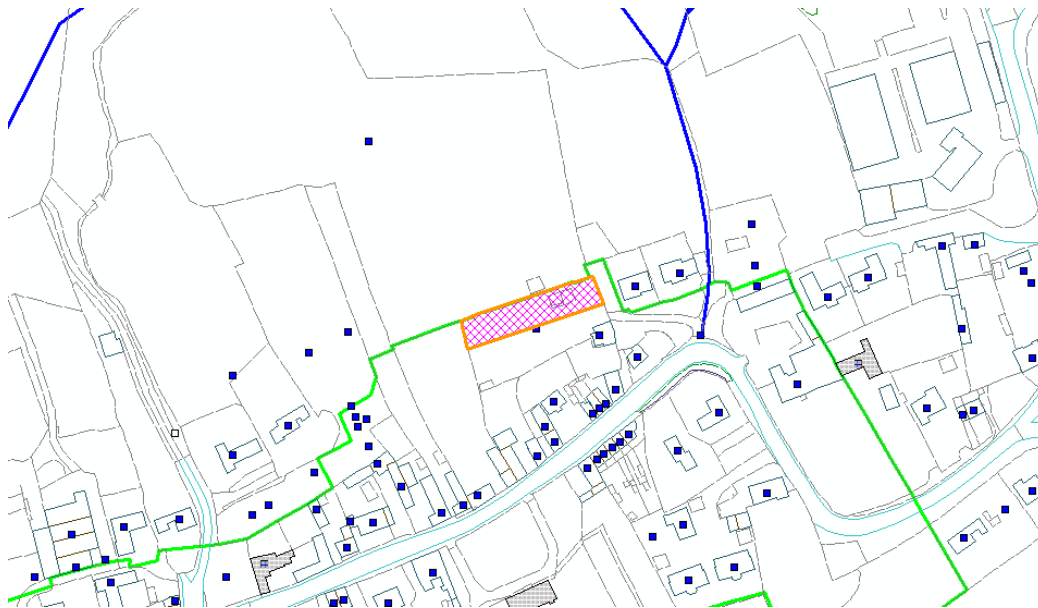


Reference: 14/00069/FUL
Date Submitted: 27.02.2014
Applicant: Mr W Seddon
Location: Lyndon, 35 East End, Long Clawson, LE14 4NG
Proposal: Demolition of existing stable and garage building and erection of 1.5 storey new build dwelling



Introduction:-

The application seeks full planning permission for the erection of a 1.5 storey dwelling on land within the northern part of the garden to 35 East End, Long Clawson for the applicants to move in to. On site there is a single storey brick and tile garage, and a stable building that are proposed to be demolished. The site is outside of the defined village envelope for Long Clawson, but within the Conservation Area. To the east of the site is a single storey dwelling, to the south is the applicant's current two storey dwelling and further to the south and west are residential gardens of the dwellings that face on to East End. To the north is open countryside where there are some outbuildings used for livestock, one that is located on the site boundary.

It is considered that the main issue relating to the application is:

- **Compliance to the development plan: whether it is justified to make an exception to Development Plan policies**

The application is required to be considered by the Committee due to the level of representations received in response to the application.

Relevant History:-

There is no relevant history at the site.

Planning Policies:-

Adopted Melton Local Plan (Saved Policies)

Policy OS2 states that planning permission will not be granted for development outside of the town and village envelopes except for:-

- Development essential to the operational requirements of agriculture & fishery
- Limited small scale development for employment, recreation and tourism, which is not significantly detrimental to the appearance or rural character of the open countryside
- Change of use of rural buildings

Policy C8 states that planning permission for a new dwelling outside the town and village envelopes will not be granted unless:-

- There is an essential long term need for a dwelling to enable a person employed in agriculture or forestry to live at, or very close to the place of work and there is no existing suitable means of accommodation available.
- The need cannot be met within the village envelopes shown on the proposals map

Policy BE1 states that planning permission will not be granted for new buildings unless:

