

Target Decision Date: 08/01/2024

Expiry Date: 22/01/2024

OFFICER'S REPORT AND RECOMMENDATION

CASE OFFICER: Nikita Mossman
CASE REFERENCE: DC/23/04969

The Openness of Local Government Bodies Regulations 2014

The national regulations on openness and transparency in local government require the recording of certain decisions taken by officers acting under powers delegated to them by a council. The written record should include the following: The decision taken and the date the decision was taken; the reason/s for the decision; any alternative options considered and rejected; and any other background documents. This report and recommendation constitutes the written record for the purposes of the regulations and when read as a whole is the reason for the decision.

PROPOSAL: Householder Application - Erection of two bay cartlodge and office (following demolition of existing building).

LOCATION: Nayland Farm, Mill Road, Ringshall, Suffolk, IP14 2LS

PARISH: Ringshall.

WARD: Battisford & Ringshall.

APPLICANT: Mr Patrick Guyver

SITE NOTICE DATE: 30/11/2023

PRESS DATE: 06/12/2023

BACKGROUND DOCUMENTS

This decision refers to drawing number 2015-15-BD2 received 30/10/2023 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Plans - Proposed 04122023 and existing - Received 04/12/2023
Defined Red Line Plan 2015-15-BD2 - Received 30/10/2023
Existing Plans and Elevations 2015-15-BD1 - Received 24/10/2023
Proposed Plans and Elevations 2015-15-BD1 - Received 24/10/2023
Preliminary Ecological Appraisal PEA 211223 - Received 22/12/2023
Application Form - Received 24/10/2023
Planning Statement PP-04653364 - Received 25/10/2023
Heritage Statement PP-04653364 - Received 26/10/2023
Flood Risk Assessment - Received 26/10/2023

The application, plans and documents submitted by the Applicant can be viewed online at www.babergh.gov.uk or www.midsuffolk.gov.uk.

SUMMARY OF CONSULTATIONS AND REPRESENTATIONS

Environmental Health - Noise/Odour/Light/Smoke Comments Received - 07/12/2023

No objection.

Battisford Parish Clerk Comments Received - 19/12/2023

Battisford Parish Council have no comment to make on this application.

Ecology - Place Services Comments Received - 18/12/2023

No objection, subject to conditions.

No representations received.

PLANNING POLICIES

SP03 - The sustainable location of new development
SP09 - Enhancement and Management of the Environment
SP10 - Climate Change
LP15 - Environmental Protection and Conservation
LP16 - Biodiversity & Geodiversity
LP19 - The Historic Environment
LP23 - Sustainable Construction and Design
LP24 - Design and Residential Amenity
LP29 - Safe, Sustainable and Active Transport
NPPF - National Planning Policy Framework

PLANNING HISTORY

REF: 1696/16	Non-material amendment sought following grant of planning permission 0190/16: Erection of a two bay cartlodge with office attached (following demolition of existing building) in accordance with new drawing no 2015-15-BD1B	DECISION: GTD
REF: 0191/16	Removal of existing derelict building	DECISION: GTD
REF: 0190/16	Erection of a two bay cartlodge with office attached (following demolition of existing derelict building)	DECISION: GTD
REF: 3048/10	Erection of an artist's studio.	DECISION: GTD
REF: 0850/10	Construction of a two-storey timber framed artist's studio within the curtilage of a Grade II listed farmhouse.	DECISION: REF
REF: 2437/05	Renovation of lean-to tool shed (south elevation) to form shower room. Rebuild open porch to north elevation. Demolition and replacement of bay window to north elevation. Replacement roof over laundry lobby and lean-to extension.	DECISION: GTD
REF: 1511/05	Second phase of renovation including i) alterations to two outbuildings attached to	DECISION: REF

main house to form study/shower room in green oak and wattle and daube panels. Peg tile roof. ii) Dismantling of existing front porch and erecting of similar sized porch in green oak open with 7 course brickwork and wattle and daube panels. iii) Dismantling of dining room bay window and realignment installation of 4 panel straight sided bay window with peg tiled roof. iv) Replacement of pan tiles on laundry room with peg tiles.

REF: 0224/02/LB

REMOVAL OF NON BREATHABLE MATERIALS; BASIC REPAIR OF CHIMNEY STACK;RE-THATCHING/REPLACEMENT OF PANTILES;REPLACEMENT OF ROTTEN TIMBERS;REPLACEMENT OF WINDOWS;OPEN AND EXPOSE EXISTING FIREPLACES AND REPAIR.

DECISION: GTD

ASSESSMENT

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

Site and Surroundings

Nayland Farm is a detached dwelling which is Grade II listed. The site is not within a Conservation Area and there are no other listed buildings nearby. The site is accessed from Mill Road. The site is within Flood Zone 1 but there are areas of the site which are at risk of surface water flooding. The closest neighbouring properties are to the south and west of the site.

Principle of development

As a householder application for the erection of a two bay cartlodge and office (following demolition of existing building), the proposal is assessed under policies of the Babergh and Mid Suffolk Joint Local Plan ('JLP') (adopted November 2023), as well as the NPPF (2023).

The application site is located outside the settlement boundary and as such is classed as a countryside location under Policy SP03 of the Joint Local Plan (Part 1). This places strict control over development within countryside and lists the acceptable forms of development that may be considered within these areas.

There are no specific policies in the adopted Plan which directly relate to the erection of a garage/cartlodge, as such, by reason of the site's countryside location, the proposal is contrary to the provisions of SP03, which seeks to direct new development to sustainable locations and protect the intrinsic character of the countryside.

