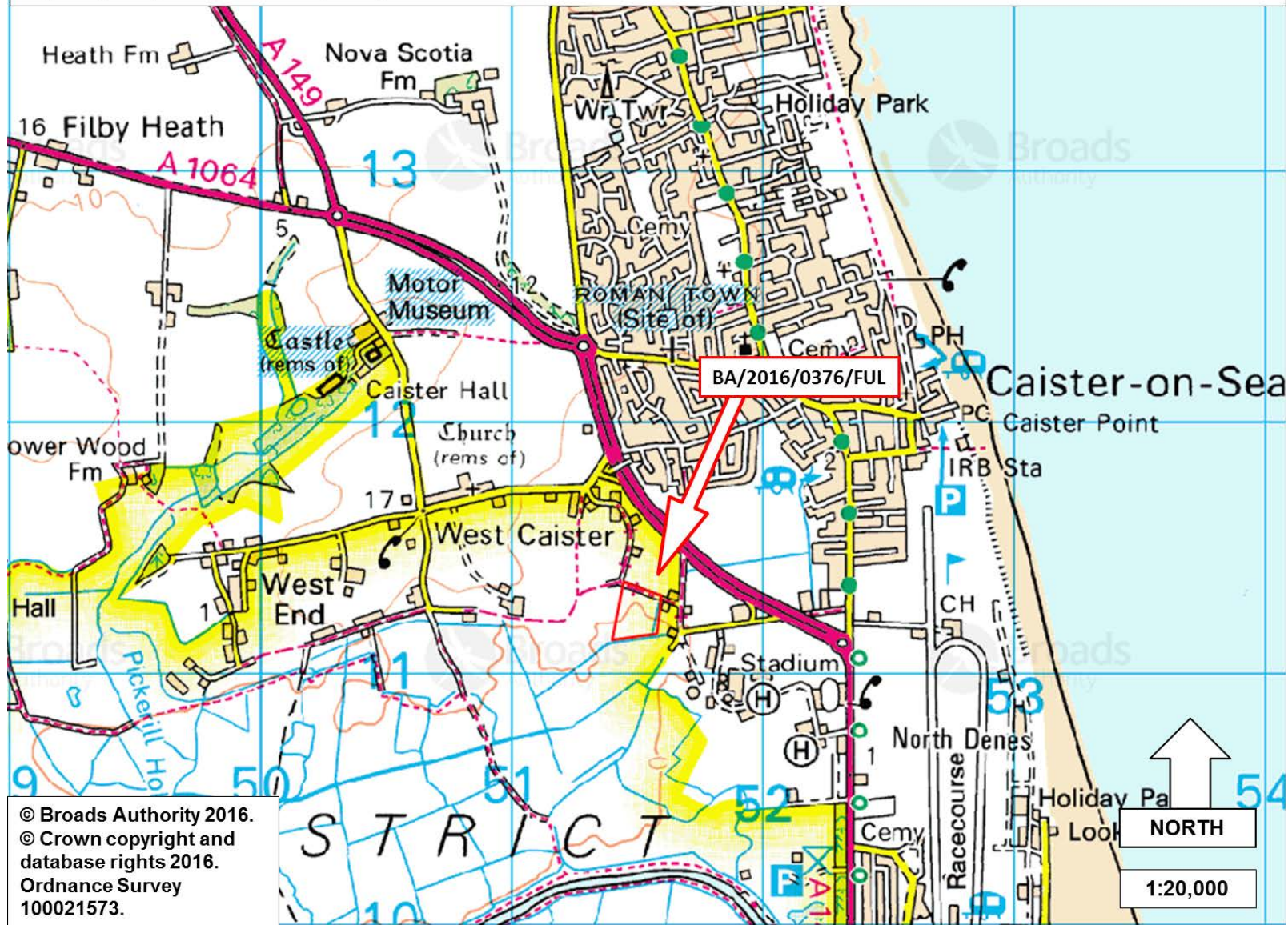


Reference:

BA/2016/0376/FUL

Location

Land at Pump Lane, West Caister



Application for Determination

Parish	West Caister		
Reference	BA/2016/0376/FUL	Target date	19 January 2017
Location	Land at Pump Lane, West Caister		
Proposal	New rural workers dwelling and development supporting current business		
Applicant	Mr Darren Woolsey		
Recommendation	Refuse		
Reason for referral to Committee	Major application		

1 Description of Site and Proposals

- 1.1 The application site is located off Pump Lane in the parish of West Caister, to the west of the A149 Caister bypass and southeast of the settlement of West Caister. Land uses in and around Pump Lane to the southwest of the application site include a large County Council recycling centre and highways depot, coal yard and aggregate sales. Immediately to the south of the Council site is North Denes airfield and Yarmouth Stadium.
- 1.2 The application site is accessed by a private unmade track off Pump Lane and measures 3.4 hectares in area. It is separated from the above-mentioned light industrial uses by agricultural land which extends out to the grazing marshes and Halvergate Marshes Conservation Area to the west. The site is therefore in this fringe between the marshes to the west and more urban environment to the east. West Caister is a small settlement scattered along West Road that lies on higher land approximately 400 metres to the north; there are no shops or services here. Although the private track off Pump Lane extends northwards to West Road, the site is isolated from the settlement by land predominantly used for horsiculture. The site is outside any development boundary and in flood risk zone 3a.
- 1.3 Historically the application site formed part of the grazing marshes. Since the early 2000s development has taken place on site to enlarge a small pond into a large lake and the excavated material has been used to create large planted bunds around the north, west and east of the lake. This area of the site is used recreationally by the applicant and his family, including for fishing in the lake. None of this development has had the benefit of planning permission.

- 1.4 In 2011 a Certificate of Lawful Use was granted for the use of an area of approximately 1500 square metres in the northwest corner of the site for the storage of horticultural machinery and equipment. The applicant stores this machinery and equipment and also seasons and stores wood for fuel on the site in connection with his agricultural/horticultural services and wood business. Several small scale storage buildings and structures have been erected in this area without the benefit of planning permission but are said to be temporary.
- 1.5 At the 4 March 2016 Planning Committee meeting, Members considered an application for a dwelling on the site and four new buildings relating to the wood business (Appendix 2). In accordance with the officer's recommendation, Members resolved to refuse the application and a copy of the decision notice detailing the reasons for the decision is attached at Appendix 3.
- 1.6 This application proposes the erection of a rural workers dwelling on the site and two buildings relating to the business.
- 1.7 The dwelling is as was proposed previously. It would sit at the northwestern corner of the lake between a reprofiled bank edge and the bund around the lake. It would be two storey with storage and office space on the ground floor and living accommodation with two bedrooms above, both storeys would be split across two levels. Various low mono-pitched roofs at different angles would cover the dwelling and these would be predominantly covered in solar PV panels and have a maximum height of approximately 6 metres above ground level. Large areas of glazing would open onto decking projecting over the water and the remaining walls would be concrete at first floor level over large timber doors giving access to the ground floor.
- 1.8 As was proposed previously, a small 'energy hub' building would sit to the immediate west of the dwelling, at the edge of the existing bund, and would have solar thermal panels on the roof. It is proposed that the dwelling would use components of the now defunct Code for Sustainable Homes Level 6, and Passivhaus standards.
- 1.9 Two new buildings are proposed for the wood business. These are identical to two of the four buildings previously proposed and would be concentrated in the existing lawful business area of the site. A 'U' shaped building would sit at the entrance into the site from the north. This would measure approximately 8.2 metres to the ridge of the dual-pitched roof that would run across the width (approximately 22 metres) of the existing business area and have large sliding timber doors on each side giving access through into the site. Two lower bays would sit either side of this opening. South of this, an open sided building measuring approximately 6 metres by 10 metres and 5 metres high would sit perpendicular to and against the western site boundary. These buildings would have larch lap boarding to the walls with visible steel beams and tension wires, steel framed log panels and the roofs would have pantiles or slates on the northern roof slopes and solar PV panels on the southern roof

slopes. These buildings would be used for machinery storage and the processing and storage of wood and the application states that the two other buildings have been removed from the proposal as it more important to establish a residential use on the site to enable the business to thrive and then see if further buildings are required in future for the business.

