

**MAIN CASE**

Proposal: Construction of retirement bungalow on disused tennis court

Location: Land Adjacent To Romney House Dullingham Road Newmarket  
Suffolk CB8 9JU

Applicant: Dr & Mrs Rossdale

Agent: A C Architects Cambridge Ltd

Reference No: 11/00191/FUL

Case Officer: Sarah Hornbrook

Parish: Woodditton  
Ward: Dullingham Villages  
Ward Councillor/s: Councillor Chris Morris

Date Received: 7 March 2011                      Expiry Date: 2 May 2011

**[L73]**

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1.0        **EXECUTIVE SUMMARY**

- 1.1        Planning permission is sought for the erection of a 1½ storey dwelling on an area of land to the rear of Romney House, which currently contains a disused tennis court.
- 1.2        The site is located in an area designated as open countryside, where there is a policy of strict control over development. The principle of residential development here would be contrary to Core Strategy policies CS1 and CS2 and national policy contained in Planning Policy Statement 7.
- 1.3        There are no other material considerations of sufficient weight to justify overriding the policies of the Development Plan, and consequently refusal is recommended.
- 1.4        **A site visit has been arranged for 10.40 prior to the meeting.**

2.0        **THE APPLICATION**

- 2.1        The application seeks planning permission for the erection of a new dwelling on land to the rear of Romney House, Dullingham Road, Newmarket. The dwelling would take access from an existing private road which currently serves a cluster of five houses on the west side of Dullingham Road. It would be 1½ storey, with accommodation contained in the roofspace, and would measure approx 6m to the

ridge. The dwelling would have an attached garage, as well as a driveway providing parking and turning space.

2.2 A number of sustainable design principles and technologies have been incorporated into the proposal; the dwelling is orientated to make use of a long south elevation, with solar panels (both photovoltaic and hot water) on the southern roofslope. A ground-source heat pump would provide additional heating, and a rainwater harvesting tank would be installed to provide water for flushing toilets and running the washing machine.

2.3 The overall design of the dwelling is simple and modern; it would have a basic rectangular plan form, and would have a relatively shallow roof pitch with low eaves and wide gables. The walls would be timber clad, and the roof would be covered with slate. Light and ventilation to the first floor would be provided by a number of rooflights.

### 3.0 **THE APPLICANT'S CASE**

3.1 The applicant's case is contained within the Design and Access Statement, which can be viewed online <http://anitepa.eastcambs.gov.uk/AnitePublicDocs/00043097.pdf> or on the case file.

3.2 The Design and Access Statement explains that the proposal is to construct a 'lifetime home' for the applicants, incorporating a number of sustainable design principles, to enable them to remain active members of the community. It acknowledges that the proposal is a departure from the Development Plan, but argues that there are reasons why this specific proposal should be supported as an exception.

### 4.0 **THE SITE AND ITS ENVIRONMENT**

4.1 The application site measures approx 0.137ha (1370sqm) and is currently part of the wider garden land associated with Romney House. It contains a disused tennis court and a stable block. The site is separated from the main garden area of Romney House to the east by a wide belt of mature trees. To the west is further land, currently used as paddocks, within the ownership of Romney House, and beyond that is the railway line.

4.2 The site is located in open countryside, outside any Development Envelope. Romney House is one of a cluster of 9 dwellings located off Dullingham Road, between Dullingham and Newmarket. The application site is located at the south-western corner of this group of dwellings, with undeveloped land to the south and west, and dwellings to the north and east.

4.3 The site is located within flood zone 3 (high risk). Dullingham Road is a classified road (B class).

### 5.0 **PLANNING HISTORY**

5.1 None relevant

6.0 **REPLIES TO CONSULTATIONS**

- 6.1 LOCAL RESIDENTS - 6 nearby addresses were notified by letter. A site notice was posted at the entrance to Romney House on 21<sup>st</sup> March 2011. Responses were received from:
- 21 Dullingham Road: No objections. The proposal will improve the site and is in keeping with the other bungalows situated at the end of the lane.
  - Woodhaven: No objection. The proposal will not impact on Woodhaven, which is adjacent to the proposed building.
- 6.2 WARD COUNCILLOR - Former Ward Councillor Carl Poole: "I formally request that this application is determined by the Planning Committee. It is an application which has been categorised as 'a potential departure' case and has generated notable discussion locally, due to its nature and presented purpose i.e. the construction of a retirement bungalow on private, disused tennis courts. I therefore believe that this application would benefit from open debate within the democratic and transparent forum of the Planning Committee." (Comments submitted 17<sup>th</sup> March 2011)
- 6.3 PARISH COUNCIL - No concerns.
- 6.4 ENVIRONMENTAL HEALTH OFFICER - Contamination risk assessment condition required if minded to approve. Pleased to see that the bedroom has been sited as far away from the railway line as possible. Environmental notes to be sent.
- 6.5 LOCAL HIGHWAYS AUTHORITY - No objection in principle. Conditions suggested.
- 6.6 ENVIRONMENT AGENCY – Initial objection withdrawn following receipt of revised Flood Risk Assessment. Condition required to deal with disposal of foul water.
- 6.7 TREES OFFICER – Concerns raised about lack of information provided. An Arboricultural Impact Assessment would have been useful to assist in assessing the potential impact.

