



Committee Report

Planning Committee - 11 August 2020

Application no DC/20/1964/FUL

Location

Pastures Farm
Beccles Road
Sotherton
IP19 8NW

Expiry date 23 July 2020

Application type Full Application

Applicant Mr D Meek

Parish Sotherton

Proposal Conversion of agricultural building following class Q approval ref. DC/19/3792/PN3 including alteration to plan and elevation. [Resubmission of planning refusal ref. DC/20/0054/FUL]

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1. Summary

- 1.1 The application seeks planning permission for the conversion of an agricultural building to a dwelling.
- 1.2 The proposed conversion is contrary to the Local Plan as the building is not a heritage asset, nor is it locally distinctive or of architectural merit. Ordinarily, the building would not be considered appropriate for residential conversion under the Local Plan policies, and officers would recommend refusal. However, the building benefits from a permitted development conversion to residential use (ref. DC/19/3792/PN3), and this is an extant prior approval that can be implemented at any time (providing development is completed by November 2022). This scheme would see the physical building converted into a two-bedroom dwelling

in largely the same manner as now proposed in this application. The extant permitted development is a material consideration of significant weight in support of the application.

- 1.3 All this application effectively does, is provide the dwelling with a formal area of curtilage/garden larger than that allowed under the permitted development scheme. That will ultimately provide a better standard of living for future occupiers of the dwelling, and the creation of that curtilage will not cause any harm to the significance of the nearby grade II listed farmhouse.
- 1.4 On that basis, officers consider that there are no grounds to withhold planning permission, and the scheme can be approved. The application is brought direct to committee as a departure from the Development Plan.

2. Site description

- 2.1 Pastures Farm is located in the rural parish of Sotherton on the Halesworth to Beccles Road (B1124). The site is located just to the north of Upper Holton outside of any physical development limits, thus it is regarded as countryside, for planning purposes.
- 2.2 The wider site comprises the farmhouse which is listed grade II; two ranges of linear farm buildings to the southern side of the house (one attached); a reservoir; two paddocks; and a detached brick and tile cartlodge located six metres from the northern rear corner of the dwelling.
- 2.3 There are two access points to the farmstead: one to the west side which services the lower farm area (where the application building is located); and one to the east which services the farmhouse.
- 2.4 The site is not within a conservation area or Area of Outstanding Natural Beauty. There are no ecological designations covering the site (SSSIs, SPA, SAC, RAMSAR etc.). Whilst the farmhouse is listed grade II and the small cart shed building to the north east of it is curtilage listed, the application building is of modern construction and map regression shows it did not form part of the historic farmstead; thus, it is not a curtilage listed building. Its lack of architectural or historical merit also indicates that it is not a non-designated heritage asset.
- 2.5 The site is located in flood zone 1 and there are no known surface water flooding issues in this location.
- 2.6 The previous refusal on the site (ref. DC/20/0054/FUL) was because the building was to be largely demolished and replaced, not representing a conversion similar to the permitted development fallback.

3. Proposal

- 3.1 The proposed development is to convert an existing single storey agricultural building into a two bedroom dwelling with a gross internal floor area of approx. 83 square metres. The

walls are of brick and block construction with close boarding to the upper walls, all built on a concrete floor slab. The roof is unlined and the timber structure supports corrugated cement fibre sheets. The building is adjacent an open-sided storage barn and it was formerly used as a dairy.

- 3.2 Previous applications were supported by a letter from The Morton Partnership (Consulting Civil Engineers and Structural Engineers, Historic Buildings Specialist) which sets out that, broadly, the existing structure is capable of re-use and thus suitable for conversion. Officer site visits found that the building is of substantial construction and clearly able to be converted without structural alteration.
- 3.3 There is no precise detail on external materials to be used in the development, aside from natural timber boarding (walls) and pantiles (roof). However, the plans and drawings show that internal partition walls would be retained, and openings would often utilise (but enlarge) existing openings in the building. The information provided is considered sufficient in detail to demonstrate how the conversion would be achieved. Should permission be granted, then a planning condition would need to cover the precise details of external materials.
- 3.4 The proposal includes an area of curtilage to the front of the building, enclosed by a post and rail fence and low hedgerow. Two parking spaces would be provided. This area is larger than that allowed by the terms of the extant permitted development conversion, as Class Q of the General Permitted Development Order (GPDO) only allows for converted dwelling houses to have a curtilage the same area as the ground footprint of the converted building; this is nearly always very small and not functional.

