

Application for Determination

Parish	Barton Turf	
Reference:	BA/2013/0208/FUL	Target date: 11.09.2013
Location:	Icehouse Dyke, The Shoal, Irstead	
Proposal:	Erection of holiday dwelling within curtilage of Icehouse Dyke to enable refurbishment of main dwelling	
Applicant:	Mr and Mrs Andrew Lodge	
Reason for referral:	Objections received and departure from policy	
Recommendation:	Approve with conditions and subject to s106, the detailed content of which to be delegated to officers	

1 Description of site and proposals

- 1.1 The application site is a residential plot situated in the hamlet of Irstead and a few hundred metres south of Barton Broad.
- 1.2 The plot is broadly rectangular in shape, measures 0.35 ha (approximately 71m long by 51m wide) and is sited between a private access road ('The Shoal') to the west and the River Ant to the east.
- 1.3 The site forms part of a loose line of development extending north from Irstead church, with the development in this area generally comprising large, detached houses set a short distance back from the water and sitting in good sized gardens.
- 1.4 At present the application site accommodates a single dwelling and associated gardens. The dwelling, 'Ice House', follows this loose pattern of development and is a large, two storey dwelling set at the eastern (river) side of the plot. The building is timber framed and sits beneath a thatched roof. The building incorporates a wet boatshed at ground floor level, accessed directly off the River Ant.
- 1.5 The house is not Listed and does not lie within a designated Conservation Area. The site lies outside of the development boundary.
- 1.6 The house is in a poor state of repair, with both structural and cosmetic failings. This application seeks consent for refurbishment of the property together with the construction of a new, three bedroom, holiday home in the

gardens of the main house. The proposed new holiday home would be located at the western (road) end of the plot, and would comprise a single storey dwelling with accommodation in the roof. Wall would be red brick with timber boarding to the gables and the roof would be a pitched, pin tiled roof. The holiday home would share the existing access to the Ice House and have a separate area of designated parking.

- 1.7 It is proposed by the applicant that this holiday home would be 'enabling development', with the revenue generated from the holiday home in the long term helping to offset the refurbishment costs associated with the main house; a project which the applicant considers to be economically unviable without this supplementary income.

2 Site History

- 2.1 None.

3 Consultation

Barton Turf and Irstead Parish Council – Object. The construction of a standalone dwelling in order to raise funds to refurbish the main dwelling is not sufficient to warrant departure from the development plan. The parish also raise concerns regarding the danger of setting a precedent and propose two alternative solutions:

- (1) Construction of an extension to the existing to accommodate a holiday annex; or
- (2) Demolition of the existing dwelling and rebuild with a replacement that matches/mirrors the existing.

District Councillor – No response received

Broad Society – We would normally be concerned about development within the curtilage of existing properties since this could create a precedent for unwelcome over-development of rural areas in the Broads. However, we note the special circumstances relating to this application. We would welcome the refurbishment of a building which is classed as a heritage asset and, if the proposed holiday dwelling provides a funding stream to enable restoration, then we would not oppose its erection. It is not our business to enquire about the financial plan underlying this proposal but we would strongly urge that, if approval is granted, it should be conditional on a carefully worded agreement to ensure that the object of restoration is achieved.

Highways – No objection subject to conditions.

4 Representations

- 4.1 1 letter of objection from neighbouring property raising concerns of precedent, amenity and impact of increased traffic on private roadway.

5 Policy

- 5.1 The following policies have been assessed for consistency with the NPPF and have found to be fully consistent with the direction of the NPPF

Adopted Broads Development Management DPD (2011)

[DMP DPD - Adoption version.pdf](#)

DP2 – Landscape
DP4 – Design
DP11 – Access on land

- 5.2 The following policies have been assessed for consistency with the NPPF and have found to be mostly consistent with the direction of the NPPF; any divergence from the NPPF is considered within this report:

DP5 – Historic Environment
DP28 - Amenity
DP14 – Location of Sustainable Tourism and Recreation Development

- 5.3 Material Considerations
[NPPF](#)

