



## Committee Report

**Planning Committee** - 19 December 2019

**Application no** DC/18/4469/FUL

**Location**

Woods At Harmony  
London Road  
Weston  
Beccles  
Suffolk  
NR34 8TE

**Expiry date** 23 December 2018

**Application type** Full Application

**Applicant** Mr Mick Arnold

**Parish** Weston

**Proposal** Retrospective Application - Approval of existing live/work building.

**Case Officer** Phil Perkin  
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### 1. Summary

- 1.1. Retrospective planning permission is sought to retain a live/work unit on the application site. The proposal is contrary to policy as the site lies outside any defined physical limits boundary and therefore is regarded as being within the open countryside for planning policy purposes. However, a material consideration in the determination of this application is that planning permission for a live work unit on the site was approved, albeit significantly different in appearance to the live/work unit that has been constructed and has only recently expired.
- 1.2. The building that has been erected is somewhat unconventional in its method of construction and appearance. However, the structure sits relatively unobtrusively both within its woodland setting and within the surrounding countryside. In planning terms, the form and appearance of a modest timber clad, dark stained building within a woodland setting is considered acceptable and is recommended for approval.
- 1.3. The application is referred to Committee as it is a Departure.

## **2. Site description**

- 2.1. The site is served from an unmade track off the A145 London Road. This track is approximately 1.8 kilometres to the south of the southern edge of Beccles (taken as the junction with Cromwell Road) and the site is to the east of the A145 approximately 300 metres down the track. The site is located within Flood Zone 1, an area at least risk of flooding. It is not located within a conservation area or a designated landscape area.
- 2.2. There are two existing dwellings between the A145 and the application site (New House Farm and Barn Owl Barn) and a third (Harmony Hall) a short distance beyond the site to the east.
- 2.3. The application site is roughly rectangular in shape measuring 26m x 20m. It lies within a treed area adjacent to the existing track. There are views of open countryside to the south but views out of the site to the north are restricted by the rising topography.
- 2.4. A modest dwelling has been constructed on the site formed from reclaimed materials. It has a steeply pitched roof with dark stained timber clad walls and corrugated sheet metal roof. A number of items and materials are stored in amongst the trees surrounding the dwelling.

## **3. Proposal**

- 3.1. The applicant used to live in Harmony Hall adjacent to the site where permission for the conversion of a cart-lodge into a workshop for craft pottery making was granted in 1975 (W2390). The applicant had to sell Harmony Hall for personal reasons but retained some of the land as he wished to retain a pottery on the site, together with some form of associated living accommodation.
- 3.2. In 2016 outline consent was granted for the construction of a live/work unit on the application site followed by the approval of the detailed design and appearance of the unit in 2017. The approved details were for a contemporary one bed unit and a combined studio living and dining space and a work area of some 20-25 sqm on a single level with sleeping accommodation above. External materials comprised horizontal timber boarding with a flat sheet metal roof.
- 3.3. The applicant has erected a live/work unit on the site that differs significantly in appearance from the approved details. In essence however the unit provides a similar amount of living and work space to the approved scheme. This application seeks retrospective planning permission.
- 3.4. The live/work unit that has been erected has been constructed by the applicant using reclaimed materials. As such it has a somewhat unconventional appearance. It has a steeply pitched roof providing sleeping accommodation in the apex. Ground floor accommodation comprises the applicants work and living space. There is equipment associated with a small pottery including storage space, racking and a kiln. The workspace area is approximately 20sqm with ancillary storage space. Living accommodation comprises a small kitchen/dining area and living room.

- 3.5. The unit has dark stained timber clad walls and a corrugated metal roof covering. Household and other items mainly associated with the applicant's small pottery, including gas cylinders, are stored in amongst the trees surrounding the dwelling giving a somewhat untidy appearance.

Planning History

- 3.6 DC/09/0606/COU - Retrospective Application - Change of Use to campsite for seasonal usage and associated facilities  
Approved 28 August 2009

DC/16/1272/OUT - Outline Application (All Matters Reserved) - Construction of a dwelling live/work unit.  
Approved 17 November 2016

DC/17/1697/ARM - Approval of Reserved Matters of DC/16/1272/OUT - Construction of a dwelling live/work unit - use (proposal), amount, layout, scale, appearance, landscape, access and sustainability  
Approved 31 August 2017

**4. Consultations/comments**

- 4.1. One letter of objection has been received raising the following material planning considerations:

- Object as the building is not constructed in accordance with the approved plans.
- The construction was completed without any involvement with the building control department.
- Foul sewerage appears to be into an uncontrolled hole in the ground. Rodents have been seen running around the site.
- The application appears incomplete as it does not include other structures opposite the dwelling.
- There are hazardous substances on the site.
- The site can be seen from a footpath which skirts the outer fence of Harmony Hall.