Whilst a departure from the adopted Plan, officers however acknowledge that the application site already has an existing building in situ which this proposal looks to replace. As such, there should be

consideration as to whether the departure from the policy is acceptable, being mindful of whether the proposal would adversely impact the character of the countryside or result in any other material harm.

Given the nature of the existing building on the site, combined with the general nature of the proposed development, officers consider that the proposal would represent an acceptable departure from the adopted Plan, as long as the proposal does not result in any material harm. These matters are discussed further below.

Design and Layout

Policy LP24 requires all new development to be of high-quality design, with a clear vision as to the positive contribution the development will make to its context. As appropriate to the scale and nature of the development, proposals must respond to and safeguard the existing character/context as well as create character and interest.

The proposal seeks permission to erect a two bay cartlodge and office (following demolition of existing building). The proposed dimensions are 12.38m in length by 6m in width. The proposed eaves height is 2.33m with a maximum ridge height of 4m. The building includes a 2-bay cartlodge and an office space and within the same footprint as the existing building on the site which is derelict. The proposed materials are second hand clay pantiles on the roof with black stained horizontal boarding on the walls and a red brick plinth. The windows and doors are painted timber to match the existing house. The proposal is sited on the northern boundary of the site and is of a reasonable distance from the neighbouring dwelling.

The proposed design, materials, form and scale are considered to respect the character of the host dwelling, not constitute overdevelopment, and not harm local distinctiveness.

On this basis, the proposal is considered to be in accordance with policy LP24 and paragraph 135 of the NPPF by way of the proposal's scale, design and siting.

Highway Safety (Parking, Access, Layout)

In respect of policy LP29 and paragraph 115 of the NPPF, development should not adversely affect the highway network and associated safety.

The proposal includes a 2-bay cartlodge. The space within the cartlodge is considered sufficient to be used as allocated parking space, but there is also ample space around the site that can be used for parking. Therefore, there are no impacts on highway safety significant to warrant refusal and the proposal accords with the aforementioned policy.

Residential Amenity

Policy LP24 and paragraph 135 of the NPPF require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties.

It is considered that this proposal does not give rise to any concerns of loss of neighbouring amenity (overlooking, loss of light, loss of privacy or overshadowing) by reason of the single storey nature of the proposed cartlodge/office. As the proposal replacement an existing building, the potential for additional impact caused by the proposal is minimal and therefore, not significant enough to warrant refusal.

The Council's Environmental Health team were consulted on this application and raised no objection. Thus, the proposal is considered compliant with policy LP24 and acceptable in this regard.

Heritage

A proposal that includes the curtilage or setting of a Listed Building or works to a Listed Building must respond to this significant consideration. The duty imposed by the Listed Buildings Act 1990 imposes a presumption against the grant of planning permission which causes harm to a heritage asset. A finding of harm, even less than substantial harm, to the setting of a listed building must be given "considerable importance and weight*" (*Bath Society v Secretary of State for the Environment [1991] 1 W.L.R. 1303).

The proposal is within the setting of a Grade II listed building. The heritage concern relates to the potential impact the proposal could have on the listed building 'Nayland Farm'. The cartlodge/office is not considered to significantly impact the setting of the listed building or compete with the heritage asset and/or detract from its historic significance. The proposed cartlodge/office would replace an existing building on the site and therefore, keeps the existing built character in this position. It is therefore not considered to cause any adverse harm to the character or setting of the heritage asset to warrant refusal.

Therefore, the proposal is considered to accord with policy LP19 and is acceptable in this regard.

Flood Risk and Drainage

A portion of the application site is at risk of surface water flooding.

Paragraph 174 of the NPPF (2023) states that applications for some minor development and changes of use should not be subject to the sequential or exception tests but should still meet the requirements for site specific flood risk assessments set out in footnote 59.

The application is accompanied by a Flood Risk Assessment which highlights resilience and resistance measures, in accordance with the Government's standing advice and the Council's Local Validation List in respect of Flood Risk Assessment requirements. The proposal is for residential development such that it falls under the 'more vulnerable' classification.

Officers consider that the proposal is not considered to significantly increase the flood risk to a level to warrant refusal based on the information provided and the flood risk assessment report. Therefore, the proposal is considered acceptable in this regard.

Other Matters

Regulation 9(3) of the Conservation of Habitats and Species Regulations 2017 (Implemented 30th November 2017) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions."

The application is accompanied by a Preliminary Ecological Appraisal relating to the likely impacts of development on designated sites, protected species and Priority species & habitats and identification of appropriate mitigation measures. Place Services Ecology have been consulted and have raised no objection subject to conditions. They asked for a minor amendment to amend the precautionary method statement for mobile species to contain instruction for a toolbox talk to be given immediately prior to works commencing. The applicant has amended this accordingly. Conditions include submission of a mobile protected species precautionary method statement and a Biodiversity Enhancement Layout. The proposal is acceptable in this regard.

Policy LP16 requires all development proposals to 'identify and pursue' opportunities for securing measurable net gains. It is acknowledged that there is no nationally recognised metric currently available for quantifiably measuring biodiversity net gain on householder developments. There are however opportunities to enhance biodiversity on site. It can reasonably assumed that the condition for the

biodiversity enhancement layout would secure this and therefore, the proposed development complies with policies SP09 and LP16.

CONCLUSION

The proposed development is not considered to result in any significant adverse impact on highways safety, residential amenity, heritage assets, the environment or biodiversity interests to warrant refusal. Recommendation is to grant permission.

RECOMMENDATION

I have considered Human Rights Act 1998 issues raised in relation to this proposal including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding National Security, Public Safety, Economic and wellbeing of the Country, preventing Crime and Disorder, protection of Health and Morals, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.

RECOMMENDED DECISION:	Granted
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Case Officer Signature: Nikita Mossman	Date: 19.01.2024
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