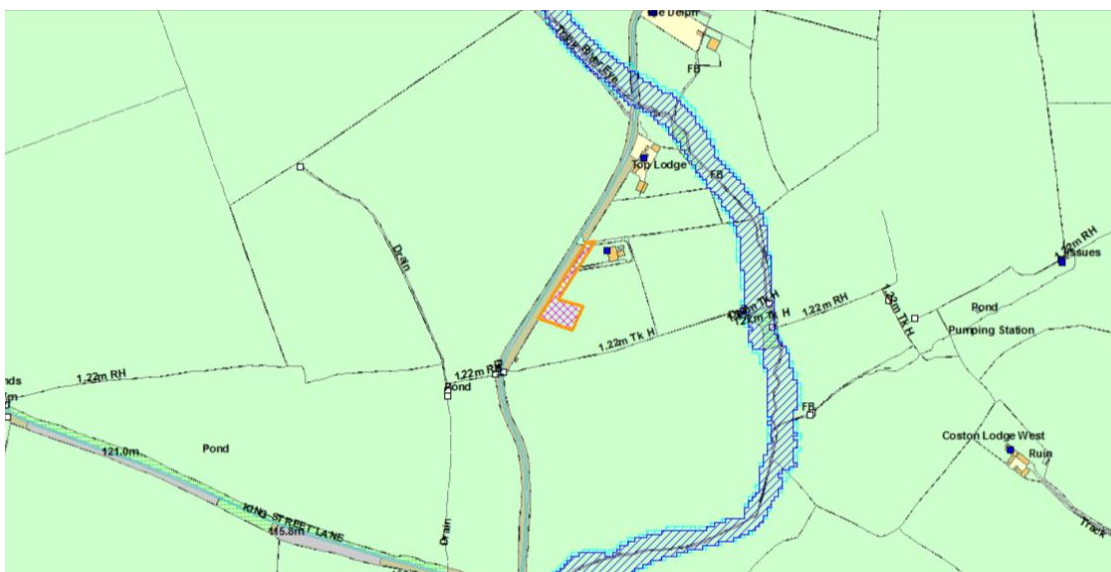


Reference: 15/00873/OUT
Date submitted: 3rd November 2015
Applicant: Mr & Mrs Britten
Location: Field OSS1721, Coston Road, Sproxton
Proposal: Outline application for one dwelling



Introduction:-

The application seeks outline planning consent for one dwelling, with all matters reserved apart from the access. The application site is situated off Coston Road, approximately 1km to the south of the village of Sproxton, adjacent to The Woodyard. The Woodyard is a forestry and associated tree services and ground maintenance business that has been based in this location for around 20 years. The site is within the open countryside, accessed from a single track road with passing places. The River Eye runs north to south approximately 200 metres to the east of the site. The closest residential dwelling (Top Lodge) is located approximately 200 metres to the north east of the site. As the application is for outline permission with only the access due for consideration, the main question is whether a permanent residential dwelling is acceptable and would meet the policy tests as set out in the NPPF.

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

- **Whether there is an essential need for a rural worker to live at their place of work**

The application is required to be considered by the Planning Committee as the application has been the subject of Member call-in, and in addition due to the level of representations received.

Relevant History:

Application reference 15/00258/OUT for the erection of one dwelling was refused planning consent on 3rd July 2015. Consent was refused as the enterprise was not considered to be financially viable and capable of supporting the cost of a permanent dwelling in the long term, and therefore did not represent sustainable development. Furthermore, the requirement for a dwelling for crime prevention was not considered an essential functional requirement for a dwelling as the business has no animal welfare issues.

Application reference 98/00350/COU allowed the change of use of the land to be for a log business on 20th August 1998.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS2, BE1

OS2 states that planning permission will not be granted for development outside the town and village envelopes shown on the proposals map except for:-

- Development essential to the operational requirements of agriculture and forestry;
- Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside;
- Development essential to the operational requirements of a public service authority, statutory undertaker or a licensed telecommunications code system operator;
- Change of use of rural buildings;
- Affordable housing in accordance with policy H8

BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provision.