- 1.10 The differences between this and the previous application are the proposal of the dwelling for a rural worker, previously the sole justification for it was that it could be considered as being a design of exceptional quality or innovation that was compliant with paragraph 55 of the National Planning Policy Framework, and the removal of two proposed buildings for the business.

2 Site History

In October 2011, a Certificate of Lawful Use was granted for the use of a small area in the north-eastern corner of the site for the storage of horticultural machinery/equipment (BA/2011/0259/CLUEDL).

In March 2016 an application for a new home meeting paragraph 55 standards and associated additional buildings to support current and developing wood business was refused (BA/2015/0319/FUL, see decision notice at Appendix 3).

3 Consultation

Broads Society – No response.

District Member – No response.

Highways Authority – The site is accessed off a private track off Pump Lane and in terms of access to the highway there are no issues of concern and I have no objection.

Environment Agency – No objection, subject to recommended condition. The site lies in flood risk zone 3a and the proposal is considered to be a more vulnerable development. The Sequential and Exception Tests need to be passed.

Representations

None received.

4 Policies

- 4.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application.

[NPPF](#)

[Core Strategy Adopted September 2007 pdf](#)

CS1 – Landscape Protection and Enhancement
CS4 – Creation of New Resources
CS8 – Response to Climate Change
CS24 – Residential Development and the Local Community

[DEVELOPMENTPLANDOCUMENT](#)

DP1 – Natural Environment
DP2 – Landscape and Trees
DP3 – Water Quality and Resources
DP4 – Design
DP8 – Renewable Energy
DP11 – Access on Land
DP29 – Development on Sites with a High Probability of Flooding

- 4.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

CS18 – Rural Sustainability
CS20 - Rural Sustainability

DP7 – Energy Generation and Efficiency
DP22 – Residential Development within Defined Development Boundaries
DP26 – Permanent and Temporary Dwellings for Agricultural, Forestry and Other Workers

- 4.3 Other material considerations

Self-build and Custom Housebuilding Act 2015

5 Assessment

- 5.1 In assessing this proposal it is first necessary to consider the principle of what is proposed.

Principle

- 5.2 There are two aspects to this proposal: the buildings to support the business and the dwelling. As there is an established lawful use for the storage of horticultural machinery and equipment on the site, providing buildings to support this is considered acceptable in principle. However it should be noted that if there were not an established use here, it would not be considered an appropriate or sustainable location for a new business. The second aspect is the new dwelling.

Rural workers dwelling

5.3 The National Planning Policy Framework, at paragraph 55, seeks to avoid isolated new dwellings in the countryside, unless there are exceptional circumstances. As the site is not within a development boundary, the proposal for a new dwelling here would only be acceptable in principle if one of the exceptional circumstances identified in paragraph 55 and the corresponding development plan policies is satisfied by the proposal. One such exceptional circumstance is where there is an essential need for a rural worker to live permanently at or near their place of work in the countryside. Policy DP26 is consistent with this and provides a set of criteria against which to assess such proposals. It should be noted that the previous application was not proposed as a rural workers dwelling but an assessment was made against Policy DP26 with the information available and it was not considered to comply. The current application is supported by some information in relation to each of the relevant criteria of Policy DP26 which are:

- (a) *There is a demonstrable existing need for full time worker(s) to be available at all times for the enterprise to function properly;*
- (b) *The need is arising from a worker employed full-time or one employed primarily in the Broads in agriculture, forestry or a rural business;*
- (c) *Evidence is submitted that demonstrates that the business has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so;*
- (d) *The functional need cannot be met by an existing dwelling on the site or in the locality and there has been no sale on the open market of another dwelling on the site that could have met the needs of the worker in the past three years;*
- (e) *The dwelling would be commensurate in size and scale with the needs of the enterprise; and*
- (f) *It would not adversely affect protected species or habitats.*

Criterion (a) – Need

5.4 The applicant's business currently provides grass management and other maintenance services locally and also supplies firewood. Both elements are said to be run from this site, but other land is rented and machinery is also stored there. The applicant says he wishes to expand the firewood business and this is possible on this site as he owns the land, but it would be untenable elsewhere. He intends to make a significant investment in new machinery and fund this through the sale of his current home. The application states that there is increasing agricultural crime in the region and, whilst there is CCTV on site at present, it would be necessary to live on site to provide the security required for the machinery. It is also suggested that, due to the A149 dual carriageway, transport to and from the applicants current home must be by car which is unsustainable. The overall aim of the proposal is said to be to attain a more symbiotic relationship between home and work.

- 5.5 Whilst the desire to live a more sustainable lifestyle is appreciated, criterion (a) requires that there is a demonstrable existing need for a full time worker(s) to live on site for the enterprise to function properly. The enterprise has been operating from this site for some years and the existing need must be considered, rather than that resulting from any proposed investment in additional machinery. The only business reason cited is security and it is not clear why the existing CCTV is inadequate or what other measures have been considered. The application does say that firewood has been stolen in the past and that the fishery has been attacked, which was costly. No evidence of either event has been submitted and the 'fishery' is taken to be the stocked pond on site that the applicant has previously said is for use by him and his family. No significant information has been submitted in addition to that provided with the previous application and it has not been identified how the reduced scale of commercial buildings (two instead of four) affects the operation and needs of the business.
- 5.6 As the proposal is to locate a new dwelling in the open countryside, outside any development boundary and isolated from any settlement, the burden of evidence to justify need is high and this falls on the applicant. Further information and justification has been requested but not submitted. It is not clear how the existing enterprise cannot function properly without a worker living on site and former national advice (in Planning Policy Statement 7, since superseded) was that security alone was insufficient justification to live on site. It is not therefore considered that there is an existing demonstrable need for a worker to live on site for the enterprise to function properly and the proposal cannot satisfy criterion (a).

Criterion (b) – Full-time or primary employment

- 5.7 The application does not specifically address this point, however it is considered possible that the businesses operating from this site could provide the applicant's full-time or permanent employment. It has not however been justified in the supporting information.

Criterion (c) – Financial soundness

- 5.8 It is necessary for it to be demonstrated that the business has been established for at least three years and whilst no specific evidence has been submitted in this respect, the Lawful Development Certificate issued in 2011 and knowledge of the site indicates this is the case. It must also be demonstrated the business has been profitable for at least one of those three years. An undated letter from an accountant has been submitted with this application (and was also submitted with the previous application) which states the business has expanded since 2010 and contracts continue to expand and increase income. No figures or information on profitability have been provided. In respect of future expansion, the application states a fully automated wood processor would cost £30,000 and pay for itself in five years and this would be financed by the sale of his

existing house. It goes on to say that the business can only expand if his residential needs are met on site and that the services offered need to expand to remain viable. It is not clear how the reduction in commercial buildings (two instead of four) from the previous proposal affects the expansion and financial planning of the business nor why it is more important to establish a residential use on the site first. No more detailed figures or dates have been provided and there is insufficient evidence to conclude the business is financially sound with a clear prospect of remaining so. The proposal cannot therefore be assessed to comply with criterion (c).

Criterion (d) – Other dwellings

- 5.9 There is currently no dwelling on site and the application states that, due to the isolated location and dual carriageway, it would not be possible to walk to any dwellings available. It is said that travel by car would be necessary which would encourage unsustainable behaviour or transport that could be avoided through a dwelling on site.
- 5.10 The dual carriageway is the Caister bypass which runs to the east of the site and the settlement of Caister on Sea lies to the east of this. A footbridge over the road connects West Caister with Caister on Sea and the track that runs north of the site connects to Chapel Lane, West Caister. There are dwellings here within 500 metres of the application site and it has not been demonstrated whether any of these, or any other dwellings locally, could have met the needs of the business. It is not therefore considered that criterion (d) has been satisfied.

Criterion (e) – Size and scale

- 5.11 A two bedroom dwelling is proposed and it is considered that the scale of the accommodation offered is commensurate with the scale of the existing business.

