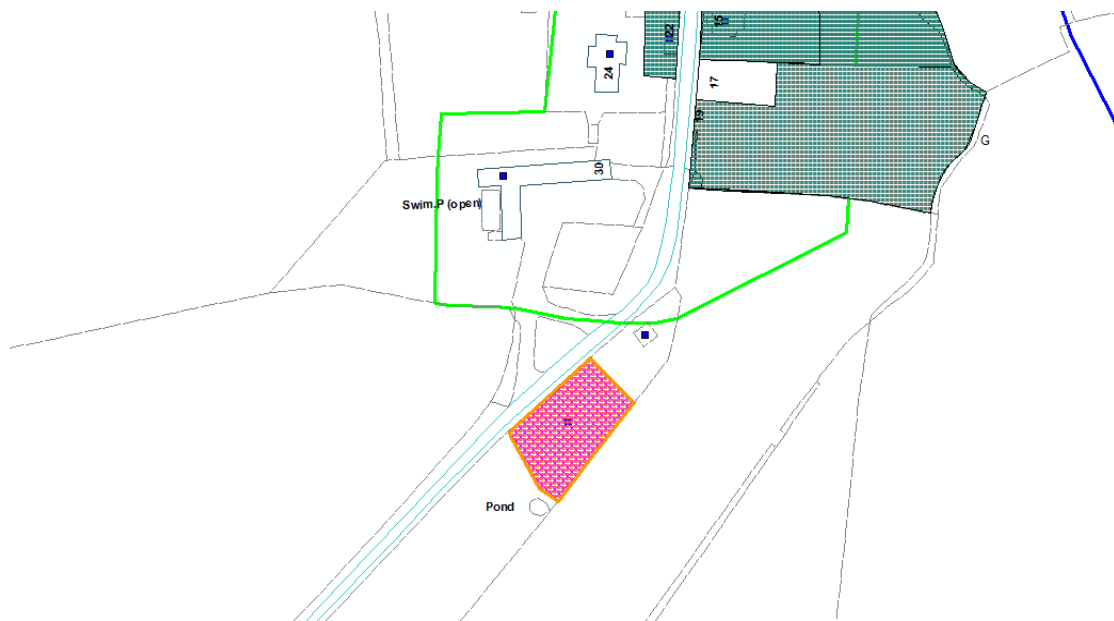


Reference: 14/00250/OUT
Date Submitted: 31.03.2014
Applicant: Mrs H Hazard
Location: Field 5100, Coston Road, Sproxton
Proposal: New 2 bedroom bungalow



Introduction:-

The application seeks outline planning permission with all matters reserved for the erection of a single storey dwelling on a greenfield site outside of the village envelope for Sproxton.

The bungalow would be occupied by the applicant who wishes to move out of the existing farm dwelling, opposite the site, to allow the son and family who manage the farm to occupy the farm dwelling. The existing farm dwelling and buildings all lie within the village envelope and designated conservation area with the land to the front is a designated as Protected Open Area. The farm lies to the north with the village of Sproxton lying to the northeast. Open countryside surrounds the site to the west, east and south.

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 has is due to be determined by the Planning Committee following a call in request by the Ward member.

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 High Quality Homes

- Maintain a five year land supply of deliverable sites with a further 5% headroom.
- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- Deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand
- Avoid new isolated homes in the countryside unless there are special circumstances
- Provide rural exception sites on the edge of rural villages to meet local affordable housing needs. Some market housing should be considered if it brought significant additional affordable housing to the area.

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:</p> <p>Consider justification as site is considered unsustainable in transport terms. Ensure access and parking facilities can be provided in accordance with Highway Authority standards</p>	<p>The application is in outline form with all matters reserved therefore no details have been provided in relation to access or parking.</p> <p>The site lies outside of the village envelope, being on the edge of the village. The justification provided to support the application relates to the social benefits of allowing the proposal so that Mrs Hazard can move out of the farm dwelling but still remain in close proximity to the family and farm business, which she still has an interest in.</p> <p>To allow a dwelling outside of the village envelope (OS2), special justification is required, such as support for a rural worker (C8); where a</p>

