

PLANNING COMMITTEE – 4 JUNE 2019

Application No:	19/00492/FUL	
Proposal:	Proposed replacement dwelling	
Location:	The Shed, Old Epperstone Road, Lowdham, Nottinghamshire, NG14 7BZ	
Applicant:	Mr & Mrs Cookson	
Registered:	15th March 2019	Target Date: 10th May 2019

The application is reported to Committee as the view of Lowdham Parish Council is contrary to the Officer recommendation.

The Site

The application is located on the south-western side of Old Epperstone Road and currently comprises a small detached dwelling which was converted in 2018 as part of a prior notification procedure under Class Q of Part 3 (Schedule 2) of the Town and Country Planning (General Permitted) (England) Order 2015. The building consists of a block work single storey structure finished with vertical timber boarding and felt and is situated within a plot of land set back approximately 30m from the roadside with an access drive to the side (east). Surrounding the dwelling is an open field (although somewhat disturbed/dug up) with no boundary treatments enclosing the site from this surrounding field.

Lazonby House lies immediately to the east of the site, which is separated by a 2m high close boarded fence. Approximately 65m to the west is Sherrards Farm which is separated from the site by fields, with fields also beyond the southern boundary of the site.

Relevant Planning History

17/02084/CPRIOR - Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to dwellinghouse and for associated operational development (permitted 08.01.2018)

The Proposal

The application seeks planning permission for the demolition of the existing dwelling within the site and the erection of a replacement dwelling partially on the footprint of the existing building. Access to the site would remain as existing.

The proposed dwelling would have an L-shape plan form with a footprint of approximately 110m² (99m²) with a ridge height of 5.9m. It is proposed that the dwelling would be externally constructed with horizontal timber cladding, brick plinth and non-interlocking clay pantiles.

Submitted Documents

The following documents accompany the application:

- Block Plan and Location Plan – 19/292-01
- Existing Plan and Elevations – 19/292-03A
- Proposed Plan and Elevations – 19/292-04A
- Design and Access Statement (with Appendix IBA1)

Departure/Public Advertisement Procedure

2 neighbouring properties have been consulted by letter.

Relevant Planning Policies

The Development Plan

Amended Newark and Sherwood Core Strategy Adopted March 2019

Policies relevant to this application:

Spatial Policy 1: Settlement Hierarchy

Spatial Policy 2: Spatial Distribution of Growth

Spatial Policy 4B: Green Belt Development

Spatial Policy 7: Sustainable Transport

Core Policy 3: Housing Mix, Type and Density

Core Policy 9: Sustainable Design

Core Policy 12: Biodiversity and Green Infrastructure

Allocations and Development Management DPD Adopted July 2013

Policies relevant to this application:

Policy DM1: Development within Settlements Central to Delivering the Spatial Strategy

Policy DM3: Developer Contributions and Planning Obligations

Policy DM5: Design

Policy DM7: Biodiversity and Green Infrastructure

Policy DM12: Presumption in Favour of Sustainable Development

Other Material Considerations

National Planning Policy Framework 2019

Planning Practice Guidance 2014

Consultations

Lowdham Parish Council – Support the proposal

NSDC Contaminated Land Officer – *The proposed development is in a potentially Radon Affected Area*. These are parts of the country where a percentage of properties are estimated to be at or above the Radon Action Level of 200 becquerels per cubic metre (Bq/m³). Given the above I advise that it would be prudent for the applicant to investigate if the proposed development will be affected by radon and incorporate any measures necessary into the construction to protect the*

health of the occupants. Further information is available on the council's website at: <http://www.newark-sherwooddc.gov.uk/radon>

**based on indicative mapping produced by the Public Health England and British Geological Survey Nov 2007.*

LCC Archaeology – No archaeological input required.

NSDC Access and Equalities Officer – It is recommended that the developer make separate enquiry regarding Building Regulations matters

No other letters of representation have been received.

Comments of the Business Manager

Principle of Development

The site is located within the Green Belt where new development is strictly controlled through the NPPF and Spatial Policy 4B of the Core Strategy. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF informs local planning authorities that they should regard the construction of new buildings as inappropriate in Green Belt although there are exceptions. One such exception does allow for the replacement of buildings providing the new building is within the same use and is not materially larger than the one it would replace. It is under this stipulation that the appropriateness of the proposal will be assessed further below.

In addition to the above, Policy DM5 requires new development to reflect the characteristics of the surrounding area through the scale, bulk, massing and design of the development, as well as ensure that there is sufficient parking provision and safe access to/from the site. Furthermore, development should have no adverse impact upon the amenities of the surrounding land uses and should ensure protection of ecology.

