

Reference: 16/00046/FUL
Date submitted: 2 February 2016
Applicant: Mr Steven Archer
Location: Brook Farm, 8 Nether End Great Dalby.
Proposal: Two Storey 3 bedroomed dwelling with adjoining garage; new vehicular access and parking arrangements of adjoining property.



Introduction:-

The application seeks full planning consent for two single storey dwelling with the provision of a new vehicle access. The proposal relates to the development of a greenfield site, currently used as domestic garden area to residents of Brook Farm. The parcel of land is sited outside of the defined village envelope but within the Conservation Area for Great Dalby.

There are a number of dwellings fronting Nether End with the land along the frontage currently designated as protected open area due to its contribution to the character of the area. Details submitted within the application show that the land would be excavated so the proposal would not appear two storey within the existing street scene.

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 Conservation Area**
- **Impact upon residential amenities**
- **Impact upon highways**

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

Relevant History:

08/00448/FUL – Planning permission granted for alterations and sub-division to create two dwellings.

14/00844/FUL – Planning permission refused and upheld at appeal for the erection of 5 dwellings.

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS2 and BE1

OS2 - Does not allow 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, and small scale development for employment, recreation and tourism.

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 BE12 states that planning permission will not be granted for development within any area shown on the proposals map as a protected open area except where a proposal is in conjunction or associated with an existing use and the development would not adversely affect the intrinsic character of the area.

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. .

The NPPF introduces three dimensions to the term Sustainable Development; Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver homes and businesses that local areas need;
- 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 and supporting thriving rural communities within it.
- 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.
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land).
- 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 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

- There is a requirement to maintain a five year land supply of deliverable sites. Taking into account windfall sites provides compelling evidence that such sites have consistently become available. Where there has been a persistent under supply a further 5% is required.
- Local Authorities are to set out their own approaches to densities to reflect local circumstances.
- 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.

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

Conserving and Enhancing the Historic environment

- Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness, and;
-
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

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 subject to conditions.</p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.</p> <p>Consider sustainability issues, ensure all details of access and parking comply with current standards</p>	<p>Noted.</p> <p>The existing and alterations to access meets the highways standards, with both vehicular and pedestrian movements being facilitated by this access.</p> <p>It is not considered the additional dwelling at the site would cause any additional highways dangers.</p> <p>The access is slightly set back from the highway to allow vehicles to stop clear of the highway when accessing the site even when the gates are closed.</p> <p>There is good visibility from the access in both directions, with wide visibility splays.</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>Please note that the Culvert will require separate consent from LCC.</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 BE1 of the Melton Local Plan.</p>
<p>Conservation Officer</p> <p>The current proposal for a single dwelling at Nether End, Great Dalby is a reduction in the footprint of a previous application at the same site 14/00844/FUL for five dwellings. Following refusal of 14/00844/FUL and the subsequent appeal: APP/Y2430/W/15/3006434 the case was dismissed, primarily on the grounds of harm to the character of the conservation area in respect of Section 72 of the Listed Building and Conservation Areas act 1990.</p> <p>The Planning Inspector's comments remain extant, irrespective of the reduction in footprint of the development proposal. The reason for this is as follows:</p> <ul style="list-style-type: none"> The impact on the streetscene would be significantly reduced from the previous application 14/00844/FUL; the current proposal is a single dwelling that will be partially screened by an existing garage and re-grading would set down the proposal to reduce its scale and overbearing impact on the streetscene. However, this does not resolve the issue of disruption to the linear form of Nether End or the historic relationship between Great 	<p>The application site lies within the Great Dalby Conservation area and is a protected open space within the current 1999 Local Plan.</p> <p>The open nature of the site contributes to the character and appearance of the Conservation Area, any level of development here would be significantly detrimental to the Conservation Area status of the site, forming an important separation between the built form and the open countryside.</p> <p>The Councils Conservation Area appraisal makes reference to this part of the Great Dalby and is commented on within the points of the Conservation Officer.</p> <p>A number of amendments have been received from the applicant, in terms of reducing the scale and amending the design of the dwelling to better reflect those of its surroundings, however these revisions have failed to overcome that fundamental objection.</p>