- The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing
- The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight / daylight
- Adequate space around and between dwellings is provided
- Adequate vehicular access and parking is provided

The National Planning Policy Framework was published 27th March 2012 and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; **or**
 - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and building

- take account of the different roles and character of different areas, promoting the vitality of main urban areas, protecting Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- encourage the effective use of land by reusing land that has been previously developed (brownfield)

On Specific issues relevant to this application it advises:

Delivering a wide choice of quality homes:

- that Local Planning Authorities should deliver a wide choice of high quality homes which widen opportunities for home ownership and create sustainable, inclusive and mixed communities. These should include a mix of housing based on current and future demographic trends, and identify the size, type, tenure and range of housing that is required in particular locations to reflect local demand.
- Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to an area.
- to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Requiring Good Design

- The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

As stated above, s38(6) requires determination to be in accordance with the Development Plan unless other material considerations indicate otherwise. This is reinforced by paragraph 11 of NPPF. These form the relevant Development plan policies and they remain extant.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: Ensure that all of the details of the proposed access and parking comply with Highways Authority standards</p>	<p>Noted.</p> <p>The proposal shows access to the site along the existing track from East End that provides the access to the host dwelling. The new access would be to the north of the existing and parking would be provided within the site for three cars.</p> <p>Two of the spaces would be adjacent to the proposed access, and a further covered parking space would be available adjacent to the dwelling. From the plans provided it is considered that the spaces are of an adequate size to be used for car parking, and there would be space for two cars to turn around prior to exiting the site (if all three spaces were occupied).</p> <p>The driveway is proposed to be permeable gravel, which is considered acceptable due to the access being located away from the highway (this would limit gravel being transferred to the highway).</p> <p>Concerns have been raised informally with the Borough Council with regards to the access track which is not shown to be within the ownership of</p>

	<p>the applicant. Although no documentary evidence has been provided it has been stated that the land forms part of the village green, and the applicant has no further right of access over this for a new dwelling. Contact has been made with Leicestershire County Council in this regard to the Officer who deals with village greens; however no response has been received to date. Whilst it is noted that this could cause legal issues over the right to access the land, this is not a planning consideration and is considered to be a civil matter.</p> <p>It is considered that the proposed access would provide adequate vehicular parking and access in accordance with policy BE1 of the Melton Local Plan.</p>
<p>Ecology: The ecology report submitted in support of the application (CBE Consulting, February 2014) found one bat dropping on the external wall of the building. There was no evidence of bats within the building. However, there was evidence of nesting swallows within the eaves of the open porch area.</p> <p>Therefore recommended that the applicants attention is drawn to the recommendations within the report to minimise any potential impact on protected species.</p>	<p>Noted. Should planning permission be granted for the proposal, notes to this effect can be included.</p>
<p>Building Control: The proposal appears satisfactory for both fire and refuge appliances.</p>	<p>Noted.</p>
<p>Clawson, Hose and Harby Parish Council: The Parish Council has no objections to the proposal (including the amended plans). This is because the proposal replaces a building which is already there, is on the same footprint at the current building and is within the curtilage for 35 East End.</p>	<p>Noted. The proposal is outside of the village envelope where there is no presumption in favour of development. The site is within the rear garden of the host dwellinghouse which is considered to be residential curtilage. Whilst it is accepted that the dwelling is to be built on the existing footprint of the outbuildings, it is considerably larger than those outbuildings in terms of footprint, scale and mass.</p> <p>Due to the dwelling's proposed location outside of the village envelope, the proposal is considered to be contrary to policies OS2 and C8 which seek to resist inappropriate development in the open countryside.</p>

Representations:

A site notice was posted at the site and one neighbour was informed. As a result five representations have been received to date, consisting of one letter of objection and four letters of support.

