



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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Functional need**

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

**Relevant History:**

10/00520/HEDG – Removal of part of hedgerow and replant in different location permitted August 2010

**Development Plan Policies:**

**Melton Local Plan (saved policies):**

**Policies OS2, BE1**

**Policy 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** 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.

**The National Planning Policy Framework was published 27<sup>th</sup> 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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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 establishes 12 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;
- Deliver sufficient community and cultural facilities and services to meet local needs;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing 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**

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- Deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities.
- Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand
- **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.**

**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

**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:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highway Authority:</b></p> <p>Revised comments stated no objections to the proposal subject to the following conditions</p> <ol style="list-style-type: none"> <li>1 Before development commences on site, the proposed visibility splays of 2.4 metres by 160 metres shown in each direction out of the access on to Waltham Road have been provided.</li> <li>2 Before first use of any part of the development the proposed vehicular access shall have been constructed with a minimum clear margin of 0.5 metres on each side and surfaced in a hard bound material as shown on amended plans,.</li> <li>3 The gradient of the access drive shall not</li> </ol>	<p>Noted.</p> <p>Eastwell Road is a national speed limit road with traffic travelling at up to 60 mph, however amended plans have been submitted that provide adequate sightlines for a road of this nature.</p> <p>The proposed access to the dwelling is to be utilised by the additional dwelling and is considered acceptable in terms of visibility.</p> <p>The proposed site plan demonstrates that parking can</p>

<p>exceed 1:12 for the first 5 metres behind the highway boundary.</p> <p>4 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway</p> <p>5 The car parking and turning facilities shown within the curtilage of the site shall be provided, hard surfaced and made available for use before any part of the development is first brought into use and shall thereafter be permanently so maintained.</p>	<p>be provided for both the existing and proposed dwelling off the main road and there would remain sufficient space to turn around within the site before exiting towards the highway.</p> <p>The proposal would therefore meet the requirements of policy BE1 in terms of highways safety and parking provision.</p>
<p><b>Parish Council:</b></p> <p>No comments to make on the application.</p> <p>The Parish Council would have concerns should it become apparent that a domestic dwelling is required on site.</p>	<p>The comments are noted, however the application contains a residential dwelling as part of the proposal, part of the dwelling is to be used for business purposes, however it will introduce a new residential dwelling in this location.</p>
<p><b>Environmental Health:</b></p> <p>Having considered the application I recommend the following contaminated land condition be applied to any permission:</p> <p>1. No development shall take place until a phase 1 / desktop study investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site and to identify and control any unacceptable risks to human health or the environment taking into account the sites actual or intended use, whether or not the contamination originates on the site. The phase 1 / desk top study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced.</p> <p>The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and must be undertaken by competent persons and a written report of the findings must be produced and submitted to the Local Planning Authority. The written report is subject to the approval in writing of the Local Planning Authority.</p> <p>2. If during development, contamination not previously identified, is found to be present at the site then no further development (unless</p>	<p>These comments are noted and it is considered that the conditions are both reasonable and required.</p>

<p>otherwise agreed in writing with the LPA) shall be carried out until a Remediation Method Statement has been submitted by the developer and approved by the LPA detailing how this unsuspected contamination shall be dealt with.</p> <p>3. In the event that it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme the results of which shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Planning Authority shall be used on site.</p>	
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**Representations:**

The application was advertised by way of a site notice at the application site. As a result of the consultation **29 letters of support were received** from **28** different addresses and no letters of objection have been received to date, for transparency, it should be noted that a number of the letters of support that have been received are from outside the Borough Boundary.

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p>This proposal offers many positives, not only because it increases the capacity for the Hop Inn to house more animals, but also the fact that the premises will offer the chance to educate others - offering valuable skills and understanding when caring for animals.</p> <p>Moving out of the village should help with the access and the traffic issues.</p> <p>Hop Inn needs this proposed expansion to enable the business to grow further over the coming years. Lisa &amp; family have put considerable thought into the application, with the intention of supporting the village, environment &amp; customers.</p> <p>This new site would allow Hop Inn to reach its full potential with the space to accommodate more rabbits and the incredible opportunity to grow and sell good quality hay which is very hard to come by.</p> <p>The design of the future site is very clever and makes good use of all the space.</p> <p>Particularly support for the development of the education centre, I work closely with local schools and know that children would benefit hugely from such a place, we are all trying to get children outdoors and into the countryside as there are so many benefits to their physical and mental health. This proposal also provides many opportunities to learn about a variety of curriculum areas (from animal care to land management).</p>	<p>Please note that the letters of support have been condensed to include only material planning considerations.</p> <p>Access and highway issues have been discussed earlier in the report and issues of design can be found later in the report.</p> <p>The letters of support for the business are noted, however this does not alter the material planning considerations that relate to this proposal, namely that of functional need and impact upon character of the area of the proposed location, they do not overcome the fundamental argument of sustainability and the core principles of Paragraph 17 of the NPPF.</p>

