

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee

5 April 2017

**AUTHOR/S:** Joint Director, Planning and Economic Development

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**Application Number:** S/3236/16/FL

**Parish(es):** Coton

**Proposal:** Single storey dwelling house

**Site address:** Sadler Barn, Land North of Whitwell Way, Coton, CB23 7PW

**Applicant(s):** Mr and Mrs Sadler

**Recommendation:** Refusal

**Key material considerations:** The prior approval procedure  
Principle of development in the Green Belt  
Five year supply of housing land  
Impact on countryside character  
Need for “very special circumstances”

**Committee Site Visit:** Yes

**Departure Application:** Yes (advertised 13 December 2016)

**Presenting Officer:** Rebecca Ward, Senior Planning Officer

**Application brought to Committee because:** The application was referred to planning committee by the Local Member

**Date by which decision due:** 7 April 2017 (extension of time agreed)

### **Executive Summary**

1. A prior approval application was previously granted on the site for the change of use of an existing agricultural barn to a dwelling. The building was subsequently demolished and works have started to construct a new, similar dwelling on the site. By virtue of the original building's demolition, a breach of the prior approval consent has taken place and as such the applicants were requested either to submit a full planning application for the erection of the new building or to remove the building that had been commenced.
2. The site lies outside the village framework and in the Cambridge Green Belt. The proposed development is considered to represent inappropriate development in the Green Belt and is in principle deemed to be harmful.
3. Circumstances have been put forward by the applicant, which are claimed to be very

special such that the application can be approved.

4. In summary, these include; the five year housing land supply deficit, relevance of the consent granted under the prior approval procedure; and other personal circumstances. As the report explains, the weight that can be attributed to these circumstances is not considered to be significant enough to clearly outweigh the identified harm.
5. Officers are therefore; of the view the development should be refused.

### **Planning History**

6. S/2310/15/PB – Prior approval for change of use of an agricultural building to dwelling – Refused (December 2015)

S/0304/16/PA – Prior approval for change of use of an agricultural building to a dwelling with operational development – Approved with conditions (March 2016)

S/0823/16/DC – Discharge of condition 3 (surface drainage) and condition 4 (tree protection) – Part refused (May 2016)

S/1471/16/DC – Discharge of condition 4 (Tree Protection) of application S/304/16/PA – Approved (June 2016)

### **National Guidance**

7. National Planning Policy Framework 2012 (NPPF)  
Planning Practice Guidance (PPG)

### **Development Plan Policies**

8. The extent to which any of the following policies are out of date and the weight to be attached to them is addressed later in the report.

### **South Cambridgeshire LDF Core Strategy DPD, 2007**

ST/1 Green Belt  
ST/2 Housing Provision

### **South Cambridgeshire LDF Development Control Policies DPD, 2007:**

DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/4 Infrastructure and New Developments  
DP/7 Development Frameworks  
HG/1 Housing Density  
GB/1 Green Belt  
GB/2 Mitigating the Impact of Development in the Green Belt  
NE/4 Landscape Character Areas  
NE/6 Biodiversity  
NE/9 Water and Drainage Infrastructure  
NE/15 Noise Pollution  
NE/17 Protecting High Quality Agricultural Land  
TR/2 Car and Cycle Parking Standards

9. **South Cambridgeshire LDF Supplementary Planning Documents (SPD):**

Trees & Development Sites SPD - Adopted January 2009  
Landscape in New Developments SPD - Adopted March 2010  
Biodiversity SPD - Adopted July 2009  
District Design Guide SPD - Adopted March 2010

10. **South Cambridgeshire Local Plan Submission - March 2014**

S/1 Vision  
S/2 Objectives of the Local Plan  
S/3 Presumption in Favour of Sustainable Development  
S/4 Green Belt  
S/5 Provision of New Jobs and Homes  
S/6 The Development Strategy to 2031  
S/7 Development Frameworks  
HQ/1 Design Principles  
NH/2 Protecting and Enhancing Landscape Character  
NH/3 Protecting Agricultural Land  
NH/4 Biodiversity  
NH/8 Mitigating the impact of development adjoining the green belt  
NH/9 Redevelopment of previously developed sites and infilling in the green belt  
SC/11 Noise Pollution  
TI/2 Planning for Sustainable Travel  
TI/3 Parking Provision  
TI/8 Infrastructure and New Developments

**Consultations**

11. **Coton Parish Council** – No comments received
12. **Madingley Parish Council** – No comments received
13. **Cambridgeshire County Council Local Highway Authority (LHA)** (taken from the response to the prior approval application) - The following conditions should be applied:
- Falls and levels are such there is no water run-off into the public highway
  - Access constructed of a bound material and an informative to ensure there is no debris on the road
14. **Councils Tree Officer** – No objections subject to tree protection conditions.

