

**Applications referred to Planning Committee from North West Area Planning Committee**

1. **Appl. No** : **2007/1834/H**  
**Parish** : **RUNHALL**
- Applicants Name : Mr Adam Jackson  
 Site Address : Brandon House, Flood Lane, Brandon Parva  
 Proposal : Retention of tree house
- Recommendation : Approve with conditions
- 1 To be retained a natural wood colour  
 2 Use to be incidental to land and Brandon House  
 3 Not to be used for residential purposes

Introduction

The North West Area Committee resolved to grant approval of this application (6-2). The proposal is in the open countryside and does not accord with Policy ENV8, however it has been constructed in a location which is not visually prominent from public view points and does not have a significant adverse impact on the openness or character of the locality. Consequently the application is referred to the Planning Committee for determination.

1. Planning Policies

- 1.1 ENV 1 - Protection of landscape  
 1.3 ENV 8 - Development in the open countryside  
 1.3 IMP 1 - Design

2. Planning History

- 2.1 There is no planning history which is relevant to this proposal.

3. Consultations

- 3.1 Parish Council : Refuse  
 • Will be visible when leaves fall  
 • Concerns regarding size, use and health and safety
- 3.2 District Member : To be reported if appropriate
- 3.3 Breckland District Council : No objection  
 • The tree house is not harmful in visual or amenity terms
- 3.4 National Grid : Using a consultation matrix indicate that the risk associated with the development is "moderate". Further clarification has confirmed that it is beyond the distances

recommended for safe working near power lines

3.5 Local Residents

- : 2 letter of objection
  - Loss of privacy especially in the winter
  - Disturbance from construction
  - Proximity to power lines is not safe
  - Large hole which is used as a toilet
  - Concern about long term appearance
  - The tree house is an eyesore and spoils the whole look of the tree.
  - A tree house is a small structure not big enough to live in.
  - Thought oak trees were protected.
  
- 25 letters of support
  - Proposal does not result in overlooking due to distance, orientation and other vegetation
  - Construction has been sporadic
  - Power lines have been shrouded due to proximity to trees.
  - It is soundly constructed and has handrails on the walkways
  - There is a small wooden hut occasionally used as a toilet when people are camping at the site. Facilities at Brandon House are predominantly used during construction and the tree house is only a leisure structure and not intended for habitation
  - It has been constructed so as not to impact on the tree
  - Impact on the landscape is not as bad as power lines and agricultural buildings in the locality
  - Do not agree with the views of the Parish Council and feel comments should be substantiated
  - Question the need for planning permission
  - Has been an inspiration to many people of all ages
  - Council with Beacon status for youth engagement should support the project which shows what can be done with recycled materials
  - Has involved young people in something constructive and has received significant support
  - Has used recycled materials

4. Assessment

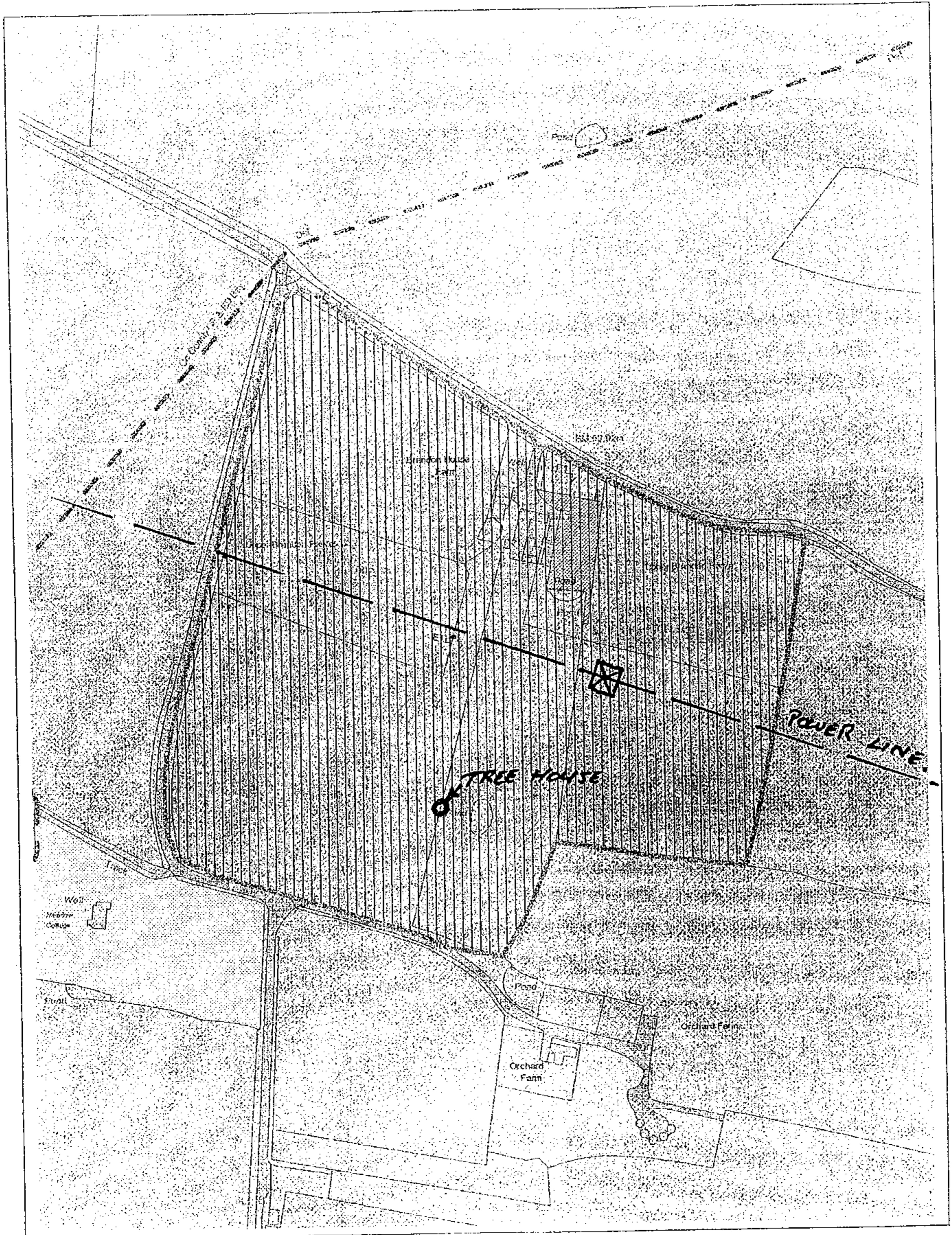
4.1 The application is for the retention of a tree house which has been constructed on land within the ownership of Brandon House but beyond the residential curtilage. The supporting information submitted with the application sets out that the tree house has been made from recycled materials and constructed by a group of young people who are friends. The tree house is 5m above ground level and is 3.5m in height itself. It is accessed by a fixed staircase and has windows in each elevation and a balcony on the west elevation.