4. Consultations/comments

- 4.1 No third-party representations received.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Sotherton Parish Council	8 June 2020	No response
Summary of comments: No comments received.		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	8 June 2020	29 June 2020
Summary of comments: No objections.		

Non statutory consultees

Consultee	Date consulted	Date reply received
Environmental Protection (Internal)	8 June 2020	18 June 2020
Summary of comments: No objections; standard conditions recommended.		

Consultee	Date consulted	Date reply received
Waveney Norse - Property And Facilities	8 June 2020	No response
Summary of comments: No comments received.		

Consultee	Date consulted	Date reply received
Essex And Suffolk Water PLC	8 June 2020	19 June 2020
Summary of comments: No objections.		

5. Publicity

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

Category	Published	Expiry	Publication
Affects Setting of Listed Building; Departure from Development Plan	12 June 2020	3 July 2020	Beccles and Bungay Journal

Category	Published	Expiry	Publication
Affects Setting of Listed Building; Departure from Development Plan	12 June 2020	3 July 2020	Lowestoft Journal

6. Planning policy

National Planning Policy Framework (2019)

WLP1.1 - Scale and Location of Growth (East Suffolk Council - Waveney Local Plan (March 2019)

WLP1.2 - Settlement Boundaries (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.11 - Conversion of Rural Buildings to Residential Use (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.29 - Design (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.34 - Biodiversity and Geodiversity (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.35 - Landscape Character (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.21 - Sustainable Transport (East Suffolk Council - Waveney Local Plan (March 2019)

WLP8.37 - Historic Environment (East Suffolk Council - Waveney Local Plan (March 2019)

7. Planning considerations

7.1 Section 38(6) of the Planning and Compulsory Purchase Act (2004) sets out that planning decisions shall be in accordance with the Development Plan unless material considerations indicate otherwise.

7.2 Policy WLP1.2 defines settlement boundaries on the Local Plan Policies Map. Land which is outside of settlement boundaries (such as the application site) is considered as the Countryside. WLP8.11 - Conversion of Rural Buildings to Residential Use - states 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:

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."

7.3 The building is not a heritage asset, nor is it locally distinctive or of architectural merit. Ordinarily, the building would not be considered appropriate for residential conversion under the Local Plan policies, and officers would recommend refusal. However, the building benefits from a permitted development conversion to residential use (ref. DC/19/3792/PN3), and this is an extant prior approval that can be implemented at any time (providing it is completed by November 2022). This scheme would see the physical building converted into a two-bedroom dwellinghouse in largely the same manner as now proposed in this application. It is considered that the extant permitted development is a material consideration of significant weight in support of the principle of conversion. If this current

application were refused, it seems very likely the applicant would exercise that permitted development right to convert the building into a dwelling.

