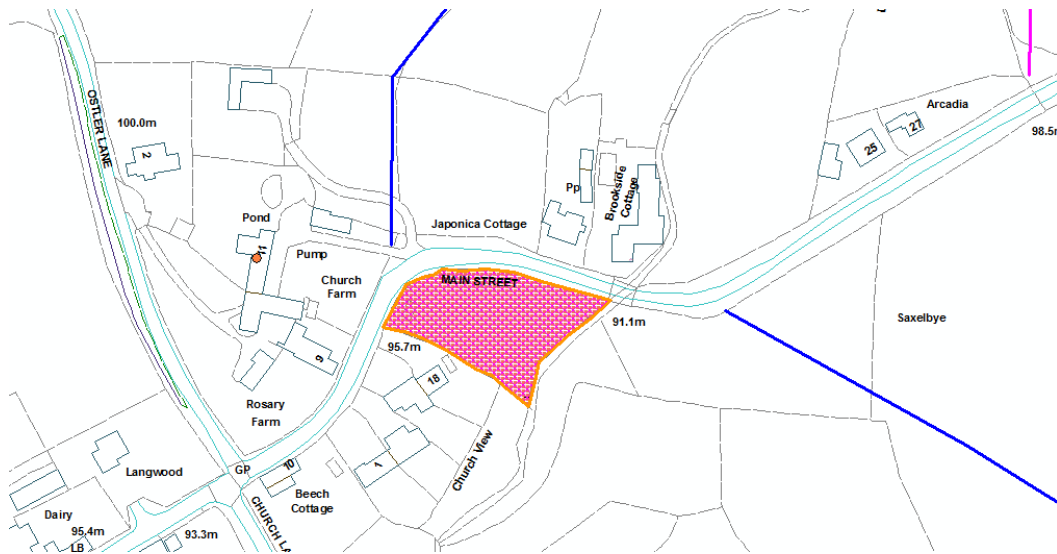


Reference: 15/00166/FUL
Date Submitted: 02.03.2015
Applicant: Mr Stephen Knott
Location: Japonica Cottage, 17 Main Street, Saxelby, LE14 3PQ
Proposal: Transportable log dwelling



Introduction:-

This application seeks full planning permission for the siting of a single storey log cabin to be used as a residential dwelling on land opposite Japonica Cottage, Main Street, Saxelby. The application site is currently in use by the occupiers of the cottage as a parking area and amenity land which has been landscaped and contains garden type structures. There are a lot of mature trees on the site and due to the topography of the area the land has two levels. It is proposed to site a log cabin which will be transported to the site on the lower land level and use the existing vehicle entrance and parking for the proposed dwelling.

The log cabin would be occupied by the applicant who wishes to move closer to elderly parents who own Japonica Cottage, to offer support and care. The site lies within the village envelope and designated Conservation Area with the land designated as Protected Open Area. The village of Saxelby is not considered to be sustainable location given that it has limited services to support new development.

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 due to the number of support letters received.

Relevant History:-

There is no relevant history at the site.

Planning Policies:-

Adopted Melton Local Plan (Saved Policies)

Policies OS1 and BE1 allow for development within Village Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy BE12 seeks to restrict development on land that has been designated as Protected Open Area. It does allow development where it can be demonstrated that the development is in conjunction or associated with an existing use and will not have a detrimental impact upon the intrinsic character of the area.

The National Planning Policy Framework 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:

Promoting sustainable transport

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians

- Consider the needs of people with disabilities by all modes of transport.

