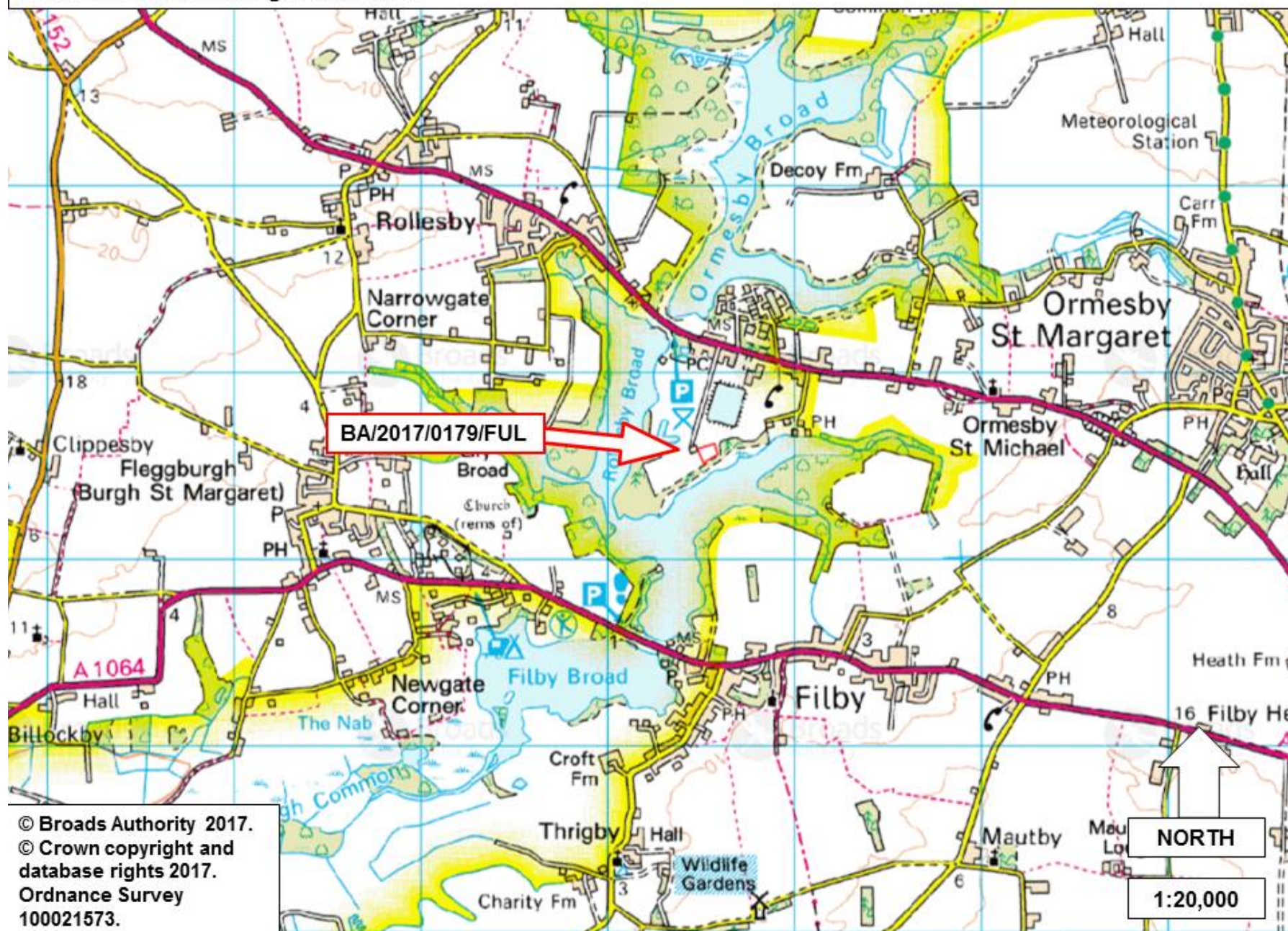


**Reference:**

BA/2017/0179/FUL

**Location**

Burghwood Barns, Burghwood Road, Ormesby St  
Michael



**Application for Determination**  
Report by Planning Officer

<b>Target date:</b>	11 September 2017
<b>Parish:</b>	Ormesby St Margaret Parish Council
<b>Reference:</b>	BA/2017/0179/FUL
<b>Location:</b>	Burghwood Barns, Burghwood Road, Ormesby St Michael
<b>Proposal:</b>	Change of use of agricultural land to wildlife garden
<b>Applicant:</b>	Mr D Tucker and Miss S Burton
<b>Recommendation:</b>	Refuse
<b>Reason for referral to Committee:</b>	Director discretion

## **1 Background**

- 1.1 This application proposes the change of use of former agricultural land to a wildlife garden and is in effect part retrospective, in that the change of use from agricultural land to garden has already taken place but it is now proposed to provide new planting to form a wildlife garden.
- 1.2 At the August Planning Committee meeting Members considered a report recommending refusal of this proposal. The outcome of an appeal against an enforcement notice for similar development was awaited and Members resolved to defer determination of this application to allow further time for the appeal decision to be received and consider how this affects the recommendation.
- 1.3 At the time of writing this report, the appeal decision has not been received. The applicants have been asked to agree to an extension to the target date for determination but have not responded. Rather than continue to chase them and leave the application in abeyance, it is prudent to determine the

application. As the application has not been determined within the target time, there is a right of appeal against non-determination.