6 Assessment

- 6.1 This application proposed the refurbishment of an existing dwelling and the construction of a new dwelling for the provision of holiday accommodation. It is the applicant's case that the holiday accommodation is necessary to make the refurbishing of the existing property a viable proposition.
- 6.2 The application site lies outside the development boundary and, with reference to the locational criteria set out in policy DP14 (which guides the location of new tourism development within the Broads), is not a location where new holiday accommodation such as that proposed would normally be permitted.
- 6.3 Consequently, if this application is to be approved it must be considered as a departure from adopted planning policy, with the departure justified on the grounds that the enabling development (i.e. the holiday accommodation) is necessary to secure the future of the existing dwelling.
- 6.4 In terms of the validity of such an approach, the NPPF identifies enabling development as an acceptable mechanism in principle for securing the long-term future of a heritage asset, advising that '*Local planning authorities should assess whether the benefits of a proposal for enabling development,*

which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies’.

- 6.5 It is noted that in this instance the main dwelling is not a ‘designated heritage asset’ as defined by the NPPF, in that it is neither nationally nor locally listed nor does it lie within a designated Conservation Area. However, the NPPF recognises that not all ‘heritage’ is formally acknowledged in terms of an official designation and requires that impacts on these ‘non-designated heritage assets’ must given weight when determining planning applications (para 135).
- 6.6 It is the case that the definition of ‘heritage’ within the NPPF is wider than that taken in the Authority’s adopted policy DP5, with the NPPF identifying the protection of both designated and non-designated heritage assets as being material when determining planning applications. It is this narrower definition of ‘heritage’ which explains the caution with which the Authority’s own heritage policy must be applied (see section 5 of this report).
- 6.7 It is this recognition of and protection afforded to non-designated heritage assets which explains the caution with which the Authority’s own heritage policy – DP5 – must be applied; with the broader definition of heritage worthy of protection within the NPPF being wider ranging than that in policy DP5, which is focussed more tightly on designated heritage assets.
- 6.8 Furthermore, it is the case that the NPPF does not suggest that the use of enabling development should be restricted to instances where the property in question is a designated asset. On this basis it is considered that the principle of enabling development to secure the future of a non-designated heritage asset is acceptable and in accordance with guidance within the NPPF.
- 6.9 Having established that the approach proposed by the applicant is, in principle, acceptable in planning terms, consideration must now be given to whether this principle is applicable to the particular circumstances of this site; specifically, is the non-designated heritage asset (the house) sufficiently significant and its long term future in sufficiently precarious a situation to justify considering departing from adopted planning policy?
- 6.10 Considering first the significance of the property, Ice House is considered to be a fine example of a traditional Broads riverside property. Thought to have been constructed in the early twentieth century the building is constructed in a cottage orneé style typical of the initial phase of riverside development as the Broads became a popular tourist destination. The building is timber framed and clad with waney edged Elm boarding, incorporates a wet boatshed at ground floor level, sits under a thatched roof and includes a number of oriel and bay windows. The property is largely original in form, with no unsympathetic additions or alterations detracting from its archetypal Broads appearance.

- 6.11 Waterside buildings of this era and this quality are characteristic of the Broads and, due to their design construction and history, are considered to make a significant contribution to the cultural heritage of the Broads. Regrettably, it is also a form of development which is particularly vulnerable to loss: the lightweight construction, use of natural materials and location next to (and often, as the case here, over) the water make the structures susceptible to rot and decay and this, combined with generally high plot values in the Broads and the typical form of a smaller building sitting within a good sized plot, have resulted in a large number of these buildings being demolished and redeveloped, often on a larger and/or grander scale
- 6.12 Finally, when considering the significance of this particular property regard must also be given to its location. The site lies on the River Ant, just a few hundred metres south of Barton Broad. This location puts it in a prominent location and visible to a large number of river users ranging from both one-time visitors to long term residents of the area. It is considered that the fact that the building in question occupies such a highly visible and well trafficked (in river terms) location adds further weight to the significance of the property.
- 6.13 Having regards to all of the above, it is considered that the Ice House is not simply a nice old house sited next to the river; rather, it is a fine example of a form of development which is absolutely characteristic of the Broads, which (for a variety of reasons) increasingly rare within the Broads and a building which is in a location which, in the context of the Broads, considered to be high profile.
- 6.14 Accordingly, when considering the significance of the non-designated heritage asset and the scale of harm to the character (including historic fabric) of the area its loss would cause, it is concluded that the Ice House is a significant building in terms of its contribution to the cultural heritage of the Broads.
- 6.15 Having established the significance of the building consideration must now be given to the long term prospects of the structure; in order for enabling development to be acceptable there must be a threat to the future conservation of the heritage asset, designated or non-designated, which requires the additional revenues generated by the proposed enabling development to resolve.
- 6.16 In this case the applicant has submitted a structural survey of the property and this survey identifies significant remedial structural work required in order to secure the long term future of the building. In addition, it is accepted that the long term future of the site can only truly be secured by ensuring the building offers an acceptable standard of accommodation to ensure that it will be lived in, used and maintained.
- 6.17 The applicant has submitted an indicative cost appraisal of the structural works required to secure the immediate future of the building and the additional works to render it habitable in the long term. It is recognised that the costs associated with securing the long term future of the building are