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA’s should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- 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

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

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 |
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| <p>Highway Authority:</p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consider access details and parking provision.</p> | <p>The site currently has a hard standing parking area with access direct from Main Street. It is proposed to create a new vehicle access further to the west and make a larger area for parking. Main Street is a narrow rural lane with no footways or street lighting. Due to the sharp bends to the west and east of the access vehicle speeds are likely to be lower than on a straight lit road. Whilst no details have been provided to show what visibility splays are to be provided a condition can be imposed to ensure that appropriate visibility splays can be achieved in order to comply with the Highways Authorities standing advice. The hedges either side of the proposed access are within the control of the applicant.</p> <p>Whilst the application site lies within the designated Village Envelope and OS1 supported development in Village Envelope this policy needs to be assessed against its compatibility with the NPPF. The saved policies OS1 and BE1 allow for development within the village envelope provided that the form, character and appearance of the settlement are not adversely affected, the form, size, scale, mass, materials and architectural detailing of the development is in keeping with the character of the locality; the development</p> |

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| | <p>would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and satisfactory access and parking provision can be made available.</p> <p>The Melton Local Plan does not examine the sustainability credentials of particular villages in the Borough in comparison to each other. Saxelbye is a small village, has very few facilities, and is located away from larger centres where jobs, services and facilities are to be found. Saxelbye is not considered a suitable location for new housing or employment development.</p> <p>The NPPF seeks to ensure that all development are sustainable, and that there should be a presumption in favour of sustainable development. There are twelve core planning principals which the NPPF states should under-pin decision taking; relevant to this application are:</p> <ul style="list-style-type: none"> • To identify and meet the housing needs for an area • Seek to ensure high quality design and a good standard of amenity • Take into account the character of different areas • Encourage effective use of land by reusing land that has been previously developed (brown field) • Focus development in locations which are sustainable <p>The village of Saxelbye 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).</p> <p>The future occupiers would rely heavily on the use of the car to access everyday services and would not encourage sustainable modes of transport. There has been insufficient justification put forward to allow a dwelling in an unsustainable location.</p> |
| <p>Ecology: No objection</p> <p>The ecological survey submitted in support of the application (Lawrence Armstrong, April 2015) found evidence of water vole along the stream, adjacent to the application site. We are satisfied with the proposed buffer distance between the development and the stream bank and would request that this is maintained throughout the development. The applicant should be aware that water voles are protected and should works to the</p> | <p>Noted. Conditions can be imposed to safeguard ecology.</p> |

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| <p>banks of the stream be needed in the future (with or without any requirements for planning consent) expert advice must be sought before the commencement of works.</p> <p>We note that no evidence of other protected species was found on site and that the site appeared to be mainly residential garden. However, we are in agreement with the recommendations of the report and would request that these are forwarded to the applicant as a condition of the development.</p> | |
| <p>Saxlby Parish Council: Supports the application.</p> | <p>The site falls outside of the residential curtilage to Japonica Cottage and it is not known how long it has been in their ownership however evidence has been provided in the form of an arial photograph showing a static caravan stationed on the site. This was occupied by the former land owners and removed from the site once purchased by the current land owners.</p> <p>The log cabin would be sited over the filled pond and replace the pergola. Two birch trees are to be removed from the site to make way for the log cabin however the site is well treed and the loss would not be detrimental upon the natural environment. The site has a stepped topography and the cabin would be located on the lower part, level with Main Street. The higher land would be used for the residential garden and a suggestion of it being used to grow vegetables for their own consumption has been put forward.</p> <p>The site is designated as protected open area as defined within the local plan and therefore development can only proceed if it is in conjunction with an existing use and would not affect the intrinsic character of the area. The site is clearly in use as separate amenity land to the host dwelling however the nature of the site is a well treed woodland area, aiding biodiversity in the area and predominantly used as a seating area.</p> <p>The proposed use would introduce a separate residential dwelling and the associated domestic paraphernalia would arguably alter the nature of the site from what it is today. The log cabin constructed in timber would aid to lessen the impact of a dwelling on the site and landscaping would add further screening which could be conditioned. The applicants have advised that the site is becoming unmanageable for their elderly parents and it is likely that the area if unmanaged could lead to an unsightly site within the Conservation Area. That may be the case however neglect of a site would not automatically make a proposal any more acceptable in planning terms. It is considered that the proposal does not comply with policy BE12 as the proposal would</p> |