- 1.4 The proposal and assessment are set out in the report prepared for the August Planning Committee meeting (Appendix 1). At that meeting Members sought clarification on the Authority's Ecologist's response to the proposal, particularly as the response was positive in respect of the proposal. To assist Members in understanding the position the full response is now appended (Appendix 2). There have been no changes in circumstance and no new matters have arisen to consider in the determination of the application.
- 1.5 The recommendation was to refuse the application but wait until the target determination date to consider the outcome of the appeal should the decision be received by then. As the target determination date has now passed and no appeal decision has been received, the recommendation is to refuse and issue the decision promptly.

## **2 Recommendation**

- 2.1 Refuse.

## **3 Reason for Recommendation**

- 3.1 The application proposes retaining approximately 6,000 square metres of arable agricultural land on the edge of the Trinity Broads (designated a Special Area of Conservation and Site of Special Scientific Interest) as an extension to the residential curtilage of an existing barn conversion dwelling. It is considered that the loss of arable land, which is a distinctive feature of the local landscape character surrounding the Trinity Broads, has a significant direct adverse impact by removing this buffer between the Trinity Broads and the settlement to the north. This significant direct adverse impact is considered unacceptable and contrary to Policy CS1 of the adopted Core Strategy (2007), Policy DP2 of the adopted Development Management Policies DPD (2011) and paragraph 115 of the National Planning Policy Framework (2012).
- 3.2 The change of use of approximately 6,000 square metres of arable agricultural land to residential curtilage forms a significant intrusion into the countryside and has a significant adverse impact on the perceptual qualities of the area as the residential curtilage becomes the predominant character, making the arable character, which is typical of the local landscape character surrounding the Trinity Broads, subservient. This significant direct adverse impact is considered unacceptable and contrary to Policy CS1 of the adopted Core Strategy (2007), Policy DP2 of the adopted Development Management Policies DPD (2011) and paragraph 115 of the National Planning Policy Framework (2012).
- 3.3 The change of use of approximately 6,000 square metres of arable agricultural land to residential curtilage forms a significant intrusion into the countryside immediately adjacent to one of the most undeveloped and tranquil

areas of the Broads - the three waterbodies known as the Trinity Broads. It is considered that the use of a significant area of agricultural land as residential curtilage, with its associated activities and management, has a detrimental impact on the experience of tranquillity of the identified XNS1 Trinity Broads policy area (inset map 10). The detrimental impact on tranquillity is considered to be unacceptable and contrary to Policy XNS1 of the adopted Site Specific Policies Local Plan (2014) and paragraph 123 of the National Planning Policy Framework (2012)

- 3.4 The application seeks to retain hard surfaced paths and a large metal gazebo within the proposed extension of residential curtilage. This built development, by virtue of its scale, siting, form, design and materials is considered to compound the significant adverse impacts of the change of use of land on the landscape character and is considered unacceptable and contrary to Policy CS1 of the adopted Core Strategy (2007), Policy DP2 of the adopted Development Management Policies DPD (2011) and paragraph 115 of the National Planning Policy Framework (2012).

Background papers:	BA/2017/0179/FUL
Author:	Maria Hammond
Date of report:	29 September 2017
Appendices:	Appendix A – August Committee report Appendix B – Ecologist response Appendix C – Map

**Broads Authority  
Planning Committee**  
18 August 2017

## Application for Determination

<b>Parish:</b>	Ormesby St Margaret Parish Council
<b>Reference:</b>	BA/2017/0179/FUL
<b>Location:</b>	Burghwood Barns, Burghwood Road, Ormesby St Michael
<b>Proposal:</b>	Change of use of agricultural land to wildlife garden
<b>Applicant:</b>	Mr D Tucker and Miss S Burton
<b>Recommendation:</b>	Refuse
<b>Reason for referral to Committee:</b>	Director discretion

## 1 Description of Site and Proposals

- 1.1 The application site is a dwellinghouse at Burghwood Barns, Burghwood Road, Ormesby St Michael. Within the village of Ormesby St Michael residential development is interspersed with significant areas of waterworks operations and this development is concentrated in a ribbon along the A149 road that runs through the village towards Great Yarmouth to the east. Burghwood Road is an unmade road leading south from the A149 with residential development at the northern end, a sailing club, agricultural/horticultural land and a significant reservoir south of this and two dwellings at the southern extent over 500 metres from the road, one of which is the application site.
- 1.2 The application dwelling is a converted barn and to the west of this stands the retained farmhouse (Burghwood Farmhouse). These dwellings are isolated from the rest of the village and surrounded to the south, east and west by agricultural land and woodland on the edge of, but not visible from, Ormesby Little Broad, one of the Trinity Broads. The site is within approximately 5 metres of SAC and SSSI designations.