**Representations**

15. **Cllr Burkitt (Local Member)** – In summary the following material planning considerations were raised:
- The family successfully got SCDC consent for the change of use of a small barn
  - The new build will be exactly the same as the change of use, minus the four rusty internal beams (height, materials, doors windows etc)
  - The special circumstances are therefore that the new build is not materially different from that what has already been granted consent.
16. Eight letters of support were submitted to the Local Planning Authority. The following material planning considerations were raised:
- The proposed conversion would enhance the character of the area
  - Removed an eyesore

- Permission has already been granted for its conversion
  - No material change to its size and height from that approved before
  - More dwellings needed in the area
17. Two letters of objection have been received raising the following material planning considerations:
- Does not meet the development plans agreed in the document for Joint Vision for Cambridge Quarter-to-six Quadrant
  - Site is not within the development framework
  - Site is within the Green Belt and would not normally be granted permission
  - Prior notification was granted for a conversion only
  - Breach of planning permission taken place
  - Continue to set a precedent
  - Footprint and height is larger than the previous building
  - Impact on residential amenity
  - Not in character with the area
  - Significant increase in traffic movements

### **Site and Surroundings**

18. The application site is located outside of the Coton Village Development Framework and within the Cambridge Green Belt. The site previously comprised an agricultural barn. Adjacent to the site is a large Ash tree. To the south of the site, on the opposite side of the road, is a line of residential dwellings that are within the village framework.

### **Proposal**

19. The application seeks planning permission for the erection of a single storey dwelling.

### **Planning Assessment**

20. The key issues to consider in the determination of this application are the implications of the prior approval procedure, whether the proposal is appropriate development in the Green Belt, housing land supply, impact on the countryside character, highway safety, impact to trees and whether very special circumstances exist to clearly outweigh the harm to the Green Belt.

### **The Prior Approval Procedure**

21. The prior approval procedure is effectively a mechanism that confirms that certain types of development are “permitted” and therefore do not require planning permission. In cases where an agricultural building is being converted to create a dwelling house (known as Class Q rights), the local planning authority can only take into account certain considerations. These include transport and highway impacts, noise impacts, contamination and flooding risks. These aspects were previously considered to be acceptable to allow the application to be approved (subject to conditions) and are also considered below as part of this latest application.
22. Fundamentally, the location of the (previous) building in the Green Belt was not a consideration that could be taken into account in the determination of the previous application for prior approval under Class Q.

## **Principle of Development**

### *Inappropriate Development*

23. The application site lies within the Green Belt. The National Planning Policy Framework states that the construction of new buildings should be regarded as inappropriate in the Green Belt, with exceptions to this set out in paragraph 89 of the Framework. The erection of open market housing, as proposed does not fall within the list of exceptions.
24. The applicants have drawn attention to the third criterion in paragraph 89 which provides for 'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building'. Attention has also been drawn to the fourth criterion for 'the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces'.
25. The proposal is for a new dwelling and thus is not the extension or alteration of an existing building. Furthermore, the previous building on the site was an agricultural barn and therefore a residential dwelling, as proposed, would not be in the same use.
26. It is thus concluded that the proposed development would represent the construction of a new building in the Green Belt that would be inappropriate development. Paragraph 87 of 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 proposal also conflicts with policy GB/1 of the South Cambridgeshire District Council Development control Policies Development Plan Document (DPD) 2007. Paragraph 88 of the NPPF further states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt

