

Target Decision Date: 27/11/2023

Expiry Date: 11/12/2023

OFFICER'S REPORT AND RECOMMENDATION

CASE OFFICER: Sarah Scott

CASE REFERENCE: DC/23/04294

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: Full Planning Application - Erection of 1no. dwelling (following demolition of 3 no. existing barns)

LOCATION: Barns At Frogg Hall Farm, The Street, Aldham, Ipswich, Suffolk, IP7 6NH

PARISH: Aldham.

WARD: South East Cosford.

APPLICANT: Mr Harry Brown

ENVIRONMENTAL IMPACT ASSESSMENT:

SITE NOTICE DATE: 18/10/2023

PRESS DATE: 24/10/2023

BACKGROUND DOCUMENTS

This decision refers to drawing number OS Map at 1:2500 received 19/09/2023 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:

Application Form - Received 13/09/2023

Defined Red Line Plan OS Map at 1:2500 - Received 19/09/2023

Topographic Survey 23/91/01 - Received 13/09/2023

Block Plan - Proposed 23/91/02 - Colour - Received 13/09/2023

Block Plan - Proposed 23/91/02 - B_W - Received 13/09/2023

Site Plan 23/91/03 - Received 13/09/2023

Proposed Plans and Elevations 23/91/04 - Colour - Received 13/09/2023

Floor Plan - Existing 23/91/05 - Received 13/09/2023

Elevations - Existing 23/91/06 - Received 13/09/2023

Elevations - Existing 23/91/07 - Received 13/09/2023

Roof Plan - Existing 23/91/07 - Received 13/09/2023

Sectional Drawing Existing and Proposed 23/91/08 - Received 13/09/2023

Materials Schedule - Received 13/09/2023

Land Contamination Assessment - Received 13/09/2023

Design and Access Statement - Received 13/09/2023
Photograph - Received 13/09/2023
Ecological Survey/Report - Received 16/10/2023
Land Contamination Questionnaire - Received 13/09/2023

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

Aldham Parish Council - Comments Received - 02/11/2023

No objections.

SCC - Highways - Comments Received - 31/10/2023

Support subject to conditions.

SCC - Fire & Rescue - Comments Received - 18/10/2023

Comments received.

BMSDC - Environmental Health - Land Contamination - Comments Received - 03/11/2023

No objections.

BMSDC - Ecology - Place Services - Comments Received - 03/11/2023

No objections subject to conditions.

BMSDC - Environmental Health - Noise/Odour/Light/Smoke - Comments Received - 22/10/2023

Support subject to conditions.

THIRD PARTY REPRESENTATIONS

None received.

PLANNING POLICIES

NPPF - National Planning Policy Framework

SP03 - The sustainable location of new development

LP15 - Environmental Protection and Conservation

LP16 - Biodiversity & Geodiversity

LP17 - Landscape

LP24 - Design and Residential Amenity

LP04 - Replacement Dwellings and Conversions

LP21 - Agricultural Land to Residential Garden Land

+ Policies of the Aldham Neighbourhood Plan

PLANNING HISTORY

REF: DC/22/03636	Application to determine if Prior Approval is required for a proposed Change of Use of Agricultural Buildings to Dwellinghouses (C3) and for building operations reasonably necessary for conversion. Town and Country Planning (General Permitted Development)(England) Order 2015 as amended Schedule 2, Part 3, Class Q - Conversion of agricultural building into 1No. Dwelling.	DECISION: AFDR
REF: DC/22/02160	Application to determine if Prior Approval is required for a proposed Change of Use of Agricultural Buildings to Dwellinghouses (C3) and for building operations reasonably necessary for conversion. Town and Country Planning (General Permitted Development)(England) Order 2015 as amended Schedule 2, Part 3, Class Q - Conversion of Barn into 1.No dwelling.	DECISION: RFDR
REF: DC/21/06571	Application to determine if Prior Approval is required for a proposed Change of Use of Agricultural Buildings to Dwellinghouses (C3) and for building operations reasonably necessary for conversion. Town and Country Planning (General Permitted Development)(England) Order 2015 as amended Schedule 2, Part 3, Class Q - Conversion to form 1No dwelling.	DECISION: RFDR
REF: B/15/00531	Notification under Part 3 of the Town & Country Planning General Permitted Development Order 2015 - Prior Approval Under Class Q(a) Change of Use from Agricultural Building to Dwellinghouse (C3) and Prior Approval Under Class Q(b) Building Operations necessary to Convert Buildings to 3 Dwellings	DECISION: GRA
REF: B/14/01224	Notification under Part 3 of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 - Prior Approval Under Class MB(a) Change of use from Agricultural Building to Dwellinghouse (C3). Prior Approval under Class MB(b) building operations reasonably necessary to convert the building.	DECISION: REF
REF: B/08/01219	Change of use from agriculture to a mixed use of agriculture and the sale of agricultural	DECISION: GRA

equipment and produce (as amended by drawings received 13th October 2008).

REF: B//00/01081	Notification under Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 - erection of a steel framed agricultural building	DECISION: GRA
REF: B//96/01464	Erection of a two storey extension (existing single storey additions to be demolished)	DECISION: GRA

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

The site is comprised of former agricultural buildings previously used in connection with Frogg Hall Farm. The site is not within a conservation area or special landscape area. There are no listed buildings on or near to the site. There are no protected trees on site. The site is not vulnerable to fluvial or pluvial flood risk. There are a few dwellings located to the south with open countryside in all other directions.

Proposal

Erection of 1no. dwelling (following demolition of 3 no. existing barns).

Principle of development

The National Planning Policy Framework (NPPF) provides that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise".