7.0 **THE PLANNING POLICY CONTEXT**

7.1 **East Cambridgeshire Core Strategy 2009**

CS1	Spatial Strategy
CS2	Housing
CS6	Environment
CS7	Infrastructure
S4	Developer contribution
S6	Transport impact
S7	Parking provision
EN1	Landscape and settlement character
EN2	Design
EN3	Sustainable construction and energy efficiency
EN4	Renewable energy
EN6	Biodiversity and geology
EN7	Flood risk

## 7.2 **National Planning Policy**

PPS1 Delivering Sustainable Development  
PPS7 Sustainable Development in Rural Areas  
PPS25 Development and Flood Risk

## 8.0 **PLANNING COMMENTS**

8.1 In determining any application for planning permission, section 54A of the Town and Country Planning Act requires decision-makers to make their decision in accordance with the Development Plan unless material considerations indicate otherwise. There are therefore two main considerations for this application:

- Does the proposal comply with the policies of the Development Plan?
- Are there any other material considerations that indicate that the policies of the Development Plan should be set aside?

8.2 Considering the first of these questions, the site is located outside the development envelope, on land designated as 'open countryside'. National Planning Policy Statement (PPS) 7 requires Local Planning Authorities to "strictly control new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans". Accordingly, policy CS1 of the East Cambridgeshire Core Strategy states that in areas designated as 'countryside' "development will be strictly controlled, and restricted to that which is essential to the efficient operation of local agriculture, horticulture, forestry, permitted mineral extraction, and outdoor recreation". Policy CS2 reinforces this, and states that "outside settlement boundaries and allocated sites there will be a policy of strict control over residential development. Exceptions to this policy of control may include: Affordable housing; sites for gypsies, travellers and travelling showpeople; dwellings where it is essential for farm, stud or other rural workers to live at or near their place of work; alterations to or replacement of dwellings; re-use/replacement of existing buildings".

8.3 This application is for a new dwelling in the countryside, and it does not fit within any of the exceptions listed in policies CS1 and CS2. Consequently, the principle of residential development on this site is contrary to both national and local planning policy, and does not comply with the Development Plan.

8.4 There are a number of other relevant policies which relate to the detail of the proposal, which must also be considered. First, the site is located in an area which is at high risk of flooding. Core Strategy policy EN7 states that development will not be permitted where it would intensify the risk of flooding of the development, unless suitable flood management and mitigation measures can be agreed and implemented, nor will development be permitted where it would increase the risk of flooding of properties elsewhere, have a detrimental impact on existing flood defences or inhibit flood control or maintenance work, or where safe access is not achievable to/from the development during times of flooding. This policy also requires all development proposals in flood zones 2 and 3 to be accompanied by a

site-specific Flood Risk Assessment. In this case, a Flood Risk Assessment has been submitted, and following an initial objection from the Environment Agency it has been amended. The Environment Agency have consequently withdrawn their objection, and are now supportive of the application, subject to a condition to deal with the disposal of foul sewage, as the site is in an area that is not served by a mains sewer.

