

23/00819/FUL

Homefield

Westley Waterless

Newmarket

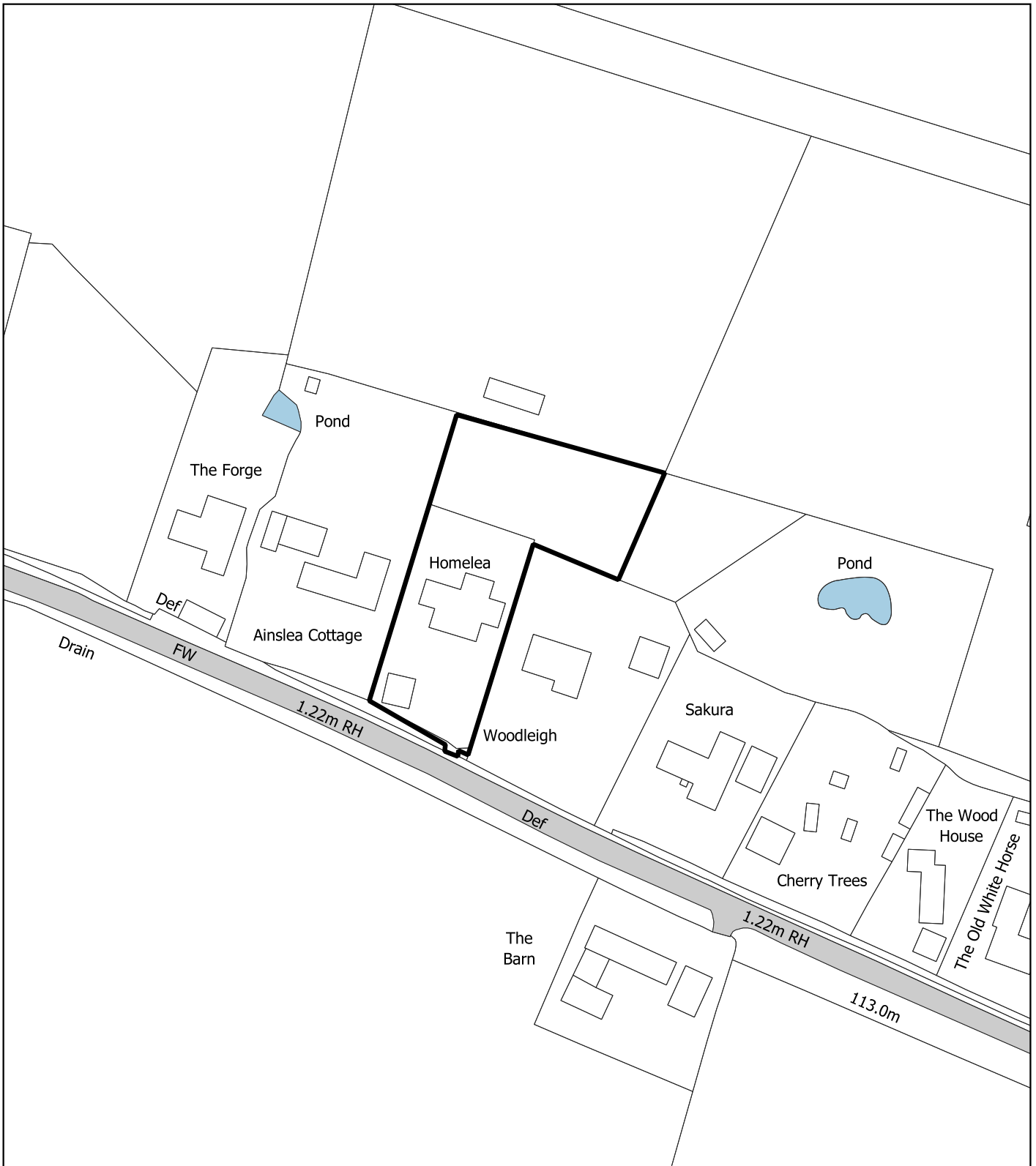
CB8 0RG

Change of use of land from agricultural to residential garden and installation of a summerhouse, associated works and infrastructure

