where the building is considered to be locally distinctive and of architectural merit.
- 7.10. Given that this is a modern agricultural building this does not meet either of the main qualifying criteria as it is not a heritage asset, and neither is it locally distinctive and of architectural merit.

- 7.11. The Parish Council has objected on the basis of the inadequate quality of the buildings for conversion to residential use and that once the building is re clad and has a new roof covering will appear as a new building. Whilst officers do not disagree with these comments the proposals as submitted within the previous prior notification are very similar to this proposal. As highlighted earlier, section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that determinations shall be made in accordance with the development plan *unless material considerations indicate otherwise*.
- 7.12. In this case as the building benefits from an extant approval under the terms of Class Q of the General Permitted Development Order, there is a significant material consideration. In the view of officers this fallback position is a viable option and likely to be implemented should planning permission be refused.
- 7.13. Therefore, although there is a conflict with Local Plan Policy WLP8.11 it is considered that refusal of planning permission could not be justified on this basis given the fallback position that is in place.

Impact on landscape

- 7.14. Notwithstanding that the principle of residential development has been established, this application proposes an enlarged garden curtilage over the very limited external curtilage that is permissible under Class Q as defined in the accompanying Class X (no larger than the area occupied by the agricultural building).
- 7.15. Bullet points 4 and 5 of policy WLP8.11 requires that the creation of a residential curtilage does not have a harmful effect on the character of the countryside or settlement and that the conversion enhances the immediate setting of the area. With appropriate native species planting the garden curtilage would not detract from the agricultural character of the site and it could be argued that this and the re-use of a building and general tidying up of the site would enhance the immediate setting.

Design

- 7.16. The proposals are similar to that shown within the prior approval application. The proposal would reuse existing openings and a metal roof is provided in place of the fibre cement covering to maintain the agricultural character of the building. The walls are currently painted concrete blockwork, this proposal differs from the previous application as it proposes to render the building and add a brick plinth. Although these two elements are not evident on the existing buildings, overall, it is considered that the design would maintain the character of this rural structure.

Highways

- 7.17. SCC Highways Authority have not objected to the proposal. It is considered that the existing unmade track is suitable for the intensification of use proposed, it has been suggested that a condition should be imposed to improve the surface at the junction with Hall Road.

Ecology

- 7.18. In terms of the impact of the proposal on protected species an Ecological Survey report (JP Ecology, June 2019) has been provided, the Council are satisfied with the conclusions of the consultant and should permission be granted the recommendations made in the report should be secured by condition.
- 7.19. In addition, the above, the site is within the Suffolk RAMS Zone of Influence (Zone B). It is noted that a contribution to the mitigation scheme was made for this building under the prior approval application Ref DC/19/4531/PN3 and the number of dwellings proposed is the same. This contribution can be applied to this application in this case.

Contaminated Land

- 7.20. The Enviroscreen report submitted states that there are records of landfilling on or within 25m of the site, which will need investigating. In addition, these buildings may have been contaminated during their agricultural use by pesticides, fertilizers etc. Standard Contaminated Land conditions required

Remove PD rights

- 7.21. It is considered reasonable to remove permitted development rights allowed by Part 1 of The Town and Country Planning (General Permitted Development) (England) Order 2015 as would be the case if the Class Q approval were implemented.

8. Conclusion

- 8.1. The application site benefits from an extant prior approval for the conversion of this former agricultural building to residential use under Schedule 2, Part 3, Class Q of The Town and Country Planning (General Permitted Development) (England) Order 2015.
- 8.2. The application for planning permission to convert this building to residential use and to allow an enlarged residential garden curtilage is contrary to Policy WLP8.11 "Conversion of Rural Buildings to Residential Use" as the building is not a heritage asset and neither is it a building that is locally distinctive or of architectural merit.
- 8.3. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004 the extant permission is a material planning consideration. In this case it is considered that the development approved under the prior approval process is very similar to that proposed within this application and is a realistic fallback position should this application not be approved.
- 8.4. The proposal for a larger garden curtilage could be applied for independently of the extant consent, in this case the larger garden area if appropriately planted with native species hedging would not have a harmful effect on the character of the countryside.
- 8.5. In this case, although this proposal is contrary to the principle requirements of Local Plan Policy WLP8.11, it is considered that refusal of planning permission could not be justified, given the fallback position that is in place, and approval of planning permission is recommended.

