

**Reference:**

BA/2018/0112/CU

**Location**

The Croft, Romany Road, Oulton Broad, Lowestoft

BA/2018/0112/CU



**Application for Determination**  
Report by Planning Officer

<b>Parish</b>	Oulton Broad		
<b>Reference</b>	BA/2018/0112/CU	<b>Target date</b>	05 June 2018
<b>Location</b>	The Croft, Romany Road, Lowestoft		
<b>Proposal</b>	Change of use of outbuilding to holiday let.		
<b>Applicant</b>	Mr Sean Roberts		
<b>Recommendation</b>	Approve subject to conditions		
<b>Reason for referral to Committee</b>	Objections received		

**1 Description of the Site and Proposals**

- 1.1 The application site is in Oulton Broad and is located on the north-western side of the Broad. This side of Oulton Broad is characterised by detached residential properties set back behind long gardens running down to the Broad, with smaller boathouses and garden buildings on the fringes of the Broad itself. A substantial belt of trees of mixed varieties amongst and behind the houses is a prominent feature.
- 1.2 The application site itself comprises a detached building within the curtilage of The Croft, situated off Romany Road. It is accessed from Romany Road by a part hardsurfaced/part unmade track which also forms a public right of way (Footpath 33). The Croft is a detached residential dwelling of comfortable proportions situated to the eastern end of a 90m x 40m plot which adjoins Oulton Broad at its western end and enjoys good views over the water. The detached single storey building was built in the curtilage as a garage for the property, probably in the 1970s. It has been extended in the past and converted to provide residential accommodation ancillary to The Croft under a 2001 planning permission, being restricted to this ancillary use by planning condition.
- 1.3 From approximately 2008 until 2010 the detached building was used for separate self-catering holiday accommodation, contrary to the 2001 planning permission. An application for the regularisation and continuation of this use was refused. Subsequent to this there was an appeal against an enforcement notice to rectify the breach of planning which was dismissed. The Inspector was not satisfied that it would be acceptable to revert to the 2001 ancillary

residential use so subsequent to the appeal an application was received to convert the building to an office with a small bedsit, this was approved in 2011. It is noted that the approved layout only broadly conforms to the approved plan, a link between the two previously separated elements has been provided, and the use is no longer shown as office and bedsit, however, as the building does not appear to be in use there is no current breach of planning.

- 1.4 The site is within the Oulton Broad Conservation Area. The majority of the site is outside of flood zones 2 and 3; this includes the dwellinghouse and subject outbuilding.
- 1.5 The application proposes to utilise the outbuilding as self-contained holiday accommodation. The submitted plans show that the use of the rooms as existing would not change but that a glass partition would be removed. The building would provide open plan living/dining/kitchen/bedroom accommodation and a bathroom. Parking for the site would be provided adjacent to the formal entrance to the site on an area within the applicant's ownership. There are no proposed alterations to the external appearance of the building.

### **3 Site History**

BA/2015/0266/HOUSEH - Proposed external changes to existing dwelling comprising of the provision of horizontal timber board cladding to walls at first floor level to rear (west) and both flanks (north and south), the creation of new ground floor openings to rear (west) and the provision of an array of solar panels on rear (west) roofslope. Provision of an enlarged area of porous-surfaced hardstanding adjacent to vehicular entrance. Approved with conditions, October 2015.

BA/2011/0188/FUL - Retrospective external and internal alterations to existing outbuildings. Approved with conditions, August 2011.

BA/2010/0003/ENF - Appeal against Enforcement Notice. Dismissed, November 2010.

BA/2010/0020/BOCP3 - The carrying out of unauthorised development (namely the conversion of the Garage from domestic garage use into a detached, self-contained unit of residential accommodation) without the benefit of planning permission required in that behalf. Enforcement Notice issued.

BA/2009/0181/CU - Change of use of residential annexe to use as residential annexe and holiday let. Refused, October 2009.

BA/2001/6235/HISTAP - Part conversion of garage to living accommodation and single storey extension. Approved with conditions, April 2001.

BA/2000/6234/HISTAP - Conversion of existing garage to living accommodation and construct new detached double garage. Refused, January 2001.