The Council has published and consulted on a Housing Land Supply Position Statement. This identified a housing land supply position of 7.13 years. Since this report was published the consultation period has closed and comments received during this consultation period have been considered. The Council's final position statement on this was published in December 2022, which confirmed the Council has a 7.13 year supply.

This is a material planning consideration. The amount of weight to be attributed to this consideration needs to be made on a case-by-case basis. In being able to demonstrate a sufficient land supply, the council's development plan policies would be considered to be up-to-date. However, the relevant policies to the principle of development in the local plan at this site have also been considered against the requirements of the National Planning Policy Framework (NPPF).

The Babergh and Mid Suffolk Joint Local Plan Part 1 Development Plan Document 2018-2037 was adopted by Mid Suffolk District Council on 20th November and Babergh District Council on 21st November. Accordingly, the JLP and its policies are now part of the development plan and are relevant to the determination of this application.

Relevant policies of the Joint Local Plan include SP03 relates to the sustainable location for development, LP04 relates to replacement dwellings and conversions, LP17 relates to Landscape, LP21 relates to agricultural land to residential garden land and LP24 requires all new development to be of a high standard, protecting the character and amenity of the existing area.

The principle of the development is considered acceptable in accordance with the policies of the development plan. Planning considerations and other material considerations are detailed where relevant below.

This plot has an extant permission based on the Prior Approval application DC/22/03636, which was granted for the conversion of one of the barns to a four-bed dwelling. This extant permission is given significant weight in this regard.

The Joint Local Plan policy SP03 states that new housing development will come forward through extant planning permissions, allocations in made Neighbourhood Plans, windfall development in accordance with the relevant policies of the Plan or Neighbourhood Plans and any allocations which are made in the forthcoming Part 2 Plan.

The proposal although contrary to policy SP03, due to its location within the countryside, has an extant permission for the conversion of an agricultural barn to a dwelling. The original application (DC/22/03636) was allowed and is considered to be a material consideration.

Policy LP04 states that replacement dwellings must:

- a) Be of an appropriate scale and setting for the area, and use materials to achieve a high standard of design in response to the context, and the character and appearance of the surroundings;
- b) Consider the amenity for both existing and for future occupiers;
- c) Have safe and suitable access and parking;
- d) Reuse redundant or disused buildings where possible; and
- e) In sensitive areas not be more visually intrusive than the original building.

It is considered that the proposed dwelling is a visual betterment to that of the prior approval conversion of a redundant agricultural building and positioned more central to the site, away from the neighbouring property.

Policy LP17 requires development to be sensitive to the landscape and visual amenity impacts on the natural environment and built character.

The proposal shows there to be significant landscaping proposed on the site, however a condition will be imposed for completeness.

The principle of demolishing this outbuilding, and erecting a single dwelling is not opposed but a condition would likely be imposed to require total demolition of all barns prior to commencement of development.

Design and Layout

The proposal seeks to demolish the barn that is subject to conversion under Class Q Prior approval and replace it with a barn style dwelling.

The location of the proposed dwelling will be further away from the neighbouring boundary and constructed to look like a barn.

The proposed barn will measure 15.8m x 10m and 7.2m to the ridge. There will be four bedrooms, all with en-suite bathrooms at first floor, and living room, office, cloakroom, utility room, kitchen/family room and dining room at ground floor.

The walls will be finished in larch horizontal boarding with vertical profile 6 cladding above, under the same vertical profile 6 cladding on the roof and considered acceptable in this regard.

Highway Safety (Parking, Access, Layout)

There are no impacts on highway safety significant to warrant refusal.

Residential Amenity

Policies within the adopted development plan require, inter alia, that development does not materially or detrimentally affect the amenities of the occupiers of neighbouring properties.

The development would pose no detriment to the character and appearance of the area because the proposed dwelling is a vast improvement on the existing farm buildings and there would be no significant harm to the amenity of any neighbouring occupants on account of outlook or privacy, due to the position within the site and the lack of first floor windows to the south elevation.

Demolition

The demolition of the building which is subject of the Class Q fallback position is noted as part of this application, in order to avoid the overdevelopment of the site, a condition is utilised to ensure this building is demolished prior to the development of the dwelling proposed within this application. Doing so would remove the ability for the Class Q fallback position to be implemented such that the total number of dwellings on this site would remain at one.

Flooding risks on the site

The site is not within an area vulnerable to any types of flooding and therefore this is not a matter requiring further consideration.

Contamination risks on the site

The applicant has provided up to date land contamination assessment information with the current application, confirming there would be little risk of contamination on site. Therefore, there are no significant contamination risks that would detrimentally affect the end residential use.

The applicant is however advised to contact the LPA should any unexpected ground conditions be discovered on site.

The applicant is also reminded that responsibility of safe development of the site lies with them.

Ecology and Biodiversity

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

The wording of current adopted development plan policy LP16 also requires 10% biodiversity net gains as a result of all such development proposals. Such gains will therefore be required to be demonstrated as part of any successful application made.

LPA Ecologists have reviewed the information provided and have raised no objection subject to conditions, which are considered to secure appropriate Biodiversity conservation and net gains, in line with plan policy LP16.

The application site falls within the 13km Zone of Influence (ZOI) for the Stour and Orwell Estuaries SPA and Ramsar site. This carries a developer contribution and the details of how to pay can be found here: [Habitats Sites Mitigation - Babergh District Council - Babergh & Mid Suffolk District Councils - Working Together](#). It is considered that the applicant has addressed the developer contribution requirements, in this regard, prior to the issue of permission.

CONCLUSION

In assessing the development on its merits and having regard to relevant national and local planning policy, the proposed development is not considered to result in any significant adverse impact on neighbouring amenity, heritage assets, highway safety or the environment. It accords with development plan policies and national planning guidance and there is no significant conflict with the NPPF.

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: Sarah Scott	Date: 11/12/2023
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