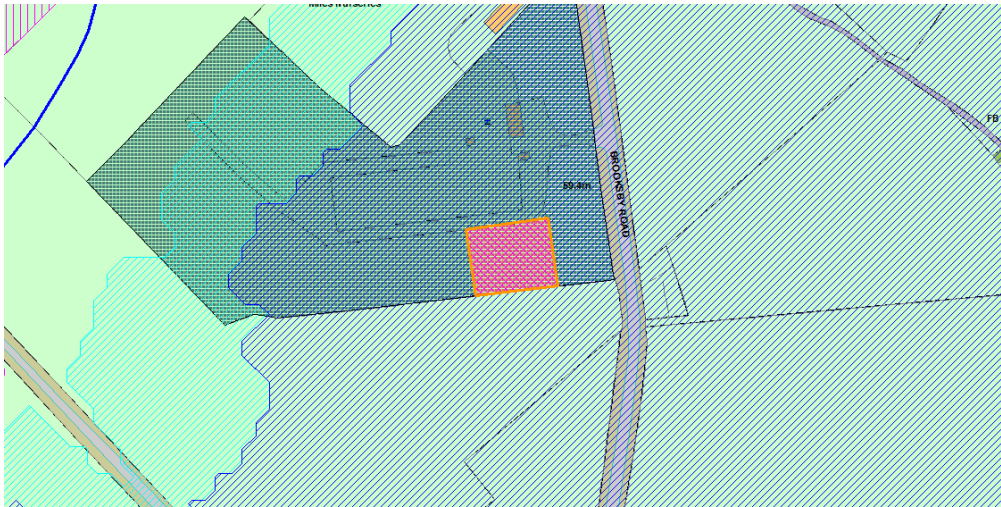


Reference: 16/00672/OUT
Date submitted: 21.09.2016
Applicant: Mr Thomas Miles
Location: Miles Nursery, Brooksby Road, Hoby LE14 3EA
Proposal: Proposed erection of occupational dwelling, together with associated garaging, parking provision and vehicle turning area.



Proposal :-

This application seeks outline planning permission for the development of the site for a workers' dwelling on land falling outside of the village envelope for Hoby on an existing site that is currently a garden centre and nursery. The application has been submitted with an ecological appraisal, flood risk assessment, planning statement and supporting financial information subject to independent appraisal.

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area and open countryside including on heritage assets**
- **Impact upon residential amenities**
- **Impact upon ecology**
- **Highway safety**

The application is presented to the Committee due to the request to call in this application by the Ward Councillor.

History:-

04/00983/FUL - Proposed construction of new plant sales area, construction of new polytunnel with concrete base, removal of two polytunnels, moving one polytunnel. Approved.

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

Policy BE1 - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

PPS7

Most Local Planning Authorities, and Planning Inspectors, still have regard to the guidance given in Annex A to PPS7, as although superseded by The Framework, is still considered to be a relevant and useful guide in assessing agricultural, and other rural occupational dwellings in the absence of any guidance within The Framework.

National Planning Policy Framework:

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

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

On Specific issues 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.
- 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;

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
Highway Authority: Refer to standing advice	Noted and will conditions/notes as requested ensuring that the new development will have enough parking etc. to highway standards. Much of this information will be supplied if approved at Reserved matters stage
Ecology The ecology report submitted in support of this application (Curious Ecologists, September 2016) is satisfactory. No protected species were identified. However, we would recommend that a note to applicant is added to any permission granted to draw the applicants' attention to the recommendations in the report.	Noted and notes would apply if approval was granted.
Sanham Agricultural Consultants Using the PPS7 guidelines for assessing whether an essential need for this dwelling exists the application fails to justify this. Within Annex A of PPS7 there are various tests and these include:-	Sanham are consultants used by this authority to provide specialist agricultural advice The 'essential need' or otherwise is considered to be the main issue in the determination of this application. It is the test set out in the Local Plan and NPPF para 55, both of which are consistent