Representation	Assessment of Head of Regulatory Services
<p>Policy Issues The proposed dwelling does not lie within the scope of developments permitted by policy OS2 and therefore conflicts with the provisions of the development plan.</p> <p>Housing Needs The two bedroom property proposed would be easily capable of conversion to three bedrooms, with a floor space well in excess of what would be reasonable for a two bedroom house. The house will exacerbate the identified problem of local people being forced out of owner occupation because of the oversupply of large executive homes. The size and type of house proposed is contrary to the provisions of the NPPF.</p> <p>Historic Environment The site is rural in nature and slightly elevated, the dwelling would occupy a substantial part of the site, alter the soft edge of the settlement and rural nature of this part of the village, altering the appearance of the Conservation Area.</p> <p>It would create a precedent for other greenfield sites.</p> <p>It would be visible from the public footpath, eroding the rural edge of the village.</p>	<p>Noted. The site is outside of the village envelope as discussed above, therefore the proposal is contrary to policies OS2 and C8 of the Melton Local Plan.</p> <p>The initial proposal for a large three bedroom home was considered to not meet the local housing needs by the Housing Policy Officer, and the applicant was invited to submit amended plans. Following discussions with Housing Policy, the applicant revised the scheme to reduce the size of the dwelling and take into consideration the Lifetime Homes Standards. Whilst the Gross Internal Area is 134m², 18m² of this has a reduced head height. The Lifetime Homes Standards allow for more floor space than that of a standard dwelling to allow for flexibility at a later stage (rooms on the ground floor that can be converted to wet rooms / bedrooms etc).</p> <p>Whilst it is accepted that the proposal is a large two bedroom dwelling, the initial objections from Housing Policy have been overcome.</p> <p>The host dwelling is sited on land higher than the application site, and the land continues to gradually slope away down towards the north. The neighbouring dwellings to the south of the application site also appear to be on land higher than the application site. It is accepted that the proposed dwelling would be slightly elevated above the countryside to the north, however the dwellings to the south are on higher land and would be visible above the new dwelling.</p> <p>The Conservation Area Appraisal, describes properties on East End as randomly arranged, some close to the back edge of the village, some elevated. Properties are generally older, but there is some newer infill. This section of the village is not mentioned in detail within the Appraisal, nor the view towards the village from the footpath close to the site.</p> <p>It is considered that the proposed dwelling could be considered to conserve and enhance the conservation area through the use of appropriate materials. The dwelling is of a fairly traditional design, which it is considered would fit well within this part of the village where there is a mix of older and new dwellings.</p>