- 1.3 In 2013, planning permission was granted retrospectively to extend the curtilage of the dwelling into agricultural land by approximately 1000 square metres and for the retention of existing and erection of new domestic outbuildings (BA/2013/0271/CU - the 2013 application).
- 1.4 In March 2017, following a site visit, the Planning Committee resolve to grant planning permission to retain a further 5000 square metres of land to the east consisting of a continuation of the lawn within the area covered by the 2013 permission and a large pond along the eastern side of the now 'L' shaped site (BA/2016/0444/FUL - the 2017 application). This was all retrospective and included new buildings along the northern boundary. The permission is subject to conditions requiring various improvements to the landscaping, pond, buildings and a new fence and hedge across the southern boundary. These are due to be completed by the end of 2018.
- 1.5 Part of the resolution to grant planning permission for that development included serving of an enforcement notice on a further 6,000 square metres of agricultural land which has been used as residential curtilage. This area is also grassed with a 1.8 metre wide paved path around the edge enclosed by ornamental planting and a 1.8 metre high fence. A large metal gazebo structure sits in the southwest corner and lighting has been installed on the southern boundary facing out of the site. The enforcement notice that was served requires cessation of the use of the land as residential curtilage and removal of the path, gazebo, domestic paraphernalia and lighting. This is currently subject of an appeal and a decision is awaited.
- 1.6 This new application concerns the same land which is the subject of the enforcement notice (and appeal). It seeks to retain the land as a wildlife garden which would include the retention of the path and gazebo. The path around the western, southern and eastern boundaries is 1.8 metres wide, extending wider around the gazebo and benches, and has a slate paved surface. The large metal gazebo structure sits in the southwest corner of the site. This circular structure measures approximately 3 metres in diameter and the domed roof stands at 3.85 metres above the level of the slate paving.
- 1.7 The existing lawn would be partly replaced with three different planting specifications. A sweep of land across the north would be planted with a flowering lawn mix, south of this a larger band would have a wildflower mix and around the southern perimeter the soil would be scraped back to create a shallow, dished attenuation meadow up to 200mm deep and seeded with a wildflower mix. Climbing plants would be provided to grow over the 1.8 metre high post and mesh fence and gazebo, the ornamental trees adjacent to the fence on the west and south boundaries would have understorey shrubs and grasses and five trees would be planted outside the fence on the southern boundary.
- 1.8 The proposal is presented as restoring a landscape heritage feature and enhancing local biodiversity. According to the submissions, the creation of a grass-heath/meadow habitat would enhance biodiversity and restore an historic habitat which was lost with the cultivation of the uplands. It is

suggested a small scale transitional habitat would be recreated which would support other small local areas of relict habitat and complement other work currently undertaken elsewhere around the Trinity Broads. The attenuation meadow would provide an area for temporary storage and infiltration of surface water run-off from the impermeable path and replicate a dry-wet ground transition on a small scale.

- 1.9 It is proposed that the understorey planting to the boundary fruit trees would create a habitat similar to that of open woodlands and scrub communities around the margins of the Broads and any fruit trees that fail would not be replaced to create a less formal appearance to the site boundary. Climbing plants and boundary trees are proposed in order to soften the appearance of the fence and gazebo. The existing lighting would be removed.

## **2 Site History**

- 2.1 Planning permission was granted for the conversion of a barn and outbuildings to a single dwelling with attached double garage in 1997 (BA/1996/0419/HISTAP). The approved site plan indicated an area of residential curtilage and the total site measured approximately 1850 square metres.
- 2.2 In March 2013, a planning application proposing conversion of an existing attached double garage to a lounge and the erection of a new garage block was submitted (BA/2013/0065/FUL). Upon visiting the site, it was apparent that land outside the original curtilage of the dwelling was being used incidental to the enjoyment of the dwelling and a number of outbuildings (shed, summerhouse and open-fronted carport) had been built which did not benefit from permitted development rights. The application was withdrawn to allow it to be amended to include regularisation of this unauthorised development.
- 2.3 Following pre-application advice, the above application was resubmitted in August 2013 and proposed a change of use from agricultural land to residential garden along with change of use of existing garage to lounge, erection of new garage block, erection of greenhouse and previously erected car port, shed, summer house and play area (BA/2013/0271/CU). The area of agricultural land proposed to be used as residential curtilage measured approximately 1000 square metres and immediately east of this an area of a similar size was to be planted with native trees and shrubs. This was approved subject to conditions and later the greenhouse siting was amended (BA/2014/0121/NONMAT).
- 2.4 Further visits to the site observed that the above permission had not been implemented in accordance with the conditions and further agricultural land had been annexed. In September 2014, a planning application was submitted to retain this additional development as an amended version of the previously approved scheme (BA/2014/0328/CU). This was withdrawn pending amendments but never resubmitted.