Impact upon Green Belt

The NPPF states that substantial weight is given to any harm to the Green Belt and as a starting point, new buildings are considered inappropriate development within the Green Belt, although as paragraph 145 states there are exceptions to this including replacement building providing they are with the same use and not materially larger than the one it replaces.

The existing dwelling on site has been converted from an agricultural building within the last calendar year having carried out the works under the tolerances of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO). Class Q allows the conversion of agricultural buildings to dwellings without the need for a full planning application. To my knowledge the conversion of the building has been carried out lawfully and thus I am satisfied that the building is within a lawful use for the purposes of the Green Belt. However, having visited the site I see that the proposed boundary treatments proposed as part of the conversion has not been erected and thus the curtilage afforded to the building is not clear; whilst it would assist in ensuring only the land agreed under the prior notification is used in association with The Shed, I would not consider the lack of boundary definition to be surmountable to conclude the conversion is not lawful.

Whilst the building is, for the purposes of planning, considered to be a dwelling, the GPDO excludes dwellings converted under Class Q from benefitting from any permitted development rights in respect of householder development (Part 1, Schedule 2 of the GPDO). As such, there is no fall-back position in terms of extending or altering the property without triggering the need for planning permission.

Based upon the above, I am satisfied that the principle of replacing the dwelling with a dwelling would meet the exception set out by paragraph 145 of the NPPF, however the application proposes to increase the footprint of the building by 50% which in my view would result in a materially larger building and thus would not fully meet the requirements of paragraph 145. I am mindful that there have been previous replacement dwelling proposals supported by the LPA which have sought to around a 50% increase in size above the above it seeks to replace, however in these instances weight has been given to the realistic fall-back of extensions under permitted development, or in a few cases consolidation of buildings within the site to reduce encroachment upon the openness. As stated in the previous paragraph, The Shed has no fall-back permitted development to increase the size of the footprint and thus I cannot attach weight to this in weighing up the impact an additional 50% of built form would have upon the openness of the Green Belt.

The impact of a materially larger building within the site would in my view have a harmful impact upon the openness of the Green Belt, not least because its open and rural setting where visibility into the site from surrounding land is easily achieved and where built form is sparse; the impact of even a small increase in size is likely to result in some harm to the setting of the building. In addition to the increase in footprint, the proposal also seeks to increase the ridge height of the building by 1.8m, further representing a materially larger building but also significantly increasing the built form and prominence of the building within the street scene and the character of the area.

Alongside the issue of the replacement building, the application also seeks to increase the size of the curtilage associated with the dwelling from that agreed under the prior notification procedure in 2018. This enlarged curtilage would constitute a change of use of the land. Under Class Q of the GPDO there is a stipulation that the curtilage associated with the building must be no greater than the footprint of the building; it is assumed by Officers that this is to prevent over-domestication within the rural setting and where new residential development would not normally be permitted. Given the understanding of this requirement within the GPDO, I consider it appropriate to ensure that the curtilage remains as agreed as part of the conversion so as not to undermine the permitted development legislation, as well as ensure that there is no further domestication of the land that would bring harm to the openness of the Green Belt; whilst the erection of domestic structures can be controlled through conditions, the domestic use of the land changes the overall appearance of the site within this designated setting and would not prevent the positioning of garden furniture and structures, which detract the open setting.

Given the above, I am of the view that the proposal would be contrary to the aims of the NPPF with regards to protecting the Green Belt and would not fall within the exceptions set out within paragraph 145 of the NPPF. Amendments have been sought by the Officer to reduce the scale of the dwelling to the same as that currently in situ, along with amendments to the curtilage, however no revisions have been forthcoming.

Visual Impact

Policy DM5 of the DPD require new development to reflect the rich local distinctiveness of the District's landscape and character through scale, form, mass, layout, design, materials and detailing. Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Furthermore the NPPF states that good design is a key aspect of sustainable development and new development should be visually attractive as a result of good architecture and appropriate landscaping.

The proposed dwelling would be sited in a similar location to the current dwelling, albeit would extend further to the rear to accommodate additional living space. The dwelling would be timber clad with a more sympathetic roof pitch and finish to match the neighbouring property, and the rural character of the area. Overall, the design would in my view be an improvement upon the existing dwelling, however this does not outweigh the impact that the new dwelling would have upon the openness of the Green Belt.

Aside from the design of the dwelling, the application proposes to extend the residential curtilage associated with the property. As detailed in the previous section, this would lead to further domestication of the land which is likely to have a harmful impact upon the Green Belt. Similarly, this domestication would erode the rural setting surrounding the site through the additional of domestic paraphernalia and manicured lawn and thus in my view would have a detrimental impact upon the visual character of the site within the local setting.