4.2 Ringsfield & Weston Parish Council

Consultee	Date consulted	Date reply received
Parish Council	31 October 2018	19 November 2019

*"Summary of comments:*

*Ringsfield & Weston recommended refusal to the above for the following reasons:*

- 1) *It is not a complete application as this one mentions applications for 2 other structures which were not enclosed.*
- 2) *All previous conditions have not been fully met - There is still a caravan on site & there is a question of what is happening with the foul water drainage."*

## **Statutory consultees**

Consultee	Date consulted	Date reply received
4.3 Suffolk County - Highways Department	31 October 2018	19 November 2018

Summary of comments:  
No objection

## **Non statutory consultees**

Consultee	Date consulted	Date reply received
4.4 Waveney Norse - Property And Facilities	31 October 2018	No response

Consultee	Date consulted	Date reply received
4.5 WDC Environmental Health - Contaminated Land	31 October 2018	3 December 2018

Summary of comments:  
No objection

Consultee	Date consulted	Date reply received
4.6 WDC - Arboricultural And Landscape Officer	31 October 2018	9 November 2018

Summary of comments:  
No objection

Consultee	Date consulted	Date reply received
4.7 Essex And Suffolk Water PLC	31 October 2018	13 November 2018

Summary of comments:  
No objection

## **5. Publicity**

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

<b>Category</b>	<b>Published</b>	<b>Expiry</b>	<b>Publication</b>
Departure	1 November 2019	22 November 2019	Beccles and Bungay

Category	Published	Expiry	Publication
Departure	1 November 2019	22 November 2019	Lowestoft Journal

## 6. Site notices

General Site Notice  
Reason for site notice: Contrary to Development Plan  
Date posted: 28 October 2019  
Expiry date: 18 November 2019

General Site Notice  
Reason for site notice: New Dwelling  
Date posted: 9 November 2018  
Expiry date: 30 November 2018

## 7. Planning policy

7.1. In addition to considering applications in accordance with the National Planning Policy Framework (NPPF 2019) and the National Planning Policy Guidance (NPPG), Section 38 of the Planning and Compulsory Purchase Act 2004 requires applications to be determined in accordance with the Local Planning Authority's 'Development Plan', unless material considerations indicate otherwise.

7.2. The Development Plan consists of

7.3. The relevant policies of the East Suffolk Council – Waveney Local Plan (March 2019) are:

- WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019))
- WLP7.1 - Rural Settlement Hierarchy and Housing Growth (East Suffolk Council - Waveney Local Plan (March 2019))
- WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019))
- WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019))

7.4. There is no Neighbourhood Plan covering this area of the district.

## 8. Planning considerations

### Principle of Development

8.1. Whilst not directly relevant to this application Policy WLP8.14 allows for the conversion and replacement of buildings in the countryside for employment use. In relation to businesses in the countryside, the NPPF states:

*“Planning policies and decisions should enable: a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings”*

- 8.2. Waveney Local Plan Policy WLP1.2 defines settlement boundaries and restricts the development of new residential, employment and retail uses outside of settlement boundaries. Land which is outside of development boundaries is considered as the Countryside where new residential development will not be permitted except where specific policies in the Local Plan indicate otherwise. The application site is outside any defined
- 8.3. Policy WLP7.1 states that development 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.
- 8.4. There is no Neighbourhood Plan covering the application site. Policy WLP8.6 concerns proposals for affordable housing in the countryside and is not relevant to this application.
- 8.5. Policy WLP8.7 concerns small scale residential development in the Countryside. It permits up to three dwellings where:
  - the site constitutes a clearly identifiable gap within the built up area of a settlement in the countryside;
  - there are existing residential properties on two sides of the site; and
  - the development does not extend further into the undeveloped Countryside than the existing extent of the built up area surrounding the site.
- 8.6. The application site sits in relative isolation within the countryside. Whilst there are two residential properties between the site and the A145 and a residential property beyond the site to the north, it is not considered that the site constitutes a clearly identifiable gap nor are the existing residential properties on two sides of the application site.
- 8.7. Policy WLP8.8 states that proposals for permanent dwellings in the Countryside for rural workers where they support an existing and viable rural business will only be permitted where:
  - there is a clearly established functional need and this could not be fulfilled by another existing dwelling or accommodation in the area which is suitable and available for the occupied workers or could be converted to do so;
  - the need relates to a full time worker, or one who is primarily employed in the rural sector; and does not relate to a part time requirement;
  - the unit and the rural activity concerned has been established for at least three years, has been profitable for at least one of them and is financially sound and has a clear prospect of remaining so; and
  - the proposed dwelling is sensitively designed, landscaped and located to fit in with its surroundings and of a scale that reflects its functional role to support the agricultural activity.
- 8.8. As stated above the applicant used to live in Harmony Hall, to the north of the site, where he used to operate a small pottery after obtaining planning permission in 1975, before he had to sell it for personal reasons. Whilst it might be argued that a pottery is not a typical

rural business, the applicant has been making pottery from the age of 22 and for the past 3 years has been making pottery from the live/work unit that is the subject of this application. There are therefore no other dwellings that the pottery could operate from. The applicant has advised that making pottery is and always has been his sole source of income.