BA/1996/6233/HISTAP - Construct garage / workshop with playroom over. Refused, October 1996.

BA/1991/6232/HISTAP - Extend existing garage to form workshop / boat store. Approved with conditions, November 1991.

#### **4 Consultation**

Parish Council - We have the following observations to support our recommendation of objection.

The owner access the site by a footpath. Why has the BA not linked the previous applications to this one? BA/2015/026HOUSEH and BA/2011/0188/FUL.

".... the site will need to be monitored to ensure that the annex is not adapted to a self contained unit... " If this was stated in BA/2011/0188/FUL then why are we looking at the application? How has it got this far?

SCC Highways - This proposal is unlikely to have any impact on the highway network in terms of vehicle volume or highway safety. Therefore, Suffolk County Council does not wish to restrict the granting of permission.

#### **Representations**

Three objections were received which are summarised as follows:

- Impact on neighbouring amenity through increase in traffic.
- Past experience of this use has infringed on neighbouring privacy and our amenity.
- Increased vehicular use of footpath access.
- Use as holiday let in a residential area is out of character within the locality.
- There is a very clear and established policy in regard to infill of waterside properties in the conservation. The proposal is clearly 'infill by stealth'.
- There are established and extensive holiday developments on the South side of Oulton Broad.

In addition, the applicant has supplied letters in support of the application as follows:

James Reeder - County Councillor for Oulton Division

1 letter from a local resident dated 2017.

2 letters from local residents dated 2009.

1 from previous visitors and an extract from a visitor's book.

## 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](#)

Core Strategy (adopted 2007)

CS9 - Sustainable Tourism

CS11 - Sustainable Tourism

CS24 - Residential Development and the Local Community

Development Management Policies DPD (adopted 2011)

[Development-Management-DPD2011](#)

DP11 - Access on Land

Site Specific Policies Local Plan (adopted 2014)

OUL1 - Development Boundary (Oulton Broad)

- 5.2 The following Policies have been assessed for consistency with the NPPF and has 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)

DP14 - General Location of Sustainable Tourism and Recreation Development

DP15 - Holiday Accommodation - New Provision and Retention

DP28 - Amenity

### Neighbourhood Plans

- 5.3 There is no Neighbourhood Plan in force in this area.

## 6 Assessment

- 6.1 The application is for a change of use of the existing detached building as a self-contained unit providing holiday accommodation. The application is to all intents and purposes a resubmission of the application BA/2009/0181/CU which was refused for the following reasons:

- The site lies outside of the development boundary where the principle of the creation of a separate unit of accommodation, albeit for seasonal holiday use, is contrary to saved Policy H2 of the Adopted Broads Local Plan and Policy CS24 of the Adopted Core Strategy.
- The site lies outside of the development boundary and the proposal does not make a significant improvement to the character and appearance of

the building and its setting and the proposal is contrary to saved Policy H7 of the Adopted Broads Local Plan.

- The site lies in an area of predominantly residential character where the creation of an additional and separate unit, particularly one used for holiday accommodation, would generate an increased level of activity which, combined with the additional domestic paraphernalia, would introduce unacceptable levels of noise and disturbance into the area and therefore have an adverse impact upon that character in conflict with saved Policy TR11 of the Adopted Broads Local Plan
- The proposed development would intensify the use of an existing public footpath potentially impairing the safety of members of the public. Contrary to saved policy TC8 of the Adopted Broads Local Plan.

6.2 The main issues in the determination of this application are the principle of the development, the impact on local character and neighbour amenity, and access.

#### Principle of development

6.3 The Broads Authority has defined development boundaries which are identified as settlements with local facilities, high levels of accessibility, and where previously developed land would be utilised. Planning policy seeks to site new residential and holiday accommodation within these development boundaries. This approach was applied to the previous application (ref BA/2009/0181/CU) and as the site lay outside of any development boundary as identified in the local plan documents which were current at the time of consideration (the Broads Local Plan 1997), the location formed two of the four reasons for refusal.