	<p>case has been proven that the farming practice can support a dwelling, or in the case of affordable housing as an exception site (H8). Whilst Mrs Hazard will still be involved to a limited degree in the running of the farm business, insufficient information has been submitted to justify a second dwelling to the farm, in terms of the need for her to live 'on site' or in close proximity in order to ensure the proper running of the farm.</p> <p>The site can be considered to be close to the existing village, however, the village of Sproxtton is not considered to be a sustainable location due to the lack of public services available within the village and housing development is therefore not supported due to the unsustainable location and approval would be contrary to the objectives of the NPPF, paragraphs 14(sustainable development) and 55 (restricting isolated dwellings).</p> <p>It is not considered that the 'special justification' required by the policy exists to allow a dwelling in this location contrary to the development plan and the NPPF. Whilst sited at the edge of the village due to lack of facilities residents would rely heavily on the use of the car to access everyday services and would not encourage sustainable modes of transport.</p>
<p>Ecology: This proposed development site is within 100m of a pond. Suitable terrestrial habitats for Great Crested Newt are present, both on-site and linking the pond to the development site [hedge, rough grassland]. The development would cause the loss of vegetation or features that could potentially provide a habitat for Great Crested Newts.</p> <p>Recommend that a survey of the pond and Great Crested Newt terrestrial habitats is carried out and submitted before the planning application can be determined. It is also recommend that the hedgerows surrounding the site are surveyed for the presence of badger. Should any setts be discovered, a mitigation plan should be submitted.</p> <p>Please note that ODPM Regulations require Great Crested Newt surveys to be submitted prior to determination of a planning application. It is also essential that the extent that they may be affected by the proposed development is established before the planning permission is granted. (Reference: Paragraph 99 of ODPM Circular 06/2005 (Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System)).</p>	<p>Noted. The applicants have been advised of the request for a survey.</p> <p>Therefore it is considered that insufficient information has been submitted by the applicant to enable the Local Planning Authority to assess the impact the proposed development will have upon protected species and should form a ground for refusal.</p>

<p>Sproxton Parish Council: No objection.</p>	<p>The proposal is outside of the village envelope on a greenfield site and not previously developed land. There is no presumption in favour of development and the proposal can only proceed if special justification exists which has not been proven.</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>
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Representations:

A site notice was posted at the site as a result no representations have been received to date.

Other material considerations (not raised through consultation or representation)

<p>Consideration</p>	<p>Assessment of Head of Regulatory Services</p>
<p>Application of the Development Plan Policies 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. Should development be acceptable in principle it would be considered against more detailed policy criteria within the plan. In this instance policy C8 is considered to be most relevant which relates to agricultural work dwellings.</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. Sproxton is considered to be an unsustainable village where development for housing is not supported as residents would have to rely heavily on private transport.</p> <p>The NPPF states at paragraph 55 that isolated dwellings should be restricted unless there is an essential need to live on site. This need has not been proven and the application therefore fails.</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 paragraphs 14 and 55 of the NPPF.</p>
<p>Design</p>	<p>The application is in outline form with all matters reserved. The description indicates that the dwelling would be of single story and design detail could be agreed at reserved matters stage.</p>
<p>Impact on adjoining properties</p>	<p>The dwelling would be sufficiently located to not have any adverse impact upon neighbouring properties due to its remote location outside of the village envelope.</p>

Conclusion

The application seeks outline planning permission for the erection of a single storey dwelling outside of the village envelope for Sproxtton. 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) 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 adjacent to the village envelope for Sproxtton, however Sproxtton is not considered to be a sustainable village and housing development would not therefore be supported within the village envelope unless the sustainability of the village was to be improved. The social argument put forward by the applicant is not, on its own, considered as sufficient reason to grant consent contrary to the local plan and the NPPF and accordingly the application is recommended for refusal.

RECOMMENDATION: Refuse:

1. The proposed dwelling is in a countryside location, outside the village envelope of Sproxtton 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).
2. Insufficient information has been submitted by the applicant for the Local Planning Authority to be able to assess the impact the proposed development will have upon protected species. This is contrary to the NPPF 'Conserving and Enhancing the Natural Environment' where it seeks to minimise impacts upon biodiversity and halt the overall decline in biodiversity.

Officer to contact:

Mrs Denise Knipe

13th June 2014