- 7.4 Therefore, the main issues to consider with this application relate to the detail of the proposed development.
- 7.5 Due to the proximity of the application site to the Grade II listed building the proposal has the potential to affect the setting of the listed building.
- 7.6 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that 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 is reflected in the heritage objectives of the NPPF.
- 7.7 Policy WLP8.37 "Historic Environment" requires that proposals for development should seek to conserve or enhance heritage Assets and their settings.
- 7.8 Given that there is little inter-visibility between the application site and the farmhouse (which is accessed separately, to the northeast) there would not be any material harm to the significance of the listed farmhouse. Thus, no conflict with WLP8.37.
- 7.9 The B1124 is a relatively busy rural route between Beccles and Halesworth although in this location it is not heavily trafficked. The existing access does not benefit from excellent visibility however it is reasonable and not unsafe. The proposed single dwelling would not result in any significant intensification of its use, nor materially increase vehicle traffic in the area.
- 7.10 The proposal provides two parking spaces, which is the same as the extant permitted development scheme. The manoeuvre in-and-out of those spaces is a little awkward, but it seems reasonable that cars can do so and enter the highway in a forward gear. The Highways Authority raise no objections to the proposal subject to conditions.
- 7.11 The proposal is acceptable, in terms of highways safety, in accordance with Policy WLP8.21.
- 7.12 The site has recently been assessed for Bat and Barn Owls that has been reviewed by the Council's Ecologist. The Survey finds no evidence of these species and the building is not a suitable habitat for either. There would be no direct impacts on protected species.
- 7.13 The site is within the Suffolk (Coast) Recreational Avoidance Mitigation Strategy RAMS Zone of Influence (Zone B) and therefore a financial contribution to the scheme (or equivalent mitigation identified via a Habitats Regulations Assessment (HRA)) is required in order to mitigate in-combination recreational disturbance impacts on habitats sites (European designated sites) is required. This mitigation was provided as part of the extant prior approval permission (DC/19/3792/PN3) and can therefore be transferred to this scheme, should permission be granted.
- 7.14 The proposal accords with policy WLP8.34 (Biodiversity and Geodiversity).

- 7.15 The conversion building is well separated from any residential properties, therefore not likely to have any material impact on neighbour living conditions. Future occupiers of the conversion would be subject to noise/disturbance from neighbouring agricultural land use, but that would arise from the extant permitted development scheme, so cannot reasonably be given to withhold planning permission for this application. The relationship between the converted building and retained agricultural buildings is not ideal, although those agricultural buildings are clearly redundant, so not likely to generate activity that significantly harms the living conditions of future occupiers. The adjoining building, to the north, is essentially a storage building used by the occupiers of the existing farmhouse.
- 7.16 The terms of the GPDO only allow for permitted development conversions to have a very small residential curtilage. This application would improve that by creating a larger, formal curtilage to the front of the converted dwelling. That would be of benefit to future occupiers of the dwelling and is a better design than the extant permitted development. The boundary enclosure of a post-and-rail fence with low hedge is appropriate for the rural context.
- 7.17 Whilst the creation of a domestic curtilage will change the character of the site, that harm would arise from the implementation of the extant permitted development. In any case, the proposed curtilage and external appearance of the converted dwelling would be acceptable in the context, and not cause any significant harm to the character and appearance of the area.
- 7.18 The proposal is acceptable in accordance with policies WLP8.29 and WLP8.35.

8. Conclusion

- 8.1 Whilst the proposed building is not ordinarily suitable for residential conversion, in terms of the Local Plan policies, there is an extant permitted development fallback option to convert the building in the same manner now proposed. All this application effectively does, is provide the dwelling with a formal area of curtilage/garden larger than that allowed under the GPDO. That will provide a better standard of living for future occupiers of the dwelling, and it will not cause any harm to the significance of the nearby grade II listed farmhouse.
- 8.2 On that basis, officers consider that there are no grounds to withhold planning permission, and the scheme can be approved.

9. Recommendation

- 9.1 Approve.

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 carried out in accordance with the following approved plans/documents: Drawing Nos. 19-148-211 and 19-148-001-A, received 29 May 2020; and Drawing No. 19-148-210-A, received 29 July 2020.

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

3. No development shall take place until precise details of the materials to be used in the construction of the external surfaces of the hereby approved conversion have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In the interest of design and external appearance of the building in the setting of the grade II listed farmhouse.

4. Prior to first occupation of the approved development, satisfactory precise details of a hedge planting scheme to the site frontage shall be submitted to and approved in writing by the local planning authority.

The approved hedge planting scheme shall be implemented not later than the first planting season following first occupation of the development and shall thereafter be retained and maintained for a period of 5 years. Any plant material removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season and shall be retained and maintained.

