

Parish: Elmsett

Location: Mill Croft, Whatfield Road

Proposal: Erection of 2no. detached dwellings (following demolition of existing dwelling)

Applicant: Ingleton Homes Ltd

Case Officer: Chris Tivey

Date for Determination: 30.03.2009

This application is referred to Committee as it raises planning policy issues and falls outside the scope of the scheme of delegation. There is an objection from the Parish Council.

THE SITE

1. The application site comprises 0.1 hectares of land which is rectangular in shape. There is a 1960's detached bungalow situated within the centre of the site.
2. The application site is situated within the Built-up Area Boundary of Elmsett on the western edge of the village, to the north of Whatfield Road. The application site is situated opposite Mill Lane and Whatfield Road junction.
3. The existing bungalow has an agricultural occupancy condition imposed upon it.

THE PROPOSAL

4. Planning permission is sought to demolish the existing bungalow and in its place erect a pair of four bedroom detached cottage style properties. Both cottages would be accessed via a shared central driveway leading to a detached double cartlodge building, level with the rear elevations of the proposed dwellings.
5. The proposed dwellings would be 'T' shaped in plan form. The main ridge of each respective dwelling, running parallel to the road, would be 7.3 metres high, 11.5 metres wide (where including a gable end chimney) and 6.25 metres deep. The one-and-a-half storey offshoot to the rear of each property would be set down approximately 0.4 metres from the main ridge, would have a depth of 5.95 metres and a width of 4.95 metres. A single storey lean-to/utility room would also be provided with open storm porch over at the rear.

RELEVANT HISTORY

6. S/64/864/C – Erection of dwelling and construction of access – Granted 09.12.1964
S/65/12/C – Erection of bungalow for agricultural worker and construction of access – Granted 08.04.1965

NATIONAL GUIDANCE

7. **PPS1** (Delivering Sustainable Development)
 8. **PPS3** (Housing)
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9. **PPS7** (Sustainable Development in Rural Areas)

PLANNING POLICIES

10. The Development Plan comprises the East of England Plan Adopted 2008, the saved policies in the Suffolk Structure Plan Adopted 2001 and the Babergh Local Plan (Alteration Number 2) Adopted 2006. The following policies are relevant to this proposal;

East of England Plan - 2008

- **SS1** (Achieving Sustainable Development)
- **ENV7** (Quality and the Built Environment)

Babergh Local Plan (Alteration No.2) 2006

- **HS02** (Villages)
- **HS03** (Non Sustainable and Sustainable Villages)
- **HS30** (Design of New Houses)
- **HS32** (Public Open Space)
- **CR13** (Removal of Agricultural Occupancy Restrictions)
- **CN01** (Design Standards)
- **LP01** (Parking Obligations)
- **TP15** (Parking and New Developments)

The relevant documents can be viewed via the internet. Please see Page 4 for details.

CONSULTATIONS

11. PC – Object. It is considered that moving the access further westward and closer to Mill Road is dangerous and the lack of vehicle turning creates additional dangers. They state that two plots would mean more traffic using the access and an additional point that should be taken into account is that the school bus picks children up at this location on a daily basis and if the Council is minded to approve the application then safe bus stop provision should be provided.
12. LHA – No objection to the proposed development subject to on site vehicle turning facilities being provided and standard conditions being imposed.

REPRESENTATIONS

13. Two letters of objection have been received covering the following points:
- The new dwellings would give rise to overlooking and loss of privacy.
 - Concerns over the proposed vehicular access directly opposite Mill Lane.
 - Detrimental effect upon the scale and character of the village.

PLANNING CONSIDERATIONS

14. The application site is situated within the Built-up Area Boundary of Elmsett and therefore the principle of residential development on the site is acceptable, subject to an assessment of all material planning considerations. The key issues in the determination of this application are:
- The agricultural occupancy condition on the existing dwelling
 - Layout and design

- Impact upon residential amenities
- Highway safety.

