

Reference: 16/00142/FUL
Date submitted: 3rd March 2016
Applicant: Ms Kathryn Shorrocks
Location: Land off The Lane, Barsby.
Proposal: Outline application for one new dwelling with all matters reserved.



Introduction:-

The application seeks outline planning permission with all matters reserved for the erection of one dwelling on land at Barsby Farm, for occupation by a family member of the current farmer of Barsby Farm.

The village of Barsby is considered to be an unsustainable location given that there are limited services available within the village.

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 due to the level of representations received.

Relevant History:

No relevant planning history – Please note a separate application has also be submitted by another family member for a dwelling for their family needs on adjacent land, and the planning and family considerations are identical, this current application needs to be viewed as a standalone proposal in its own right.

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:</p> <p>There are no plans available to view on line, and therefore a meaningful response cannot be given, however the Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Please consider access, parking and turning arrangements.</p>	<p>Noted.</p> <p>Previous discussions have been held with the Local Highway Authority with regards to this site who stated in transport terms Barsby would not be considered to be a sustainable location and therefore there is likely to an in principle objection to such a development. However, given that access is not considered as part of this proposal, within the submission of Reserved Matters the application would need to seek adequate access, parking and turning areas to serve the proposal. This would involve the upgrading of the track and the provision of parking and turning within the site.</p>
<p>Parish Council:</p> <p>Gaddesby Parish Council do not have any objections to the initial outline applications, however if the dwellings are being used to accommodate farm worker families then would Melton Borough Council consider putting an agricultural tie on both dwellings</p>	<p>Noted, if consider that there is an essential need for the dwelling then a condition can be applied.</p>

Representations:

The application was advertised by way of a site notice at the application site. As a result of the consultation 2 letters of objection and 8 letters of support were received.

Consideration	Assessment of Head of Regulatory Services
<p>Highways</p> <p>Poor access to site and reduced visibility</p> <p>Lane not wide enough to accommodate further vehicles</p> <p>Existing issues with refuse vehicles not being able to gain adequate access.</p>	<p>Noted – the application is submitted in outline form with all matters reserved, therefore access to the site would be considered at a later stage.</p>
<p>The Business</p> <p>Existing farm has been in the village for 60 years</p>	<p>Noted.</p>

<p>The dwelling would replace a previous farmhouse on the site demolished several years ago</p> <p>Opportunity for young local people to live and work on the farm</p>	<p>With regards to a previous farmhouse on the site, there is no planning history on the site that would suggested a previous granting of a dwelling, once the building had been demolished any extant permission or right to live on the site would be removed.</p>
<p>Other matters</p> <p>Barsby needs younger people within the village</p> <p>There are already vehicle that use The Lane and have no difficulty.</p> <p>Enable families to stay in the village</p> <p>Land would be tidied up</p> <p>The proposal would be in keeping with the rest of the village</p>	<p>Noted</p> <p>Due to the limited information submitted with the application the Local Planning Authority are unable to comment on access or design in any great detail.</p> <p>Further details would be requested and assessed at a Reserved Matters Stage.</p>

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, appeals have established that some weight can still be afforded to it and it is considered to be a relevant and useful guide to assessing 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>No financial information has been presented to the Local Planning Authority with regards to the financial viability of the business to support a dwelling on site.</p> <p>Therefore, it is considered that the existing business is unable to comply with the sustainability element of the NPPF, or pass the financial test as set out in Annex A to PPS7.</p> <p>The detached nature of the site outside of Barsby village is considered to be an unsustainable location for new housing as it would require the occupant to travel to Melton Mowbray or other nearby towns to access facilities for day-to-day requirements.</p> <p>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> <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.</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>Appearance, Landscaping, Layout & Scale</p>	<p>The site forms part of the rural edge to the village and is part of its rural setting, therefore any development in this location would erode this rural character and further develop the built part of the village away from the main settlement and would not follow the generally linear form to the village.</p> <p>The site is relatively close to the existing farm business, and as such this would reduce some of the visual impact of a dwelling in this location as it could potentially be viewed in the same context as the existing farm.</p>

Conclusion

The application seeks outline planning permission for a dwelling in the open countryside to provide accommodation for the existing farms family. 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. Neither of these points have been fully demonstrated through the application with very little information submitted as part of the application.

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.

The location of the dwelling would be slightly screened by planting and the existing farm buildings, however given the open nature of the site, a development in this location would erode the rural character of the area and further develop the built part of the village away from the main settlement. Accordingly, the application is recommended for refusal.

RECOMMENDATION: Refuse, for the following reason:

1. 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.
2. The site forms part of the rural edge of the village and is part of its rural setting, therefore any development in this location would erode this rural character and further develop the built up part of the village away from the main settlement and would not follow the generally linear form to the village. The proposal is therefore considered to be contrary to policy BE1 of the Melton Local Plan, and NPPF paragraph 64 which states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Officer to contact: **Miss Louise Parker**

Date: 31 May 2016