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| | <p>introduce a new separate dwelling associated car parking and domestic paraphernalia and cannot be considered as being in an associated use of the main dwelling as it does not fall within the curtilage of the host dwelling; it is a separate parcel of land which the occupiers own.</p> <p>The social benefits of being close to elderly residents and allowing the couple to own their own home are also material considerations however due to the unsustainable location it is not considered that the proposal should be supported and alternative solutions should be explored such as extension of the host dwelling or buildings within the curtilage that could be used ancillary to the main dwelling.</p> <p>There are no street lights or footpaths and in that regards the site is fairly isolated. The village of Saxelbye has no public services and not served by public transport. The applicants have stated that the occupants run an internet business and works from home therefore travel for employment is not necessary, and work in the neighbouring village of Wartnaby and if allowed to live in Saxelbye travel to work will be reduced.</p> <p>It is considered that whilst there are some benefits associated with the proposal, such as support for elderly residents and a ‘home owner’ chance for the applicants the benefits are not significant to outweigh the unsustainable location and the application cannot be supported. The proposal would introduce an unrestricted residential dwelling in a location not supported for growth with no public benefits.</p> |
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Representations:

A site notice was posted at the site and neighbouring properties consulted as a result 8 letters of support from 8 separate households have been received to date.

| Consideration | Assessment of Head of Regulatory Services |
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| <p>Fully support the application for the dwelling as it will blend in with its surroundings and will enable a young couple to own a home of their own. There will be little impact in traffic movement as the applicant works from home. It will also enable the applicant to care for his aging parents</p> <p>It is applications such as this that local authorities should be fully supporting. It will help a young couple own their own home, enable the applicants parents to stay in their own home in their old age, and the type of dwelling planned is more sustainable than most modern developments due</p> | <p>The proposal seeks consent for a log cabin which would have a length of 13.7 meters by 6.8 meters width with an overall low height of 3.8 metres. It would be constructed from interlocking pine logs stained with a light brown timber protection with a green shingles roof covering. The cabin would also contain an open plan kitchen/diner and lounge with two bedrooms, bathroom and home office to allow the applicant to work from home on his internet business. There would be no impact upon any other residential dwelling due to its location.</p> |

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| <p>to the materials used, it will also blend very well with its environment.</p> <p>Fully support this development. Feel that it would have a positive impact on the area. It is good to see a development such as this providing an affordable housing solution, something which is much needed in the current housing market</p> <p>Believe that the development as proposed by the applicant should be allowed as it is low key, sustainable in nature and will fit in well with the surroundings</p> <p>This should be supported as a good sustainable housing solution that fits well with the surroundings. This application is superior from this point view than many large scale developments.</p> <p>The type of building blends into the land around.</p> | <p>It is the applicant's intentions to build a home that would have minimal impact upon its environment. In part the type of home proposed could assist with this objective. However there is no planning policy support for the proposal in this location being a Protected Open Area and being located in an unsustainable village. Whilst there are some social benefits of the applicants living close by to elderly relatives to offer support and care when need. This has to be balanced against the harm that would arise from the erection of a dwelling on the site, which would continue to exist long after the personal needs have ceased</p> <p>National planning policies seek to promote sustainable development and the village of Saxelbye performs poorly in this regards. The Council therefore seeks to ensure that residential homes are built in the most sustainable locations so that occupiers have good access to a range of services through other modes of transport other than the private motor car.</p> |
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Conclusion

The application seeks planning permission for the erection of a single storey log dwelling in an unsustainable village location on designated Protected Open Space within the village of Saxelbye. Saxelbye is not considered to be a sustainable village and housing development is not therefore supported 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 proposal relates to the development of a 'greenfield' site which is identified as a Protected Open Area in the Adopted Melton Local Plan where the release of the site for new housing is inappropriate and would affect the spacious open appearance of the site contrary to the provisions of policies OS1 and BE1 and BE12 of the Adopted Melton Local Plan and the NPPF promoting Sustainable Development.
2. In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of a dwelling in an unsustainable location. The development in an unsustainable village location where there are limited local amenities, facilities and jobs and where future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient reason to depart from the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles contained" within Para 17 of the NPPF.

Officer to contact:

Mrs Denise Knipe

5th May 2015