<p>The proposed buildings would be sympathetic to the design of other buildings in the locale whilst still meeting the needs of the animals housed at the Hop Inn. The visible impact of the proposed buildings on the local environment would also be reduced by the growing of hay and Christmas trees on the site, which would provide effective screening.</p> <p>The proposed site, and its vehicular access in particular, directly from Waltham Road, is a great improvement from that on the existing site, where car access into the village for Hop Inn customers can be significantly impeded by groups meeting with significant numbers of both vehicles and horses at the start of the local hunt, and where egress from the Hop Inn site is limited by high walls and poor visibility onto the main road through the village.</p>	
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**Other Material Considerations Not Raised In Consultations:**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Functional Need</b></p> <p>As part of the application process, the LPA have consulted an independent Agricultural, Equestrian and Rural Planning Consultant</p> <p>The findings of the Consultant are below:</p> <p><b>Initial response</b></p> <p>Advise that there is no other occupational support of the proposed new permanent dwelling as the unit and the enterprise has not been established for three years on the application site and is unable to sustain the cost of the proposal in the long-term. Therefore, the application is unable to comply with the guidance in The Framework, or Annex A to PPS7.</p> <p>If the Local Planning Authority are prepared to grant consent for this commercial enterprise to be sited on the greenfield site within the open countryside on the basis that it should be classed as a rural business and it would be acceptable under normal planning policies in that location; any residential element should for the first three years in the form of a caravan/mobile home to enable the enterprise to become established and also to provide evidence that it can sustain the cost of a permanent dwelling in the long-term after the three year consent expires.</p> <p><b>Additional information was submitted by the applicant</b> with further account details and also an appeal statement for Willows Stable in Lancashire which they believe has a similar reasoning to this application, which allowed permission for a cattery in a rural location. It should be noted that the applicant has submitted a large amount of information during the application process and has responded to the various</p>	<p>The comments of the Consultant are noted and supported, the response summarises that a functional need cannot be demonstrated for the proposed dwelling.</p> <p>The application differs to that of a farm or livestock proposal where there is a benefit and need for housing farm animals in a rural open countryside location, this proposal is for the boarding of house rabbits and guinea pigs, which can successfully be housed elsewhere from that of the application site.</p> <p>The accounting information whilst not presented within this report has shown inaccuracies and a conclusion has been reached that the proposal is not viable.</p>

requests of additional information from both the LPA and the external consultant

**Additional advice:-** As the business to be relocated to the application site is a livestock based business i.e. the boarding of House Rabbits and Guinea Pigs which it is proposed to relocate onto a greenfield site in the open countryside, it is a non-rural enterprise as House rabbits and Guinea Pigs do not need to be boarded or housed in a countryside location.

Clearly a non-viable business cannot be sustainable under the Framework. The existing business is unable to sustain the cost of the proposal, therefore if the Local Planning Authority are prepared to grant consent for this Commercial Enterprise on a greenfield site within the open countryside any residential element should for the first 3 years be in the form of a Caravan/Mobile Home to enable the business to become established on the site and provide evidence that it can sustain the cost of a permanent dwelling in the long-term.

The provision of Budgets etc. are used to show that the proposed enterprise has been planned on a sound financial basis to justify a temporary dwelling not a permanent dwelling in this case.

It is clear from the plans of the proposed building that the business and residential accommodation i.e. the dwelling could easily be separated and the dwelling used solely for residential purposes if the business was to cease. I do not consider this to be in anyway related to a "Log Cabin" style development.

I do not consider the Appeal Decision for Willow Stables, relates to a similar style of business. The willow stables appeal relates to an enterprise providing care accommodation for up to 40 dogs, 36 cats, and 7 livery Horses plus the Appellant's own horses (10 Shetland) and several Boarding Stables used for holiday Livery.

This is completely different to the boarding of 30 House Rabbits and 30 Guinea Pigs in the proposed facility at the application site.

**In conclusion advise that there is no other occupational support of the proposed new permanent dwelling as the unit and the enterprise have not been established for 3 years on the application site, and the enterprise is unable to sustain the cost of the proposal in the long-term, and therefore it does not comply with the guidance in the Framework or Annex A to PPS 7.**

**Impact upon the rural landscape**

The proposal introduces a new modest sized two and single storey 4 bedroom dwelling and two outbuildings on an existing open field.

The main building is a linear 2 storey building with pitched roof, the ridge of which is set at approximately 8m which is justified by the agent as being compatible with rural barn type buildings.

The ground floor area is increased with a single storey lean to side addition. The ancillary storage barns would have simple pitched roofs set lower than that of the main building.

The building would be of agricultural appearance, roofed with fibre cement panels and over clad with timber.

The submitted information compares the design of the proposal to that of agricultural barns with glazing minimised on the approach elevations which have been left low key, with larger glazed areas benefitting from distance views over the landscape.

The building will feature the rabbit boarding in its centre as an integral part of the layout as well as providing modes accommodation for the family.

Surveillance of the rabbits both within the building and externally when grazing in protected runs is key feature of the design and one which the applicant has expressed is not able to be undertaken in the existing premises.

The business and home share several facilities, such as utility, office and the main dining area which will also serve as the education meeting space. The philosophy is one of house rabbits being at home, and located centrally within the building.