### *Impact on openness of the green belt and character of the area*

27. Paragraph 79 of the NPPF advises that the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open. It also advises that the essential characteristic of Green Belt is their openness and their permanence. Core Strategy Policy ST/1 also advises that in defining the Green Belt and the policies which should be applied to it, regard will be given to the special character of Cambridge and its setting. This includes the distribution, physical separation, setting, scale and character of Green Belt villages and a landscape which retains a strong rural character.
28. The site was occupied by an agricultural building which was associated with the adjacent farmland. The replacement building is marginally larger in its footprint (8 square metres) and there has been a 300mm increase in its height. Notwithstanding these alterations, the scale/mass of the building is not considered to be materially dissimilar to the barn that was previously on the site. However, the introduction of boundary treatment, garden area and domestic paraphernalia linked to a residential use would have some affect on openness.
29. The proposal would urbanise the site. The effects would be readily visible in public view from Whitwell Way, whereby the dwelling would be primarily seen in relation to the open fields that surround the site. This northern side of Whitwell Way is otherwise open with a strong rural character.

30. For these reasons a degree of harm, will be caused to the openness and the rural character of the area. The proposed development would therefore conflict with paragraph 79 of the NPPF and would be harmful to the character and appearance of the countryside, contrary to policy DP/3 of the Local Development Framework

### **Other Considerations**

#### *Highway safety and parking*

31. The Highway Authority has raised no objections to the scheme. Standard conditions in relation to the management of traffic and materials during the construction phase of the development, the level of the access being constructed to prevent displacement of surface water onto the highway can be imposed.
32. Residents have raised concerns in regards to the increase of traffic movement along the road. Whitwell Way serves a number of residential properties; the addition of a single unit is not considered to put significant pressure on the surrounding road network and as such would not constitute a reason to reject the application.
33. There would be sufficient space to locate 2 car parking spaces on each plot, meeting the requirements of the LDF standards of 1.5 spaces per dwelling across developments with additional room for visitor parking.

#### *Residential amenity*

34. The dwelling is situated roughly 20m from the front elevations of the dwellings on the opposite site of Whitecroft Road and sits at 4m high. The windows on the closest side elevation are at ground floor level looking out onto the boundary hedgerow as such there will be no significant overlooking, overshadowing or overbearing impacts to the amenity of nearby residents in accordance with policy DP/3 of the Local Development Framework.

#### *Trees*

35. A large Ash Tree sits adjacent to the site. Local residents have raised concerns in regards to the potential harm a residential conversion and associated works could have to the growth and life of the tree.
- 36.. The Councils Tree Officer has visited the site to assess its significance. Whilst the tree is not considered suitable for a Tree Preservation Order (TPO) status, it does provide some visual interest to this edge of village setting. To ensure the tree is retained and preserved as part of the development, a Tree Protection Plan and strategy was submitted to the Council and has been agreed by the Councils Tree Officer. A compliance condition will be required on any consent.

#### *Contaminated Land*

37. There are no objections to submitted contamination reports but a compliance condition is required to be included should the application be approved.

### **Case for Very Special Circumstances**

38. Officers have found the proposal would be harmful in principle to the Green Belt. In addition, there would be an additional degree of harm to the openness and character

and appearance of the countryside through the small increase in scale and mass of the building and associated residential paraphernalia. It is therefore necessary to consider the grounds put forward by the applicant in order to determine whether, in accordance with paragraph 88 of the NPPF, there are any material considerations which would amount to very special circumstances that would “clearly outweigh” this harm.

#### *Five-year housing land supply*

39. The Council has a 3.7 year supply of housing land and the proposal would make a limited contribution to addressing the shortfall. National Planning Policy Guidance note (paragraph 34) states that ‘un-met housing need is unlikely to outweigh the harm to the Green Belt and other harm to constitute the “very special circumstances” justifying inappropriate development on a site within the Green Belt’. As the proposal would only result in the supply of one additional dwelling the weight that can be attached to this circumstance is limited.