9. Recommendation

- 9.1. **AUTHORITY TO APPROVE**, subject to no new material planning objections being received within the prescribed consultation period, and subject to the following conditions:

10. Conditions:

1. The development hereby permitted shall be begun within a period of three years beginning with the date of this permission.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. The development hereby permitted shall be completed in all respects strictly in accordance with drawing nos. 30-001, 003 and 004 received 22 April 2020, for which permission is hereby granted or which are subsequently submitted to and approved by the Local Planning Authority and in compliance with any conditions imposed by the Local Planning Authority.

Reason: For the avoidance of doubt as to what has been considered and approved.

3. Details of the materials for the roof and rainwater goods shall be submitted to and approved by the Local Planning Authority before development commences. Development shall be carried out in accordance with the approved details.

Reason: To ensure the satisfactory external appearance of the development.

4. Development must be undertaken in accordance with the ecological avoidance, mitigation, compensation and enhancement measures identified within the Ecological Survey report (JP Ecology, June 2019).

Reason: To ensure that ecological receptors are adequately protected and enhanced as part of the development.

5. The use shall not commence until the area(s) within the site on Drawing No. 30-003 for the purposes of Loading, Unloading, manoeuvring and parking of vehicles has been provided and thereafter that area(s) shall be retained and used for no other purposes.

Reason: To ensure that sufficient space for the on-site parking of vehicles is provided and maintained in order to ensure the provision of adequate on-site space for the parking and manoeuvring of vehicles where on-street parking and manoeuvring would be detrimental to highway safety to users of the highway.

6. Details of the areas to be provided for secure cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out in its entirety before the development is brought into use and shall be retained thereafter and used for no other purpose.

Reason: To ensure the provision and long-term maintenance of adequate on-site space for the parking of cycles.

Comments: Suffolk County Council's parking guidance 'Suffolk Guidance for Parking' (SGP) which require minimum cycle provision of 2 secure covered spaces per dwelling.

7. Prior to the new dwellings hereby permitted being first occupied, the new access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres measured from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety

8. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take place until a site investigation consisting of the following components has been submitted to, and approved in writing by, the local planning authority:

a) A desk study and site reconnaissance, including:

- a detailed appraisal of the history of the site;
- an inspection and assessment of current site conditions;
- an assessment of the potential types, quantities and locations of hazardous materials and contaminants

considered to potentially exist on site;

- a conceptual site model indicating sources, pathways and receptors; and
- a preliminary assessment of the risks posed from contamination at the site to relevant receptors,

including: human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

b) Where deemed necessary following the desk study and site reconnaissance an intrusive investigation(s), including:

- the locations and nature of sampling points (including logs with descriptions of the materials encountered) and justification for the sampling strategy;
- an explanation and justification for the analytical strategy;
- a revised conceptual site model; and
- a revised assessment of the risks posed from contamination at the site to relevant receptors, including:

human health, ground waters, surface waters, ecological systems and property (both existing and proposed).

All site investigations must be undertaken by a competent person and conform with current guidance and best practice, including: BS 10175:2011+A1:2013 and CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

9. No development (including any construction, demolition, site clearance or removal of underground tanks and relic structures) approved by this planning permission, shall take

place until a detailed remediation method statement (RMS) has been submitted to, and approved in writing by, the LPA. The RMS must include, but is not limited to:

- details of all works to be undertaken including proposed methodologies, drawings and plans, materials, specifications and site management procedures;
- an explanation, including justification, for the selection of the proposed remediation methodology(ies);
- proposed remediation objectives and remediation criteria; and
- proposals for validating the remediation and, where appropriate, for future maintenance and monitoring.