Criterion (f) – Protected species and habitats

- 5.12 An Ecological Survey (dated October 2015) was submitted with the previous application and amended to improve the landscaping and ecological proposals. The unamended version has been submitted with this application. With regards criterion (f), this does not identify that any protected species or habitats would be adversely affected, subject to appropriate mitigation measures.
- 5.13 As it has not been demonstrated there is an essential need for a full time worker to live on site for the enterprise to function properly, that the enterprise is financially sound and planned on a sound basis or that there are no other dwellings locally that could meet any need for a worker to live nearby, the principle of the proposal cannot be considered acceptable in accordance with Policy DP26. If the proposed dwelling is not necessary for a rural worker, it must be considered to be an open market dwelling and in

accordance with Policy DP22, such dwellings are not permitted outside development boundaries. The proposal cannot therefore be considered acceptable in principle in accordance with any policies of the adopted development plan.

Paragraph 55

5.14 In such circumstances, a proposal can only be recommended for approval if there are other material considerations which weigh in its favour. The previous application was proposed on the basis that it was in accordance with another one of the exceptional circumstances identified in paragraph 55 of the NPPF which is if a dwelling is of exceptional design quality or innovation. To be considered as such, the design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and,
- be sensitive to the defining characteristics of the local area.

5.15 The design of the dwelling has not changed since the previous proposal and the application states it is considered to constitute a development of exceptional quality and of an innovative nature in accordance with paragraph 55. Whilst some additional explanation has been provided in this respect, it is considered the assessment of the design remains as it was for the previous application (paragraphs 5.7-5.14 of the report attached at Appendix 2). To summarise this, it is considered that the dwelling has a quality in terms of its design and appearance but that this is not truly outstanding or innovative or reflects the highest standards in architecture. Nor would it significantly enhance its setting and it is not sensitive to the defining characteristics of the local area or Broads more widely. It therefore fails to satisfy the requirements of paragraph 55 in this respect and the design does not provide the justification for creating an isolated new dwelling in the countryside.

5.16 Were the proposal considered acceptable in principle (as a rural workers dwelling, or for other reasons), the design may be considered acceptable in accordance with Policy DP4 which requires a high standard of design for all new development in the Broads. However, the design is not considered to be of such exceptional quality that it complies with exceptional design criteria of paragraph 55.

Self-build and custom housebuilding

5.17 The application also cites the Government's 'right to build' initiative and associated *Self-build and Custom Housebuilding Act 2015*. This Act requires all LPAs to maintain a register of persons (or associations of persons) seeking to acquire land to build a home and to have regard to that register when carrying out its planning functions. Furthermore, the *Housing and Planning Act 2016* requires that the LPA 'must give suitable

development permission in respect of enough serviced plots of land to meet the demand for self-build and custom housebuilding in the authority's area arising in each base period' (Section 10 (1) 2A (2)). There are exemptions to this but it should be noted that there are approximately 50 entries on the Broads Authority's register.

- 5.18 The application states the applicants are 'aspiring custom or self-builders eager to build their dream home' and that the application site can be considered a 'serviced plot' as access to the public highway and connections for electricity, water and waste water are existing. It is noted the applicant is not on the Authority's register, however there is no duty to provide plots or give permission only for those specifically on the register, but for sufficient permissions to be granted to meet the need indicated by the register. The provisions of the Acts are material considerations in the determination of this application.
- 5.19 The application identifies that the Authority do not have any development plan policies addressing self-build or custom housebuilding (because adoption of those policies pre-dates the Acts) and cites paragraph 14 of the NPPF which states permission should be granted where the development plan is silent, as in this case. It cites a 2015 appeal decision (prior to either relevant Act receiving Royal Assent) on a development in Essex where the development plan was also silent on this matter and the Inspector gave significant weight to the ability of the proposal to meet local demand for custom/self-build. However the application does not cite the whole of paragraph 14, as it goes on to say that permission should be granted in such circumstances unless:

'any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole,

or if specific policies in this Framework indicate development should be restricted.'

A footnote to the latter point here identifies *'those policies relating to... the Broads Authority'*.

- 5.20 Therefore, whilst it is recognised that the Authority has a duty to meet the demand for self-build and custom build and there are approximately 50 entries on the register and the development plan is currently silent on this matter (a policy is proposed in the preferred options version of the Local Plan), it is not concluded that any of these material considerations outweigh the provisions of the other relevant policies of the development plan or the aim of the NPPF to avoid isolated new dwellings in the countryside and the highest status of protection given to the Broads in relation to landscape and scenic beauty.

Design of the Storage Buildings

- 5.21 In the assessment of the four buildings previously proposed it was noted that they would, separate from the dwelling, be acceptable in principle. They would be sited in the northwest corner, in the least visible part of the site. However due to the scale of the two larger buildings at over 8 metres high and 22 metres across, they would be significant buildings that would be prominent in long views, including from the higher land to the north. Unlike the dwelling, which has a horizontal emphasis relating to the surrounding grazing marsh landscape, these would be tall, bulky buildings. Whilst the replacement of the existing scattered and 'temporary' buildings on site with a rationalised and more appropriately designed set of buildings would be welcomed, it was not considered the design of the four proposed buildings, by virtue of their scale and mass was appropriate to this area and would not integrate effectively or harmoniously with the surrounding Broad landscape, specifically the grazed drainage marsh. Their design was therefore considered contrary to Policy DP4.
- 5.22 This application now proposes only two of those buildings and, as addressed above, it is not apparent how this reduction in scale (approximately 40% less floorspace) of storage and operational space impacts on the business needs or requirement for an on-site dwelling. However, clearly the removal of two buildings from the proposal reduces the visual impact but the largest and most prominently sited building at the entrance into the site would remain. It is still considered that these two buildings are of an inappropriate scale and mass to the area and would not integrate well into the landscape. This aspect of the proposal is therefore considered contrary to Policy DP4. It is also noted that application states there may remain a need for further buildings and to allow these two on the basis of reduced visual impact may either preclude the business from expanding as it needs to in future or set a precedent for allowing additional buildings further exacerbating the adverse visual impact of those proposed.

Ecology

- 5.23 As noted at paragraph 5.13 above, it is not considered any protected species or habitats would be adversely affected however it is considered that more comprehensive proposals for the planting of the site are necessary and that removing the fish from the lake and remodelling this as a wildlife pond would have biodiversity benefits. A more comprehensive scheme of landscaping and ecological enhancements, such as the amended scheme submitted with the previous application would be necessary to consider the proposal acceptable in accordance with Policy DP1.

Flood Risk

- 5.24 The whole site is in tidal flood risk zone 3a. All living accommodation would be on the first floor above the 1 in 1000 year flood level (including climate change) but the ground floor and business storage buildings would be at

risk in the 1 in 200 year (including climate change) event which would flood the site to a depth of 1.59 metres.

- 5.25 As with the previous application, the proposed dwelling would only be acceptable in flood risk terms if the Sequential and Exception Tests are passed. To pass the Sequential Test it must be demonstrated that there are no other reasonably available sites at a lower risk of flooding. As set out at paragraph 5.18 of the previous assessment (Appendix 2) it is considered, on balance, that the Sequential Test in terms of the reasonable availability of other sites can be passed.
- 5.26 To pass the Exception Test, it must be demonstrated that:
- the development provides wider sustainability benefits to the community which outweigh flood risk; and,
 - the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.
- 5.27 Given that this site is outside a development boundary, isolated from the nearest settlement, remote from any significant services and there is not considered to be any demonstrable need or other special justification for the dwelling, it cannot be considered a sustainable location and its development for the proposed uses would be inherently unsustainable. The business may offer some wider economic sustainability benefits, but on balance it is not considered any sustainability benefits to the community would be significant enough to outweigh flood risk. As the Exception Test is a two-part test and both parts must be satisfied for it to be passed, the proposal's failure to meet the first part means it does not pass this Test. It is, however, considered the residual risk could be satisfactorily managed by appropriate conditions if the Exception Test could be passed. As it cannot, the proposal is contrary to paragraph 102 of the Framework and Policies CS20 and DP29.

Amenity

- 5.28 Given the nature of the neighbouring light industrial uses, it is not considered the amenity of the occupiers of these sites would be affected by the proposal. There are, however, dwellings to the north who may be affected by vehicles using the private track and the operation of machinery on the site. Were the proposal to be approved, it would be necessary to manage the working times of the business and an access and egress route by condition to ensure the proposal were acceptable in accordance with Policy DP28.