- 8.5 Highway safety is another important consideration for this proposal, given that it would be accessed via a private road leading off the B1061 Dullingham Road, which is subject to the national speed limit (60mph) in this location. The Local Highway Authority have confirmed that they have no objections to an additional dwelling being served by the private road, subject to a number of improvements being made to the private road and its junction with Dullingham Road.
- 8.6 Core Strategy policy EN2 states that development should ensure that there is no significantly detrimental impact on the residential amenity of nearby occupiers, and that occupiers of new dwellings are provide with acceptable residential amenity. In this case, the proposed dwelling would be sited sufficiently far from the existing nearby dwellings to ensure that it would not be overbearing, and would not overlook adjacent dwellings or their private garden areas to an unacceptable degree. The proposal provides adequate private amenity space for the new dwelling.
- 8.7 To summarise, whilst all other considerations can be met, the principle of residential development on this site is contrary to the policies of the Development Plan. Having established this, we must now consider whether or not there are any other material considerations that would justify setting aside the policies of the Development Plan, and granting planning permission for development that is contrary to national and local policy.
- 8.8 The applicants acknowledge in the Design and Access Statement that accompanies the application that the proposal is contrary to the Development Plan, but argue that the Core Strategy policies are general policies relating to a wide context, and do not take account of the particular circumstances of this specific development site. They argue that the fact that the site is within an established hamlet, has no intrinsic value to the surrounding countryside, and has been earmarked for development by the applicant since 1957, mean that it is appropriate for the development proposed.
- 8.9 Considering each of these points in turn, it is true that the proposal is not for an 'isolated' new dwelling, as the site is located at the edge of a group of 9 dwellings. However, this does not alter the fact that these dwellings and their accompanying land was intentionally not included within a development envelope, and are therefore located in an area designated as countryside. It is true that the new dwelling would be viewed against the backdrop of the existing dwellings, and therefore would perhaps not have the same level of landscape impact as an isolated new dwelling, but nonetheless it would introduce another permanent structure into the landscape, and prevent this area of land being used for wider benefit to the countryside more generally.
- 8.10 We must also consider the cumulative impact that allowing several proposals of this nature would have; if we accept the argument that because the site is adjacent to a group of other houses it is appropriate for new residential development, we would

have to consistently apply this approach across the District. There are numerous examples of small groups of houses in the countryside, and these small groups could quickly begin to expand if we accept this approach. Whilst each site would have to be considered on its own merits, it would be difficult to know where to draw the line, if individual proposals came forward incrementally. For instance, within this group of dwellings, it is possible that there are other pieces of land that could come forward for development in the future, and the current group of 9 could expand to 10, then 11, then 12 and so on, gradually eroding the open spaces, increasing the visual impact and altering the character of the hamlet irreversibly.

- 8.11 It is also important to remember another key reason for the policy of control over development in the countryside: sustainability. The Core Strategy seeks to locate new development in the most sustainable locations possible, focussing new housing in areas where there are existing services and where there are opportunities for sustainable transport. This is the reason that policy CS2 restricts the level of development that is allowed within the boundaries of existing settlements with limited facilities, and allows larger scale development in the settlements which are better served. The location of this site is not sustainable; there are no services or facilities available within walking distance, and the only option would be car-based transport. The applicants have argued that the proposed house would be sustainable in its construction and in the technologies incorporated, such as solar panels and a ground-source heat pump. Whilst these technologies are welcomed, and the green intentions of the applicants are to be applauded, these technologies could equally be employed on a new house in a more sustainable location, with even greater benefit. The use of green technologies should not, and cannot, be used to justify an otherwise unacceptable form of development.
- 8.12 Moving onto the issue of whether or not the application site has any intrinsic value to the surrounding countryside, the applicants have argued that it has no value as paddock or farmland, and neither is it essential to the amenity of Romney House. They therefore conclude that there would be no harm in building a new house on it. However, the fact that the site at present contains a tennis court, which is no longer used and has been allowed to fall into disrepair, and that the land has become redundant to the applicants requirements and allowed to become unsightly, does not provide sufficient justification to allow the erection of a permanent new dwelling, which would otherwise not be acceptable. This argument places a premium on neglect as a means of justifying otherwise inappropriate development, and the fact is that there are plenty of other ways in which this land could be used, that would be of wider benefit, for instance to biodiversity and the environment in general. For example, there would be nothing to prevent the applicants removing the disused tennis court, and planting the land with trees, or using it for paddocks, both of which would have a far less intrusive and permanent impact on the countryside than the erection of a dwelling. Indeed the erection of a dwelling here brings with it no public benefits; the sole beneficiaries would be the applicants.
- 8.13 The third factor cited in the Design and Access Statement is that the site has been earmarked for development since the 1950s, when the applicants built Romney House. Unfortunately, the planning system has changed significantly over the last 60 years, and development that may have been considered acceptable in 1957 is no longer supported.

8.14 To summarise, it is the view of the Local Planning Authority that the principle of residential development on this site would be contrary to the Development Plan, and that there are no other material considerations of sufficient weight to justify setting aside the policies of the Development Plan.

9.0 **RECOMMENDATION**

REFUSE for the following reason:

- 1 The site is located in an area designated as open countryside, where there is a policy of strict control over development. The principle of residential development here would be contrary to Core Strategy policies CS1 and CS2 and Planning Policy Statement 7. There are no other material considerations of sufficient weight to justify overriding the policies of the Development Plan.

**APPENDICES**

- None

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<b><u>Background Documents</u></b>	<b><u>Location(s)</u></b>	<b><u>Contact Officer(s)</u></b>
The casefile and those referred to above.	Sarah Hornbrook Room No. 011 The Grange Ely	Sarah Hornbrook Senior Planning Officer 01353 665555 sarah.hornbrook@eastcambs.gov.uk