The applicant has devised a series of pre-fabricated pods to contain the rabbit accommodation which enables a quick set up on site, while the owners live in a temporary caravan, and on completion of the site works and building construction the pods can then be finally located, as well as providing scope for expansion and growth.

The applicant has explored the re-use of shipping containers for the pods providing ancillary work areas and stores, which will be over clad with timber and topped with green roofs.

Discussions have been held with the applicant to discuss the potential of a small log cabin style transportable building that could be screened

The proposal will lead to a large family home being developed within an isolated rural location. It is considered that development on this site would have an adverse impact upon the rural landscape.

Whilst the LPA recognise the use of recycled materials and the wooden clad element respecting that of a rural location, the setting and scale of the proposal would be one that would sit at odds with the current surroundings, appearing prominent and impact on the existing open views to and from the land.

Whilst the use of conditions to secure the dwelling and its use are tied and also the design being easily de-mountable are noted, this will not reduce the impact upon the countryside by the introduction of a two storey modest dwelling.



<p>efficiently with appropriate landscaping.</p> <p>This recommendation was not accepted by the applicant for the following reasons</p> <ul style="list-style-type: none"> <li>• <i>Their clients are discerning individuals who seek a home from home environment for their own house rabbits – provision of the wrong accommodation will affect the ethos of the hop inn brand and could stifle growth as opposed to assisting it grow.</i></li> <li>• <i>It would be an inappropriate environment for the animal husbandry education for trainee vets and Brooksby College students.</i></li> <li>• <i>Building the development in phases would both attract additional costs, and cause disruption and noise to the animals. Clients often use the facility when they are having work undertaken at home to avoid the related stress implications.</i></li> <li>• <i>The proposal has instead centred on provision of a bespoke building which accommodates the rabbits at the heart of the home unit. For this reason the business premises would be inappropriate for use solely as a residential dwelling if the business was to cease.</i></li> <li>• <i>Business and residential accommodation are purposely intertwined – the dwelling could not be easily separated or used separately from the rabbit boarding element.</i></li> <li>• <i>In addition we can agree to supply construction details demonstrating ease of “de-mountability” in the event that the venture was to cease. This would be no worse than the surety you have from approvals involving “log cabin” style developments.</i></li> <li>• <i>Our clients wish to link the provision of the dwelling to the operation of the rabbit boarding business in perpetuity.</i></li> </ul>	
<p><b>Policy Considerations</b></p> <p>The site lies in an area of open countryside and is segregated from nearby facilities, the location is not considered sustainable to support the day to day living and the occupant would need to rely heavily on the use of a motor vehicle</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</p>	<p>The location of the proposal is considered to be an unsustainable location for new housing as it would require the occupants to travel to Melton Mowbray or other nearby towns to access facilities for day-to-day requirements.</p> <p>The proposal does not fall within Section 3 of the NPPF which aims to supporting the rural economy, it has not been demonstrated thoroughly that this proposal is best situated in a rural location.</p> <p>Nor does the proposal meet with the criteria to that of Paragraph 55 which sets out the requirements for</p>

<p>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.</p> <p>Paragraph 28 of the NPPF makes specific relation to Supporting a prosperous rural economy and states the following</p> <p>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:</p> <ul style="list-style-type: none"> <li>• Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings</li> <li>• Promote the development and diversification of agricultural and other land-based rural businesses</li> <li>• Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres</li> <li>• Promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.</li> </ul> <p><b>Para 55 advises 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”.</b></p>	<p>allowing a house in the open countryside.</p> <p>The key element of Paragraph 55 is that of a rural workers dwelling, the proposal does not meet that criteria nor does it allow for the development of a local service nor would it lead to rural tourism.</p>
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**Conclusion**

The application seeks planning permission for the relocation of the Hop Inn Rabbit Hotel and construction of storage buildings, the proposal would create a dwelling in an unsustainable location. The proposal is contrary to the NPPF and Policy OS2 because the site lies outside of a village and is not located close to services that would be needed to provide for day to day necessities, the site is not situated on a transport like to more sustainable locations meaning the future occupant would need to rely heavily on the use of a motor vehicle.

The size and design of the dwelling is one that would be prominent in such a rural location, it is noted that the proposal could be designed to be agricultural in form and that screening could be provided, however it is not considered that these measures would overcome the detrimental impact the proposal would have upon its open setting and location.

Para. 55 of the NPPF and Policy OS2 are consistent in approach and state 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. The information submitted has not demonstrated that the proposal is required to be located in a rural area or that other sites have been explored.

**RECOMMENDATION: Refuse, for the following reason:**

- 1 In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of a residential dwelling in an unsustainable location. The development is in an unsustainable village location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient reason to depart from the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles contained" within Paragraph 17 of the NPPF.
- 2 The proposed dwelling, by reason of design, scale and massing, would have an adverse impact on the site and its surroundings and would therefore be visually detrimental to the site, street scene and locality. The proposal would therefore be contrary to Policies OS1 and BE1 which seek to ensure development is visually acceptable, and the NPPF in particular Chapters 7 and 11.

Officer to contact: **Miss Louise Parker**

**Date: 6th March 2017**