Energy Generation and Efficiency

- 5.29 The application proposes a large volume of roof mounted solar panels (reduced from the previous application due to the proposal for two, rather than four commercial buildings with solar panels on their roofs), a ground source heat pump, wood burners and the dwelling has been designed to optimise natural light to the accommodation and allow for natural cross

ventilation. It is said to have *'truly outstanding environmental credentials through the use of an environmental energy hub which collects and redistributes power and energy to the whole site'*. Whilst the application states components of the defunct Code for Sustainable Homes Level 6 and Passivhaus principles would be used, it has not been demonstrated in any detail how this would be achieved or whether any of the technologies or sustainable design strategies are 'innovative' with regard to paragraph 55. The inclusion of energy efficiency measures and renewable energy are welcomed in accordance with Policies DP7 and DP8 but it is not considered they provide any additional justification for the dwelling in an otherwise unacceptable location.

Other Issues

- 5.30 The site is accessed by a private track off Pump Lane and the Highway Authority have no objection to the proposal.
- 5.31 Whilst some aspects of the proposal may accord with the relevant policies, there are not considered to be any material considerations which outweigh the conflict with Policies CS24, DP4, DP22, DP26 and DP29.

6 Conclusion

- 6.1 The National Planning Policy Framework, which should be read as a whole, seeks to avoid isolated new dwellings in the countryside unless there are special circumstances. Such policies of rural restraint are necessary to ensure development is sustainably located and the countryside (especially the Broads, which is a nationally protected landscape) is protected from inappropriate development.
- 6.2 This application proposes a new dwelling and new buildings to support an existing business operating from the site. It has not been satisfactorily demonstrated that there is an essential need for a worker to live on site and the proposal cannot be considered acceptable in principle in accordance with Policy DP26 and a new open market dwelling in this location is unacceptable in accordance with Policy DP22.
- 6.3 Whilst the main emphasis of the proposal is that the dwelling is required for a rural worker, it is also claimed that it is of exceptional quality and innovative nature and its isolated location in the open countryside is justified by this design quality in accordance with one of the exceptions to paragraph 55 of the NPPF. All development in the Broads must be of high quality and both respect and reflect local distinctiveness and landscape character. However, to provide special justification for an isolated new dwelling in the countryside, the design must be: truly outstanding or innovative; reflect the highest standards of architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
- 6.4 It is considered that the proposed dwelling has a quality in terms of its design and appearance but that this is not truly outstanding or innovative or reflects

the highest standards in architecture. Nor would it significantly enhance its setting and it is not sensitive to the defining characteristics of the local area or Broads more widely. Had the principle of a dwelling here been acceptable for other reasons, the design may be considered acceptable in accordance with Policy DP4, but the design is not considered to be of such exceptional quality that it justifies approving a dwelling in an otherwise unacceptable location in accordance with paragraph 55.

6.5 Whilst it is recognised that there is a demand for self-building in the Broads, this material consideration is not considered to attract such significant weight that it would outweigh the development plan presumptions against the provision of a dwelling in this location and the provisions of the NPPF.

6.6 Furthermore, the proposed buildings for the wood business are not considered to be acceptable in design terms and as the proposal would not offer sustainability benefits to the community which would outweigh the high flood risk to the site, the proposal cannot pass the Exception Test and is contrary to policies on flood risk.

7 Recommendation

7.1 Refuse.

8 Reasons for Recommendation

- (i) The application proposes a dwelling and storage buildings for a wood business. The application site is outside a development boundary and there are not considered to be exceptional circumstances to justify the siting of a dwelling in this isolated, unsustainable location. The proposal is therefore contrary to Policy CS24 of the adopted Core Strategy (2007), Policy DP22 of the adopted Development Management Policies (2011) and paragraph 55 of the National Planning Policy Framework (2012)
- (ii) There is said to be a security need for a worker from the wood business to live on site, however it has not been satisfactorily demonstrated that there is an existing need for a full time worker to be available at all times for the enterprise to function properly and the proposal is contrary to criterion (a) of Policy DP26 of the adopted Development Management Policies DPD (2011) and paragraph 55 of the National Planning Policy Framework (2012).
- (iii) Insufficient information has been submitted to satisfactorily demonstrate whether or not the existing business operating from the site has been profitable for at least one of the last three years, is currently financially sound and has a clear prospect of remaining so. It would therefore be inappropriate to allow an on-site dwelling for a worker and the proposal is contrary to criterion (c) of Policy DP26 of the adopted Development Management Policies DPD (2011) and paragraph 55 of the National Planning Policy Framework (2012).

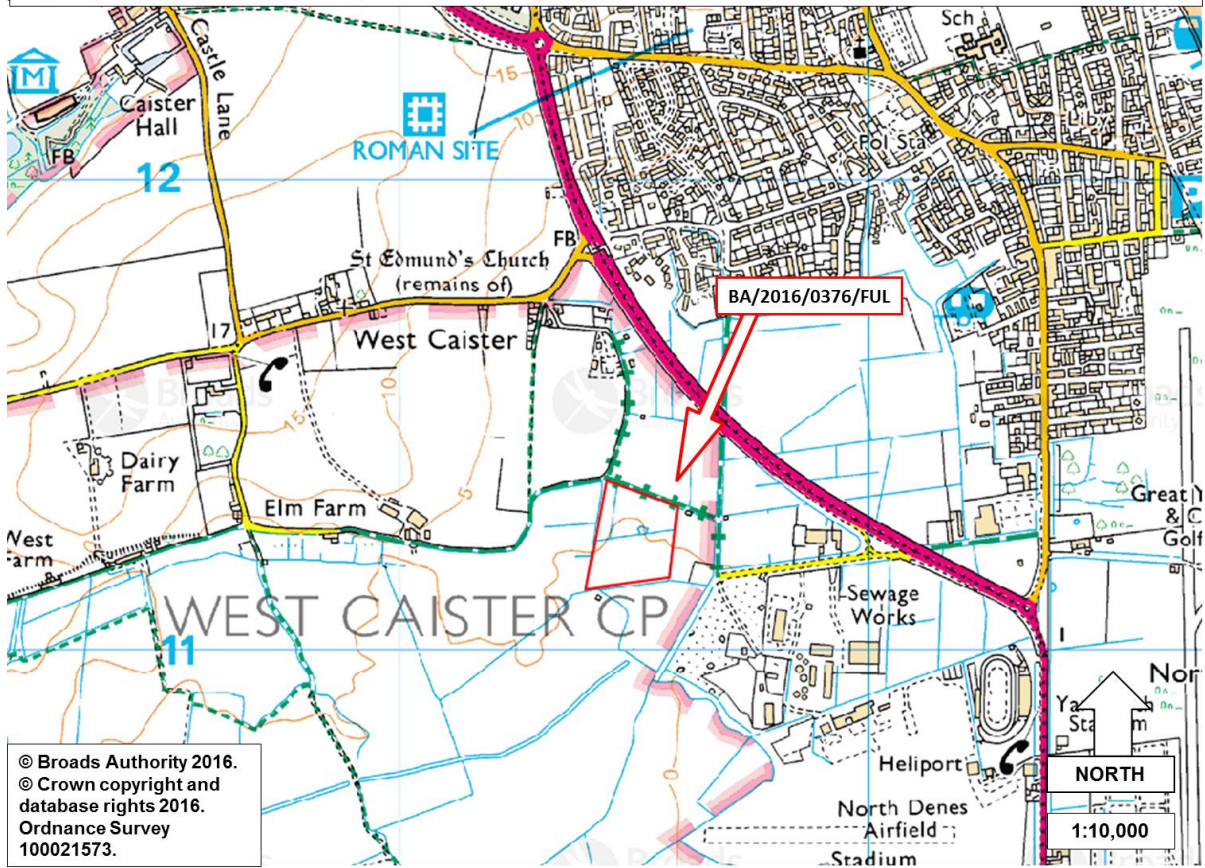
- (iv) Insufficient information has been submitted to satisfactorily demonstrate whether or not the stated need for a worker to live at or near the site can be met by an existing dwelling in the locality. The proposal is therefore contrary to criterion (d) of Policy DP26 of the adopted Development Management Policies DPD (2011) and paragraph 55 of the National Planning Policy Framework (2012).
- (v) The proposed dwelling is presented as being of "an exceptional design quality which meets paragraph 55 criteria" (page 4, Design and Access Statement). Whilst it is considered that the proposed dwelling has a quality in terms of its design and appearance, it is not considered to be truly outstanding or innovative or reflect the highest standards in architecture. Nor would it significantly enhance its setting and it is not sensitive to the defining characteristics of the local area or Broads more widely. The proposal is not therefore considered to represent any special justification for an isolated new dwelling in the countryside and is contrary to paragraph 55 of the National Planning Policy Framework (2012).
- (vi) The application site is outside a development boundary, isolated from the nearest settlement, remote from any significant services and there is not considered to be any demonstrable need or other special justification for the dwelling, it cannot be considered a sustainable location and its development for the proposed uses would be inherently unsustainable. The site is in flood risk zone 3a and it is not considered that any sustainability benefits to the community from the proposal are significant enough to outweigh this high flood risk, therefore the Exception Test is not passed and the proposal is contrary to paragraph 102 of the National Planning Policy Framework (2012), Policy CS20 of the adopted Core Strategy (2007) and Policy DP29 of the adopted Development Management Policies DPD (2011).
- (vii) The proposed buildings to support the wood business would not, by virtue of their scale and subsequent visual impact, integrate effectively into their surroundings or be appropriate to the local context of the site and surrounding Broads landscape. The proposal is therefore contrary to Policy DP4 of the adopted Development Management Policies DPD (2011).