- 2.5 In February 2015, an application proposing to relocate the garage approved (but not built) under planning permission BA/2013/0271/CU was made (BA/2015/0059/HOUSEH). This was subsequently withdrawn.
- 2.6 Following a visit in December 2015, a planning application was received in May 2016 proposing similar development to that in withdrawn application BA/2014/0328/CU and retaining two additional buildings and a gazebo structure (BA/2016/0209/FUL). The total area of land proposed to be changed from agricultural to residential measured approximately 11,000 square metres. Biodiversity enhancements were proposed in the application, including the same proposals for the lawn area which are the subject of the current application.
- 2.7 Concurrently, an application proposing extensions to the dwelling was also considered (BA/2016/0232/HOUSEH) and this was amended to include proposing retention of various rooflights and openings on the dwelling that had been completed without the benefit of planning permission.
- 2.8 In August 2016, the application for extensions and alterations to the dwelling was refused due to the impact these would have on the character of the dwelling and its historic agricultural setting and the loss of original fabric of the barn that was converted to provide the dwelling. The existing alterations which this application sought to regularise remain unauthorised.
- 2.9 In September 2016, the application for change of use of agricultural land to curtilage and other retrospective development was refused due to: the significant direct adverse impact it would have on the local landscape character; the significant adverse impact it would have on the perceptual qualities of the area and experience of tranquillity adjacent to the Trinity Broads; the built development was considered unacceptable in character and design, exacerbating the impact of the change of use of land; and, the impact on the character and appearance of the dwelling. The enhancements proposed were not considered sufficient mitigation.
- 2.10 Application BA/2016/0444/FUL was submitted in December 2016 proposing retaining the same development as refused application BA/2016/0209/FUL but excluding approximately 6000 square metres of land to the south – this is the land subject to the current enforcement notice appeal and the planning application subject of this report.
- 2.11 This application for a reduced area (5,000 square metres of additional curtilage) was approved in March 2017 subject to conditions requiring the details of and timescales for the implementation of landscaping, biodiversity and building enhancements. The conditions were subsequently discharged in June 2017 (BA/2017/0119/APPCON), subject to satisfactory completion on site.
- 2.12 On 8 March 2017 the enforcement notice described above was served (BA/2015/0026/UNAUP2) and is subject of an appeal (BA/2017/0001/ENF).

### 3 Consultations

#### 3.1 Consultations received

Parish Council - No response.

District Member - No response.

Natural England - Response awaited.

#### 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 2007) [Core Strategy Adopted September 2007 pdf](#)

CS1 - Landscape Protection and Enhancement

Development Management Policies DPD (adopted 2011)

[DEVELOPMENTPLANDOCUMENT](#)

DP1 - Natural Environment

DP2 - Landscape and Trees

DP4 - Design

- 4.2 Site Specific Policies Local Plan (adopted 2014)

XNS1 - Trinity Broads

[http://www.broads-authority.gov.uk/\\_data/assets/pdf\\_file/0009/469620/Adopted-Site-Specific-Policies-Local-Plan-11-July-2014-with-front-cover.pdf](http://www.broads-authority.gov.uk/_data/assets/pdf_file/0009/469620/Adopted-Site-Specific-Policies-Local-Plan-11-July-2014-with-front-cover.pdf)

- 4.3 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.

Development Management Policies DPD (adopted 2011)

DP28 - Amenity

- 4.4 Site Specific Policies Local Plan (adopted 2014)

XNS1 - Trinity Broads

## Neighbourhood Plans

- 4.5 There is no Neighbourhood Plan for this area.

## 5 Assessment

- 5.1 This proposal must be considered on its own merits. However, regard should be had to how this proposal differs from the development which is the subject of the enforcement notice and the reasons why that notice was served. The development is also the same as that which formed part of the application considered in 2016 which was refused (BA/2016/0209/FUL) and that is a material consideration insofar as there are similarities between the proposals.
- 5.2 Whilst this proposal is presented as a 'wildlife garden' it is understood it would be for the enjoyment of the occupiers of Burghwood Barns and as such be part of the residential curtilage in planning terms. This is the same use as covered by the enforcement notice and previously refused planning permission. The proposal is to retain the land as it exists – as part of the residential curtilage of the dwelling and with the path, gazebo and perimeter planting. In that respect this is identical to the development subject to the enforcement notice (only the lighting would be removed in accordance with the notice). The additional aspect of the current application is the proposal to provide new planting and create an attenuation meadow and it should be noted that this in itself does not require planning permission (but any associated change of use of land does).
- 5.3 The enforcement notice was served as the unauthorised development was considered unacceptable. This had previously been considered (including the majority of the planting proposals covered in the current application) in the application refused in September 2016 (BA/2016/0209/FUL) as part of a proposal which also included the development subsequently approved in March 2017 (BA/2016/0444/FUL). The cumulative impacts of both parts of the development were considered in that application and refused due to: the significant direct adverse impact it would have on the local landscape character; the significant adverse impact it would have on the perceptual qualities of the area and experience of tranquillity adjacent to the Trinity Broads; the built development was considered unacceptable in character and design, exacerbating the impact of the change of use of land; and, the impact on the character and appearance of the dwelling. Removal of the part of the site subject to the current application resulted in a compromise solution which was, on balance, considered acceptable in the March 2017 application.
- 5.4 In support of the enforcement notice, the LPA's appeal statement summarised the reasons for finding the development unacceptable as follows:

*'The LPA consider that the development causes significant harm to the landscape of the Broads, the experience of tranquillity, the rural character of the site and its setting and the dark skies and adjacent bat habitat. The Broads has the equivalent status of a National Park and the NPPF gives the landscape the highest status of protection and great weight must be given to*

*the conservation of it, as well as wildlife and cultural heritage, indicating that development should be restricted where such conservation cannot be achieved. Rather than conserve, this development directly and significantly harms the Broads landscape and local landscape character of one of the most distinct and tranquil parts of the designated area.'*

- 5.5 The principle of the development must be considered in terms of the change of use and loss of agricultural land and the landscape impact of this. The acceptability of the enhancements and benefits these offer with regards to any adverse impacts must be weighed up and any impacts on dark skies, the designated habitats and amenity should be considered.

#### Loss of agricultural land

- 5.6 Paragraph 112 of the NPPF advises the economic and other benefits of the best and most versatile agricultural land must be taken into account when considering proposals affecting it. The land in this area is classified by Natural England as grade 3 agricultural land, which is of good to moderate quality. The area surrounding Ormesby St Michael is predominantly in arable use and the site and remaining field to the west are/were part of a larger fruit farming operation locally. Whilst the loss of good quality agricultural land is regrettable, it is a relatively small area when considered in the context of the agricultural land in this area as a whole and the loss is not, in principle, unacceptable in that it would not have a significant effect on the agricultural economy in the area. Paragraph 112 does, however, identify that agricultural land has more than just economic benefits and the other values of the land are considered below.

#### Landscape

- 5.7 The Landscape Character Assessments which cover this area (by both the Broads Authority and Great Yarmouth Borough Council) identify the large, deep lakes with a carr woodland periphery that separates them from the arable agricultural landscape beyond. Around the Trinity Broads, this arable landscape is predominant with isolated farmsteads outside more settled areas. Edge influences around the existing settlements, including the creation of paddocks and abrupt settlements edges, are identified as eroding the character and quality of the local landscape and there is an objective is to ensure settlement edges are porous and transitional in character.
- 5.8 As an arable field, the application site forms part of the typical and dominant local landscape character. It also provides an open and undeveloped buffer between the tranquil and habitat rich Trinity Broads and the settlement and associated activity of Ormesby St Michael. This arable landscape buffer is considered a feature of landscape importance and plays a role in protecting the SSSI and SAC from the settlement pressures of Ormesby St Michael.
- 5.9 The proposal to take the land out of agricultural use and retain it as a wildlife garden to a residential dwelling would extend the residential land up to the edge of the woodland fringe to Ormesby Little Broad. This would remove this

part of the buffer (in addition to those smaller parts lost as a result of the 2013 and 2017 permissions), leaving only that to the west of the site. There would be no gentle transition between undeveloped and developed and no buffer to the sensitive and special character of the Trinity Broads from the settlement and its activities. Residential development would extend up to the woodland fringe with only an agricultural access track approximately five metres wide between the development and activity associated with residential curtilage and wet woodland fringe which is typical of the Trinity Broads landscape character and also the designated SSSI and SAC habitats. The settlement edge would become abrupt and not transitional or porous.

- 5.10 The permitted extensions to the curtilage have changed the balance between arable and residential use in this area at the southern extent of Burghwood Road, but in terms of area and character, arable remains predominant. Changing the use of a further 6000 square metres of arable land and infilling the current void in the 'L' shape would significantly change the balance, meaning the whole of the eastern part of the original arable field would be in residential use. The woodland enclosure of the site and distance from the main settlement mean it is not publically visible, however this does not mean it is invisible and its character is perceptible outside the site. Locally there would be significant adverse impacts on the perceptual qualities of the area as the domestic character of the extended curtilage would dominate the arable landscape character which was typical of the wider area. This has an adverse effect on the local landscape character and is detrimental to the landscape setting of the Trinity Broads. It must, however, be considered whether the proposed enhancement measures would be sufficient to outweigh this loss of a feature of landscape importance and harm to the local landscape character and this is assessed below.
- 5.11 Furthermore the Broads Landscape Character Assessment identifies the Trinity Broads as having a 'strong sense of tranquillity and remoteness'. The change of use from agricultural to residential use would extend this domestic activity up to the woodland edge to the Broad. The activity associated with this use would be perceptible from the woodland and water and it is considered that this would have an adverse impact on the experience of tranquillity locally. Whilst the difference between this proposal, the existing situation and the previous proposal (2016 application) is the planting proposals to the large lawn that covers the majority of the site and this is likely to limit the use of this area for children's play, seating and other domestic activities, this area would remain a contiguous part of the domestic garden and the perimeter path and gazebo sit almost immediately adjacent to the woodland fringe around Ormesby Little Broad and their presence and use would be perceptible from outside the site.
- 5.12 The existing boundary fence, path and gazebo are considered inappropriate in design by virtue of the overly domesticated and urbanising effect they have in a rural, arable landscape. The positions of these features around the boundaries of the site serves to define the space and character within it and that character is considered inappropriate to the local landscape character. Softening the inappropriate features by providing additional planting is not

considered sufficient mitigation to make their retention acceptable and the site would still retain an inappropriate and incongruous domestic character.