Policy C8 was not saved.

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 the 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 is considered that in respect of rural workers dwellings, policy OS2 is compliant with the aims and objectives of the NPPF.**

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

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

On Specific issues relevant to this application it advises:

Delivering a wide choice of high quality homes

At paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the open countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside

Supporting a prosperous rural economy

At paragraph 28, the NPPF advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses.

The National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF paragraph 12).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: No objection</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 sustainability issues, ensure all details of access and parking comply with current standards</p>	<p>Noted.</p> <p>The access to the site is the only matter under consideration in this application, with details of appearance, landscaping, layout and scale reserved.</p> <p>The existing access to The Woodyard is proposed to be used to access the dwelling from Coston Road. The driveway to the dwelling would then run south, parallel to Coston Road to access the proposed site of the dwelling, to the south of The Woodyard.</p> <p>The existing access meets the highways standards for the business, and it is not considered the addition of a dwelling at the site would cause any additional highways dangers. The access is set back from the highway to allow vehicles to stop clear of the highway when accessing the site even when the gates are closed. There is good visibility from the access in both directions, with wide visibility splays. The road, whilst is only single track with occasional passing places is not heavily used.</p> <p>The site area marked on the plans shows an area large enough to provide a dwelling with plenty of off road parking that would ensure that vehicles would not need to park on the road, and could turn around on site to prevent reversing into the highway.</p> <p>It is not considered that the proposal would cause any highways safety issues. As such, the proposal is considered to meet the requirements of policy</p>

	BE1 of the Melton Local Plan.
Parish Council: To date there has been no response from the Parish Council	Noted.

Representations:

The application was advertised by way of a site notice at the application site. As a result of the consultation 27 letters of support were received, in addition to a representation from the local police constable. The application was also called in by a Member of the Council.

Consideration	Assessment of Head of Regulatory Services
<p>The Business</p> <p>Support anything that helps the business to progress.</p> <p>We purchase fire wood from the Brittens, they have been in Sproxton many years and provide an excellent local delivery service, they also employ a number of local people.</p> <p>The business supports two families, and they want to grow it further, allowing a dwelling would enable the business to expand into a much larger operation.</p> <p>It is a struggle for Mr Britten to run a successful business whilst not living in Sproxton.</p> <p>The Britten's business supports other local businesses such as The Little Stove in Buckminster, selling wood burning stoves.</p> <p>The business is well run and liked, and offers services essential to the local community.</p> <p>The business has been long established, Mr Britten senior will be retiring in 2 years, and Mr Britten junior (James) will take over management of the business. He will need to return to Sproxton to do so.</p>	<p>Noted.</p> <p>Please see the commentary below with regards to the support for the business and requirement for a dwelling on site in terms of policy.</p> <p>In the supporting documentation submitted with the planning application it explains that the family have operated the wood yard business for the last 22 years. It is a business that converts seasoned timber into hard wood logs for domestic and commercial heating purposes. Mr Britten junior commenced an additional mowing business at the site 11 years ago, and is contracted to work for Parish Councils, schools and churches in Leicestershire, Lincolnshire and Rutland.</p> <p>At present the business provides 4 full time jobs and 2 part time jobs. Both businesses operating from the site need to expand to become more profitable.</p>
<p>Security</p> <p>The business has suffered thefts as no one lives on site, there are significant costs of replacing machinery and time taken to re-secure property. Allowing a dwelling on site would prevent the majority if not all of the break-ins.</p> <p>The dwelling would allow for 24 hour surveillance and act as a deterrent to future criminal activity</p> <p>The local Police Officer has advised that the site has been the victim of crime in the past and whilst they remain impartial to the planning application, they advise that in general terms an occupied dwelling on site would increase security and deter criminality.</p>	<p>Noted.</p> <p>Please see the commentary below with regards to the weight that can be given to security considerations.</p> <p>The supporting documentation states that the mowing equipment and the saws and log splitting machinery are expensive, and the business requires somewhere secure to store all of the machinery.</p> <p>There is a storage building on site, and a lock up store, and the applicants advice that these have been broken in to 12 times in the last 2 years.</p>
<p>Sustainability</p>	<p>Noted.</p>