Background papers: Application File BA/2016/0376/FUL

Author: Maria Hammond
Date of Report: 25 November 2016

List of Appendices: APPENDIX 1 - Location Plan
APPENDIX 2 - BA/2015/0319/FUL 4 March 2016 Planning Committee report
APPENDIX 3 - BA/2015/0319/FUL Decision notice

BA/2016/0376/FUL - Land At Pump Lane, West Caister



Application for Determination

Parish	West Caister		
Reference	BA/2015/0319/FUL	Target date	11 February 2016
Location	Land at Pump Lane, West Caister		
Proposal	New home meeting paragraph 55 standards, and associated additional buildings to support current and developing wood business.		
Applicant	Mr Darren Woolsey		
Recommendation	Refuse		
Reason for referral to Committee	Major application		

3 Description of Site and Proposals

- 1.1 The application site is located off Pump Lane in the parish of West Caister, to the west of the A149 Caister By-Pass and southeast of the settlement of West Caister. Land uses in and around Pump Lane to the southeast of the application site include a large County Council recycling centre and highways depot, coal yard and aggregate sales. Immediately to the south of the Council site is North Denes airfield and Yarmouth Stadium.
- 1.2 The application site is accessed by a private unmade track off Pump Lane and measures 3.4 hectares in area. It is separated from the above-mentioned light industrial uses by agricultural land which extends out to the grazing marshes and Halvergate Marshes Conservation Area to the west. The site is therefore in this fringe between the marshes to the west and more urban environment to the east. West Caister is a small settlement scattered along West Road that lies on higher land approximately 400 metres to the north; there are no shops or services here. Although the private track off Pump Lane extends northwards to West Road, the site is isolated from the settlement by land predominantly used for 'horsiculture'. The site is outside any development boundary and in flood risk zone 3a.
- 1.3 Historically the application site formed part of the grazing marshes. Since the early 2000s development has taken place on site to enlarge a small pond into a large lake and the excavated material has been used to create large planted

bunds around the north, west and east of the lake. This area of the site is used recreationally by the applicant and his family, including for fishing in the lake. None of this development has had the benefit of planning permission.

- 1.4 In 2011 a Certificate of Lawful Use was granted for the use of an area of approximately 1500 square metres in the northwest corner of the site for the storage of horticultural machinery and equipment. The applicant stores this machinery and equipment and also seasons and stores wood for fuel on the site in connection with his agricultural/horticultural services business. Several small scale storage buildings and structures have been erected in this area without the benefit of planning permission but are said to be temporary.
- 1.5 The application proposes the erection of a dwelling on the site and buildings to support the wood business.
- 1.6 The dwelling would sit at the northwestern corner of the lake between a re-profiled bank edge and the bund around the lake. It would be two storey with storage and office space on the ground floor and living accommodation with two bedrooms above, both storeys would be split across two levels. Various low mono-pitched roofs at different angles would cover the dwelling and these would be predominantly covered in solar PV panels and have a maximum height of approximately 6 metres above ground level. Large areas of glazing would open onto decking projecting over the water and the remaining walls would be concrete at first floor level over large timber doors giving access to the ground floor.
- 1.7 A small 'energy hub' building would sit to the immediate west of the dwelling, at the edge of the existing bund, and would have solar thermal panels on the roof. It is proposed that the dwelling would use components of the now defunct Code for Sustainable Homes Level 6, and Passivhaus standards. The application presents the proposal as being in accordance with paragraph 55 of the National Planning Policy Framework and this is discussed further below.
- 1.8 Four new buildings are proposed for the wood business. These would be concentrated in, but extend southwards of, the existing lawful business area of the site. A 'U' shaped building would sit at the entrance into the site from the north. This would measure approximately 8.2 metres to the ridge of the dual-pitched roof that would run across the width (approximately 22 metres) of the existing business area and have large sliding timber doors on each side giving access through into the site. Two lower bays would sit either side of this opening. South of this, two open sided buildings measuring approximately 6 metres by 10 metres and 5 metres high would sit perpendicular to and against the western site boundary. Further south of these, the final building would be similar in scale to the northernmost building and also have sliding timber doors allowing access through it. These four buildings would have larch lap boarding to the walls with visible steel beams and tension wires, steel framed log panels and the roofs would have pantiles or slates on the northern roof slopes and solar PV panels on the southern roof

slopes. These buildings would be used for machinery storage and the processing and storage of wood.

- 1.9 A landscaping scheme is proposed which includes meadow and woodland planting in the area south of the lake.

4 Site History

In October 2011, a Certificate of Lawful Use was granted for the use of a small area in the northwestern corner of the site for the storage of horticultural machinery/equipment (BA/2011/0259/CLUEDL).

3 Consultation

Broads Society – No comment.

District Member – No response.

Highways Authority – The site is accessed off a private track off Pump Lane and in terms of access to the highway there are no issues of concern and I have no objection.

Environment Agency – No objection. The site lies in flood risk zone 3a and the proposal is considered to be a more vulnerable development. The Sequential and Exception Tests need to be passed.

4 Representations

Mr Brandon Lewis MP - Mr Woolsey has sought support for his planning application from his MP which I can confirm.

5 Policies

- 5.1 The following Policies have been assessed for consistency with the National Planning Policy Framework (NPPF) and have been found to be consistent and can therefore be afforded full weight in the consideration and determination of this application. [NPPF](#)

[Core Strategy Adopted September 2007 pdf](#)

CS1 – Landscape Protection and Enhancement

CS4 – Creation of New Resources

CS8 – Response to Climate Change

CS24 – Residential Development and the Local Community

[DEVELOPMENTPLANDOCUMENT](#)

DP1 – Natural Environment

DP2 – Landscape and Trees

DP3 – Water Quality and Resources

DP4 – Design
DP8 – Renewable Energy
DP11 – Access on Land
DP29 – Development on Sites with a High Probability of Flooding

- 5.2 The following Policies have been assessed for consistency with the NPPF and have found to lack full consistency with the NPPF and therefore those aspects of the NPPF may need to be given some weight in the consideration and determination of this application.

CS18 – Rural Sustainability
CS20 - Rural Sustainability

DP7 – Energy Generation and Efficiency
DP22 – Residential Development within Defined Development Boundaries
DP26 – Permanent and Temporary Dwellings for Agricultural, Forestry and Other Workers

6 Assessment

- 6.1 In assessing this proposal it is first necessary to consider the principle of what is proposed.