The RMS must be prepared by a competent person and conform to current guidance and best practice, including CLR11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

10. Prior to any occupation or use of the approved development the RMS approved under condition 9 must be completed in its entirety. The LPA must be given two weeks written notification prior to the commencement of the remedial works.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

11. A validation report must be submitted to and approved in writing by the LPA prior to any occupation or use of the approved development. The validation report must include, but is not limited to:
 - results of sampling and monitoring carried out to demonstrate that the site remediation criteria have been met;
 - evidence that any RMS approved in pursuance of conditions appended to this consent has been carried out competently, effectively and in its entirety; and
 - evidence that remediation has been effective and that, as a minimum, the site will not qualify as contaminated land as defined by Part 2A of the Environmental Protection Act 1990.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. In the event that contamination which has not already been identified to the Local Planning Authority (LPA) is found or suspected on the site it must be reported in writing immediately to the Local Planning Authority. Unless agreed in writing by the LPA no further development (including any construction, demolition, site clearance, removal of underground tanks and relic structures) shall take place until this condition has been complied with in its entirety.

An investigation and risk assessment must be completed in accordance with a scheme which is subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and conform with prevailing guidance (including BS10175:2011+A1:2013 and CLR11) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority.

Where remediation is necessary a detailed remediation method statement (RMS) must be prepared and is subject to the approval in writing of the Local Planning Authority. The RMS must include detailed methodologies for all works to be undertaken, site management procedures, proposed remediation objectives and remediation criteria. The approved RMS must be carried out in its entirety and the Local Planning Authority must be given two weeks written notification prior to the commencement of the remedial works.

Following completion of the approved remediation scheme a validation report that demonstrates the effectiveness of the remediation must be submitted to and approved in writing by the LPA.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) (with or without modification), no alteration, building or structure permitted by Schedule 2 Part 1 of the Order shall be carried out without the submission of a formal planning application and the granting of planning permission by the Local Planning Authority.

Reason: To secure a properly planned development.

14. No development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include proposed finished levels or contours; means of enclosure; car parking layouts; other vehicle and pedestrian access and circulation areas; hard surfacing materials; minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, lighting etc); proposed and existing functional services above and below ground (e.g. drainage power, communications cables, pipelines etc indicating lines, manholes, supports etc); retained historic landscape features and proposals for restoration, where relevant. Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed number/densities where appropriate; implementation programme.

Reason: To ensure the provision of amenity afforded by appropriate landscape design.

15. The landscaping scheme shall be completed prior to occupation of the dwelling, or such other date as may be agreed in writing with the Local Planning Authority. Any trees or plants which die during the first 3 years shall be replaced during the next planting season.

Reason: to ensure the satisfactory external appearance of the building.

Informatives:

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote the delivery of sustainable development and to approach decision taking in a positive way.
2. East Suffolk Council is a Community Infrastructure Levy (CIL) Charging Authority.

The proposed development referred to in this planning permission may be chargeable development liable to pay Community Infrastructure Levy (CIL) under Part 11 of the Planning Act 2008 and the CIL Regulations 2010 (as amended).

If your development is for the erection of a new building, annex or extension or the change of use of a building over 100sqm in internal area or the creation of a new dwelling, holiday let of any size or convenience retail, your development may be liable to pay CIL and you must submit a CIL Form 2 (Assumption of Liability) and CIL Form 1 (CIL Questions) form as soon as possible to CIL@eastsuffolk.gov.uk

A CIL commencement Notice (CIL Form 6) must be submitted at least 24 hours prior to the commencement date. The consequences of not submitting CIL Forms can result in the loss of payment by instalments, surcharges and other CIL enforcement action.