<p>Mr Britten’s son lives outside of the catchment area for Buckminster School as they no longer live in Sproxton, and therefore does not qualify for school transport. If they move back to Sproxton they would likely qualify for school transport, cutting out the extra mileage they have to drive at the moment.</p> <p>Moving back to Sproxton will cut down on fuel usage. The family had to move out of Sproxton due to high rents, which has resulted in a 60 mile daily journey to get the children to school, and Mr Britten has a 12 mile journey to and from work.</p> <p>It will allow a young family to move back to the village and contribute to the community.</p>	<p>The sustainability of the proposal will be discussed in full in the commentary below.</p> <p>The applicants have advised that they needed to move out of the village as the rents were too high, and moved 6 miles away. This has resulted in journeys of 60 miles per day (360 miles per week) to take the children to their chosen schools as they no longer qualify for school transport (outside of the catchment area). Moving back to the village would reduce the daily commute for the children and for Mr Britten.</p>
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Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
<p>Policy Considerations</p> <p>The site lies within the open countryside, outside of any designated village envelope where there is no presumption in favour of development.</p> <p>Policy OS2 states that planning permission will not be granted for a new dwelling in the open countryside unless it is essential to the operational requirements of agriculture and forestry. Policy C8 of the Melton Local Plan was not saved.</p> <p>The NPPF is only supportive of, and gives a presumption in favour of, sustainable development. It advises that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.</p> <p>Annex A to PPS7 was superseded by the NPPF, however due to the lack of specific guidance contained within the NPPF, some weight can still be afforded to it and it is considered to be a relevant and useful guide to assessing agricultural workers dwellings in the absence of any guidance within the NPPF. Paragraph 6 of Annex A to PPS7 stated that “the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself to justify one”.</p> <p>As the NPPF is only supportive of sustainable development, which should mean in the case of a rural business, that the enterprise should also be profitable; the three strands of sustainability being economic, social and environmental. If the business cannot support a dwelling it would be unsustainable to allow it.</p>	<p>The application does not relate to a specific requirement for agriculture or forestry, and is brought about due to security concerns and to deal with the day-to-day demands of the business. The security concerns, whilst valid, are not given any weight in policy terms in favour of a new dwelling in the open countryside. Annex A as stated opposite, recommends that security concerns can only be partially justified in the case of the protection of livestock.</p> <p>It is not considered that security of machinery and tools is sufficient justification for a dwelling in the open countryside. The Council’s advisor has suggested that if thieves are determined to break in and steal from premises, a dwelling on the site would not prove to be sufficient deterrent.</p> <p>With regards to the financial viability of the business to support a dwelling on site, accounts were submitted to the Council for the years 2011, 2012 and 2013. The applicant advises that the businesses consistently show profits over the last 22 and 10 years respectively, and they have been sufficient to support 2 families in 2 separate dwellings. The rent for the property in Wyville where Mr Britten junior lives with his wife is more than would be required to finance a mortgage for the construction costs of a new dwelling.</p> <p>The financial details for both businesses were submitted to the Council’s advisor. They advise that both businesses have been profitable in all three of the last three years for which the accounts have been provided (before the deduction of wages / salaries). The adviser calculates that if a minimum wage is deducted from the applicant’s business profits the business would have been in a loss</p>

making situation for each of the last three years. The same calculation has been undertaken with regards to Mr Britten junior's business, and it has been calculated that in three of the last four years the business would have been capable of paying the minimum wage and there would be a small surplus. The surplus would however be incapable of sustaining the cost of building the proposed new dwelling. It is unclear as to how the businesses are at present sustaining both families based on the financial accounts provided.

Therefore, it is considered that both of the existing businesses are unable to comply with the sustainability element of the NPPF, or pass the financial test as set out in Annex A to PPS7 even if both businesses were taken together.