Principle

- 6.2 There are two aspects to this proposal: the buildings to support the wood business and the dwelling. As there is an established lawful use for the storage of horticultural machinery and equipment on the site, the provision of buildings to support this is considered acceptable in principle. However it should be noted that if there were not an established use here, it would not be considered an appropriate or sustainable location for a new business.

- 6.3 As the site is not within a development boundary, the proposal for a new dwelling here is contrary to Development Management Policy DP22. There are exceptional circumstances when new dwellings might be permitted in such locations and these are covered by Policies DP21 (conversion), DP23 (affordable housing), DP24 (replacement dwellings) and DP26 (rural workers dwellings). DP26 is the only policy which could potentially allow for the dwelling proposed here and this would require criteria (a) to (f) to be satisfied:

- (a) *There is a demonstrable existing need for full time worker(s) to be available at all times for the enterprise to function properly;*
- (b) *The need is arising from a worker employed full-time or one employed primarily in the Broads in agriculture, forestry or a rural business;*
- (c) *Evidence is submitted that demonstrates that the business has been established for at least three years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so;*

- (d) The functional need cannot be met by an existing dwelling on the site or in the locality and there has been no sale on the open market of another dwelling on the site that could have met the needs of the worker in the past three years;*
- (e) The dwelling would be commensurate in size and scale with the needs of the enterprise; and*
- (f) It would not adversely affect protected species or habitats.*

- 6.4 It should, however, be noted that the application states “the main criteria for consideration is not to create a dwelling for an agricultural worker” and no significant information has been submitted in respect of the criteria above.
- 6.5 The application states there is increasing agricultural crime in the region and that, in addition to the existing CCTV on site, it is necessary to live on site to provide security for the machinery. It is also stated that the business is expanding and this will increase income. There is, however, insufficient information to assess whether there is a demonstrable need to live on site, whether the business is profitable and has a prospect of remaining so (particularly in light of the significant investment the proposed development represents) and whether the need (if demonstrated) can be met by an existing dwelling locally. The proposal cannot therefore be considered acceptable in accordance with Policy DP26 which only allows for such dwellings in exceptional circumstances where all criteria are satisfied. It should, however, be noted that due to the layout of the site with access to the dwelling provided through the proposed storage buildings and the close relationship between the two, if the dwelling is found to be acceptable, it would be necessary to require it to only be occupied by someone employed in the commercial operations on site, even though this need has not been satisfactorily demonstrated.
- 6.6 Given that the site is outside a development boundary and the proposed dwelling cannot be considered to be in an acceptable location in accordance with any of the development plan policies which allow for dwellings in such locations in exceptional circumstances, the principle of the proposal is not in accordance with the development plan and could only be recommended for approval if there were other material considerations which weighed in its favour. The National Planning Policy Framework is one such consideration and the application is presented as being in accordance with paragraph 55 of this Framework.
- 6.7 Paragraph 55 identifies that new housing should be located where it will enhance or maintain the vitality of rural communities hence Policy DP22 seeks to locate new dwellings in development boundaries to achieve this. The paragraph goes on to say that isolated new homes in the countryside should be avoided unless there are special circumstances, including where there is an essential need for a rural worker to live at or near their place of work. Policy DP26 is consistent with this provision and provides objective assessment criteria to establish whether there is an essential need and

insufficient information has been submitted to demonstrate the stated need here in accordance with DP26 and therefore also paragraph 55.

6.8 One other special circumstance identified in paragraph 55 is the exceptional quality or innovative nature of the design. Paragraph 55 states that such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas
- reflect the highest standards in architecture
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area

All four of these points must be satisfied for the design of a dwelling to provide justification to outweigh the presumption against new isolated dwellings in the countryside. Only a small number of dwellings have been approved in accordance with this provision nationally and none have in the Broads, reflecting the requirement for such a design to be *exceptional* in the true meaning of the word.

6.9 Taking each point above in turn it must first be considered whether the proposed design is truly outstanding or innovative and whether it would help to raise standards of design in the area. The dwelling is contemporary architecturally and has been designed to relate to the lake and bunds. Its mass is well broken and with a largely horizontal emphasis this aspect of the design reflects the surrounding flat landscape. Overall, the design is considered to be of a high standard but paragraph 55 requires the design quality to be exceptional and reflect the highest standards of architecture. Whilst the dwelling is well designed, it is not considered to be outstandingly so and it may be innovative, but not truly so in the meaning of the paragraph. The objective of paragraph 55 is not to require isolated new dwellings in the countryside to be well designed, but for the design to be so exceptional it provides special justification for a dwelling in an area where it would not normally be permitted. It is not considered this is the case here.

6.10 The unauthorised development to excavate the lake and create planted bunds has significantly altered the character of the site, most likely resulting in the loss of grazing marsh (BAP habitat) and adding to the incremental erosion of the grazing marsh characteristics in this area. The proposals would retain these unsympathetic alterations and work with them, rather than the wider grazing marsh landscape. The bunds and planting give the site a sense of enclosure when upon it and immediately around it, however the southern aspect is more open to the grazing marshes and Bure valley and there are views down to the site from the higher ground to the north along West Road.

6.11 Despite the existing alterations, the site retains strong physical and perceptual links to the marshland environment. The siting and orientation of the dwelling mean that it would screen itself which is sensitive to the setting in one respect, but, regrettably, it does not take full advantage of,

nor respond to, the qualities of the site, such as they are. The development would be visible in long views of the valleyside development and there is some potential to significantly enhance this setting and respond to the defining characteristics of the local area, most significantly the characteristic Broads grazing marsh. However, it is not considered this has been achieved with this design and it is not apparent how the dwelling responds to the Broads landscape or conserves this protected landscape. It is considered the development would suburbanise the area and, as the design is not sufficiently sensitive to the defining characteristics of the area, it would not contribute in any significant way to enhancing the immediate setting and relationship with the Broads. The site might be at the edge of the Broads, but it is within the designated area and benefits from the same degree of protection as any other part of the area. In this respect, paragraph 55 of the Framework in relation to exceptional design justifying new isolated dwellings in the countryside must be read in conjunction with paragraph 115 which gives the Broads the highest status of protection in relation to landscape and scenic beauty.

- 6.12 Again, the objective of paragraph 55 is not to require isolated new dwellings in the countryside to be screened or minimise their landscape impact, it is to ensure that significant enhancement to the setting is achieved through locally sensitive design which provides special justification for a dwelling in an area where it would not normally be permitted. It is not considered the proposed design achieves this enhancement or reflects such sensitivity; it does not adequately relate to, or integrate successfully with, the Broads landscape.
- 6.13 Development plan policies seek to locate new development in appropriate, sustainable locations and all new development, where the location is acceptable in principle, should protect the Broads landscape and be of a high quality design which integrates effectively with its surroundings and reinforces local distinctiveness and landscape character. Paragraph 55 creates a provision for new dwellings in the countryside, which development plans would not normally allow, where the design alone is so significant it outweighs development plan policies against such development. These should be exceptional circumstances and accordingly the expected standard is extremely high so as not to set an undesirable precedent or undermine policies of rural restraint. In this case, it is not a matter of assessing that the design is high quality and there would be no significant adverse landscape impact, as this should be achieved on all new development. The question is whether the four points in paragraph 55 are satisfied and it can be concluded the design is of such exceptional quality or innovation that it provides the special circumstances required to outweigh the presumption against isolated new dwellings in the countryside and the provisions of the development plan. Whilst it is appreciated the proposed design is of high quality, it is not considered exceptional to satisfy paragraph 55 of the Framework.
- 6.14 As the principle of a dwelling here is contrary to development plan policies and the Framework, the whole proposal must be considered unacceptable

in principle. It is, however, considered necessary to assess the other aspects of the development to establish whether there are any other material considerations which may outweigh this.