- 5.13 The loss of arable land would remove a feature of landscape importance – a feature which protects the character, tranquillity and setting of one of the most distinct and special areas of the Broads; it erodes the local landscape character and introduces a character of development and use which is detrimental to the local landscape character; and directly impacts upon the experience of tranquillity. This is contrary to development plan Policies CS1, DP2 and XNS1 and paragraphs 112, 115 and 123 of the NPPF. The applicants propose ecology and landscape enhancement measures and it must be considered whether these outweigh this significant landscape harm.

#### Enhancements

- 5.14 It is noted the proposals are informed by an historical assessment of habitat around the Trinity Broads and that work is being done elsewhere locally by other parties to restore a heath-fen transition. The application acknowledges that in the overall scale of the landscape, the site is relatively small and any restored habitat would only make a small contribution to restoring a landscape heritage feature. In ecological terms, any native wildflower planting is beneficial to biodiversity and indeed the enhancements to the pond area covered by the 2017 permission include new wildflower planting. The wildflower meadow would be more beneficial to biodiversity than the existing mown lawn but as the application is retrospective it is not possible to fully assess the biodiversity impact of the loss of the agricultural land. It is considered likely that the proposed wildflower meadow would be more biodiverse than the arable field in its condition prior to the unauthorised change of use, however it must be considered whether this benefit is sufficient to outweigh the adverse landscape and tranquillity impacts discussed above. If these enhancements are considered necessary to make the development acceptable, whether they can be secured in for the lifetime of the development. It should also be noted that biodiversity benefits could be achieved on this site if it were retained in agricultural use.
- 5.15 Paragraph 115 of the NPPF gives the Broads the highest status of protection in relation to landscape and scenic beauty and states great weight should be given to conserving it. It also states conservation of wildlife is an important consideration to be given great weight. In this case it is not considered the proposal would result in any harm to wildlife (thus conserving it in accordance with paragraph 115) but would significantly adversely affect the landscape which paragraph 115 seeks to protect and conserve. The enhancements should therefore outweigh the harm, not just neutralise it and Policy DP2 only allows for the loss of features of landscape importance and adverse impacts on landscape character where they are outweighed by the landscape, biodiversity, navigation, social or economic benefits. In this case, the only benefit would be the biodiversity enhancements resulting from the planting when compared to the current (unauthorised) situation and likely also the original agricultural use. Whilst the planting would offer enhancement it is not considered so significant in its scale or effect to change the character or

appearance of the site from its existing domesticated and urbanised state and, as that developed character and appearance would be retained, the loss of the site as landscape buffer would not be mitigated.

- 5.16 The domestic use of the land may be less intense with the replacement of the large mown lawn by wildflowers, but the perimeter areas of the path and gazebo could still be used as intensely and the enhancements are not considered sufficient to mitigate the perception of domestic activity from outside the site nor the adverse effect on the tranquillity of the area.
- 5.17 If the enhancements were considered sufficient to outweigh the landscape and tranquillity impacts then their implementation and subsequent retention and management would be necessary to make the development acceptable. Some management provisions are indicated in the application and conditions requiring this could be included on any permission, but the planting would have to be maintained and managed for the lifetime of the development to ensure the landscape impact continued to be mitigated effectively. As part of an open domestic garden, there may be pressure to make use of this space or manage or plant it differently over time and landscape management plans generally only cover an initial five year period to ensure the planting becomes established. It is therefore considered that securing the enhancements in a beneficial condition long term and throughout the whole lifetime of the development by planning condition may not be sufficiently effective and only offer temporary mitigation to the permanent landscape loss.
- 5.18 The inclusion of biodiversity enhancements is encouraged in all developments. Here they are proposed to mitigate and outweigh the significant adverse landscape and tranquillity impacts but it is not considered that these impacts can be mitigated whilst retaining the land in residential use and with a domestic character. Taking into account the proposed enhancements, it is therefore still considered the proposal is unacceptable in landscape terms and contrary to development plan Policies CS1, DP2 and XNS1 and paragraphs 112, 115 and 123 of the NPPF.

#### Dark Skies

- 5.19 The application proposes removing the existing lighting along the southern boundary which illuminates the adjacent woodland and this is welcomed. The proposal would therefore protect the dark skies of the Trinity Broads and wider Broads landscape and the woodland as a likely bat habitat.