- 8.9. In terms of landscape impact, the live/work unit is located in a small woodland and is therefore almost entirely surrounded by trees and as such is not considered to be prominent in the surrounding landscape. The building has been constructed primarily from dark stained reclaimed timber and as such has a somewhat unconventional design and appearance. Nevertheless, it is a relatively modest structure and whilst the land surrounding the building has a somewhat untidy appearance, the building itself sits rather inconspicuously on the site due to the screening effect of the trees which surround it. It is acknowledged that the building appears unconventional but nevertheless it is considered to be an appropriate structure for its woodland setting that fits in with its immediate surroundings.
- 8.10. Policy WLP8.11 is concerned with the conversion of rural buildings to residential use and is therefore not relevant to this application.
- 8.11. Whilst the proposal is contrary to Policy WLP1.2 in that the site is located in the Countryside it is considered that there is some conformity with Policy WLP8.8 in that a small pottery has operated from the applicants former home close to the application site and continues to operate from the unit that has been erected on the site.
- 8.12. Whilst there is some conflict with planning policy consideration has to be given to whether there are any other material considerations to take into account in the determination of this application. In this regard the planning history of the site is relevant. As will be noted in paragraph 3.6 above outline planning permission for a live/work unit on the site was granted in 2016 which has established the principle of a dwelling on the site. Although the outline application has recently expired (on 17th November) it is nevertheless considered relevant to this application that a live/work unit has previously been permitted on the site.
- 8.13. Whilst there is no doubt that the live/work unit the applicant has built differs significantly from the details approved by the reserved matters application, the design and appearance of the unit is nevertheless considered acceptable for the reasons given above.

#### Design Considerations

- 8.14. Policy WLP8.29 states that development proposals will be expected to demonstrate high quality design which reflects local distinctiveness. The applicant has built a relatively modest live/work unit out of reclaimed materials. Although a somewhat unorthodox building its appearance is not considered to be particularly objectionable in itself. It is a bespoke structure that responds to the woodland setting within which it sits. The form of the building and the materials it is built from are for the most part, considered appropriate to the woodland setting.

#### Landscape Impact

- 8.15. As noted above the building is located within a small woodland. It is almost entirely surrounded by existing trees and vegetation which, for much of the year, almost entirely screen it from view. There is a public footpath which runs to the north and east of the

neighbouring property, Harmony Hall, but the structure is not considered to be particularly prominent in the landscape or detrimental to the prevailing landscape character and as such accords with the provisions of Policy WLP8.35.

### Ecology

- 8.16. The proposal falls within the Suffolk RAMS area in respect of Benacre to Easton Bavents SPA. Normally applications for new dwellings are required to make a financial contribution to RAMS prior to determination in order to mitigate recreational impacts in accordance with Local Plan policy WLP8.34.
- 8.17. If this retrospective application was determined prior to the expiry of the outline consent it wouldn't have been eligible for a RAMS contribution due to the extant consent for a dwelling on the site. The application form says that the building was completed in 2017 and so the recreational in-combination impact will have been occurring since then. 2017 predates the publication of the RAMS and the LPA collecting contributions from single dwelling schemes, and so this dwelling would effectively be part of the baseline from which RAMS was calculated (as there was an existing consent for a dwelling in place).
- 8.18. However, this application is being determined shortly after the expiry of the outline consent (17 November 2019). The Council's ecologist is not aware that this situation has arisen on any other site. However, he is of the view that given that the property predates RAMS and therefore, ecologically, any impact would already be occurring, he would conclude that, on balance, the dwelling the subject of this application would not require a contribution being made.

### Other Matters

- 8.19 The objection letter summarised in paragraph 4.1 above states that the building was completed without the involvement of the building control department. However, the building regulations are concerned with separate legislation and compliance or otherwise with them is not a planning consideration. The Head of Building control is however aware of the building.
- 8.20 The outline planning consent for a live/work unit on the site was subject to a S106 Agreement which controlled the occupation and use of the unit to prevent the two uses being used independently from one another or by different persons. It is suggested that if this application is approved it should be bound by the same terms through a varied S106 Agreement.
- 8.21 It is understood that the applicant did not have the funds to build the dwelling approved by the reserved matters consent in 2017. The Design and Access Statement states that the applicant has managed to build a temporary structure from reclaimed materials in order that he may continue to live and work on this site.
- 8.22 Whilst it is acknowledged that the building is somewhat eccentric and unorthodox it is not for the planning system to question a person's choice of lifestyle. The Council could continue to offer advice on Building Regulation compliance, but such advice is outside the planning considerations.