- 4.2 The site is in an open countryside location where policy ENV1 seek to ensure that proposals do not have an adverse effect on the character of the locality and Policy ENV8 seeks to restrict new development to that needed for agriculture or forestry; is justified to sustain economic and social activity in rural communities and demands a rural location; or is for the suitable adaptation and re use of an existing rural building.
- 4.3 The tree in which the tree house is located is 180m to the south of Flood Lane and 80m from the public footpath which runs to the west and south of the site. The area is characterised by mature hedgerows with mature hedgerow trees and these substantially screen the proposal from public view points including the adjacent public footpath, although it is visible from a short section of the path, but at a distance of 110m. The prominence of the tree house at present is softened by the leaf cover on the tree and while I recognise that the tree house will be more visible during the winter months, I consider that given its position and isolation from public view points that it does not have a significant adverse effect on the character of the locality. I therefore consider that it is acceptable in terms of Policy ENV1.
- 4.4 The applicant has submitted further details relating to the construction of the tree house and its future use. The applicant has confirmed that while he is employed as a youth worker, that there has been no formal public, commercial or charitable drive for labour and it has not been constructed in association with his youth work, but by a group of friends. With regard to the future use of the tree house, due to the need for risk assessments and insurance issues it is not anticipated that it will be used by formal groups for trips or learning expeditions, nor in association with his youth work. I therefore consider that the nature of the construction and its future use has been undertaken and is intended to continue to be used as a structure which is incidental to Brandon House and the land holding on which it is located, being used by the family and friends. In these circumstances the proposal clearly does not accord with Policy ENV8. However given the position of the tree house and it's relationship to the land and Brandon House I conclude that its retention is not such a significant departure from policy to warrant refusal. Should Members of the North West Area Planning Committee be minded to approve the application, it will be necessary to refer the application to the Planning Committee for determination.
- 4.5 Concerns have been raised about overlooking and a loss of privacy for the occupants of neighbouring dwellings. While the tree house is in an elevated position and incorporates windows in each elevation, the proposal is 120m from Orchard Farm and 170m Meadow Cottage. These properties are currently screened by existing field boundary hedges, and while they will be more visible during the winter, I consider that given the separation between the tree house and the neighbouring dwellings, that its use will not result in significant overlooking.
- 4.6 I understand that the construction of the tree house has occasionally resulted in disturbance to the neighbours, and this has partly been due to the concentrated nature of the periods of construction. The applicant has submitted details of how it is envisaged that the tree house will be used in the future, which will predominantly be incidentally to the use of Brandon House and the land holding. I therefore consider that the retention of the tree house is unlikely to result in disturbance to the neighbouring dwellings.
- 4.7 The tree house has been inspected by the Landscape Officer who confirms that it has been constructed in a manner which is substantially self supporting and has involved limited pruning and fixings to the tree itself. I therefore consider that the construction and retention of the tree house is unlikely to have an adverse effect on the welfare of the tree itself.

4.8 Concerns have been raised about the health and safety implications of the proposal. The proposal is 80m to the south of a National Grid overhead power line, and the National Grid have indicated that there is a "moderate" risk based on a consultation matrix. From further discussions with the Nation Grid they have indicated that from their guidance notes in relation to working near such lines, development should not take place within 20m of the line. I therefore consider that given the separation of 80m the use and construction of the tree house is acceptable. I understand that CNC Building Control have been in discussion with the applicant and have concluded that the structure is exempt from Building Regulations although they have recommended that the applicant obtain independent advice from a structural engineer as to the structural adequacy of the 'building'.

5. Reasons for approval

5.1 The tree house has been constructed in a location which is not visually prominent from public view points and does not have a significant adverse impact on the openness or character of the locality. The tree house is to be used incidentally to the land and dwelling, Brandon House, and will not result in a level of use that would detract from the locality. Due to the distance to neighbouring properties the proposal does not have a significant effect on the outlook or amenity of the neighbouring dwellings. The proposal is therefore acceptable in terms of Policies ENV8 and IMP9 of the South Norfolk Local Plan 2003.



Application No: 2007/1834

Scale:  
1:2500

Date:  
27-Sep-07



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