



Delegated Report

Application no DC/20/0176/FUL

Location

Ash View
Bruisyard Road
Peasenhall
Suffolk
IP17 2HP

Expiry date 15 March 2020

Application type Full Application

Applicant Mr & Mrs Jest

Parish Peasenhall

Proposal Erection of a proposed cartlodge/workshop/log store with PV panels, within the grounds of Ash View.

Case Officer Iain Robertson
(01502) 523067
iain.robertson@eastsoffolk.gov.uk

Summary

The proposal is for the erection of a cartlodge/workshop/log store with PV panels, within the grounds of Ash View.

The application is to be considered by the Planning Advisory Panel because the recommendation of the Planning Officer to APPROVE is contrary to the Town Council 's recommendation and that of Historic England, which are a statutory consultee, to REFUSE planning permission.

Case for development:

Although it is acknowledged that this development would harm the significance of the Grade II* Listed Building of St. Michael's Church through development within it setting, permitted development rights that are available within the curtilage of Ash View through the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) would be equally or more harmful.

Site description

Ash View is a 20th century family house that is situated adjacent to the Grade II* listed St Michael's Church and the boundary of the Peasenhall and Sibton conservation area. The majority of the curtilage to this property is within the settlement boundary of Peasenhall.

The property is of a modern form which in itself impacts the openness of the area to the South West of the Grade II* Listed Church affecting its setting.

Mature trees are situated on the South Western Boundary of the Church yard between the church and the application site which offers some screening between these sites.

Planning History:

- C6353 - Erection of one bungalow - Approved: June 1982

Condition 7 of this planning permission stated the following :

"Any garages or carports on the site shall be erected only in accordance with detailed plans showing the design and siting of the buildings which shall previously have been submitted to and approved by the Council

Reason: In the interest of amenity"

- DC/19/3360/FUL - Modern 2 storey side extension. Extension and conversion of existing garage to annexe. Existing buildings to be wrapped in new cladding and render where shown. Roof to be re-roofed. - Approved: October 2019

- DC/20/0549/FUL - Demolition of existing dwelling and rebuild to exactly match plans approved under previous application DC/19/3360/FUL. Pending decision - Recommended to remove permitted development for any further structures.

Proposal

The proposal is for the erection of a cartlodge/workshop/log store with PV panels, within the grounds of Ash View, this follows withdrawal of this proposal for a larger structure from a previous application Ref: DC/19/3360/FUL for the extension to and refurbishment of the main property.

Consultations/comments

No third party representations received

Consultees
Parish/Town Council

Consultee	Date consulted	Date reply received
Peasenhall Parish Council	21 January 2020	30 January 2020
Summary of comments: Object. Previous concerns remain that the proposed structure is visually obtrusive to the historic setting of the church.		

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	21 January 2020	31 January 2020
Summary of comments: No objection		

Consultee	Date consulted	Date reply received
Historic England	21 January 2020	3 February 2020
Summary of comments: Referred to comments within previous consultation response to application Ref: DC/19/3360/FUL - Object due to erosion of open area between Ash View and the Grade II* listed church and the impact on the significance of this Heritage Asset.		

Non statutory consultees

Consultee	Date consulted	Date reply received
The Diocese Of St Edmundsbury And Ipswich	21 January 2020	No response
Summary of comments: No comments received		

Consultee	Date consulted	Date reply received
Design And Conservation (Internal)	21 January 2020	11 February 2020
Summary of comments: Internal - Comments included within body of report.		

Publicity

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

Category	Published	Expiry	Publication
Archaeological Site	23 January 2020	13 February 2020	East Anglian Daily Times

Site notices

General Site Notice	Reason for site notice: May Affect Archaeological Site Conservation Area Affects Setting of Listed Building Date posted: 23 January 2020 Expiry date: 13 February 2020
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Planning policy

SP15 - Landscape and Townscape (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

DM21 - Design: Aesthetics (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

Planning considerations

Heritage Impact:

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in exercise of planning functions, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority 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.

Strategic Policy SP15 - "Landscape and Townscape" highlights that many of the towns and villages in the district are of distinctive historical and architectural value, as well as landscape value and character, and the Council will seek to enhance and preserve these attributes and the quality of life in the generality of urban areas.

Emerging policies within the draft Local Plan such as Policy SCLP11.3: "Historic Environment" and SCLP11.4: "Listed Buildings" seek to conserve and enhance the historic environment. Although at this stage only limited weight can be given to these policies and they do not form part of the development plan as yet.

Paragraph 193 of the NPPF states that "When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"

Paragraph 196 of the NPPF states that "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"

It is considered that this proposal would cause harm to the significance of the heritage asset due to proposed development within its setting. This harm would be 'less than substantial'; paragraph 196 of the NPPF requires that this should be weighed against the public benefits of the proposal, which in this case would be very limited and would not be sufficient to outweigh this harm. The proposal would therefore be contrary to Local Plan Policy and the NPPF.

Other material considerations:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that "where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise".

