

**PLANNING COMMITTEE NORTH – 13 August 2019**  
**APPLICATION NO. DC/19/2129/FUL**

**EXPIRY DATE: 31 July 2019**  
**APPLICATION TYPE: Full Application**

**APPLICANT: Mr Philip Scarfe**

**LOCATION: Hall Farm, Flixton Road, Bungay, Suffolk, NR35 1PD**

**PARISH: Bungay**

**PROPOSAL: Subdivision of the existing farmhouse and annex into two dwellings and replacement side extension.**

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Scale 1:1,250  
Date 01/08/2019

0 0.015 0.03 0.06 Kilometers

## **1 EXECUTIVE SUMMARY**

**The application seeks full planning permission for the sub-division of the dwelling at Hall Farmhouse to create two dwellings, along with a replacement side extension.**

**The application site is located in the countryside and the principle of a new dwelling through sub-division is contrary to the Local Plan which does not explicitly permit such development. However, the 2019 National Planning Policy Framework (NPPF) supports new isolated homes in the countryside where it comprises sub-division of an existing residential dwelling. In this regard the Local Plan is inconsistent with the NPPF and therefore the policy conflict has to be given reduced weight.**

**The site is located less than one mile from the town of Bungay and notwithstanding the rural location of the site it is proximate to a sustainable settlement whereby future occupiers will have good access to local shops, services and facilities via only a short car journey.**

**There are no significant adverse impacts identified and officers consider that the Local Plan policy conflict is outweighed by the policy support found in the NPPF. The item is therefore before members as a departure from the Local Plan with an officer recommendation of approval.**

## **2 SITE DESCRIPTION**

2.1 The application site is located in the countryside within the parish of Bungay. The site comprises Hall Farmhouse which is an agricultural farmhouse located in the countryside to the south of Flixton Road and west of St Margaret's Road. The site is located less than one mile from the western end of Bungay.

2.2 The site comprises the farmhouse and adjoining two-storey annex which was added to the western side of the dwelling in the late 20<sup>th</sup> Century (planning ref. DC/89/1376/FUL). The annex is connected internally to the Farmhouse. It is understood that the annex used to accommodate an elderly relative but that this accommodation is no longer required. Since then the room configuration has changed and it no longer functions as an annex: it has been subsumed into the Farmhouse. The site also contains substantial domestic gardens; various outbuildings; garages; and areas of parking.

2.3 The site is located in the countryside, for planning purposes. It is not affected by any landscape designations and it falls within the lowest risk flood zone 1. There is a grade II listed building at Upland Hall some 145 metres to the southwest of the farmhouse.

## **3 PROPOSAL**

3.1 This application seeks full planning permission for the sub-division of the dwelling at Hall Farmhouse to create two dwellings. This would involve the attached two-storey extension (formerly and annex) becoming an independent dwelling. The proposal also includes the demolition of the existing lean-to at the western end of the Farmhouse and its replacement with a slightly larger single storey side extension: a gabled structure with the

walls clad in timber and the roof covered in tiles. All other works would be internal to facilitate the sub-division.

- 3.2 The proposal seeks to utilise the existing highways access onto Flixton Road and there are no proposed changes to the existing parking provision and areas of hardstanding. There are currently two separate driveways that are adjacent one another to the front (south) side of the dwelling that are utilised for vehicle parking. Although outside the application site, there is also a parking area to the north side of the group of agricultural buildings associated with Upland Hall.

#### 4 CONSULTATIONS/COMMENTS

Bungay Town Council: “RESOLVED that these plans are recommended for APPROVAL with no comments.”

Suffolk County Highways Authority: No objections; standard conditions recommended.

Essex and Suffolk Water: No objections.

Third Party Representations: One letter of support that raises the following key points (inter alia):

- Dividing the house into two would help the applicant’s family to stay together; and
- The house is too big and would easily divide into two without compromising the look of the property.

#### 5 PUBLICITY

- 5.1 The application has been subject of the following advertisement in the press:

Category	Publication date	Expiry	Publication
Affects setting of Listed Building; and Departure from Development Plan.	14.06.2019	05.07.2019	Beccles and Bungay Journal; and Lowestoft Journal

#### 6 SITE NOTICES

- 6.1 The following site notice has been displayed at the site:

Site Notice Type	Reason	Date Posted	Expiry Date
General Site Notice	Affects setting of Listed Building; and Departure from Development Plan.	14.06.2019	05.07.2019

#### 7 PLANNING POLICY

- 7.1 National Planning Policy Framework (2019)

- 7.2 East Suffolk Council (Waveney) Local Plan (2019) policies:

- WLP1.2 – Settlement Boundaries
- WLP8.7 – Small Scale Residential Development in the Countryside
- WLP8.21 – Sustainable Transport
- WLP8.29 – Design
- WLP8.37 – Historic Environment

## 8 PLANNING CONSIDERATIONS

8.1 Section 38(6) of the Planning and Compulsory Purchase Act requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, determination must be made in accordance with the plan unless material considerations indicate otherwise. The relevant planning policies are set out in section 7 of this report.

