



Planning Advisory Panel South – 21 April 2020

Delegated Report

Application no DC/20/0759/FUL

Location

Short Acre
Saxtead Road
Dennington
Suffolk
IP13 8AP

Expiry date 16 April 2020

Application type Full Application

Applicant Mr P Frost

Parish Dennington

Proposal Change of use of part of existing paddock to residential curtilage

Case Officer Natalie Webb
01394 444275
natalie.webb@eastsoffolk.gov.uk

Summary

The application seeks to change of use of part of existing paddock to residential curtilage at Short Acre, Saxtead Road, Dennington, IP13 8AP.

This application is presented to the Advisory Panel as Officer's are minded to approve the application, contrary to the parishes recommendation for refusal.

Site description

The proposal site is part of a much larger paddock area which stretches across the rear of Reap House, Osier House, Shortacre, Little Crimbles, Bamfield and The Poplars. Access to the site is currently provided through the rear boundary of the existing curtilage.

The rear portion of the application site, is bounded to the east by arable land and to the west by the extensive residential curtilage of Wynneys Hall, a recently developed and substantial private

residence in a backland position, clearly visible from outlying areas and the public realm. The existing curtilage of Wynneys Hall extends beyond the existing settlement boundary.

Proposal

The application seeks to extend the residential curtilage of the site. A previous application to change the use of use of part of former paddocks to residential use, construction of new private shared drive and two new private custom build residential properties and associated works was withdrawn (DC/17/2270). An application for the demolition of Shortacre, construction of new adoptable access way and 8 new properties on the site of Shortacre and land to the rear, including change of use of the same and associated works (DC/14/3954/FUL) was also withdrawn.

Consultations/comments

One representation was received which objects to the proposal on the grounds that:

- o It will allow for further development of the site (residential dwellings);
- o Infilling of dwellings would erode the character of the area (no housing is sought);
- o The land falls behind other neighbouring properties, not just extending behind itself;
- o The land to change use is not within the physical limits;
- o The site is prone to flooding.

The above is a summary of comments received - full comments can be viewed on the Council's website.

Consultees

Parish/Town Council

Consultee	Date consulted	Date reply received
Dennington Parish Council	24 February 2020	17 March 2020
<p>The Parish Council OBJECTS to this application.</p> <p>The Parish Council has reviewed the two applications against the current Local Plan, and the Final Draft Local Plan. Existing Policy DM8 - Extensions to Residential Curtilages and Final Draft Policy SCLP 5.14, are applicable to these applications.</p> <p>Development Management Policy DM8 - Extensions to Residential Curtilages:</p> <p>In considering planning applications for the extension of residential curtilages into the countryside, the District Council will seek to ensure that:</p> <p>(a) the resulting size of the curtilage reflects the scale and the location of the dwelling;</p> <p>The existing curtilages of Little Crimbles and Short Acre are within the physical limits of the village. These applications are to extend these curtilages beyond the physical limits of the village into open countryside. Both proposals create arbitrary boundaries in open countryside, that are poorly related to the scale and location of the dwellings. In both cases, the proposed boundaries wrap around the adjacent properties (Osier House & Reap House to the east; and Bamfield & Poplars to</p>		

the west) . As such, neither of these applications satisfy Policy DM8(a).

(b) Its use would not result in visual intrusion caused by developments ancillary to the residential use;

Whilst described as paddocks, there is no recent evidence of animal husbandry or grazing on these sites. Both plots are and have been fallow for at least 10 years. There are no structures on the curtilage claimed by Little Crimbles. Creation of lawns, plant bedding or other residential structures will create significant visual intrusion and disrupt open countryside vistas from along the Saxtead Road and the permissive footpaths to the north of these sites.

(c) It does not remove or enclose an existing native species hedgerow within the resulting curtilage unless replaced by a similar hedgerow; and

(d) the proposed boundary feature of the extended curtilage is of a form that reflects its location e.g. a native species hedgerow.

The applications do appear to conform to policy statements DM8(c) and DM8(d).

Therefore, the Parish Council OBJECTS to the applications at Little Crimbles and Short Acre, as they do not satisfy policy statement DM8.

In granting planning consent for the extension of residential curtilages, the District Council will consider the removal of Permitted Development rights.

The paddock into which the proposed curtilages would extend has previously been submitted for consideration for development as part of the Local Plan review, and rejected by East Suffolk Council as being suitable for residential development. Furthermore, there have been two previous applications for residential development at Short Acre (DC/14/3954/FUL and DC/17/2270/FUL) which use the broadly the same boundaries as the current application. These previously withdrawn applications showed access roads into the field behind Little Crimbles.

If the District Council does grant permission to extend the curtilages; given the history of applications associated with these plots, and the fact that the applications seek to change the use of open countryside, outside of the physical limits, the District Council is urged to remove Permitted Development Rights from these properties, to prevent visual intrusion and protect the open countryside from development in accordance with Policy AP28.