To view all of the public access documents relating to this application please use the following web address or scan the QR code:

<http://pa.eastcambs.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=RYANWFGGM5100>





23/00819/FUL

Homefield
Westley Waterless



East Cambridgeshire
District Council

Date: 13/10/2023
Scale: 1:1,250



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TITLE: 23/00819/FUL

Committee: Planning Committee

Date: 1 November 2023

Author: Planning Officer

Report No: Y76

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Site Address: Homefield Westley Waterless Newmarket Suffolk CB8 0RG

Proposal: Change of use of land from agricultural to residential garden and installation of a summerhouse, associated works and infrastructure

Applicant: Mr K La Roche

Parish: Westley Waterless

Ward: Woodditton

Ward Councillor/s: James Lay
Alan Sharp

Date Received: 24 July 2023

Expiry Date: 18 September 2023

1.0 RECOMMENDATION

1.1 Members are recommended to APPROVE the application subject to the recommended conditions summarised below: The conditions can be read in full on the attached appendix 1.

- 1 Approved Plans
- 2 Time Limit -FUL/FUM/LBC
- 3 Specified Materials
- 4 Annexes

2.0 SUMMARY OF APPLICATION

2.1 The full planning application, plans and documents submitted by the Applicant can be viewed online via East Cambridgeshire District Council's Public Access online service, via the following link <http://pa.eastcambs.gov.uk/online-applications/>.

3.0 PLANNING HISTORY

3.1

14/00701/FUL

Construction of a two-storey detached house and garage (Demolition of existing house)

Approved

17 February 2015

14/00701/DISA

To discharge conditions 3 (Materials), 6 (Landscape) and 8 (Garage foundation) on decision dated 18.2.15 for construction of a two-storey detached house and garage (Demolition of existing house)

28 October 2015

16/00449/FUL

Erection of single-storey stable block consisting of two stables, storage area and tack room for private recreational use.

Approved

29 June 2016

16/00552/VAR

To vary Condition 1 Development shall be carried out in accordance with drawings and documents 14/00701/FUL for

Construction of two storey detached house and garage (demolition of existing house)

Approved

8 June 2016

16/00449/DISA

To discharge condition number 4 (Details & Siting of stable Waste) of Decision dated 29.6.16 for Erection of single-storey stable block consisting of two stables, storage area and tack room for private recreational use.

6 October 2017

22/00221/FUL

Construction of single storey rear extension

Approved

25 April 2022

23/00125/FUL

Replacement outbuilding, single storey rear extensions with flue and alterations to existing porch with associated works and infrastructure

Approved
22 March 2023

23/00126/FUL

Relocation of existing stable block, installation of new concrete base with associated works and infrastructure

Approved
1 June 2023

4.0 THE SITE AND ITS ENVIRONMENT

4.1 The application site is a parcel of land to the rear of Homefield, Westley Waterless. No previous history confirms the current use of this land and, therefore, it is considered to be agricultural land. However, it is noted this parcel of land is currently laid to grass with a hedge to the boundary and not used in an agricultural way. The area of land considered within the change of use is 1152m² (0.1152 Hectare).

4.2 The site itself consists of a detached two-storey dwelling that is set back within the site with a garage and parking to the front. There is a parcel of land to the rear that has an equestrian use with stables and a muck heap. The application site is not located within a Conservation Area or in close proximity to a Listed Building or Monument.

4.3 RESPONSES FROM CONSULTEES

5.1 Responses were received from the following consultees, and these are summarised below. The full responses are available on the Council's website.