## **9 Conclusion**

- 9.1. It is acknowledged that the building the applicant has erected is somewhat unconventional in its appearance and method of construction. However, this timber clad building sits relatively unobtrusively in its woodland setting. The building enables the applicant to continue to live and work on the site as he had done for many years after he obtained planning permission in 1975 to operate a pottery from an outbuilding of the neighbouring dwelling which he used to own. Planning permission was previously approved for a live/work unit on the site which has only recently expired, and this is considered to be a material consideration in favour of this application. The building is not considered harmful to the character or appearance of the surrounding countryside. Accordingly, it is recommended that the application be approved.

## **10 Recommendation**

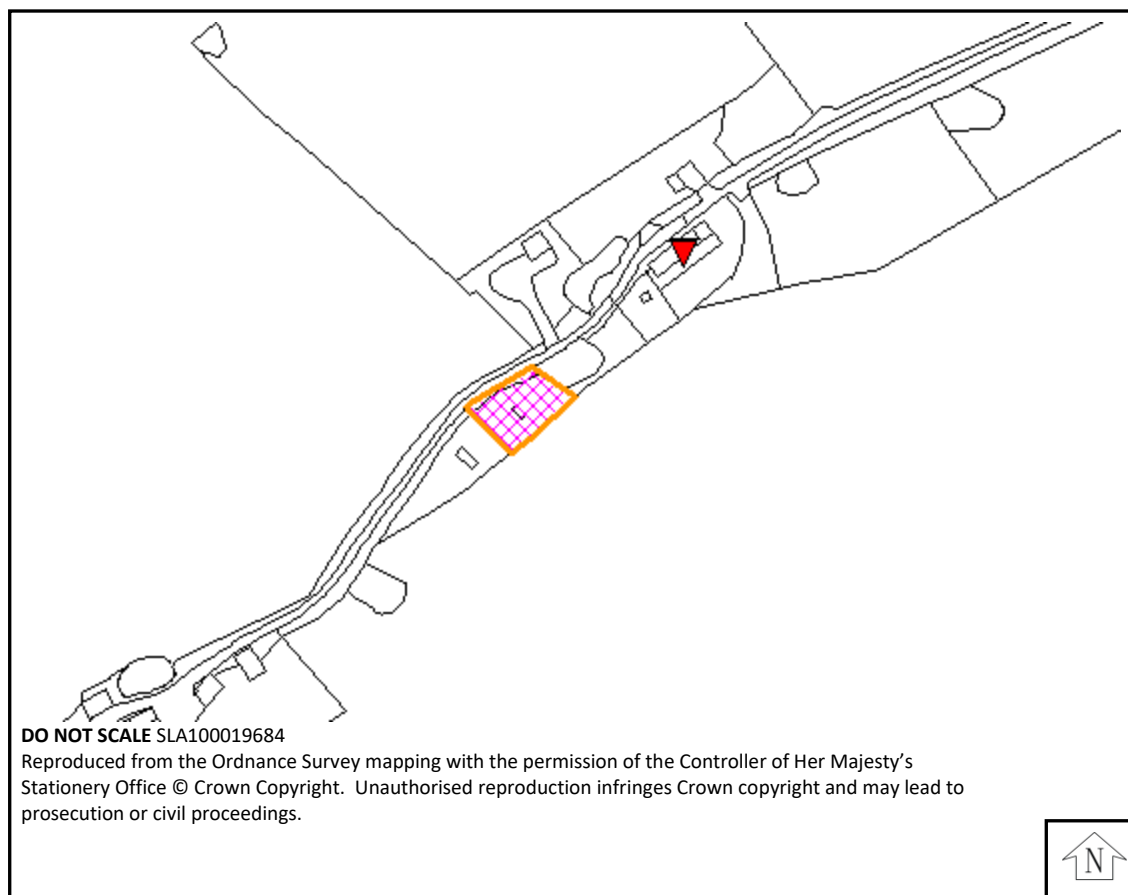
- 10.1. AUTHORITY TO APPROVE, subject to a S106 legal agreement to control the occupancy and use of the live/work unit; and subject to the following planning condition:
1. The development hereby permitted shall be in accordance with the following drawings: Site Plan, Existing North West Elevation (AB3), Existing North East Elevation (AB4), Existing South East Elevation (AB5), Existing South West Elevation (AB6) received 22 October 2018 and Existing Ground Floor Plan and Existing First Floor Plan received 30 October 2019, 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.





## **Background information**

See application reference DC/18/4469/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=PHD53ZQX0GC00>

## Map



## Key

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