Statutory consultees

Consultee	Date consulted	Date reply received
Suffolk County - Highways Department	24 February 2020	6 March 2020
Summary of comments: This proposal is unlikely to have any impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council as a highway authority does not wish to restrict the granting of permission.		

Publicity

None

Site notices

General Site Notice

Reason for site notice: Change of Use

Date posted: 6 March 2020

Expiry date: 27 March 2020

Planning policy

National Planning Policy Framework

DM8 - Extensions to Residential Curtilages (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))

DM23 - Residential Amenity (East Suffolk Council - Suffolk Coastal District Local Plan - Core Strategy and Development Management Development Plan Document (July 2013))

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

Planning considerations

Case for Development

Adopted Core Strategy Policy DM8 states that in considering planning applications for the extension of residential curtilages into the countryside, the District Council will seek to ensure that:

- a) The resulting size of the curtilage reflects the scale and location of the dwelling;
- b) Its use would not result in visual intrusion caused by developments ancillary to the residential use;
- c) It does not remove or enclose an existing native species hedgerow within the resulting curtilage unless replaced by a similar hedgerow
- d) The proposed boundary feature of the extended curtilage is of a form which reflects its location, eg a native species hedgerow

In respect of the size of the resultant curtilage, it should be noted that this is a rural location, and as such there are of examples of properties with various sized curtilages. Examples of where curtilages have been extended are noted within close proximity of the site; including Wynneys Hall, Bamfield and The Poplars.

The majority of the existing curtilage of Shortacre is in front of the property, and as such is not private amenity space. The extension of the residential curtilage in the manner proposed is considered to have no detrimental impact upon the amenity of neighbouring properties; compliant with Core Strategy DM23.

The existing paddock is not in agricultural use and is already used solely in conjunction with the houses onto which it bounds. The proposal would not however change the character of the whole area, with a substantial proportion of the paddock remaining to the north of the residential curtilage, providing further visual buffers to the proposed.

It should also be noted that at present, the paddocks provide a very low ecological value, with the area primarily grassed which is kept low by the horses. The change of use will therefore also create an additional native hedgerow boundary which will provide additional habitat for native species, comprising natural cover, an enhanced food source and an additional migration route through the site.

The Landscape Officer raised no objection to previous applications to change the use of the land on site, subject to approved boundary treatment and removal of permitted development rights; these views are upheld on the current application. The application is therefore considered compliant with Core Strategy Policies DM21 and SP15.

As there are no details regarding proposed boundary treatments within the application, the Local Planning Authority would normally condition these to be submitted prior to the implementation of the use or within 3 months of the date of consent. However, given the current national situation relating to Covid-19, it is recommended this timescale is increased to 6 months for the submission and approval of details.

In granting planning consent for the extension of residential curtilages, DM8 states that the Council will consider the removal of Permitted Development rights; it is considered that the removal of permitted development rights are appropriate in protecting the rural and otherwise undeveloped nature of the site which could otherwise be eroded by domestic paraphernalia.

In addition to the above appeal decision APP/J3530/W/16/3159011 which related to a neighbouring site the Inspector noted the following:

"1. The Council is concerned that (the development) would represent creeping domestication, to the detriment of the character and appearance of the countryside, and the setting of Dennington itself. The Council has stated that there is a clear difference in the character and appearance of land within and outwith the settlement boundary. The Council also states that in the vicinity of the appeal site the land outside the settlement boundary is open countryside with a mature landscape in a peaceful setting, with no domesticity or activity associated with domestic life. However, my observations at the site visit lead me to disagree with the Council on this point. To the immediate north of Wynneys Hall, as noted above, there is a large, well maintained expanse of grass which is lined with new tree planting. The adjoining plot, to the immediate west of the appeal site, also has the appearance of a garden, with well-maintained short grass, wood piles and ornamental trees. Whilst there is an absence of domestic buildings north of the settlement boundary as shown on the plan, in this location at least, it does not mark a clear transition between domestic and rural character.

2. I appreciate the Council's concern to prevent domestication of the countryside on the fringes of Dennington, the settlement boundary in the area of the appeal site appears to be a fairly arbitrary line that includes ancillary buildings in neighbouring garden plots and appears to cut across rear gardens in others. Moreover, although the Council's evidence refers to mature landscape character and the setting of Dennington, there is no reference to landscape character assessment or guidance which might have supported their concern regarding the landscape surrounding the village. Consequently, as the cartlodge would not be particularly visible and would be sited on land that already has a semi-domestic character, I am unable to conclude that the development would cause significant harm to the character and appearance of the area.

3. Whilst I agree with the Council that the cartlodge would encourage some domestication of land to the north of the Wynneys Hall buildings, this is land that already has a semi-domestic appearance. Furthermore, it cannot be seen except by individuals in neighbouring gardens or at distance from the adjoining agricultural land."

The Inspector in the above case was clear that the existing settlement boundary in this area does not represent a boundary to character or land use, referring specifically and positively to the 'semi-domesticated' appearance of areas outside the settlement boundary, which he saw as supportive of the application in question.

It should also be noted that the application should be considered cohesively with the neighbouring property, which also seeks to extend their residential curtilage (DC/20/0760/FUL).