#### Designated Habitats

- 5.20 The application site is within five metres of the SAC and SSSI habitats. The response of Natural England to this application is awaited, but they have raised no objection to previous proposals on this site and it is considered unlikely the proposal would adversely affect the features of the designated sites in accordance with Policy DP1.



Amenity

- 5.21 There is one neighbouring dwelling and it is not considered the proposal would result in unacceptable impacts on the occupiers' amenity in accordance with Policy DP28.

Intentional unauthorised development

- 5.22 It is considered that the development of this and the wider site in breach of planning regulations over recent years has been done knowingly and this and the retrospective nature of the application is extremely regrettable. Whilst the intentional nature of the unauthorised development is a material consideration in the determination of the application, it is not considered a significant one and the landscape considerations attract greater weight.

Implications

- 5.23 As noted above, the application site and development proposed within it are subject of an enforcement notice which is currently being appealed. The outcome of the appeal is anticipated within the next couple of months and whilst this proposal must be considered on its own merits, it is worth considering the implications of the outcome of that appeal and determination of this application.
- 5.24 Should the appeal be allowed in full, the status quo would be maintained and the site could be retained as it is. In this respect, the enhancements proposed in this planning application represent some landscape and ecological improvement. Should this application be approved, there is no guarantee it would be implemented and the site may remain as it is. However having a permission which requires the implementation and maintenance of these improvements may encourage the applicants to undertake them. To this end it is suggested that if Members resolve to follow the recommendation below, the decision is not issued until the target date to enable the appeal decision to be reviewed if it is received in that time.
- 5.25 Should the appeal be dismissed, the requirements of the enforcement notice (cessation of use as residential curtilage, removal of path, gazebo and lighting) would come into effect.

**6 Conclusion**

- 6.1 The change of use of approximately 6,000 square metres of agricultural land to residential curtilage on the edge of Ormesby Little Broad would result in the loss of the buffer of agricultural land that distances and protects the sensitive habitat and tranquil environment of the Trinity Broads from the settlement of Ormesby St Michael. This buffer of land is considered to be a feature of landscape importance and its loss and conversion to residential curtilage is considered to result in significant harm to the landscape and erode the rural, arable character which is characteristic of the area. These impacts are

compounded by the built development within the site and it is not considered that the planting proposals throughout the site are sufficient mitigation or enhancement to outweigh the adverse landscape impact.

## **7 Recommendation**

Refuse (subject to 5.22 above)