substantial and, crucially, are sufficiently high so as to render the refurbishment of the existing dwelling an economically unviable project.

- 6.18 To further support the application, and reflecting the difficulties associated with restoring the existing building, the applicant has provided information detailing that, subsequent to their recent purchase of the site, it was marketed without success for a period of three years.
- 6.19 Considering the above, it is concluded that the building is of sufficient quality and in a sufficiently precarious situation to justify considering departing from adopted planning policy; or put another way, the principle of enabling development is considered to be applicable to the circumstances of this particular site.
- 6.20 However, before further exploring the use of enabling development at this site there is merit in identifying what other controls the Authority has regarding the future of this building and establishing whether there are any other mechanisms which could be used to secure the future of this building.
- 6.21 Considering first other methods of control the Authority has, it is the case that as a building which lies outside of any designated Conservation Area and is not Listed the demolition of the existing building would not require the benefit of planning consent. Whilst there is a prior approval process applicable to demolition this enables the Authority to consider only the method of demolition and the subsequent restoration of the site; not the principle of demolition.
- 6.22 It is recognised that it would be rare for a developer to demolish an existing dwelling without first securing consent for a replacement on the site, for once the existing is demolished the site may be considered as an undeveloped site outside of the development boundary and, as such, not an appropriate location for new residential development. Whilst this may provide a degree of protection for the building, it is noted that relying on this approach would present a risk to the future of the building and could not be said to be a satisfactory method of securing the continued existence of this non-designated heritage asset, and will certainly not result in its renovation.
- 6.23 Another alternative would be to refuse applications such as this one which propose enabling development and hope that the value of the plot falls low enough to make the purchase and restoration of the building a viable economic prospect. Unfortunately, considering the current condition of the property and mindful of the attempts to sell it over a three year period, it is the case that demolition and new build will almost always represent a more financially viable option than taking the time and care to restore what is already on site. Furthermore, the longer the building lies empty the greater the chances of catastrophic structural failure and, in any event, the greater the investment required to restore the property.
- 6.24 Given the above it must be recognised that the Authority's options in mandating or even encouraging the restoration of this building are very

limited, and the longer the building lies empty and unrestored the greater the challenges (both financial and practical) associated with securing its long term future. Consequently, it is considered that the alternatives to the proposal put forward in this application – namely the provision of enabling development – are unattractive and unconvincing in terms of their effectiveness in securing the future of this building.

- 6.25 When determining applications for enabling development the NPPF advises that the benefits derived from securing the long term future of the heritage asset must outweigh the disbenefits associated with departing from adopted policies.
- 6.26 In this instance it is recognised that, to a large extent, the benefits directly associated with the proposal are conferred upon the applicant. However, it is also the case that securing the future of a significant non-designated heritage asset which intrinsically makes a contribution to the special character of the Broads area brings benefits, both tangible (in securing the future of a particularly notable building in a high profile area of the Broads and resulting from the preservation a scene enjoyed by a large number of Broads users every year) and intangible (in preserving a significant and threatened piece of the Broads history) to all those who have an interest in the protected landscape and special cultural heritage of the Broads.
- 6.27 In terms of disbenefits to weigh against these identified benefits, the starting point is to identify precisely which policies the proposal would be a departure from.
- 6.28 The policies which are applicable to the proposal to build a new holiday home relate to principle/location of the development (DP14), design (DP4), impact on the historic environment (DP5), amenity (DP28) and flood risk (DP30).
- 6.29 In terms of design and impact on the main dwelling, the proposed holiday home is considered to be acceptable. The proposal is for a three bedroom holiday home which, whilst not small, is not considered to represent an overdevelopment of the plot and remains visually subservient to the host dwelling.
- 6.30 The proposed location at the rear (western, roadside end) of the plot is considered appropriate, limiting the visual impact on the host dwelling, particularly when viewed from the public viewpoint of the river and not visually competing with the main dwelling.
- 6.31 In terms of detailed design, the simple design of the property and use of a palette of materials which complements, but does attempt to mimic, the host dwelling is acceptable, though it is noted that details of final proposed materials should be required by condition and that the quality of these materials is crucial to the acceptability of the proposal.
- 6.32 Similarly, whilst landscaping details have not been submitted details of hard and soft landscaping are considered essential to the acceptability of the