It should be noted that due to the wording of condition 7 of the original permission only details of garages and car ports have to be agreed, hence this application. If like most garages this structure was for the storage of items related to the residential property, it is only the design of the structure giving it the capability of housing vehicles that triggers the need for planning permission. The site is outside of the Conservation Area therefore has all the usual permitted development rights of a dwelling house under Class E of Part 1 of the GPDO. The size and location of this building would ordinarily be permitted development if it were not for this condition. The condition used is imprecise and a structure of the same scale designed not to house cars could be built under permitted development rights in a location closer to the South Eastern boundary with the Churchyard.

Therefore, this is a material planning consideration that should be given significant weight when determining this application. In the view of officers as this 'fallback position' is a realistic prospect and that a building of the same scale could be constructed in this location or closer to the churchyard, this would outweigh the conflict with the Local Plan and NPPF.

Conclusion

It is acknowledged that this proposal would cause harm to the significance of St. Michaels Church due to the erosion of the open space to the South West of the churchyard and would be contrary to the aims of the Local Plan and NPPF.

However, in this case there is 'fallback position' which would allow a structure of this size and scale to be constructed in this location (or closer) to St Michaels Church if it were not designed as a garage.

In the view of officers it is a realistic prospect that a building of the same scale could be constructed in this location under permitted development thereby causing the same level of harm to this designated heritage asset. This potential would outweigh the conflict with the Local Plan and NPPF.

Recommendation

That planning permission be APPROVED subject to the following conditions:

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 PW1035_PL03 Rev C received 16 January 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. The materials and finishes shall be as indicated within the submitted application and thereafter retained as such, unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the satisfactory appearance of the development in the interests of visual amenity

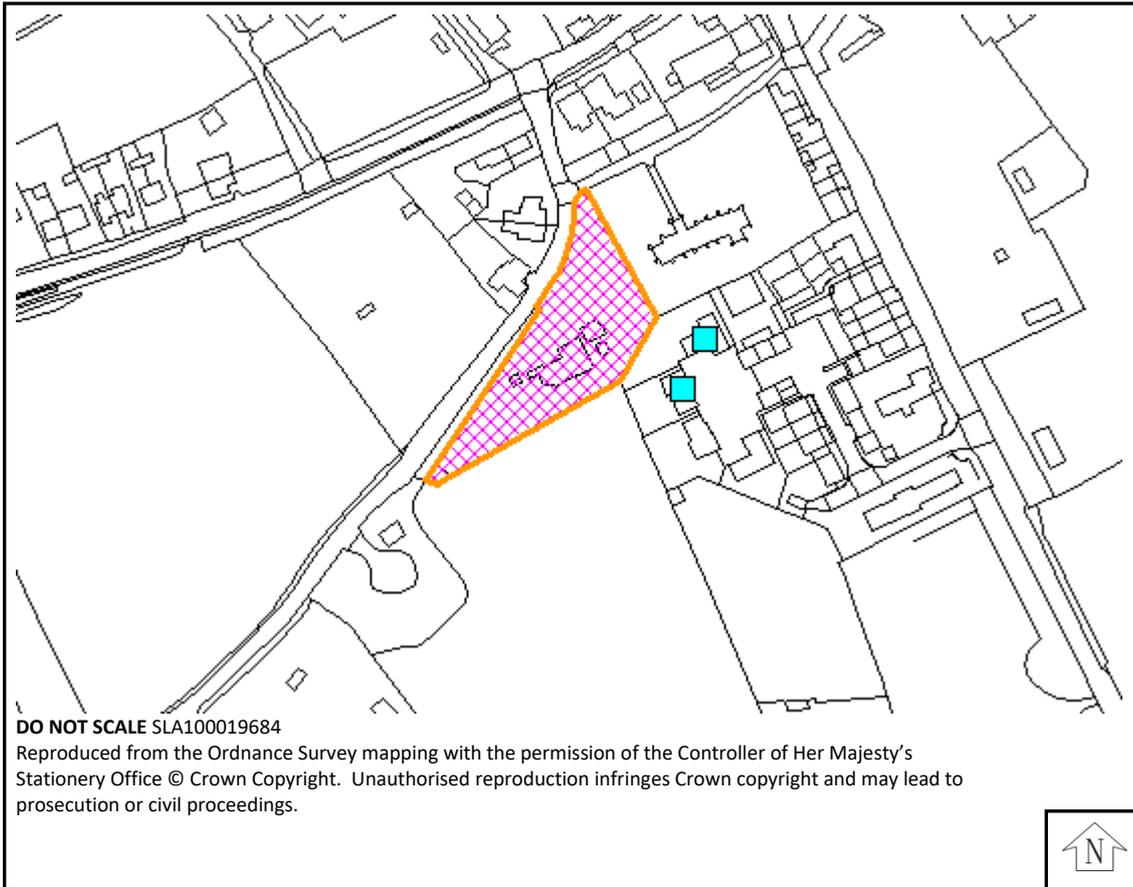
Informatives:

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.

Background information

See application reference DC/20/0176/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q47GCNQXH6500>

Map



Key

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