Design of the Storage Buildings

- 6.15 As these buildings would, separate from the dwelling, be acceptable in principle, it is necessary to consider whether their design and impacts would be acceptable. Sited in the northwest corner, they would be in the least visible part of the site. However due to the scale of the two larger buildings at over 8 metres high and 22 metres across, they would be significant buildings that would be prominent in long views, including from the higher land to the north. Unlike the dwelling, which has a horizontal emphasis relating to the surrounding grazing marsh landscape, these would be tall, bulky buildings. Whilst the replacement of the existing scattered and 'temporary' buildings on site with a rationalised and more appropriately designed set of buildings would be welcomed, it is not considered the proposed buildings, by virtue of their scale and mass are appropriate to this area and would not integrate effectively or harmoniously with the surrounding Broad landscape, specifically the grazed drainage marsh. Their design is therefore contrary to Policy DP4.

Ecology

- 6.16 The proposed landscaping scheme includes new planting areas which would provide biodiversity enhancements. Removing the fish from the lake and remodelling this as a wildlife pond would have greater benefits, but, on balance, the proposal is considered acceptable in accordance with Policy DP1.

Flood Risk

- 6.17 The whole site is in tidal flood risk zone 3a. All living accommodation would be on the first floor above the 1 in 1000 year flood level (including climate change) but the ground floor and business storage buildings would be at risk in the 1 in 200 year (including climate change) event which would flood the site to a depth of 1.59 metres.
- 6.18 The proposed dwelling would only be acceptable in flood risk terms if the Sequential and Exception Tests are passed. To pass the Sequential Test it must be demonstrated that there are no other reasonably available sites at a lower risk of flooding. It is considered that there may be existing or potential new sites in the local area where secure machinery storage could be provided at a lower risk of flooding and these may or may not require an on-site dwelling which is the most vulnerable part of the proposal. Indeed, other than being in the applicant's ownership, it has not been demonstrated that this use requires an isolated, rural location or a location in the Broads. However, given that the Authority has no sites allocated for such developments, that the applicant does not own any other land and there is an established lawful use for the business here, it is considered, on balance, that the Sequential Test in terms of the reasonable availability of other sites can be passed.

- 6.19 To pass the Exception Test, it must be demonstrated that:
- the development provides wider sustainability benefits to the community which outweigh flood risk; and,
 - the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.
- 6.20 Given that this site is outside a development boundary, isolated from the nearest settlement, remote from any significant services and there is not considered to be any demonstrable need or other special justification for the dwelling, it cannot be considered a sustainable location and its development for the proposed uses would be inherently unsustainable. The business may offer some wider economic sustainability benefits, but on balance it is not considered any sustainability benefits to the community would be significant enough to outweigh flood risk. As the Exception Test is a two-part test and both parts must be satisfied for it to be passed, the proposal's failure to meet the first part means it does not pass this Test. It is, however, considered the residual risk could be satisfactorily managed by appropriate conditions if the Exception Test could be passed. As it cannot, the proposal is contrary to paragraph 102 of the Framework and Policies CS20 and DP29.
- 6.21 Amenity
Given the nature of the neighbouring light industrial uses, it is not considered the amenity of the occupiers of these sites would be affected by the proposal. There are, however, dwellings to the north who may be affected by vehicles using the private track and the operation of machinery on the site. Were the proposal to be approved, it would be necessary to manage the working times of the business and an access and egress route by condition to ensure the proposal were acceptable in accordance with Policy DP28.
- Energy Generation and Efficiency
- 6.22 The application proposes a large volume of roof mounted solar panels, a ground source heat pump, wood burners and the dwelling has been designed to optimise natural light to the accommodation. Whilst the application states components of the defunct Code for Sustainable Homes Level 6 and Passivhaus principles would be used, it has not been demonstrated in any detail how this would be achieved or whether any of the technologies or sustainable design strategies are 'innovative' with regard to paragraph 55. The inclusion of energy efficiency measures and renewable energy are welcomed in accordance with Policies DP7 and DP8 but it is not considered they provide any additional justification for the dwelling in an otherwise unacceptable location.
- Other Issues
- 6.23 The site is accessed by a private track off Pump Lane and the Highway Authority have no objection to the proposal.

- 6.24 Whilst some aspects of the proposal may accord with the relevant policies, there are not considered to be any material considerations which outweigh the conflict with Policies CS24, DP4, DP22, DP26 and DP29.

7 Conclusion

- 7.1 The National Planning Policy Framework, which should be read as a whole, seeks to avoid isolated new dwellings in the countryside unless there are special circumstances. Such policies of rural restraint are necessary to ensure development is sustainably located and the countryside (especially the Broads, which is a nationally protected landscape) is protected from inappropriate development.
- 7.2 This application proposes a new dwelling and new buildings to support an existing business operating from the site. If the essential need for a worker to live on site had been satisfactorily demonstrated in accordance with Policy DP26, this would be one such special circumstance and the development would be considered acceptable in principle in accordance with the development plan and that part of paragraph 55 regarding the essential need for workers to live at or near their place of work. This need has not been satisfactorily demonstrated and the proposal is presented as meeting the special circumstance of 'the exceptional quality or innovative nature of the design of the dwelling'. All development in the Broads must be of high quality and both respect and reflect local distinctiveness and landscape character. However, to provide special justification for an isolated new dwelling in the countryside, the design must be: truly outstanding or innovative; reflect the highest standards of architecture; significantly enhance its immediate setting; and be sensitive to the defining characteristics of the local area.
- 7.3 It is considered that the proposed dwelling has a quality in terms of its design and appearance but that this is not truly outstanding or innovative or reflect the highest standards in architecture. Nor would it significantly enhance its setting and it is not sensitive to the defining characteristics of the local area or Broads more widely. Had the principle of a dwelling here been acceptable for other reasons, the design may be considered acceptable in accordance with Policy DP4, but the design is not considered to be of such exceptional quality that it justifies approving a dwelling in an otherwise unacceptable location in accordance with paragraph 55. It should also be noted that the alleged need to live on site and quality design are insufficient in combination, as well as in isolation, to provide sufficient justification and satisfy paragraph 55.
- 7.4 Furthermore, the proposed buildings for the wood business are not considered to be acceptable in design terms and as the proposal would not offer sustainability benefits to the community which would outweigh the high flood risk to the site, the proposal cannot pass the Exception Test and is contrary to policies on flood risk.

8 Recommendation

Refuse.

9 Reasons for Recommendation

- (i) The application proposes a dwelling and storage buildings for a wood business. The application site is outside a development boundary and there are not considered to be exceptional circumstances to justify the siting of a dwelling in this isolated, unsustainable location. The proposal is therefore contrary to Policy CS24 of the adopted Core Strategy (2007), Policy DP22 of the adopted Development Management Policies (2011) and paragraph 55 of the National Planning Policy Framework (2012)
- (ii) There is said to be a security need for a worker from the wood business to live on site, however it has not been satisfactorily demonstrated that there is an existing need for a full time worker to be available at all times for the enterprise to function properly and the proposal is contrary to criterion (a) of Policy DP26 of the adopted Development Management Policies DPD (2011) and paragraph 55 of the National Planning Policy Framework (2012).
- (iii) Insufficient information has been submitted to satisfactorily demonstrate whether or not the existing business operating from the site has been profitable for at least one of the last three years, is currently financially sound and has a clear prospect of remaining so. It would therefore be inappropriate to allow an on-site for a worker and the proposal is contrary to criterion (c) of Policy DP26 of the adopted Development Management Policies DPD (2011) and paragraph 55 of the National Planning Policy Framework (2012).
- (iv) Insufficient information has been submitted to satisfactorily demonstrate whether or not the stated need for a worker to live at or near the site can be met by an existing dwelling in the locality. The proposal is therefore contrary to criterion (d) of Policy DP26 of the adopted Development Management Policies DPD (2011) and paragraph 55 of the National Planning Policy Framework (2012).
- (v) The proposed dwelling is presented as being of "an exceptional design quality which meets paragraph 55 criteria" (page 4, Design and Access Statement). Whilst it is considered that the proposed dwelling has a quality in terms of its design and appearance, it is not considered to be truly outstanding or innovative or reflect the highest standards in architecture. Nor would it significantly enhance its setting and it is not sensitive to the defining characteristics of the local area or Broads more widely. The proposal is not therefore considered to represent any special justification for an isolated new dwelling in the countryside and is contrary to paragraph 55 of the National Planning Policy Framework (2012).
- (vi) The application site is outside a development boundary, isolated from the nearest settlement, remote from any significant services and there is not considered to be any demonstrable need or other special

justification for the dwelling, it cannot be considered a sustainable location and its development for the proposed uses would be inherently unsustainable. The site is in flood risk zone 3a and it is not considered that any sustainability benefits to the community from the proposal are significant enough to outweigh this high flood risk, therefore the Exception Test is not passed and the proposal is contrary to paragraph 102 of the National Planning Policy Framework (2012), Policy CS20 of the adopted Core Strategy (2007) and Policy DP29 of the adopted Development Management Policies DPD (2011).