proposal in design terms and further details will be required by condition. Furthermore, in order to retain the dominant/subservient visual relationship between the two buildings and preserve the character of the host dwelling, it is considered necessary to remove permitted development rights associated with both existing and new dwelling, including the erection of fences between the two buildings.

- 6.33 Subject to the conditions outlined above, the design of the proposed holiday unit is considered acceptable and it is not considered that the application proposes development which conflicts with either policy DP4 or DP5.
- 6.34 Considering amenity impacts, this is an issue which has been raised by the neighbouring property to the south of the application site and forms one of the grounds for the objection submitted by residents by this property.
- 6.35 In terms of impacts the proposed new holiday accommodation would be approximately 28m from the nearest neighbouring property (situated to the north) and some 43m from Honeysuckle Cottage (to the south). The application site is bounded to the south and west by a substantial (2m+ high) hedge and to the north by both a hedge and substantial tree growth (which would be retained). Given these distances and the substantial intervening screening it is not considered that the proposed development would result in any unacceptable impacts on any existing property. Consequently, the development is considered to be in accordance with policy DP28.
- 6.36 With regards to the issue of flood risk, the application site lies within Flood Zone 1 and, as such, there is not considered to be any conflict with either national or local planning policy pertaining to flood risk.
- 6.37 Having regards to the above, it is clear that the proposal to create a new holiday home in this location conflicts with only one policy; policy DP14 which is concerned with the location of new tourism development.
- 6.38 Policy DP14 seeks to direct new tourism development to sustainable locations; these being generally defined as being within or adjacent to existing development boundaries or in locations where there is already some associated tourism infrastructure (boatyards, existing tourism sites, sailing club etc).
- 6.39 The principle behind this approach is well established and is considered to be in full accordance with guidance within the NPPF, which seeks to promote sustainable development.
- 6.40 In this instance the direct disbenefits arising from the proposed departure from policy are considered to be relatively modest; the policy direction of directing new tourism development to sustainable locations seeks to minimise landscape impacts and reduce dependence on travel by car. Considering the single holiday unit proposed it is the case that traffic movements associated with the new dwelling would be relatively modest – fewer than if the dwelling were providing standard housing where there would

be a need to travel by car to schools, work and shops and the proposal is not considered to have any detrimental landscape impacts.