It is noted that part of the reason for the request for a dwelling is so that the family can move back to Sproxtton and their children can receive school transport rather than being taken by car. At present, the family live in Lincolnshire, but have chosen to keep their children at school in Buckminster where they are not in the catchment area for school transport. Moving back to Sproxtton would allow them to use the school transport to Buckminster Primary School as they would be within the catchment area. This is not considered sufficient reason to allow a dwelling in the open countryside, and as such can only be afforded very minimal weight in the planning balance. The family have chosen to keep their children at a school where they need to provide private transport.

Sproxtton is considered to be an unsustainable location for new housing as it has a lack of facilities, with residents having to travel to Melton Mowbray or other nearby towns to access facilities for day-to-day requirements. Sproxtton, the village close to this application site, is located approximately 9 miles to the north east of Melton Mowbray and 9 miles to the south west of Grantham. There is a bus route to both of these towns, however it only goes through Sproxtton village (not past the application site) once per day, and is not suitable for normal daily work or school routines. The closest shop for day-to-day requirements is a small convenience store at Waltham on the Wolds, however there is no tarmac footpath between the villages, leading the residents of Sproxtton to be highly dependent upon the private car to access goods for their day-to-day needs. Several appeal decisions have endorsed the Council's approach to the classification of sustainable / unsustainable villages. Since the NPPF was implemented, appeal decisions have continued to support this approach and have not set aside considerations in favour of the wider NPPF objective of boosting housing supply.

	<p>The application cannot be considered sustainable in terms of meeting the functional and financial tests required of a new dwelling in the open countryside. Furthermore, the site is some distance away from Sproxton which in itself cannot be considered to be a sustainable location for the reasons as set out above.</p>
<p>Appearance, Landscaping, Layout & Scale</p>	<p>The application is for outline planning permission with all of these matters reserved; therefore no details have been submitted showing proposed designs, size or location of the dwelling on the plot.</p> <p>The site is relatively well screened by a mature hedgerow to the west, and the land levels drop away to the east from the road towards the river. This should ensure that a dwelling would not have a negative impact upon the open countryside, subject to a reasonable scale and mass. The site is relatively close to the existing yard to the north, and as such this would minimise the visual impact of a dwelling in this location as it would be viewed in the same context as the existing business.</p> <p>As discussed above, it is not considered that either of the businesses are capable of sustaining a dwelling on site based on the accounts submitted. Therefore, if a dwelling is approved on the site it is considered necessary to ensure that the dwelling is very modest in size and scale. Should planning permission be granted conditions can be attached to outline permissions to ensure that these details are considered at the reserved matters stage.</p> <p>The location of the dwelling would be some distance from the closest neighbouring dwellings, and it is not considered that a dwelling in this location of a modest scale and mass would have an impact upon the neighbouring dwellings.</p>

Conclusion

The application seeks outline planning permission for a dwelling in the open countryside to provide security and to help with the day-to-day running of an established business. The proposal is contrary to policy OS2 of the Melton Local Plan which seeks to allow for new housing in the open countryside only 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 some distance from the village envelope of Sproxton, however Sproxton is not considered to be a sustainable village, and housing development would therefore not be supported within the village envelope unless the sustainability of the village was to be improved. The security argument put forward by the application is not, on its own, considered as sufficient reason to grant consent contrary to the local plan and the NPPF. The application has therefore not met the functional requirement for a dwelling, and in addition, cannot show that the business is capable of sustaining the cost of building the new proposed dwelling. Whilst the application has received a good level of local support, it fails to demonstrate the essential need for a rural worker to live at or near their place or work in the countryside. Accordingly, the application is recommended for refusal.

RECOMMENDATION: Refuse, for the following reason:

In the opinion of the Local Planning Authority the application is contrary to Local Plan Policy OS2 and paragraph 55 of the NPPF which states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. The Framework is only supportive of sustainable development, and in the case of dwellings for rural workers this is taken to mean that the enterprise is required to be financially viable and capable of supporting the cost of a permanent dwelling in the long term. The information provided by the applicant in support of the application does not show that the business is capable of supporting a permanent dwelling on site, and the functional requirement for crime prevention is not considered an essential need as the business has no animal welfare issues.

Officer to contact: **Mrs Sarah Legge**

Date: 18th December 2015