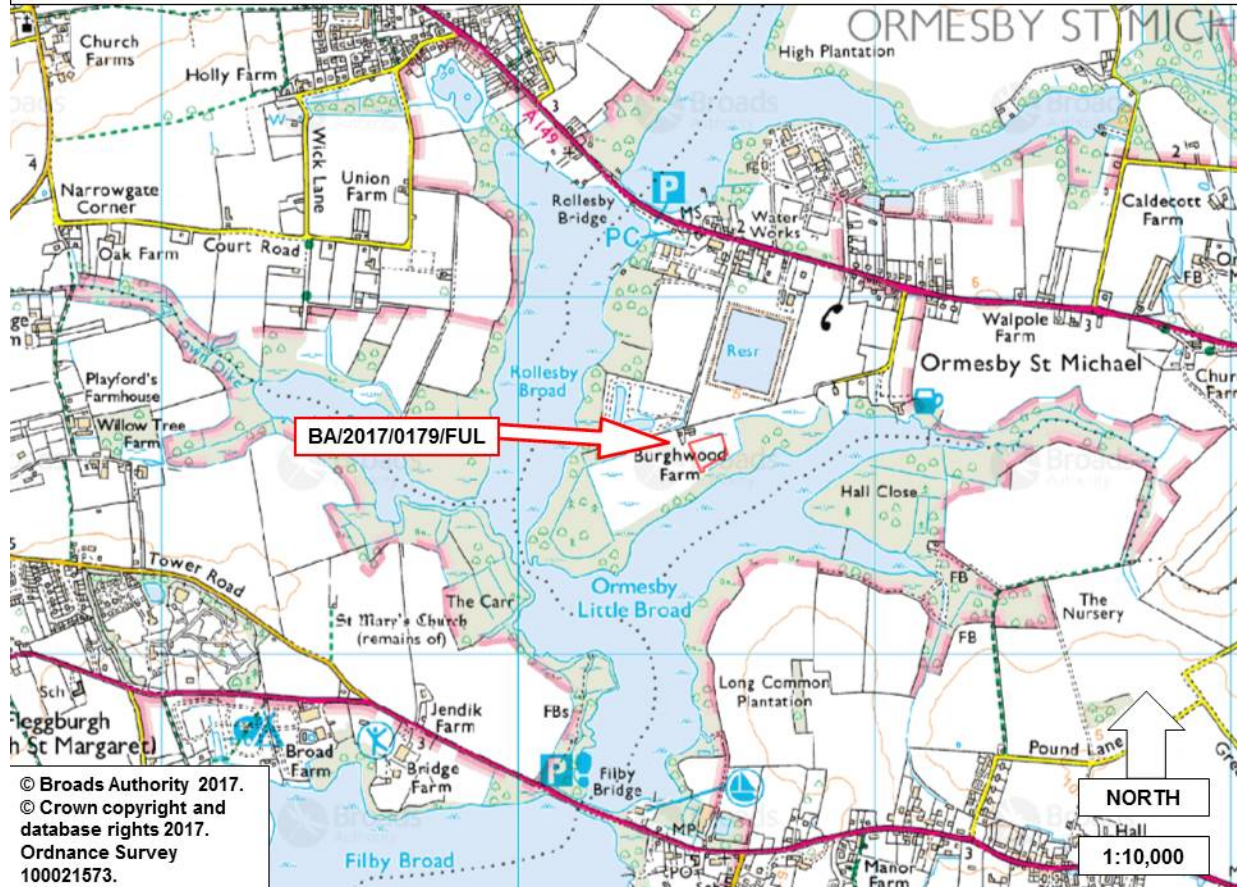
## **8 Reasons for Recommendation**

- 8.1 The application proposes retaining approximately 6,000 square metres of arable agricultural land on the edge of the Trinity Broads (designated a Special Area of Conservation and Site of Special Scientific Interest) as an extension to the residential curtilage of an existing barn conversion dwelling. It is considered that the loss of arable land, which is a distinctive feature of the local landscape character surrounding the Trinity Broads, has a significant direct adverse impact by removing this buffer between the Trinity Broads and the settlement to the north. This significant direct adverse impact is considered unacceptable and contrary to Policy CS1 of the adopted Core Strategy (2007), Policy DP2 of the adopted Development Management Policies DPD (2011) and paragraph 115 of the National Planning Policy Framework (2012).
- 8.2 The change of use of approximately 6,000 square metres of arable agricultural land to residential curtilage forms a significant intrusion into the countryside and has a significant adverse impact on the perceptual qualities of the area as the residential curtilage becomes the predominant character, making the arable character, which is typical of the local landscape character surrounding the Trinity Broads, subservient. This significant direct adverse impact is considered unacceptable and contrary to Policy CS1 of the adopted Core Strategy (2007), Policy DP2 of the adopted Development Management Policies DPD (2011) and paragraph 115 of the National Planning Policy Framework (2012).
- 8.3 The change of use of approximately 6,000 square metres of arable agricultural land to residential curtilage forms a significant intrusion into the countryside immediately adjacent to one of the most undeveloped and tranquil areas of the Broads - the three waterbodies known as the Trinity Broads. It is considered that the use of a significant area of agricultural land as residential curtilage, with its associated activities and management, has a detrimental impact on the experience of tranquillity of the identified XNS1 Trinity Broads policy area (inset map 10). The detrimental impact on tranquillity is considered to be unacceptable and contrary to Policy XNS1 of the adopted Site Specific Policies Local Plan (2014) and paragraph 123 of the National Planning Policy Framework (2012).
- 8.4 The application seeks to retain hard surfaced paths and a large metal gazebo within the proposed extension of residential curtilage. This built development, by virtue of its scale, siting, form, design and materials is considered to compound the significant adverse impacts of the change of use of land on the

landscape character and is considered unacceptable and contrary to Policy CS1 of the adopted Core Strategy (2007), Policy DP2 of the adopted Development Management Policies DPD (2011) and paragraph 115 of the National Planning Policy Framework (2012).

Background papers:	BA/2017/0179/FUL
Author:	Maria Hammond
Date of report:	2 August 2017
Appendices:	Appendix A – Map

## BA/2017/0179/FUL – Burghwood Barns



**To: Ecologist**

INTERNAL CONSULTATIONS in relation to planning applications. Application forms, plans and other submitted documents are available via Public Access or in the application file held in Planning. Please contact the planning officer Ms Maria Hammond ([maria.hammond@broads-authority.gov.uk](mailto:maria.hammond@broads-authority.gov.uk)) to discuss the proposal or your response.

<b>Response Date</b>	Response to be received in Planning by: <b>7 August 2017</b>
<b>Application Number</b>	BA/2017/0179/FUL
<b>Site Address</b>	Burghwood Barns Burghwood Road Ormesby St Michael Norfolk NR29 3NA
<b>Proposal</b>	Change of use of agricultural land to wildlife garden.
<b>Application Documents</b>	See Public Access - <a href="http://planning.broads-authority.gov.uk/online-applications/">http://planning.broads-authority.gov.uk/online-applications/</a>
<b>Comments</b>	<p><b>Review of submitted Protected Species Survey:</b></p> <p>I support the proposed habitat change from arable land to wildflower meadow. The proposed wildflower seeding and attenuation meadow is in keeping with the local area around the Trinity Broads, and would provide particular benefits to pollinating insects.</p> <p>An area of wildflower planting is considerably more beneficial to wildlife than an area of arable land. Arable land can be managed sympathetically for wildlife to include wildflower mixes, but these would be a much smaller proportion of the land in question.</p> <p>A five year management plan for the proposals should be conditioned as part of the planning permission.</p>
	<b>Conclusion: No objection</b>