Reason: To ensure the submission and implementation of a well-laid out scheme of landscaping in the interest of visual amenity.

5. The use shall not commence until the area within the site for the purposes of manoeuvring and parking of vehicles (as shown on Drawing No. 19-148-210-A) has been provided and thereafter that area 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 the interest of highways safety.

6. 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.

7. 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.

8. Prior to any occupation or use of the approved development the RMS approved under condition 7 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.

9. 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.

10. 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 BS 10175:2011+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.

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:

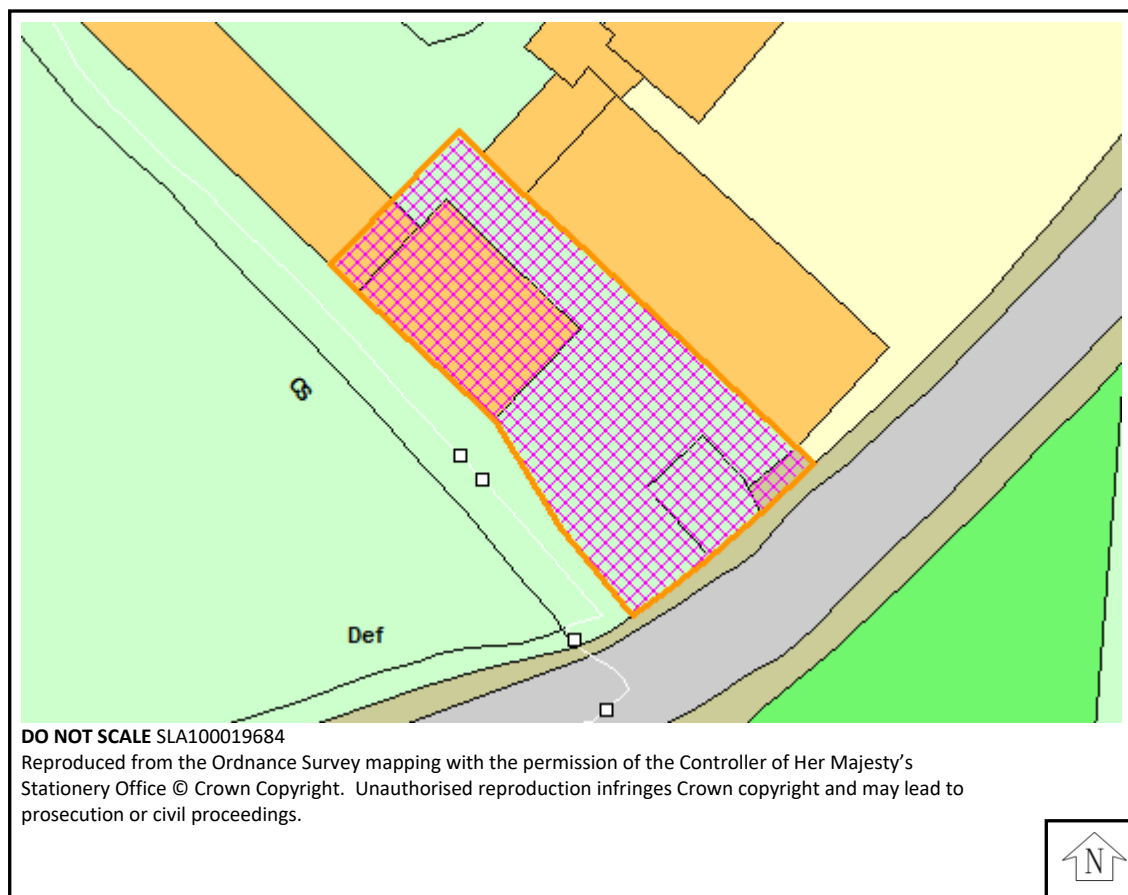
https://www.planningportal.co.uk/info/200136/policy_and_legislation/70/community_infrastructure_levy/5

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





Background papers

See application reference DC/20/1964/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=QB3IQ0QXJV900>

Map



Key

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