Conclusion

The proposal is considered to accord with the adopted policies in the Core Strategy, primarily DM8 which allows for the extension of residential curtilages, as the proposed development is not considered to result in harmful impact upon character, any historic environment or native hedgerows; the proposed new boundaries will be in keeping and seek to positively enhance both the setting and existing biodiversity.

Recommendation

Approve planning permission, subject to conditions.

Conditions:

1. The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.
Reason: This condition is imposed in accordance with Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall not be carried out other than in complete accordance with Drawing No 01 received 21/02/2020

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

3. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 or any Order revoking or re-enacting the said Order] no development of any kind specified in Part [1], Class[s] [E] and Part [2], Class[s] [A] of Schedule 2 of the said Order shall be carried out unless otherwise agreed with the local planning authority.

Reason: In order that the local planning authority may retain control over this particular form of development in the interests of amenity and the protection of the local environment and the amenity of adjoining residents.

4. Within six months of this consent, details of the means of enclosure (i.e. hedgerows, fences, gates etc) around the external boundaries of the site have been submitted to and approved by the Local Planning Authority. The approved means of enclosure shall thereafter be retained in their approved form.

Reason: In the interests of visual and residential amenity.

5. No external lighting shall be installed without the prior submission and approval of an external lighting scheme (including position and height of mounting features, height and angle of lights including aiming points, light fixing type, size and appearance, and the luminance levels). There after only the approved lighting scheme shall be installed and maintained in that form.

Reason: In the interests of amenity, and protection of the local rural environment, including the ecological environment.

6. 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, 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

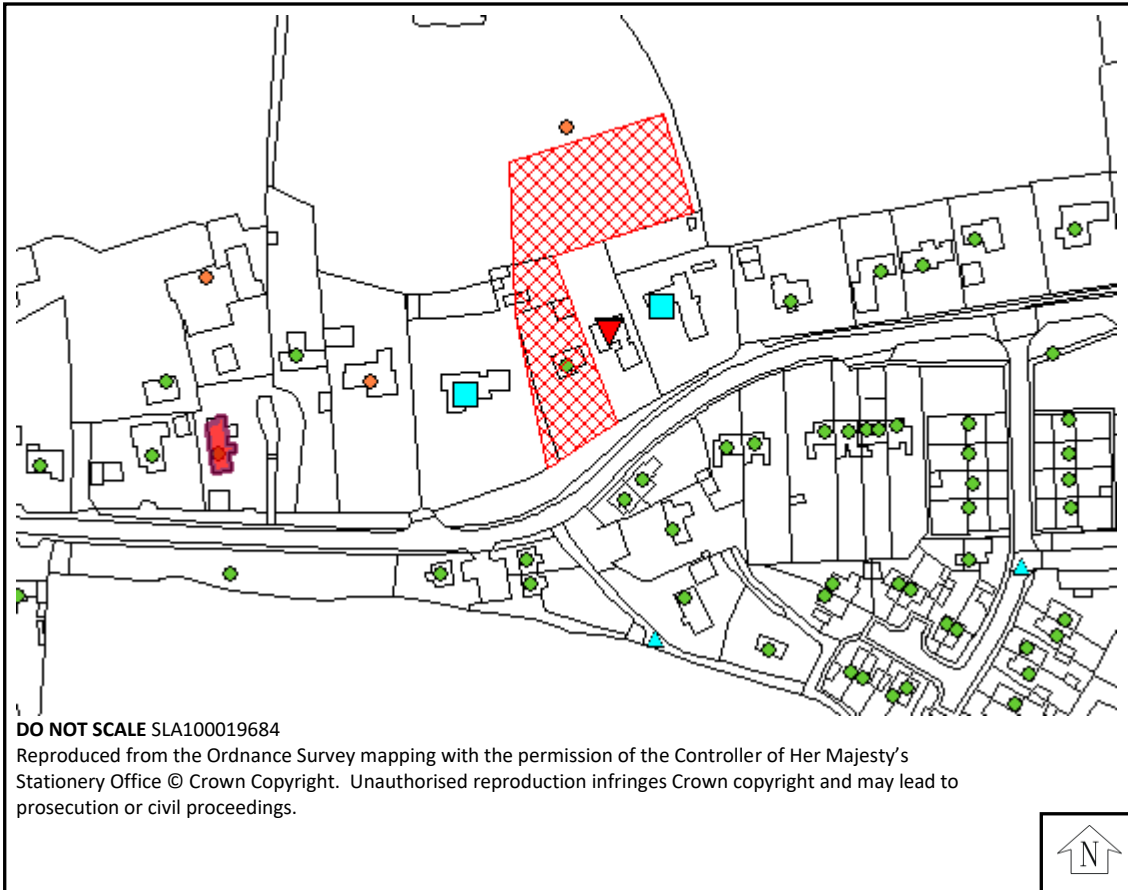
Informatives:

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/20/0759/FUL at <https://publicaccess.eastsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=Q60CC8QXHWS00>

Map



Key

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