<p>Parish Council:</p> <p>On balance the Parish Council were supportive of this proposed development on the basis of current supplied information, but they would reserve the right to review that opinion should circumstances change with for and against comments:</p> <p>FOR.</p> <ul style="list-style-type: none"> • The owner of this rural enterprise lived adjacent to it until his divorce. • It has been a viable business for 25 years employing full time and part time staff. • It is primarily growing horticultural produce for wholesalers with a small retail business. • The proposed residential development is sheltered and unobtrusive and would not create any disfigurement of the landscape any more than the existing business. • A dwelling will facilitate community safety for the business. <p>AGAINST.</p> <ul style="list-style-type: none"> • What would be the position if the business were closed or sold? • The Wyvale Garden Centre at East Goscote became a large estate. • How could a future change of use from an agricultural dwelling be controlled? • Can everlasting restrictions be placed on a single development to prevent further developments on the site in the future (say 20 years), say through the Neighbourhood Development Plan? 	<p>Noted</p> <p>New dwelling needs to be taken on its own merits</p> <p>Noted but does not explain position on new dwelling in the countryside</p> <p>Noted but does not explain position on new dwelling in the countryside</p> <p>Noted but sustainable development principles very important at this stage</p> <p>Noted but sustainable development principles very important at this stage</p> <p>Need to consider the use of conditions very closely</p> <p>Noted – every application assessed on own merits</p> <p>Need to consider the use of conditions very closely</p> <p>Not really – every application assessed on its own merits</p>
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Representations:

A site notice was posted and neighbouring properties consulted. As a result 5 letters of support have been received, the representations are detailed below:

Representations	Assessment of Head of Regulatory Services
Provide security for the site	Whilst unfortunately this might be the case, such issues do not override fundamental planning issues of providing sustainable development.
No visual impact or increased traffic	As above – noted but this development does not accord with sustainable development principles
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20th October and is currently in a period of consultation from 8th November – 19th December.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p>	<p>Whilst clearly the Local Plan has progressed by advancing to Pre-submission stage, it remains in preparation and as such can be afforded only limited weight. This is also reduced by the fact that the consultation received have not yet been considered and addressed.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage. However the applicable policy (D3) is consistent with the NPPF and has attracted limited response.</p>

<ul style="list-style-type: none"> ● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); ● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and ● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>The Pre Submission version of the Local Plan addresses isolated housing in the countryside and requires it to be justified against several criteria including essential need, viability, alternative availability and a series of design and layout requirements.</p>	<p>The proposal is contrary to the emerging local plan in terms of the failure to meet the relevant criteria on need and viability</p>
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Conclusion

It is considered that the application does not fully provide justification that the new dwelling where this need is essential in line with the NPPF, emerging and adopted Local Plan. The development would be outside an unsustainable village and its actual location.

The applicant has failed to demonstrate that the proposed dwelling is capable of being sustained by the rural enterprise. The absence of sufficient justification, the proposed dwelling would result in new residential development in the open countryside, having an adverse effect on the character and appearance of the countryside. The proposal would therefore represent an inappropriate and unsustainable form of development within the open countryside, which would not comply with the Framework's presumption in favour of sustainable development; and insufficient justification has been provided to demonstrate why the proposed development should override or depart from local or national planning policy.

RECOMMENDATION: REFUSE, for the following reason:

The proposed new dwelling would be sited in a remote location with poor accessibility to local services and community facilities. Future occupiers of the development would lack viable transport alternatives and thereby be overly reliant on the use of a private motor vehicle. The proposal would therefore represent an inappropriate and unsustainable form of development that would be contrary to paragraphs 14, 30, 93 and 95 of the National Planning Policy Framework, Policy OS2 of the Melton Local Plan and SS1 and SS2 and D3 (rural worker's dwellings) of the emerging Melton Local Plan 2016. The identified harm significantly and demonstrably outweighs the proposal's benefits.

Officer to contact: **Mr G Baker-Adams**

Date: 20th January 2016.