- (vii) The proposed buildings to support the wood business would not, by virtue of their scale, integrate effectively into their surroundings or be appropriate to the local context of the site and surrounding Broads landscape. The proposal is therefore contrary to Policy DP4 of the adopted Development Management Policies DPD (2011).

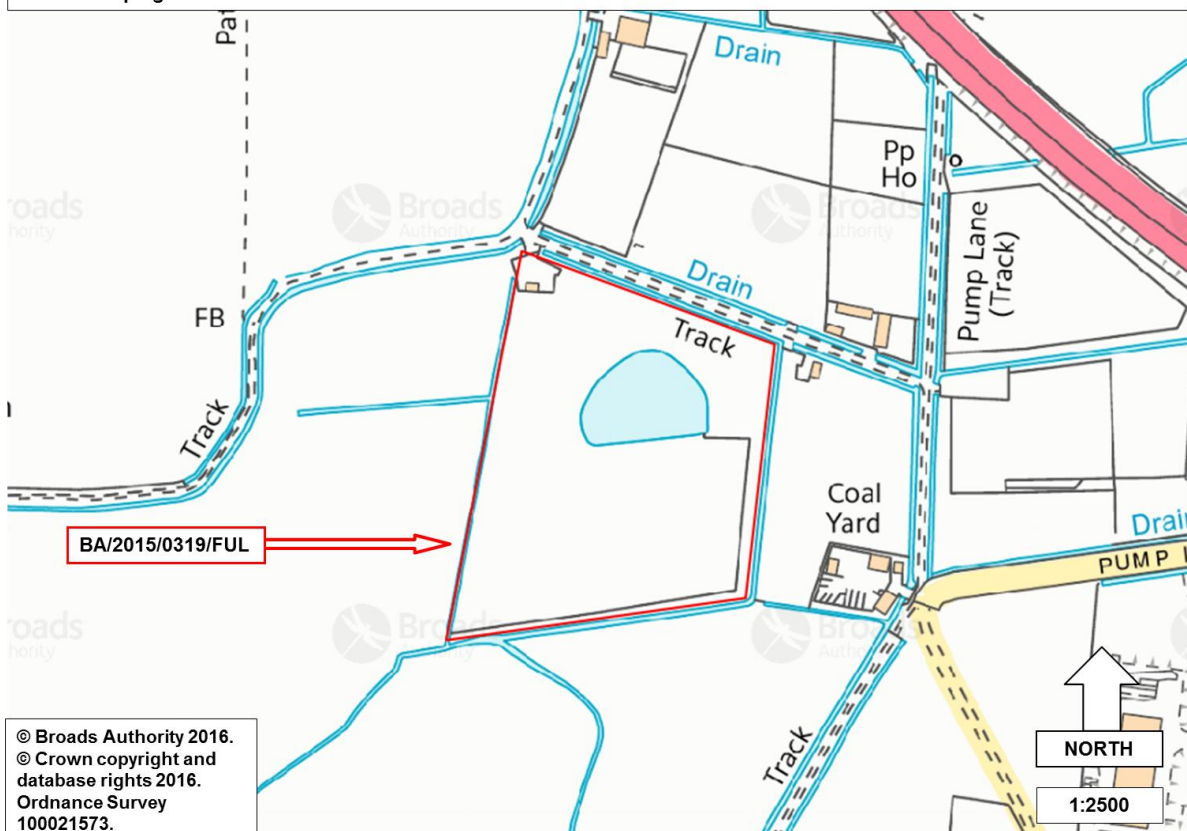
Background papers: Application File BA/2015/0319/FUL

Author: Maria Hammond
Date of Report: 22 February 2016

List of Appendices: APPENDIX 1 - Location Plan

APPENDIX 1

BA/2015/0319/FUL - New home meeting paragraph 55. standards, and associated additional buildings to support current and developing wood business.



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Ordnance Survey
100021573.



Mr Andrew Gibbs
 Studio UrbanBlu Ltd
 9 Princes Street
 Norwich
 Norfolk
 NR3 1AZ

Application No : BA/2015/0319/FUL
Description : New home meeting paragraph 55. standards, and associated additional buildings to support current and developing wood business.
Address : Land At, Pump Lane, Caister-on-sea, Norfolk
Applicant : Mr Darren Woolsey

REFUSAL OF PLANNING PERMISSION

The Broads Authority give notice in pursuance of the Town and County Planning Act 1990 that planning permission **has been refused** for the development above for the following reasons:

Reason for Refusal

Reason

1. The application proposes a dwelling and storage buildings for a wood business. The application site is outside a development boundary and there are not considered to be exceptional circumstances to justify the siting of a dwelling in this isolated, unsustainable location. The proposal is therefore contrary to Policy CS24 of the adopted Core Strategy (2007), Policy DP22 of the adopted Development Management Policies (2011) and paragraph 55 of the National Planning Policy Framework (2012).

Reason

2. There is said to be a security need for a worker from the wood business to live on site, however it has not been satisfactorily demonstrated that there is an existing need for a full time worker to be available at all times for the enterprise to function properly and the proposal is contrary to criterion (a) of Policy DP26 of the adopted Development Management Policies DPD (2011) and paragraph 55 of the National Planning Policy Framework (2012).

Reason

3. Insufficient information has been submitted to satisfactorily demonstrate whether or not the existing business operating from the site has been profitable for at least one of the last three years, is currently financially sound and has a clear prospect of remaining so. It would therefore be inappropriate to allow an on-site for a worker and the proposal is contrary to criterion (c) of Policy DP26 of the adopted Development Management Policies DPD (2011) and paragraph 55 of the National Planning Policy Framework (2012).

Reason

4. Insufficient information has been submitted to satisfactorily demonstrate whether or not the stated need for a worker to live at or near the site can be met by an existing dwelling in the locality. The proposal is therefore contrary to criterion (d) of Policy DP26

of the adopted Development Management Policies DPD (2011) and paragraph 55 of the National Planning Policy Framework (2012).

Reason

5. The proposed dwelling is presented as being of "an exceptional design quality which meets paragraph 55 criteria" (page 4, Design and Access Statement). Whilst it is considered that the proposed dwelling has a quality in terms of its design and appearance, it is not considered to be truly outstanding or innovative or reflect the highest standards in architecture. Nor would it significantly enhance its setting and it is not sensitive to the defining characteristics of the local area or Broads more widely. The proposal is not therefore considered to represent any special justification for an isolated new dwelling in the countryside and is contrary to paragraph 55 of the National Planning Policy Framework (2012).

Reason

6. The application site is outside a development boundary, isolated from the nearest settlement, remote from any significant services and there is not considered to be any demonstrable need or other special justification for the dwelling, it cannot be considered a sustainable location and its development for the proposed uses would be inherently unsustainable. The site is in flood risk zone 3a and it is not considered that any sustainability benefits to the community from the proposal are significant enough to outweigh this high flood risk, therefore the Exception Test is not passed and the proposal is contrary to paragraph 102 of the National Planning Policy Framework (2012), Policy CS20 of the adopted Core Strategy (2007) and Policy DP29 of the adopted Development Management Policies DPD (2011).

Explanation of how the Authority has Worked Positively and Proactively with the Applicant/Agent

The Broads Authority as Local Planning Authority has appraised the scheme against the Development Plan, the National Planning Policy Framework and other material considerations and concluded that the scheme represents a form of development which is not capable of being amended to meet the vision of sustainable development supported in the Development Plan and there were not considered to be any material considerations to substantiate a departure. Accordingly no changes could be negotiated to render the scheme acceptable and thus no changes were requested.

Signed:



Head of Planning

15 April 2016.

Date: 15 April 2016