6.4 Since the previous application the Broads Local Plan 1997 has been replaced by the Development Management Policies DPD and the Site Specifics Policy DPD. This ushered in a substantial change in criteria for assessing development boundaries, it had a significant effect at village level, but also contributed to the redrawing of development boundaries at certain larger conurbations within the Broads area, which included Oulton Broad. The upshot of this is that the subject site is now within the Oulton Broad development boundary, and therefore the proposal would accord with Policy DP14 of the Development Management Policies DPD, and Policy OUL1 of the Site Specifics Policy DPD. This is considered to have overcome reasons 1 and 2 of the previous refusal.

6.5 Under Policy OUL1 the development boundary has been drawn to generally exclude the edge of the broad in order to discourage building on the waterfront for flooding and landscape reasons. It is noted that the subject building is sited to the rear of the site (close to the access track) and adjacent to the existing dwellinghouse, this has ensured that the building does not have a detrimental impact on the setting and character of the broad, and in this respect accords with Policy OUL1.

- 6.6 The provision of new holiday accommodation is assessed against Policy DP15 of the Development Management Policies DPD which provides 4 specified measures. Under criterion (a) it must accord with Policy DP14 in being a sustainable location, this assessment having been provided in the preceding paragraphs of this report. Criterion (b), (c), and (d) require the accommodation to be for short stay holiday occupation only, available for a substantial period of the year, not occupied by the same people, and that a register of booking is maintained at all times and available for inspection. These requirements are commonly secured by planning condition, the inclusion of which ensures that the proposal would accord with Policy DP15.
- 6.7 With regard to the above assessment it is considered that the principle of providing holiday accommodation at an existing building in this location is acceptable with regard to Policies DP14 and DP15 of the Development Management Policies DPD, Policy CS24 of the Core Strategy, Policy OUL1 of the Site Specifics Policy DPD, and the NPPF.

#### Character and amenity

- 6.8 The third reason for refusal of the previous application for conversion of the outbuilding to holiday let centred on the increase in activity at the site and additional domestic paraphernalia resulting in unacceptable levels of noise and disturbance. This reason cited Policy TR11 of the Broads Local Plan which considered the provision of holiday accommodation outside of development boundaries. Although it is noted that this redundant policy would not apply to the current proposal as the location is now within a development boundary, the purpose of that policy was to consider impacts on the amenity and character of the area which are still relevant to this type of application.
- 6.9 It is accepted that the location has a low density residential character. However in including the area within a development boundary it must be anticipated that proposals for additional habitable accommodation would be forthcoming and such proposals would have some level of impact on density levels. In considering the Oulton Broad development boundary it is noted that many of the sites do not have a layout which would be conducive to the provision of additional habitable accommodation, this in itself would contribute to maintaining reasonably low density levels. Each application must be considered on its own merits and in this case it would be reasonable to provide holiday accommodation at this location without unacceptably impacting on density levels. The site layout is acceptable, it maintains a proximity and relationship of built form, and the provision of accommodation is insignificant when considering the size of the majority of properties in this area.
- 6.10 Turning attention to neighbouring amenity, taking into account the location and scale of the holiday unit, the separation to neighbouring dwellings, the existing boundary treatments, and the orientation of the building, whilst there would be some increased level of activity at the site, it is not considered that this would be to a level which would be detrimental to the amenities or privacy



of neighbouring residents and in this respect the proposal is considered acceptable.

- 6.11 It is projected that the majority of visitors to the site would arrive by car. In consultation responses neighbours have raised the issue of impact on their amenity through the increase in vehicle movements. The level of accommodation to be provided is modest with only a single bedroom in a mostly open layout. On this basis it would be reasonable to assume that only one vehicle would visit the site per booking. The access track is narrow which would ensure low vehicle speeds. Whilst there would be some increase in noise due to additional vehicle movements to and from the site it is considered that these would not be at a level which would result in an unacceptable impact on neighbour amenity.
- 6.12 It is proposed to remove Permitted Development rights for the holiday use unit in order to ensure that the level of accommodation is not increased without assessment by the Local Planning Authority. The limited level of accommodation proposed is central to the acceptability of this use and any proposed intensification must be afforded due consideration.
- 6.13 With regard to the above assessment it is considered that the proposed holiday accommodation would not have an unacceptable impact on the character of the area or amenity of neighbouring residents with regard to Policies DP14 and DP28 of the Development Management Policies DPD, and Policy CS9 of the Core Strategy.