<p>Dalby's urban landscape and associated countryside.</p> <ul style="list-style-type: none"> • While the application cannot be refused solely on the grounds of disruption to the linear form of the village, as it is considered to be less than substantial harm, it has been identified in the appeal: APP/Y2430/W/15/3006434 that the countryside forms an important aspect of the Great Dalby Conservation Area and the impact on the street scene / linear form is not the only material consideration: <i>'the appeal site forms part of that swathe of open land and provides an attractive backdrop to the vernacular buildings in the foreground. The land is clearly visible from public vantage points at Nether End and portrays the close relationship between the built form of the village and the surrounding countryside; an aspect that is a feature of particular importance to the Conservation Area. Consequently the appeal site makes a positive contribution to the Conservation Area in a visual sense, by providing a pleasant and verdant backdrop to buildings fronting onto Nether End, but also in a historical sense, as a reflection of the historical relationship between the village and the undulating countryside that surrounds it.'</i> • It is considered that any development in this area would erode the historical relationship between the built form and surrounding countryside and would be harmful to the character and appearance of the Conservation Area; at worst there is the threat of setting a precedent for development to the rear of Nether Edge that would conflict with the status and designation of the Great Dalby Conservation Area as a heritage asset. Therefore it is recommended that Section 72 of the Listed Building and Conservation Area Act 1990 is applied to ensure that in the context of that statutory duty, the harm is considered to carry significant weight and the proposal must be refused. 	
<p>Parish Council:</p> <p>Initial comments</p> <p>Burton and Dalby Parish Council is opposed to the proposal for the following reasons:</p> <p>1. The proposal is within the Great Dalby Conservation Area.</p> <p>This proposal lies within the boundary of a designated heritage asset. Conservation Areas are protected by law (1990 Planning (Listed Buildings and Conservation</p>	<p>Noted</p> <p>Matters of conservation has been discussed within the Local Planning Authority Conservation Officer comments above and will be discussed in further</p>

Areas) Act), which states that “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.” (Section 72(i)) The boundary of Great Dalby’s Conservation Area was drawn to specifically include undeveloped countryside around the periphery of the settlement as well as the built form of the village.

The Conservation Area description makes clear that its particular character is reliant on the preservation of the paddocks and orchards on Nether End: “The built up area of the village is complemented by a backcloth of undulating countryside, particularly to the east and west of Main Street, dominated by Woodgate Hill. The tract of open land between Burrough End and Nether End is an important characteristic of the village comprising orchard land, paddocks and open grazing.”

Unspoilt countryside flows round and through the village offering a particularly attractive backdrop of fields and trees. While having no street frontage the proposed development would be visible behind Brook Farm and would detract from the appearance of the Conservation Area. Since the Conservation Area was formed three different Appeal Inspectors have upheld the significance of this attractive backdrop in their decisions.

2. The intrusion of this development into the vista of orchards and paddocks behind Brook Farm would adversely change the street scene and character of Great Dalby.

The brook flows alongside Nether End and all properties are set back, accessed via a series of small bridges. These display a mixture of ages and styles.

No’s 8 [Brook Farm], 10 and 10A form a group of unspoilt simple vernacular buildings, all in red brick but with a mixture of slate and thatched roofs. Taken as a whole these buildings represent the essence of the conservation area in this part of the village. The open land behind is currently in use as a garden and the presence of fruit trees there indicate that it was formerly an orchard. The proposal involves the removal of some orchard trees that contribute to the character of the green backcloth when viewed from the Melton Mowbray approach.

The effect of development on the intrinsic character and beauty of the countryside is a material consideration that must be taken into account in the planning balance as required under paragraph 14 of NPPF.

3. History of the site. All of the new dwellings created on Nether End over the last 20 years have been achieved by conversions of redundant farm buildings or have been newly built on former farmyard sites. The proposed site is bordered to the east and west by two such developments. Their position on rising ground to the

detail later in the report.

south of Nether End serves to emphasize the importance of the remaining green backdrop in maintaining the traditional pattern of development whereby open countryside extends up to dwellings and buildings in this part of the village.

The development of 4c and 4d Nether End (04/00445/FUL) to the west of the proposed site should not be considered as a precedent. The houses were not built in accordance with the approved plans being both larger than permitted and by extending beyond the settlement fringe into open countryside. Regrettably, it was not possible to take enforcement action as the houses had been sold prior to completion.

4. The detrimental impact on the residential amenity of 4d Nether End.

5. There is no housing need to justify extending the settlement fringe and damaging the conservation area. Great Dalby is a thriving village that has grown steadily in size. The number of dwellings rose at more than 10% over the last 8 years.