<p>Highways East End is narrow and carries a large number of vehicles, including those travelling to and from the Dairy. The development is where there is a 90 degree bend in the road, and the access is used by many residential and farm vehicles. Another dwelling will adversely affect road safety where there is a history of accidents.</p> <p>There will be conflict between the public footpath and cars entering or leaving the site.</p> <p>Amenity The additional vehicle movements will be to the detriment of the amenities of existing residential properties</p> <p>Other Permitted development rights should be removed by condition should permission be granted, and a condition that prevents the insertion of additional windows or doors to the elevation facing 23 East End.</p>	<p>The application is considered to meet the objectives of the NPPF, paragraph 131 which seeks to ensure that new development makes a positive contribution to the local character and distinctiveness of the conservation area.</p> <p>The application proposes no alterations to the existing access on to East End, only to create a further access to the north of the host dwelling.</p> <p>It is accepted that East End is a busy road through the village, however whilst this development would create some additional car movements in the area, these are not considered to adversely affect the safety of highways users. The public footpath is approximately 40 metres to the east of the application site, and joins East End on the bend. Visibility when entering and leaving the site is good, and pedestrians would be easily visible when entering and leaving the site.</p> <p>The plans show sufficient provision of on-site car parking for three vehicles, and it is considered that the proposal meets with the policy objectives of BE1 in relation to highways safety.</p> <p>It is considered that the proposal would generate additional movements on a regular basis, whilst they would pass to the west elevation of 37 East End it is not considered that this would cause any undue loss of residential amenity of the occupier of this dwelling due to their small quantity. On the existing west elevation of this dwelling there are two windows that already overlook a track which is in regular use by the owners of the fields to the north.</p> <p>The addition further cars that would be moving at very slow speeds is not considered to adversely affect the residential amenities of the occupiers of this dwelling, and meets with the objectives of policy BE1.</p> <p>Noted. Given the scale of the development, and the fact that the proposal is outside of the defined village envelope it is considered that the removal of permitted development rights would be justifiable in this case should the proposal be granted planning permission. This would enable the Local Planning Authority to retain control over any further developments at the site in future, and would help to ensure that the dwelling remains of the size identified in the local housing needs.</p> <p>With regards to 23 East End, the separation</p>
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<p>Support</p> <p>The house will provide much needed housing stock in the village.</p> <p>It will allow the applicants to remain in the village The dwelling would have no impact upon the streetscene.</p> <p>There would be no material adverse or highways safety impact.</p> <p>The dwelling would be in keeping with others in the area.</p> <p>The dwelling would enhance the setting of existing neighbouring properties.</p>	<p>distance between the two dwellings is 29 metres at the closest point. This is considered to be in excess of the minimum distance normally suggested of 23 metres between habitable windows. The amended plans show that there is no room proposed above the car shelter to the south of the dwelling (as shown on the original plans). There are windows on the south elevation of the main dwellinghouse, however the separation distance between the proposed dwelling and the existing dwellings is considered to be acceptable, and meets with the objectives of policy BE1.</p> <p>Noted.</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of the Development Plan Policies</p> <p>The saved policy OS2 carries a general presumption against development outside town and village envelopes except in certain instances such as the need for a rural worker to live close to their place of work. This policy is backed up by policy C8 which clarifies the situation further, as detailed above.</p> <p>Policy BE1 seeks to ensure that new buildings harmonise with the locality, do not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight / daylight and that adequate vehicular access and parking is provided.</p>	<p>In policy terms the proposal is not supported by the Local Plan policies OS2, C8 and BE1.</p> <p>Policy OS2 is considered to retain relevance and weight under the tests set by paragraph 215 of the NPPF because it is compatible with the NPPF objectives on countryside protection.</p> <p>The proposed dwelling is outside of the village envelope and would represent inappropriate development. The site does however form part of the residential curtilage, and therefore would have no further encroachment into the open countryside than that which is already visible. The site is immediately adjacent to the village envelope, and the applicant argues that this was at one point due to be included within the village envelope. Long Clawson is considered to be a sustainable village where appropriate development should be supported as the village has facilities which ensure that residents do not have to rely fully on private transport.</p> <p>The NPPF states at paragraph 53 that inappropriate development of residential gardens</p>

	<p>should be resisted where development would cause harm to the local area.</p> <p>It is considered that a new dwelling in this location would represent inappropriate development outside the village envelope, and would cause harm to the countryside, contrary to policies OS2 and C8 of the Melton Local Plan, and paragraph 53 of the NPPF.</p>
<p>Design</p>	<p>The proposed dwelling is of a relatively traditional design, taking on an L-shape in appearance and being 1.5 stories high. At the highest point the main dwelling would stand just under 7 metres tall, and has a chimney on the east elevation. The principal elevation of the dwelling faces towards the south where there is an entrance door to the hall leading to the stairs, and a window to the living room which is the width of the dwelling. Also on the ground floor is a kitchen / dining area, WC and utility room. Above, there are two larger bedrooms, two bathrooms and a small study. The rooms are built into the roof space, so some head room has been lost (the applicant states 18sqm).</p> <p>On the south elevation is one dormer window to the bedroom, and velux style windows to one of the bathrooms and the study. On the north elevation there are no ground floor windows due to the field shelter located in the field to the north on the boundary. Above are dormer windows to the two bedrooms and stairs. The west elevation has French doors to the kitchen / diner and a window to the utility room. Above on the first floor is a further window to bedroom 2. It is accepted that the dwelling would meet the requirements of the Lifetime Homes Standards. The applicants have suggested within the design statement that the dwelling would be constructed of reclaimed bricks, however should permission be forthcoming a condition recommending the approval of materials would be suggested.</p> <p>According to the site location plan, the outbuildings have a footprint of approximately 10m x 6m (60sqm). The new dwelling has a footprint of 6.2m x 11.7m (72.54sqm), an increase of approximately 20%. This is in addition to the area of the covered car parking space, WC and utility room which adds further floor space of some 33sqm, therefore exceeding the original footprint of the outbuildings by approximately 75%. The existing outbuildings are also single storey in height, and are ancillary to the existing use of the dwelling.</p> <p>Whilst it is considered that the dwelling would not harm the conservation area due to its design, it is considered that it would harm the open countryside due to its location outside of the defined village envelope, and its scale and mass over and above the</p>