Parish - No Comments Received

Ward Councillors - No Comments Received

ECDC Trees Team – 10 October 2023

No tree related objections to this application as there are no trees in the vicinity of the new structure and it appears to be sufficiently separated from the hedge to minimise any potential but please add the following informative to any decision notice should the application be approved:

To ensure that the trees on site are not compromised the guidance in British Standard BS 5837:2012 Trees in relation to design, demolition, and construction - Recommendations should be followed to ensure trees and hedges on site are not compromised.

5.2 A site notice was displayed near the site on 16 August 2023 and a press advert was published in the Cambridge Evening News on 17 August 2023.

5.3 Neighbours – two, neighbouring properties were notified. No responses were received.

6.0 THE PLANNING POLICY CONTEXT

6.1 East Cambridgeshire Local Plan 2015

GROWTH 2	Locational strategy
GROWTH 5	Presumption in favour of sustainable development
ENV 1	Landscape and settlement character
ENV 2	Design
ENV 4	Energy and water efficiency and renewable energy in construction
ENV 7	Biodiversity and geology

6.2 Supplementary Planning Documents

Design Guide
Climate Change SPD

6.3 National Planning Policy Framework 2023

- 2 Achieving sustainable development
- 4 Decision-making
- 12 Achieving well-designed places
- 14 Meeting the challenge of climate change, flooding and coastal change

6.4 Planning Practice Guidance

7.0 PLANNING COMMENTS

7.1 The main issues to consider in the determination of this application are the impact it may have on the residential amenity of nearby occupiers and the impact it may have on the visual appearance and character of the wider area.

7.2 Principle of Development

7.3 Policy GROWTH 2 of the East Cambridgeshire Local Plan, 2015 states that outside defined development envelopes, development will be strictly controlled, having regard to the need to protect the countryside and the settings of towns and villages. Development will be restricted to the main categories listed in the policy and may be permitted as an exception, providing there is no significant adverse impact on the character of the countryside and that other Local Plan policies are satisfied.

The dwelling known as Homefield, Westley Waterless, Newmarket, CB8 0RG was approved under the application 14/00701/FUL with a residential garden that extends to an existing hedge boundary. Under application 16/00449/FUL the adjacent field was approved for equine use with stables. Whilst the proposal site has been included in the blue line for both of these applications, the proposed parcel of land has no planning history to confirm its use and would, therefore, be considered agricultural land. However, it is noted that the site is currently laid to grass with a hedge boundary and is not in use for agriculture. As set out within the applicant's Design and Access Statement, the land was sold with the dwelling as residential use however, they have since put in this application to regularise the use.

- 7.4 There has recently been a similar application in Wentworth approved at Planning Committee (6th September 2023) under application 23/00656/FUL, for a retrospective change of use of paddock land to residential garden. The approved application was for a larger area of land which had been respectfully domesticated by the applicant and was considered not to cause harm to the countryside due to its naturally unbounded connection to the host dwelling.
- 7.5 The current application is considered to be similar to 23/00656/FUL in that the proposed area of land which would change use is adjacent to the dwellings rear residential curtilage. There is no physical barrier between the application site and the residential curtilage, and the area of land which would be incorporated into the residential curtilage is small.
- 7.6 Residential Amenity**
- 7.7 Policy ENV 2 of the East Cambridgeshire Local Plan, 2015 states that new development will be expected to ensure that there is no significantly detrimental effect on the residential amenity of nearby occupiers and that occupiers and users of new buildings, especially dwellings, enjoy high standards of amenity.
- 7.8 The application site is located to the rear of Homefields, Westley Waterless, CB9 0RG, situated between residential and equestrian land. There are neighbouring dwellings located to the east and west of the site.
- 7.9 The application seeks to erect a summerhouse on the southern boundary of the proposed area of land. This would be to the rear of the host dwelling and would not be visible from the public realm. The summer house would have an opening which would be located on the northern elevation that would have an outlook over the land and the boundary hedge. If the hedge was to be removed, the outlook would be over the equestrian land. As there are no neighbouring dwellings located to the north of this site, the proposed summerhouse would not be considered to cause harm to residential amenity through overlooking.
- 7.10 The siting of the summerhouse would be located to the rear of the host dwelling and is a considerable distance from neighbouring dwellings and would, therefore, not be considered to cause harm through overshadowing, overbearing or loss of privacy through overlooking.
- 7.11 The applicant also seeks the change of use of this parcel of land from agricultural to residential land. There is no physical boundary between these pieces of land, and this area of land is set back within the site. It would not be considered that the change of use would cause any harm to the neighbouring dwellings.
- 7.12 Whilst this addition to the residential garden would increase the overall residential garden to the dwelling, the use of the site by a single residential property is not considered to result in any significant impacts to residential amenity. The proposal is therefore considered to comply with Policy ENV 2 of the East Cambridgeshire Local Plan, 2015.