- 6.41 It is the case that the principle disbenefit would arise as an indirect result of approving the departure and relates the issue of precedence. This is a concern expressed by both the Parish Council and a neighbouring property to the application site and it is well established in planning that the issue of precedence can be a material consideration in planning, although clearly each application must be treated on its own merits
- 6.42 Put simply, the concern in this instance (and the potential disbenefit to be weighed against the benefit of securing the future of the Ice House) is whether permitting enabling development in this application would create a precedent which subsequently allows further new development in unsustainable (and therefore unsuitable) locations.
- 6.43 Whilst this concern is recognised, it is not considered that the approval of this application for enabling development would create a bad precedent which would result in further consents for unsustainable development; rather, an approval would make use of an established mechanism which is explicitly identified within the NNPPF (enabling development) as a means of securing the future of a property which is considered to be of substantial significance to the historic environment.
- 6.44 The circumstances of this application are not unique – a situation indicated by the very fact that the use of enabling development to secure the future of heritage assets is identified within the NPPF – but they are quite specific; this is a fine example of a quintessential Broads riverside building, the like of which are, for a variety of reasons, increasingly rare. Furthermore it is a building which requires significant structural works to secure its future, one which prior to the applicant buying had been marketed without success for a period of three years and one which is considered to be beyond viable economic repair.
- 6.45 This makes the building both very special, very vulnerable and these factors, whilst not unique, combine to represent a sufficiently precise set of circumstances so as to enable the consenting of development contrary to development plan policy without creating a precedent which would apply indiscriminately elsewhere.
- 6.46 Having regards to all of the above, and with reference to the test in the NPPF, it is considered that the benefits associated with the proposed enabling development are significant, whilst the disbenefits are considered to be modest. Consequently, it is concluded that departure from policy DP14 is acceptable having regards to the specific circumstances of this application and that approval of the application subject to conditions and a s106 legal agreement (discussed further below) would be in accordance with all other policies within the adopted DM DPD and guidance in the NPPF.
- 6.47 The final issue to consider is the content of the s106 legal agreement. It is

proposed that this agreement would restrict the use of the proposed new dwelling to provision of short stay holiday accommodation and prevent commencement of any works on the holiday accommodation before certain urgent structural works have been completed to the main dwelling. Details of specific timescales and a schedule of work would also be included. Furthermore the agreement would prevent any rental of the holiday unit until an agreed schedule of works to the main dwelling has been completed to the written satisfaction of the Broads Authority.

- 6.48 Given the complexity and detailed nature of this agreement the recommendation of this report is for members to delegate the negotiation of these final details, within the parameters set out above at para 6.47, to officers.

7 Conclusion

- 7.1 This application seeks consent for the refurbishment of an existing dwelling and the erection of a new holiday home in the garden of that dwelling. The site lies outside the development boundary and is not a location in which new tourism development would normally be considered appropriate.
- 7.2 It is the case, however, that the existing dwelling, whilst not being recognised as a designated heritage asset is considered to be a building of significance within the Broads area having regard to both its architecture and location and, accordingly, is identified as a non-designated heritage asset.
- 7.3 Following guidance in the NPPF it is the case that enabling development - where development which would not normally be acceptable in planning terms is proposed to part fund the restoration of a heritage asset which is at risk and whose repair would be otherwise economically unviable – is acceptable where the benefits occasioned by departing from adopted policy outweigh the disbenefits associated with the departure from policy.
- 7.4 In this instance, having regard to the architectural quality of the building, the contribution buildings of this type make to the special character of the Broads, the location of the building, the structural condition and cost of repair of the building and the history of attempts to sell the building in its current condition it is considered that the benefits associated with securing the future of the building are substantial.
- 7.5 Weighed against these benefits, the disbenefits associated with departure from the policy – a modest increase in traffic movements from an unsustainable site and the issue of precedence (discussed in detail at paras 6.39 – 6.46) - are considered to be limited and, on balance (and subject to conditions and a legal agreement), it is considered that the application passes the test set out in para 140 of the NPPF.
- 7.6 Consequently, the recommendation here is for approval subject to conditions and a s106 legal agreement, the detailed content of which to be delegated to officers to negotiate with the applicant subject to the parameters detailed in

section 6 above.

8 Recommendation

8.1 Approve subject to conditions and for members to delegate the negotiation of s106 within the parameters set out above at para 6.46 and 6.47, to officers:

1. Time limit
2. In accordance with approved plans
3. Materials conditions
4. Details of landscaping required
5. Replacement plants should any fail within 5 years of planting
6. Landscaping carried out in accordance with approved plans and approved landscaping details
7. Tree protection in accordance with details submitted
8. Submit details of ecological enhancements
9. Ecological enhancements carried out in accordance with approved plans
10. New build to provide short stay holiday accommodation only – no second home use nor use as main residence of occupier
11. Highways conditions

Background Papers: BA/2013/0208/FUL

Author: Fergus Bootman
Date: 24 October 2013

Appendices: APPENDIX 1 – Location Plan

APPENDIX 1

BA/2013/0208/FUL – Icehouse Dyke, The Shoal, Irstead
Erection of holiday dwelling within curtilage of Icehouse Dyke to enable refurbishment of main dwelling