### Principle of Development

- 8.2 Local Plan Policy WLP1.2 defines settlement boundaries around towns and villages. Land outside of these settlement boundaries is defined as Countryside. The policy makes clear that new residential development will not be permitted in the Countryside except where other policies in the plan indicate otherwise. There are no policies which explicitly allow for subdivision in the Countryside where the dwelling to be subdivided is entirely isolated. As such, the proposal to sub-divide the dwelling is contrary to the Local Plan because there is no policy that specifically permits such subdivision. The proposal also does not accord with the objectives of WLP8.7 which allows for some limited residential development subject to strict controls.
- 8.3 The Local Plan was examined under the 2012 version of the NPPF and the policy approach above was found to be sound in accordance with the 2012 NPPF. However paragraph 79 of the 2019 version of the NPPF now allows for new isolated homes in the countryside if they comprise a subdivision of an existing residential dwelling.
- 8.4 The NPPF is a material consideration in all decision-taking and paragraph 213 of the NPPF states that the weight to be given to policies adopted before the NPPF should be based on the degree of consistency with the NPPF. Therefore in the case of subdivision in the countryside (as proposed), Policy WLP1.2 should be afforded less weight due to its inconsistency with the NPPF in this regard. However it is important to note that the policy can be considered fully up to date with respect to other types of residential development within the Countryside.
- 8.5 Therefore for cases of subdivision of a dwelling as now proposed, consideration must be given to whether the policy approach in Paragraph 79 of the NPPF outweighs the conflict with the Local Plan. The relevant part of Paragraph 79 reads:

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:  
d) the development would involve the subdivision of an existing residential dwelling;”*

- 8.6 In this particular instance, the existing dwelling is considered to be isolated as there are no immediate neighbours and it is accessed via a long rural track. That being said, Bungay is one of the larger more sustainable towns in the former Waveney area comprising a number of shops, services and employment opportunities. Bungay is allocated 6% of the District housing growth over the plan period with the expectation that 485 homes will be delivered in the town along with 3 hectares of employment land west of St Johns Road. The site itself is less than 1 mile from this major site allocation and also the existing facilities at the High School and Sports Centre. For an isolated, countryside location the site is fairly close to a sustainable settlement. It is unlikely occupants of the new dwelling would walk to Bungay and therefore travel would likely be dependent on private motor vehicle, something that Local Plan Policy WLP8.21 (Sustainable Transport) does discourage. However, given the close proximity of Bungay to the site, any car travel for day-to-day activities would likely be limited to short trips. NPPF paragraph 103 also acknowledges that opportunities to maximise sustainable transport solutions will vary between urban and rural areas. Clearly in rural areas there will be less availability of public transport and often it is the proximity to sustainable settlements that is critical to reducing car travel.
- 8.7 As the Local Plan does not explicitly allow for sub-division in an isolated, countryside location it has to be accepted that the proposal is contrary to the Local Plan. In accordance with the section 38(6) exercise it then turns to whether there are material considerations that would indicate determination other than in accordance with the Plan. The NPPF is a material consideration and paragraph 79 explicitly allows isolated new homes where it comprises sub-division of an existing dwelling. Given that the proposal would only create a single dwelling and car travel to-and-from the site would be limited by virtue of the close proximity of the town of Bungay, officers consider that a departure from the Local Plan is appropriate and the principle of development should be supported in accordance with the objectives of NPPF paragraph 79.

#### Heritage Considerations

- 8.8 West of the application site is an early 19th century, two-storey stucco building with a hipped roof. This building is listed grade II and known as Upland Hall. There is a complex of curtilage buildings associated with the Hall that are to the west and south-west of the application site. The driveway from Flixton Road is shared on approach to the complex until it reaches the development, where it forks to serve the hall to the right and Hall Farm to the left. There is an element of inter-visibility between the listed Hall and the application building at Hall Farm, but this is relatively low. There are a couple of smaller side windows in Upland Hall which are understood to be to a bedroom and landing where a view across to Hall Farm can be obtained. These are concluded not to be principal rooms and the buildings are some distance apart at 145 metres approx.
- 8.9 The Council's Senior Design and Conservation Officer has reviewed the planning history for this property and provided guidance on whether the farmhouse is a curtilage listed building as it appears that the property was in the same ownership of the listed Upland Hall until relatively recently.
- 8.10 The building appears to pre-date the listed building. When the hall was built it is not clear in what capacity Hill Farm house functioned; at the time of listing in 1972 was it an independent dwelling/ still a farmhouse or was it used in association with the Hall for

housing staff etc.? This is impossible to answer without historic information. However, from planning history it appears that no listed building consent was sought for the extension which was granted planning permission in 1989. It would appear that the Council did not consider the property to be curtilage listed at this time and there is no reason to now conclude otherwise.