#### *Conversion permitted under ‘Prior Approval’*

40. The applicant has made the case that the principle of a house on the site has been accepted through raising no objections to the scheme under the prior approval process for the conversion of the barn for residential use.
41. The tests for a prior approval application in regards to the desirability are less strenuous than the tests to be applied to a full planning application. This has been confirmed within the National Planning Policy Guidance (paragraph 109) whereby it states that the local planning authority should not apply tests of the National Planning Policy Framework except where these are relevant to the subject matter in the prior approval. Green Belt and impact on the countryside impact are not subject matters that can be considered.
42. As a result, it is considered that the previous prior approval consent of the barn should not be given weight in the determination of this application for a new build dwelling. To do so, would mean that the prior approval procedure could always be used as a short-cut to gaining planning permission for new buildings in the countryside, where otherwise it might not be acceptable. That is clearly not the intention behind the prior approval procedure. This argument would therefore not constitute a very special circumstance.

#### *Personal Circumstances*

43. The personal circumstances that have been put forward in the application including the applicants being long standing members of the community, providing a home to a local family and it being accidental that the building was demolished instead of converted are not material planning considerations that can be given any weight to in the determination of a planning application.
44. Reference has been made to agricultural ties with the local farmyard; however, no evidence has been submitted to demonstrate the development is necessary to the functioning of the agricultural unit in accordance with paragraph 55 of the NPPF. Therefore no weight can be applied to this justification.
45. Overall, the circumstances put forward do not individually or collectively demonstrate that there are very special circumstances that clearly outweigh the in principle harm or other identified harm to the Green Belt.

## **Conclusion**

46. The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition there would be impacts on openness, the Green Belt purpose of safeguarding the countryside from encroachment and character and appearance.
47. The NPPF confirms that “substantial weight” should be given to the harm to the Green Belt. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
48. Some weight can be given to the contribution that the proposal would make to rural housing and the viability of local services. However, officers consider that no weight can be attached to the prior approval that was previously agreed on the site or the personal circumstances of the applicant.
49. The substantial weight to Green Belt harm is not clearly outweighed by the other considerations sufficient to demonstrate very special circumstances which conflicts with policy GB/1 of the adopted Development Control Policies DPD (2007).
50. For the reasons given above and taking into account all other matters raised, officers recommend Planning Committee refuse the application.
51. However, in the event the Planning Committee wishes to take a different view and approve the application, members will first need to conclude whether they agree with the conclusion that the proposal amounts to inappropriate development in the Green Belt and provide clear reasons to justify as to why very special circumstances exist that clearly outweigh the identified harm.
52. In the event the application is refused, members will also need to confirm that enforcement action should be taken to remove the partly erected building. Should enforcement action be authorised, it is suggested that the reasons should follow those set out below; that the steps required are the demolition of the building and the removal of all materials from the land; and that the period for compliance is three months from the date of the Enforcement Notice.

## **Recommendation**

53. Officers recommend the Planning Committee refuse the application for the following reasons:
  1. The development is located outside of the village framework of Coton and Maddingley and in the Cambridge Green Belt. The proposal represents inappropriate development by definition contrary to paragraph 89 of the National Planning Policy Framework (NPPF) and GB/1 of the South Cambridgeshire Local Development Framework Development Control Policies 2007.
  2. The site is situated on the edge of the village with a stronger relationship to the countryside than the built up part of the village. The erection of a new dwelling on the site would encroach into its rural context that would inevitably reduce the open, undeveloped quality of the Green Belt. Therefore, the development is found to erode and undermine the fundamental character of this part of the Green Belt: that being its openness and permanence as cited in paragraph 79



of the NPPF, as well as being contrary to policy ST/1 of the South Cambridgeshire Local Development Framework Core Strategy 2007 and DP/3 of South Cambridgeshire Local Development Framework Development Control Policies 2007 which seek to maintain a landscape with a strong rural character and to protect the character of the local area and countryside.

3. The applicant has failed to demonstrate there are very special circumstances whether taken individually or collectively, that clearly outweigh the in-principle and other identified harm to the Green Belt.
4. For the avoidance of doubt the following plans are refused : A003, D001revA, D002revA,

### **Background Papers:**

The following list contains links to the documents on the Council's website and / or an indication as to where hard copies can be inspected.

- South Cambridgeshire Local Development Framework Core Strategy DPD 2007
- South Cambridgeshire Local Development Framework Development Control Policies
- DPD 2007
- South Cambridgeshire Local Development Framework Supplementary Planning Documents (SPD's)
- South Cambridgeshire Local Plan Submission 2014
- Planning File Reference: S/3236/16/FL

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