CIL forms can be downloaded direct from the planning portal:

https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

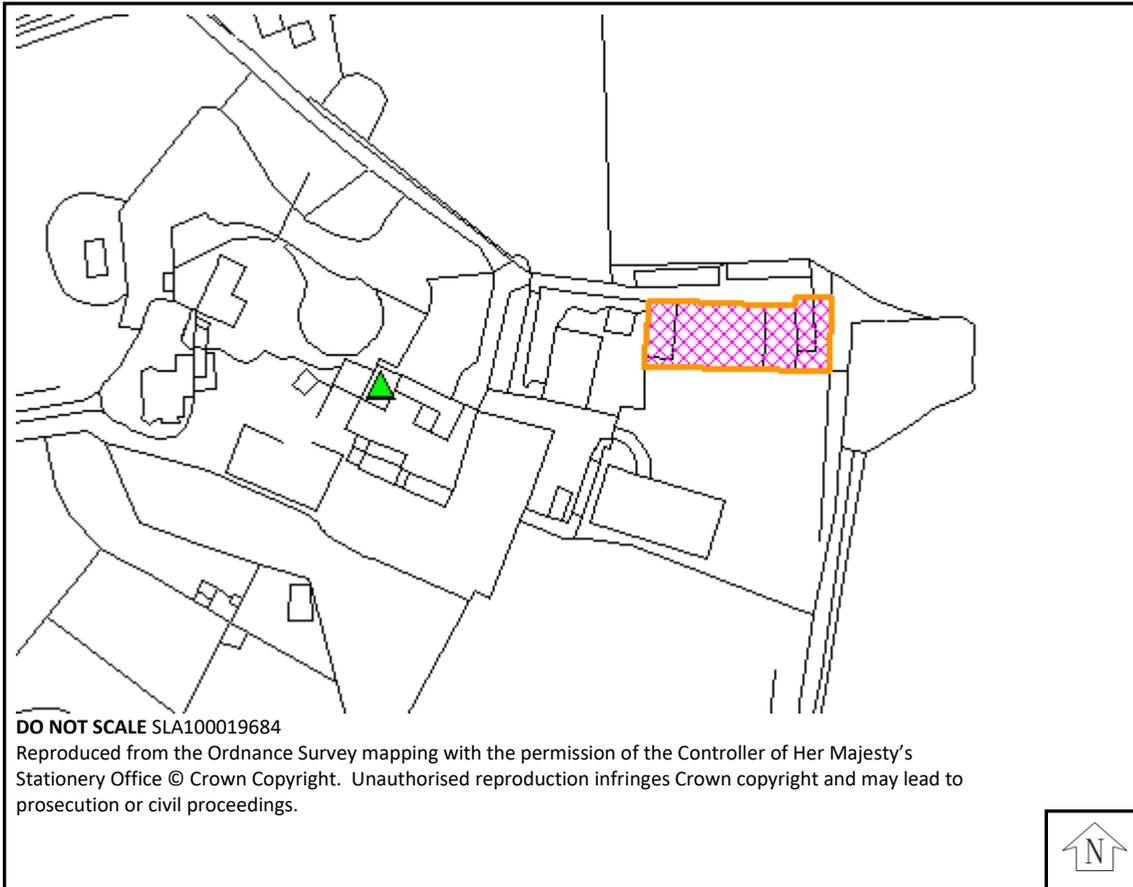
Guidance is viewable at: <https://www.gov.uk/guidance/community-infrastructure-levy>

3. The applicant is advised that the proposed development may require the naming of new street(s) and numbering of properties/businesses within those streets and/or the numbering of new properties/businesses within an existing street. This is only required with the creation of a new dwelling or business premises. For details of the address charges please see our website www.eastsuffolk.gov.uk/planning/street-naming-and-numbering or email llpg@eastsuffolk.gov.uk

Background information

See application reference DC/20/1541/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q96GLMQXJ2K00>

Map



Key

-  Notified, no comments received
-  Objection
-  Representation
-  Support