- 8.11 Whilst the application building is not curtilage listed it does fall within the setting of the grade II listed Upland Hall. The Planning (Listed Buildings and Conservation Areas) Act 1990 ("The Act") sets out, in section 66, the statutory duty of decision-takers in respect of listed buildings:

*"In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."*

This statutory requirement is reflected in chapter 16 of the NPPF which sets out (inter alia):

- That heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance (para. 184);
- That great weight should be given to the conservation of heritage asset's and, the more significant the asset, the greater the weight should be (para. 193);
- That any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification; and
- That where harm would arise, it must be properly weighed against the public benefits of the development (paras. 195 &196).

- 8.12 In this particular instance, there would be only limited changes to the existing building and the replacement of the conservatory with a lean-to extension would be a visual improvement. There is also very limited inter-visibility between the application building and the listed Hall; therefore it seems very unlikely that there would be any appreciable impact on the significance of the listed building. The only potential adverse impact could come from the erection of inappropriate boundary treatments (fences, walls etc.) - particularly on the western side of the application site. Therefore a removal of permitted development rights in this respect would allow the Local Planning Authority to retain control over such development, ensuring the listed building would not be harmed. Otherwise, it is concluded that this proposal would not result in harm to the grade II listed Upland Hall. Thus, there is no conflict with the statutory requirements of The Act; the Heritage objectives of the NPPF; and the Historic Environment objectives of Local Plan Policy WLP8.37.

#### Design of Development

- 8.13 Hall Farm was extended in the latter part of the 20<sup>th</sup> Century with a two-storey side extension that clearly reads as a later addition to the more historic farmhouse. To utilise these two elements separately as independent dwellings would not result in any visual amenity issues. In any event, the site is not viewable from the public realm.

- 8.14 There is also a single storey conservatory to the west side of the later extension that is not a particularly well-designed addition. To replace the conservatory with a modest, well-designed side extension would be a visual improvement. Otherwise, there are no significant external works proposed with the alterations being internal to allow the sub-division.
- 8.15 Given the limited scope of external development, it is not considered there would be any appreciable impact on the living conditions of either of the dwellings.
- 8.16 There are two separate parking areas that could be utilised by each dwelling. There are no objections from the County Council Highways Authority and the proposal would make appropriate provision for parking of vehicles within the application site.
- 8.17 For the reasons given, the design of development and impact on residential amenity is considered to be acceptable in accordance with the objectives of Local Plan Policy WLP8.29 (Design).

## **9 CONCLUSION**

- 9.1 The Local Plan does not explicitly allow sub-division of isolated dwellings in the countryside; however such development is explicitly allowed by NPPF paragraph 79. Thus, the conflict with the Local Plan is given reduced weight due to Policy WLP1.2 being inconsistent with the NPPF in this regard. Given that the site location is proximate to Bungay as a sustainable market town, officers consider that a departure from the Local Plan is appropriate, in this instance, and that the principle of development is supported by NPPF paragraph 79. There would be no adverse impacts on the grade II listed Upland Hall, nor the living conditions of the dwellings (both existing and proposed). On balance, the proposal is considered to be a sustainable form of development and planning permission should be granted.

## **10 RECOMMENDATION**

- 10.1 APPROVE, subject to the following planning conditions:

1. Time Limit

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. Plan Compliance

The development hereby permitted shall be carried out in accordance with the following plans and documents: Application Form, Planning & Heritage Statement, Drawing Nos. 20-001, 20-003, 20-004, 20-005, 20-007 and 20-008; all received 28 May 2019.

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

### 3. External Materials of Extension

There shall be no development above slab level until precise details of the materials to be used in the construction of the external surfaces of the hereby approved extension have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interest of good design to secure a high quality finish.

### 4. Parking and Maneuvering Areas pre-occupation

The use shall not commence until the area(s) within the site shown on Drawing No. 20-004 for the purposes of maneuvering 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.

### 5. Removal of PD Rights (fences and means of enclosure)

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, [or any order revoking/re-enacting the said order with or without modification] no screen wall, boundary fence or other means of linking or enclosure shall be erected on the site (denoted by the red line area indicated on Site Location Plan Drawing No. 20-001) unless express planning permission is granted by the Local Planning Authority for such development.

Reason: In the interest of preserving the setting of the Grade II Listed Upland Hall.

#### **BACKGROUND INFORMATION:**

See application ref: DC/19/2129/FUL at:  
<https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PS1SK0QXK9700>