	<p>existing outbuildings on site.</p> <p>Therefore it is considered that the proposal is contrary to policy OS2 which seeks to restrict inappropriate development in the open countryside.</p>
<p>Sustainability of the Site Long Clawson is well provided in terms of shops, services and public transport and that the village should be regarded as sustainable. Due to the location of the proposed dwelling within the existing residential curtilage it can be considered to be located within a sustainable location.</p> <p>Although the site is outside of the village envelope, the dwelling is set entirely within the residential garden area of the host dwelling.</p>	<p>The site is located immediately adjacent to but outside the village envelope for Long Clawson. Long Clawson is considered to be a sustainable location for new development due to the availability of local facilities and services which reduce the need to travel.</p> <p>The development has a close relationship to the village envelope, but would represent an encroachment of the built environment into the open countryside which is not supported by the local plan, or the NPPF.</p> <p>It is considered that the sustainability of the site is good, considering its countryside location as it is close to the village centre. This is where the balance needs to be struck between allowing development outside of the village envelope, but in a location close to an inherently sustainable village, and the competing policy positions.</p>

Conclusion

The application seeks full planning permission for the erection of a 1.5 storey dwelling outside of the village envelope for Long Clawson, within the residential curtilage of an existing dwellinghouse. The proposal is contrary to policies OS2 and C8 of the Melton Local Plan which seek to only allow for new housing in the open countryside (as defined by the Local plan, which includes garden areas in some locations) where development is essential to the operational requirements of agriculture, and specifically in relation to a dwelling where there is a long term essential need for a rural worker to live at or close to their place of work. The proposal is however immediately adjacent to the village envelope for Long Clawson, which is considered to be a sustainable village, and within the Conservation Area. The proposal represents backland development of a residential garden which the NPPF seeks to resist where it would cause harm to the local area. In this instance it is considered that the dwelling would not cause harm to the Conservation Area, but would cause harm to the open countryside by virtue of its location outside of the village envelope, and its scale and mass being significantly larger than the outbuildings that it seeks to replace.

Therefore, it is not considered that the erection of a dwelling in this location would be appropriate outside of the village envelope, and as such the application is recommended for refusal.

RECOMMENDATION: Refuse:

1. The proposed dwelling is in a countryside location, outside the village envelope of Long Clawson as defined by the adopted Melton Local Plan, where there is a general presumption against the erection of new dwellings. It is considered that there is no essential, justified need for a new dwelling at this location as stated both within policy OS2 of the Melton Local Plan, and paragraph 55 of the National Planning Policy Framework (NPPF), nor does the dwelling represent innovative or exceptional design.
2. In the opinion of the Local Planning Authority, the proposal is considered to have a detrimental impact on the character and appearance of the open countryside by virtue of its scale and mass in excess of the outbuildings which it seeks to replace. The proposal is

therefore considered to be contrary to policies OS2 and BE1 which seek to ensure that development is not detrimental to the character and appearance of the countryside, and that buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing.

Officer to contact: **Mrs Sarah Legge**

29th May 2014