7.13 Visual Amenity

- 7.14 Policy ENV 1 of the East Cambridgeshire Local Plan, 2015 states that development proposals should ensure that they provide a complementary relationship with the existing development and conserve, preserve and where possible enhance the distinctive and traditional landscapes and key views in and out of settlements.
- 7.15 Policy ENV 2 states that development proposals ensure that the location, layout, massing, materials, and colour of buildings relate sympathetically to the surrounding area.
- 7.16 The proposal seeks the change of use of agricultural land to garden land and the erection of a summerhouse. The area to change use to residential would measure approximately 1126m², which would be accessible from the existing residential curtilage of the host dwelling as there is no boundary that divides this land.
- 7.17 The applicant seeks to change the use of an area of land to be suitable for the construction of a summerhouse and the additional land for garden use. The materials of the summerhouse would be timber 'log' cladding painted in light grey, with a felt roof and timber white painted doors. The proposed materials would be considered characteristic of a summerhouse and would be sympathetic in terms of materials to the character and appearance of the wider setting. It would not be considered that this proposal would cause harm to the visual amenity of the countryside as it would have limited visibility within the streetscene.
- 7.18 Due to the location of the proposal being sited behind the dwelling, there would be limited views of this proposal site from the public realm. The boundary for the development envelope terminates at the end of the existing residential curtilage. Whilst the proposal does extend into the open countryside, it remains set back from the public highway by a significant distance and would be screened by the host dwelling and significant boundary treatments in place. There is a footpath that runs to the east and north however, this site is screened by mature hedging.
- 7.19 It is considered that the proposal would not result in a significant adverse impact to the character and appearance of the area nor result in significant harm to the countryside and is therefore considered to comply with Policies ENV 1 and ENV 2 of the East Cambridgeshire Local Plan, 2015 and the NPPF.

7.20 Ecology

- 7.21 Policy ENV 7 of the East Cambridgeshire Local Plan, 2015 states that all applications for development that may affect biodiversity and geology interests must be accompanied by sufficient information to be determined by the Local Planning Authority, including an ecological report, to allow potential impacts and possible mitigation measures to be assessed fully. It also states that all development will be required to protect the biodiversity and geological value of land and buildings and minimise harm to or loss of environmental features, such as trees, hedgerows, woodland, wetland, and ponds. Policy ENV 1 states that development proposals should protect, conserve and where possible enhance the pattern of distinctive historic and traditional landscape features such as watercourses, characteristic vegetation, individual and woodland trees, field

patterns, hedgerows and walls and their function as ecological corridors for wildlife dispersal. Policy ENV 2 states that all development proposals will be expected to make efficient use of land while respecting the density, urban and village character, public spaces, landscape and biodiversity of the surrounding area.

7.22 The Council has adopted the Natural Environment SPD which states that all developments must result in biodiversity net gain.

7.23 The applicant proposes to erect a summerhouse within an area of land currently for the purpose of agriculture. However, it is currently laid to grass. The applicant seeks to retain the hedging and the grass. The Trees Officer has been consulted on this application and has concluded there are no tree-related objections, and the summer house is a sufficient distance away from the hedge to minimise any potential damage.