#### Highway safety and access

- 6.14 Access to the site is unusual in that it requires use of a footpath with Public Right of Way status. This footpath is well used locally by residents from Borrow Road and Romany Road accessing the Broad. As noted in the assessment of the previous application, 'DEFRA Rights of Way Circular (1/08) sets guidance for Local Planning Authorities and discourages developers from using footpaths, bridleways or restricted byways for vehicular access'. It was further noted in that report that the applicant has existing rights to use the footpath as a vehicular access to The Croft. The state of the access formed the basis of the fourth reason for refusal.
- 6.15 There is no way to provide private parking at the site without using the footpath access. The footpath in question can comfortably accommodate a car but this is about the limit of its width. It does have the appearance of a vehicle access, and in being utilised predominantly by local residents it could be argued that users will be aware of the custom of its usage and would be well versed in the possibility of a car sharing the footpath. The applicants do have the right to use the footpath for vehicle access to their property. The track is hardsurfaced from the junction with Romany Road as far as the subject site and then noticeably changes type and appearance once past the entrance to the site. The hardsurfaced element is visibly worn in the same way as a vehicle access which helps to inform footpath users of the shared nature of this section of the track. The site is approximately 100 metres from

Romany Road and provision is made for parking off the footpath. The Highway Authority have raised no objection and it is noted that visibility at the entrance to the access is reasonable to allow for safe access on to the public highway.

- 6.16 The DEFRA guidance is noted and does seek to discourage vehicular access using footpaths. In this specific case the footpath is already in use by the applicants for vehicle access to their site, so whilst there would be an increase in use of the access the type of development proposed would not result in a significant amount of additional traffic using the access. Nor would the proposed use of the access be uncharacteristic taking into account the existing use of the access. It is therefore considered that whilst the DEFRA guidance is acknowledged it would not be reasonable to refuse this application on access grounds alone taking into account the existing use and the level of additional use proposed.
- 6.17 As with paragraph 6.12 above, it is considered that the removal of Permitted Development rights would ensure that any intensification of use and potential for an increase in vehicles utilising the footpath is carefully considered by the Local Planning Authority.
- 6.18 The proposed parking area is adequate for one vehicle, however the narrow width of the access track make manoeuvring partly reliant on the width of the parking area. If two cars utilise the parking area then any vehicle movement will become problematic, and visibility would be reduced which has the potential to impact on the safety of members of the public. A restriction on the use of the parking area also contributes to minimising the number of vehicle movements along the track. With this in mind it is considered appropriate to limit the parking in the area shown on the submitted plan to one car only, secured by planning condition.
- 6.19 With regard to the above assessment it is considered that, taking into account the existing situation, the proposed increase in vehicle use of the footpath to access the site would not unduly impact on the safety of members of the public with regard to Policy DP11 of the Development Management Policies DPD.

## **7. Conclusion**

- 7.1 The proposed change of use of the existing outbuilding to holiday use, taking into account the change in planning policy with the adoption of the Development Management Policies DPD and the Site Specifics Policy DPD and resulting inclusion of the site within the Oulton Broad development boundary, is considered to have sufficiently overcome the previous reasons for refusal of such a proposed use. The level of accommodation proposed would not be detrimental to the character of the area or the amenity enjoyed by neighbouring residents. The access along a footpath is considered to be reasonable taking into account the existing use and expected increase in the degree of this use.

## 8. Recommendation

Approve subject to conditions as follows

- i. Standard time limit;
- ii. In accordance with submitted plans;
- iii. Parking area for one vehicle only;
- iv. Lighting scheme to be agreed;
- v. Restriction on use - type of use, duration of stay, register of bookings; and
- vi. Remove permitted development rights;

## 9. Reason for Recommendation

The proposal is considered to be in accordance with Policies CS9 and CS24 of the Core Strategy (2007), Policies DP11, DP14, DP15 and DP28 of the Development Plan Document (2011), and the National Planning Policy Framework (2012) which is a material consideration in the determination of this application.

List of Appendices: Location Plan

Background papers: Application File BA/2018/0112/CU

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