There is a good mix of housing types and sizes. The impact of approving this development would significantly and demonstrably outweigh the benefits of the proposal.

By diminishing the views across orchards and paddocks and adding to the overbearing effect of recent development on Nether End.

The Parish Council's view is that refusal to give permission would be consistent with the judgements of three appeal inspectors who have upheld the importance of the vista of orchards and paddocks that characterise Great Dalby's conservation area.

Further to point 5 of our recent comments on the above application we would like to add that during the first five years of the emerging Local Plan period Great Dalby has had 7 completions (half of which are 3-bedroomed properties), and there are 2 outstanding permissions within the village.

It is therefore well within its housing target in terms of the requirements of the emerging Local Plan. There is therefore no housing need that, in the planning balance, would justify damage to the Conservation Area.

Comments following amended plans received by the Local Planning Authority

It is evident that care has been taken in the preparation of this application to make this proposal as unobtrusive as possible. Nevertheless Parish Council remains opposed to the amended proposal for the following reasons:

1. The proposal is within the Great Dalby Conservation

Area.

As stated in our previous response, this proposal lies within the boundary of a designated heritage asset. Conservation Areas are protected by law. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid in the exercise of planning functions to the desirability of preserving and enhancing conservation areas' character and appearance. The objective underlying section 72 may be achieved either by making a positive contribution to an area's character and appearance or by leaving these attributes unharmed.

In the description of Great Dalby Conservation Area (Melton Borough Council, 1981) the introduction states that designation of a conservation area recognises the character of an area worthy of preservation and enhancement and ensures the safeguarding of the best of our local heritage as represented by both the buildings and the ambient environment, i.e.: the spaces between and around buildings when viewed as a whole.

The description of Great Dalby goes on to say that “The open countryside between Nether End and Burrough End features paddocks, open grazing and orchard land with good public access and is a particularly important characteristic of the village.”

When considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

The character or appearance (its significance in other words) should not be harmed.

Some situations exist where sensitive development can enhance a conservation area, but 16/00046/FUL involves the removal of orchard trees, replacing orchard land with driveway and garden areas and the erection of a dwelling on orchard land. As the land itself, its orchard character, is the reason for its designation the loss of this orchard would constitute destruction of the conservation area and of its significance.

National Planning Policy [NPPF] recognises that heritage assets are an irreplaceable resource which need to be conserved in a manner appropriate to their significance. It states that local planning authorities should have a positive strategy for the conservation and enjoyment of the historic environment and must have full regard to the Planning (Listed Buildings and Conservation Areas) Act 1990.

When determining planning applications they should take into account “the desirability of sustaining and enhancing the significance of heritage assets”.

<p>“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss”.</p> <p>There is no housing need that, in the planning balance, would justify the damage to this Conservation Area.</p> <p>2. This is a Greenfield Site</p> <p>Whilst the NPPF encourages the effective re-use of land that has been previously developed, the revised NPPF recognises the intrinsic value and beauty of the countryside, whether specifically designated or not. On either side of Brook Farm the creation of new dwellings was achieved either by conversions of redundant farm buildings or newly built dwellings on former farmyard sites. Thus they conform to the government’s directive to develop brownfield sites in preference to greenfield sites.</p> <p>Approval of this proposal would extend the settlement fringe into open countryside, on greenfield land. The effect of development on the intrinsic character and beauty of the countryside is a material consideration that must be taken into account in the planning balance as required under paragraph 14 of NPPF.</p> <p>Conclusion</p> <p>Great Dalby Conservation Area is a heritage asset. The detrimental impact to the character and appearance (significance) of the Conservation Area is not justified in the planning balance. These attributes should be left unharmed.</p>	
<p>Building Control</p> <p>Fire and refuse access appears to be satisfactory</p>	<p>Noted</p>

Representations:

The application was advertised by way of a site notice at the application site. As a result of the consultation 5 x letters of objection were received and 8 x letters of support were received.