Agricultural Occupancy Condition on the Existing Dwelling

15. The existing bungalow received the benefit of planning permission in 1964. The application was submitted in order to provide accommodation for a farm bailiff and was approved subject to conditions, including an agricultural occupancy condition. The bungalow is currently vacant.
16. Policy CR13 of the Babergh Local Plan sets out criteria for situations where an applicant seeks to remove an agricultural occupancy restriction imposed by a conditional planning permission. Normally, a full statement of the circumstances that have given rise to the application and evidence that the dwelling has been offered for sale on the open market for at least six months at a price that reflects the agricultural occupancy condition and the limited market should be submitted.
17. Officers wrote to the applicant's agent asking them to provide further information in this respect. In response to this request the applicant's agent stated that this is not an application to remove the agricultural occupancy condition and use the existing bungalow for non agricultural purposes. The property is to be demolished and on demolition the condition would be of no relevance. Therefore, they stress that there is no requirement to address the condition in any way prior to demolition.
18. Officers do not agree with this view because the dwelling received the benefit of planning permission to meet the specific needs of someone engaged in agriculture. While the property may have subsequently been incorporated into the Built-up Area Boundary defined for Elmsett, the requirements of Local Plan Policy CR13 are quite clear and seek to maintain a stock of housing that is affordable to those employed or last employed in agriculture. In the absence of sufficient justification to support the removal of the agricultural occupancy condition, or an appropriate marketing campaign, there can be no certainty that the dwelling is surplus to the requirements of the area as a whole. As indicated in PPS7, Annex A, *"It will often be as convenient and more sustainable for [agricultural] workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside"*. In the circumstances officers are of the view that the dwelling should be marketed as required by Local Plan Policy CR13 before consideration is given to the possible redevelopment of the site. The Town and Country Planning (General Permitted Development) Order 1995, would provide appropriate controls to prevent the demolition of the property in the interim.
19. Notwithstanding the absence of information to support the demolition of an agricultural workers dwelling, the property is located within the Built Up Area Boundary to Elmsett. As such Local Plan Policies HS02 and HS03 support infill development on suitable sites. Consideration has therefore been given to the possible re-imposition of an agricultural occupancy condition on one of the properties. Officers having consulted the Council's Solicitor are of the view that it would be unreasonable to do this as the need for agricultural workers accommodation in the area is unknown.

Layout and Design

20. The proposed dwellings would be centred comfortably within their respective plots and would be set back from the road which is in character with the surrounding built environment. Each plot would have sufficient private amenity space and off-street parking.

21. Each dwelling would be of a 'cottage style' with dormer windows puncturing the front eaves line. Other details such as soldier courses over the ground floor windows and modest open porch with lean-to roof over to both the front doors and the rear utility rooms, in addition to operational chimneys would give rise to a development that would be in keeping with the surrounding area.
22. Therefore, the proposed development would comply with Policy ENV7 of the East of England Plan in relation to design and Policies HS02, HS27, HS30 and CN01 of the Local Plan in relation to infill development and design.

Impact upon Residential Amenities

23. With the application site being situated on the edge of the village of Elmsett and with two boundaries (the north and western boundaries) adjoining open countryside, the impact of the proposed development upon residential amenities would be very limited.
24. The distance between the dwelling to Plot 2 and Badgers End to the east is such that the proposed dwelling could not be described as being overbearing upon this property and furthermore, the internal layout is so designed that there would be no material overlooking created.
25. The properties on the opposite side (southern) of Whatfield Road would be a minimum distance of 18 metres from the first floor front windows of the Plot 1 dwelling to the side boundary to Oak Cottage (the closest property). Both this property and Hawthorn Cottage situated on the opposite side of Mill Lane, adjacent to 1 Mill Lane have side gardens that run adjacent to Whatfield Road which to some degree would be overlooked.
26. Both these properties would maintain areas of private amenity space which would not be overlooked by the proposed dwellings but it must be acknowledged that some degree of overlooking will always occur in a built-up area. Officers are of the view that the proposed development would not give rise to material harm to the amenities of occupiers of surrounding residential properties.

Highway Safety Considerations

27. The Local Highway Authority state that they do not object to the proposed development, however, the submitted proposal is unacceptable without on-site facilities for vehicular turning to enable vehicles to enter and leave the site in a forward gear.
28. There is sufficient space that would enable a turning facility to be provided to the front of each respective dwelling and therefore this requirement could be imposed by way of a planning condition along with the other standard conditions that the Local Highway Authority normally require. These include provision of the access prior to development commencing; the restriction of height of front boundary treatment to no more than 0.6 metres above the level of the carriageway of the adjacent highway; and details to be provided for cycle storage.

Public Open Space

29. Policy HS32 of the Adopted Local Plan requires all applications proposing new dwellings to make provisions for Public Open Space. This is either in the form of on-site provision or off-site provision in the form of a commuted payment.
30. In this case, given the small size of the site and layout of the development, on-site Public Open Space provision would not be appropriate. The applicant has entered into a Section 106 Agreement to provide a financial contribution towards Public Open Space Provision within the locality.

RECOMMENDATION

That planning permission be refused for the following reason:

In the absence of sufficient justification and a marketing campaign to demonstrate that the existing dwelling is surplus to agricultural requirements within the area, the proposed development would be contrary to the provisions of Policy CR13 contained in the Babergh Local Plan Alteration No. 2 (2006) and the provisions of PPS7 Sustainable Policy Development in Rural Areas. Policy CR13 requires (inter alia) that evidence be provided to demonstrate that the dwelling is no longer required for an agricultural worker either to serve the needs of the holding or anyone else in the locality either now or in the longer term and that the dwelling is seen as being offered for sale at a price that reflects the agricultural occupancy condition.