7.24 The proposal is considered not to result in any significant adverse impacts and is therefore considered to comply with Policy ENV 7 of the East Cambridgeshire Local Plan, 2015.

7.25 Climate Change

7.26 Local Plan Policy ENV4 states: '*All proposals for new development should aim for reduced or zero carbon development in accordance with the zero carbon hierarchy: first maximising energy efficiency and then incorporating renewable or low carbon energy sources on-site as far as practicable*' and '*Applicants will be required to demonstrate how they have considered maximising all aspects of sustainable design and construction.*' The adopted Climate Change SPD encourages all development to include sustainability measures within their proposal. No measures have been put forward as part of the application, however, due to the nature of the development proposed, it is considered that the inclusion of sustainability measures reasonably related to the development would be difficult and in this instance is it considered acceptable not to provide any such measures.

7.27 Planning Balance

7.28 Whilst the proposed development does not accord with policy GROWTH 2 as it does not fall within one of the exemptions for development in the countryside, it would not cause any harm to the character of the countryside which is a key aim of policy GROWTH 2.

7.29 The proposal is considered to be acceptable in all other aspects, including impacts of the proposal upon the character and appearance of the surrounding area and impacts on the amenity of neighbouring occupiers. The proposal complies with all other relevant Local Plan policies. It is therefore considered that no demonstrable harm would arise from the proposed development. The application is therefore recommended for approval.

7.30 COSTS

7.31 An appeal can be lodged against a refusal of planning permission, or a condition imposed upon a planning permission. If a local planning authority is found to have

acted unreasonably and this has incurred costs for the applicant (referred to as appellant through the appeal process) then a costs award can be made against the Council.

- 7.32 Unreasonable behaviour can be either procedural ie relating to the way a matter has been dealt with or substantive ie relating to the issues at appeal and whether a local planning authority has been able to provide evidence to justify a refusal reason or a condition.
- 7.33 Members do not have to follow an officer recommendation indeed they can legitimately decide to give a different weight to a material consideration than officers. However, it is often these cases where an appellant submits a claim for costs. The Committee therefore needs to consider and document its reasons for going against an officer recommendation very carefully.

8.0 APPENDICES

8.1 Appendix 1: Recommended Conditions

Background Documents

23/00819/FUL
14/00701/FUL
14/00701/DISA
16/00449/FUL
16/00552/VAR
16/00449/DISA
22/00221/FUL
23/00125/FUL
23/00126/FUL
23/00656/FUL

National Planning Policy Framework -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

East Cambridgeshire Local Plan 2015 -

<http://www.eastcambs.gov.uk/sites/default/files/Local%20Plan%20April%202015%20-%20front%20cover%20and%20inside%20front%20cover.pdf>

APPENDIX 1 - 23/00819/FUL Conditions

- 1 Development shall be carried out in accordance with the drawings and documents listed below

Plan Reference	Version No	Date Received
329_101		24th July 2023
329_206		24th July 2023
329_230		24th July 2023

- 1 Reason: To define the scope and extent of this permission.
- 2 The development hereby permitted shall be commenced within 3 years of the date of this permission.
- 2 Reason: To comply with Section 91 of the Town and Country Planning Act 1990, as amended.
- 3 The materials to be used in the construction of the external surfaces of the development shall be either:
 - a) As detailed on the application form and approved documents; or,
 - b) Submitted to and approved in writing by the Local Planning Authority prior to their use in the construction of the development.

All works shall be carried out in accordance with the approved details.

- 3 Reason: To safeguard the character and appearance of the area, in accordance with policy ENV2 of the East Cambridgeshire Local Plan 2015.
- 4 The Summerhouse; hereby permitted shall be used for purposes ancillary to the residential use of the main dwelling known as Homefield, Westley Waterless, Newmarket, CB8 0RG; and shall not be occupied as an independent unit of accommodation at any time.
- 4 Reason: The application has been assessed as acceptable and complying with policy ENV 2 on this basis.