Consideration	Assessment of Head of Regulatory Services
<p>Residential Amenity</p> <ul style="list-style-type: none"> - Loss of light - Loss of privacy 	<p>The proposed development would include fairly substantial excavation works which would ensure the property would not overbear existing dwellings, given the separation distance to neighbouring dwellings and the location of openings, there is not considered to be any significant loss of light or overlooking caused by this proposal.</p>
<p>Appearance and Conservation</p> <ul style="list-style-type: none"> - Harmful effect on the character and appearance of the conservation Area 	<p>Conservation Area details have been considered by the Local Planning Authority Conservation Officer</p>

<ul style="list-style-type: none"> - It is outside the settlement boundary - The proposal would cause harm to the intrinsic beauty and character of the surrounding countryside. - Proposal is within conservation area of Great Dalby and will alter and detract significantly from the village outlook. - The site is open grazing land outside of the village envelope. - The piece of land between borough end and Nether End is an important part of the village character. - It would destroy the streetscene. - The open countryside should remain just that and not be spoilt for the sake of another unwanted development. 	<p>above and will be discussed in further detail later in the report.</p>
<p>Highways</p> <ul style="list-style-type: none"> - Potential traffic issues as the development is planning to move the road access on an already busy part of the road, close to a blind corner. - This is a concern as cars are already parked on the road obstructing the view to on-coming vehicles. - The road is very heavily used by traffic including motor bikes frequently speeding above the speed limit and the proposal could lead to public safety issues as there is no safe pedestrian pavement on the road. - Concerns over the access/exit of a significant value of cars from this new, and existing properties in this development onto a busy road. - Exiting from existing properties is already a problem. The drives are not directly opposite currently; the issue will only get worse when the drives align. 	<p>The Local Highway Authority have assessed both the existing access and the proposed alterations and are satisfied that the proposal would not cause significant harm in terms of highway safety issues.</p>
<p>Other matters raised</p> <ul style="list-style-type: none"> - Previous applications on the site have been refused by Melton Borough Council and by the Planning Inspectorate - I understand there may be an ancient right of way across the existing property which may be compromised by this development. - There is not a housing need in Great Dalby with many houses remaining unsold. 	<p>Application 14/00844/FUL was refused and upheld at appeal APP/Y2430/W/15/3006434 this is a material consideration in the determination of this application.</p> <p>The Rights of Way officer was consulted on the application and made no comment.</p> <p>The Borough is deficient in Housing throughout and Great Dalby is no exception.</p>
<p>Letters of support</p>	
<p>Housing and Policy</p> <ul style="list-style-type: none"> - More houses are needed - Proposal is a 3 bed family house instead of the usual 4 bed exec home and perhaps more affordable for young local families. - The village is designated as a rural supporter. - Policy SS1 'Presumption in favour of sustainable Development' the site is in the garden of Brook Farm and set sympathetically behind an existing triple garage. - Local Plan emerging 4.2.21 'small development sites have made a significant positive contribution to the 	<p>The Council does not have a five year land supply and therefore the local plan is silent in regards to housing policy and therefore the guidance within the NPPF takes clear precedence. The NPPF seeks to boost housing supply and requires provision of a 5 year supply of housing land plus 5% 'headroom'. Melton's most recent analysis concluded that this is not being met and the available supply is below 5 years. Para 49 of the NPPF states that "Housing Applications should be considered in the context of the presumption in favour of sustainable</p>

<p>supply of new housing. Policy SS3 Sustainable communities supports the principle of small unallocated sites.</p> <ul style="list-style-type: none"> - In the proposed local draft plan Great Dalby is highlighted as a “Rural Supporter Village”. These villages will accommodate 10% of the borough’s housing need. - As great Dalby historically has developed by a certain amount of in-filling behind existing properties, I feel a continuation of this approach would avoid the need for any further larger scale developments. 	<p>development.</p> <p>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.” However, the NPPF does not state that housing developments should be approved ‘at any price’ and that the supply of housing surpasses all other considerations.</p> <p>It is considered that, on the balance of the issues, there may be some benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of housing supply.</p> <p>However there are also balancing negative issues of significance such as the adverse impact upon the designated heritage asset which is considered to be of significant impact.</p>
<p>Appearance</p> <ul style="list-style-type: none"> - Location has been carefully chose to avoid spoiling the street scene and will have little impact on the open paddock views from the road - The proposed house is within the built environment of the village, considerately located behind existing garage buildings. - Development is needed and will not have any significant impact on the street scene. - The application has been well considered to keep impact to the minimum, leaves the paddock space open and creates a new much needed affordable family home to add to the housing stock. - Houses have been built all over the village in much worse locations and out of context in scale and design, this proposal is the right scale and sympathetic design, I cannot see why this one should not be approved. - The proposed amendments to the scheme have substantially reduced the impact of the new house, smaller homes suitable for younger families are need in the village. - Far better to accommodate housing need in existing settlements by way of small scale infilling than suffer some gigantic purpose made abomination as was once planned for the airfield - More and smaller houses in village means affordability for the young and perhaps local families would be able to stay in the villages. - I went to the village school and would like to move back to Great Dalby to be near to my family. - A number of high quality infill proposals, would meet this need in the most sympathetic way possible. - The house access will not cause any traffic problems, sight lines are good, being some distance from the bends at either end. - Whilst none of us like change, the property will have little impact on any neighbours in all reality and we need more homes as is widely accepted. 	<p>Usually the Local Planning Authority would look to site new dwellings amongst those existing, and it is acknowledged that the amendments have made the proposal less imposing within the existing streetscene, however there is considered to be harm to the character of the Conservation Area through the form of the building being unsympathetic to the prevailing character which tends to have the primary buildings set close to the road in the traditional part of the village.</p>

Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
<p>Appearance, Landscaping, Layout & Scale</p>	<p>One of the aims of Policy OS2 is to protect the character and appearance of the countryside. That aim is consistent with one of the core principles of the National Planning Policy Framework which is that planning should recognise the intrinsic character and beauty of the countryside. However, the Framework does not seek to prevent housing development within the countryside in the same manner as policy OS2. It provides a more flexible approach whereby the effect on the intrinsic character and beauty of the countryside is a material consideration that must be taken into account in the planning balance required under paragraph 14 of the Framework.</p> <p>The designated boundary of the Great Dalby Conservation Area has been drawn to include undeveloped countryside around the periphery of the settlement, in addition to the built form within the village. As such, the designated asset covers a much wider area than the settlement boundary, as defined by the Local Plan. Whilst the majority of the site falls outside the settlement boundary, as described above, the entirety of the land is within the boundary of the designated heritage asset.</p> <p><i>The appeal decision for refused application 14/00844 made reference to</i></p> <p><i>“The conservation Area Assessment notes that the built up area of the village is complemented by a backcloth of undulating countryside and makes specific reference to the tract of open land between Burrough end and Nether End as an important characteristic of the village comprising orchard land, paddocks and open grazing. The appeal site (to which this current application relates) forms part of the swathe of open land and provides an attractive backdrop to the vernacular buildings in the foreground. The land is clearly visible from public vantage points at Nether end and portrays the close relationship between the built form of the village and the surrounding countryside; an aspect that is a feature of particular importance to the Conservation Area, as described in the Conservation Area Appraisal. Consequently, the appeal site make a positive contribution to the Conservation Area in a visual sense, by providing a pleasant and verdant backdrop to buildings fronting onto Nether End, but also in a historical sense, as a reflection of the historical relationship between the village and the undulating countryside that surrounds it.</i></p> <p><i>To my mind, the inclusion of the open spaces beyond the built form within the Conservation Area boundary is a clear indication of their importance to the</i></p>

	<p><i>character and appearance of the village. I note that other development have been constructed within the vicinity which extend up the hillside running away from Nether End, including the local authority housing at Burdetts Close and residential developments at either side of the appeal site. However, the presence of those developments only serves to emphasise the importance of the appeal site in terms of maintaining the traditional pattern of development within the village whereby the countryside extends up to dwellings and buildings within close proximity of the built form.”</i></p>
<p>Policy BE12 – Protected Open Areas The site lies within an area identified as a Protected Open Area within the 1999 Local Plan</p>	<p>Policy BE12 is considered to be incompatible with the NPPF and, under para 215 of the NPPF, the content of the latter should take precedence.</p> <p>Whilst policy BE12 (relating to a protected open area (POA)) is a ‘saved’ local plan policy from the 1999 Melton Local Plan, the evidence base being prepared to inform the new Melton Local Plan has reviewed all of those areas currently afforded the POA status under the new ‘Local Green Space’ designation and criteria as defined with the NPPF (paragraph 77). As such Great Dalby’s POA’s have been reviewed using the criteria for LGS in the ‘Areas of Separation, Settlement Fringe Sensitivity and Local Green Space Study’ September 2015.</p> <p>This has established that the application site is not suitable as a ‘Local Green Space’. The application site has no ‘public use’ being in private ownership and inaccessible to the public. It is considered to have weak functionality.</p> <p>However this does not mean that it does not contribute to the built form and character of the village and its importance in these terms should remain a consideration.</p>
<p>Sustainability and Local Plan Compliance</p>	<p>The site is located outside the built form of Great Dalby within adjacent countryside.</p> <p>The Council cannot demonstrate a five year supply of deliverable housing sites. Paragraph 49 of the NPPF states that relevant policies cannot be considered up-to-date when such a situation arises, in this case housing applications should be considered in the context of the presumption in favour of sustainable development embodied within the NPPF.</p> <p>Policies OS1 and BE1 of the Local Plan allows for development within the village envelope provided that the form character and appearance of the settlement are not adversely affected, the from, size, scale, mass, materials and architectural detailing of the development are in keeping with the character of the locality, the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the</p>