In terms of landscaping, no details have been submitted regarding the landscape elements of the site, nor has the applicant submitted details of proposed boundary treatments. As such, should Members be minded to approve the application, I would recommend that these details are conditioned to ensure that they are appropriate for the rural setting.

Given the above, whilst there are some positives of the proposal from a visual perspective, it is not considered that these outweigh the overall harm to the character of the area in this instance.

Impact on Residential Amenity

Policy DM5 of the DPD states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. The NPPF also seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed building would be located in a similar location to that of the existing dwelling and would be single storey in height. The dwelling would be located approximately 5m from the boundary with Lazonby House and 11m from the side wall of this neighbouring property which I consider to be sufficient to ensure that there is no adverse impact upon the amenities of this neighbouring property.

With regards to the use of the site a residential property, this use has already been established and as such I would not expect the use, or its associated noise and comings/goings, likely to have any further impact from that currently experienced by the neighbouring property.

I am therefore satisfied that the proposal would not have an adverse impact upon the amenities of surrounding land uses, however this does not in my view outweigh the harm to the Green Belt identified earlier in this assessment.

Impact upon Highway Safety

Policy DM5 is explicit in stating that provision should be made for safe and inclusive access to new development whilst Spatial Policy 7 encourages proposals which place an emphasis on non-car modes as a means of access to services and facilities.

The Highway Authority have not been consulted on the application, however I take guidance from their comments on the prior notification application in 2017 which stated,

This application is for the change of use of an agricultural building to a dwelling with associated parking, served by the existing access onto Old Epperstone Road.

This proposal is not expected to impact significantly on the public highway, therefore, there are no highway objections.

As the application proposes to position the replacement dwelling in a similar location to the that current in situ, the existing parking arrangements would not be affected by the development, with sufficient parking available within the site to accommodate the larger dwelling. As such, I am satisfied that the proposal would not have a detrimental impact upon highway safety, however again this does not outweigh the harm identified with regards to the openness of the Green Belt.

Conclusion and Planning balance

The application seeks consent for the replacement of the existing dwelling within the site. It is established that the current dwelling is in a lawful use, having been converted in 2018 under permitted development (Class Q). The proposed dwelling would be sited in a similar location as the existing dwelling, although is proposed to be 50% larger than the existing building. The NPPF places significant weight on the protection of the Green Belt and as such deems most development as being inappropriate within the designated area, with only a few exceptions constituting appropriate development. One of these exceptions is the replacement of a building providing it is within the same use as and not materially larger than the building it would replace.

In the case of the application brought forward, it is accepted that the principle of a replacement dwelling is acceptable owing to the use of the existing building, however the proposed building is considered to be materially larger than the one it would replace given the proposed 50% increase in size. The increase in scale is considered to result in harm to the openness of the Green Belt and as such the proposal would not comply with the aims of Section 13 of the NPPF and would not fit within the exceptions listed under paragraph 145 of the NPPF; no exceptional circumstances have been put forward to justify this identified to the Green Belt

Further to the above, the proposed increase in domestic curtilage is considered to conflict with the aims of the NPPF in that the change of use from agricultural land would alter the visual appearance of the site, with associated domestic paraphernalia likely to impact upon the rural character of the area and the openness of the Green Belt.

Whilst there is no detrimental impact considered likely with regards to highway safety and neighbour amenity, with the design of the dwelling also considered to offer some visual improvement to the site, these merits of the scheme do not outweigh the harm to the Green Belt.

It is therefore concluded that the proposal would result in harm to the Nottingham-Derby Green Belt, contrary to the NPPF and Spatial Policy 4B of the Amended Core Strategy, and as such is recommended for refusal.

Recommendation

That full planning permission is refused for the following reason:

Reason for Refusal

01

The proposed replacement dwelling would result in a materially larger building than the one it would replace and would adversely affect the openness of the Green Belt. The proposed increase in the size of associated residential curtilage would also result in a change of use that would, by association of domestic paraphernalia, harm the openness of the Green Belt. The proposal would therefore constitute inappropriate development within the Green Belt and there are no very special circumstances to outweigh this harm. As such, the proposed development would be contrary to Spatial Policy 4B (Green Belt Development) of the Newark and Sherwood Amended Core Strategy (2019) and the National Planning Policy Framework (2019), a material planning consideration.

Notes to Applicant

01

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant to make some revisions to the proposal. Whilst not all problems arising can be overcome, several potential reasons for refusal have been negated.

02

You are advised that as of 1st December 2011, the Newark and Sherwood Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date.

Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website www.newark-sherwooddc.gov.uk/cil/

BACKGROUND PAPERS

Application case file.

For further information, please contact Nicolla Ellis on Ext 5833.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb

Director Growth & Regeneration

Committee Plan - 19/00492/FUL