	<p>vicinity and satisfactory access and parking provision can be made available.</p> <p>Policy O2 seeks to generally restrict development in the countryside.</p> <p>The proposed dwelling would sit next to an existing residential use and form a continuation of development in this location, the village envelope can no longer be used to determine the principle of development and the key issue is therefore the relationship between the proposed dwelling and the existing linear formed Conservation Area.</p> <p>Great Dalby can provide small scale residential development and the site is well related to the village, bordering the boundary, however the principle of a dwelling in this location cannot be supported due to the prevailing character of the Conservation Area having buildings set close to the road in the traditional part of the village.</p> <p>The appeal decision for 14/08844 concluded that</p> <p><i>“The council cannot demonstrate a five-year supply of housing land and, therefore, its policies for the supply of housing are out of date. Accordingly, the proposal must be considered against the presumption in favour of sustainable development, set out at paragraph 14 of the Framework. Where policies are out of date, that means granting planning permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework, taken as a whole; or specific policies in the Framework indicate that development should be restricted. Footnote 10 to Paragraph 14 makes clear that policies which indicate that development should be restricted can include those relating to designated heritage assets.</i></p> <p><i>I have concluded that the proposal would cause harm to the character and appearance of the Great Dalby Conservation Area. For the reasons given, that is a matter to which I attribute significant weight. The proposal would also cause harm to the intrinsic beauty and character of the countryside. The benefit to the supply of housing is a material consideration in favour of the proposal but the weight I attribute to this is limited by the small scale of development proposed. In terms of paragraph 134 of the Framework, the public benefits would not outweigh the identified harm. Paragraph 132 of the Framework identifies that any harm to the significance of a designated heritage asset should require clear and convincing justification. This has not been demonstrated in this instance. Consequently the policies in Chapter 11 of the Framework would indicate that the proposal should be refused.”</i></p>
Melton Borough Council Housing Needs	The NPPF recognises that housing should meet the

	<p>needs of present and future generations (para 10). It continues to recognise the importance for local planning authorities to understand the housing requirements of their area (para 28) by ensuring that the scale and mix of housing meets the needs of the local population. This is further expanded in para 110-113, in seeking to ensure that housing mix meets local housing need. The Council's work on housing needs has identified a need for small units to address both the current shortfall and future demographic and household formation change which will result in an increase in small households and downsizing of dwellings.</p> <p>The proposed dwelling would be relatively small scale, comprising a 3 bedroom unit as such it is considered to meet with the housing needs of the Borough.</p>
--	---

Conclusion

The application seeks permission to erect a two storey dwelling. On balance the proposal is considered to offer limited public benefits with the erection of a 3 bedroomed dwelling to which the borough is deficient, this must however be balanced against the impact upon the Great Dalby Conservation Area.

The harm to the designed asset, and the character and beauty of the countryside, would significantly and demonstrably outweigh the benefit of the proposed development, when assessed against the policies of the Framework, taken as a whole. Thus, having regard to the presumption in favour of sustainable development at paragraph 14 of the Framework.

RECOMMENDATION: Refuse, for the following reasons:

1. The proposed development by virtue of infilling an important green open area which lies outside of the defined village envelope would not preserve or enhance the Conservation Area and would have a detrimental impact upon the character of the area contrary to the local plan policy OS2 and BE1. The proposal whilst providing some benefit or providing housing of a category to which the borough is currently deficient is not considered to be of sufficient benefit to outweigh the provisions of the local plan and fails the core planning principles of the NPPF in particular Chapter 11 (Conserving and Enhancing the Natural Environment and Chapter 12 (Conserving and Enhancing Heritage Assets).

Officer to contact: **Miss Louise Parker**

Date: 22nd August 2016