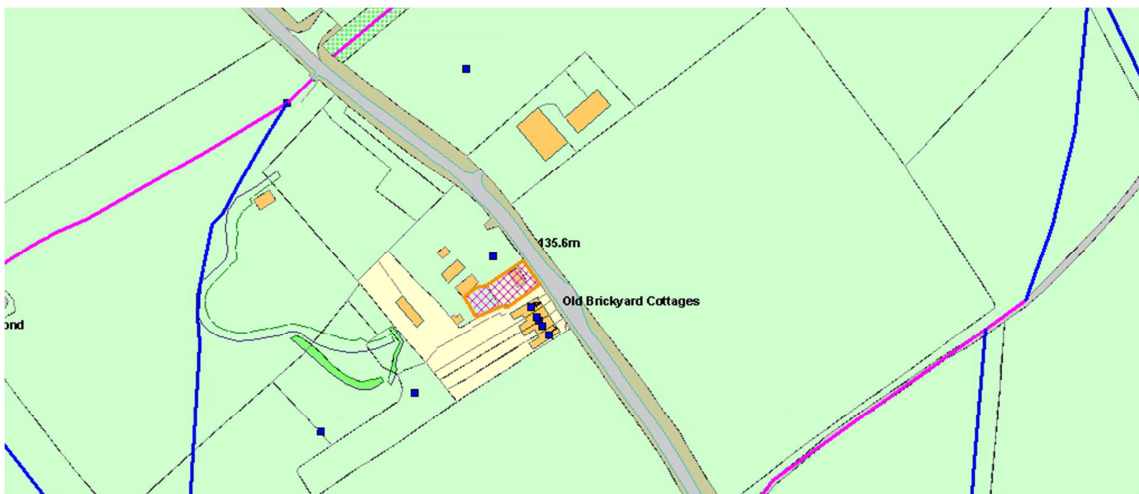


Reference: 16/00490/FULL
Date submitted: 18th July 2016
Applicant: Mr and Mrs Johnston
Location: 4 Old Brickyard Cottages, Eastwell Road, Scalford, Melton Mowbray
Proposal: Demolition of Garage, New two bedroom dwelling and parking.



Introduction:-

The application site is located in the open countryside, outside of any designated village envelope, adjacent to a row of 4 terraced cottages. The existing cottages were built for the workers at the brickyard opposite which closed many years ago. The site is located approximately 4.5 miles north of Melton Mowbray town centre, and approximately 1 mile from the centre of Scalford village. There are no footpaths connecting the site to the village, and pedestrians would have to walk along the highways verge adjacent to the traffic on the national speed limit road.

The application site is adjacent to no 4 Old Brickyard cottages, and is at present used as garden and overspill parking for this property. At present there is a 1960's brick garage built on the site with a flat roof. Immediately to the north is the business known as C&C Plants – an established plant nursery.

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**
- **Impact upon residential amenities**
- **Impact upon highways**

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

Relevant History:

16/00098/FUL full planning permission for a detached two bedroom house – refused.

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.

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 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.

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:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority:</p> <p>The Local Highway Authority refers the Local Planning Authority to the current standing advice provided by the Local Highway Authority dated September 2011. Consider Access, parking and turning for the existing and proposed dwellings.</p>	<p>Noted.</p> <p>The proposed access to the dwelling is where there is an existing shared access to the back of the existing houses and is considered acceptable in terms of visibility. It is proposed to provide two parking spaces for the new dwelling, which would have sufficient space to turn around within the site before exiting towards the highway. It is opposed to resurface the area and remove existing fences to provide additional space and visibility. The parking and turning space for the existing properties would be unaffected by the proposal. The proposal would therefore meet the requirements of policy BE1 in terms of highways safety and parking provision.</p>
<p>Parish Council:</p> <p>The Parish Council has studied the information provided and I am instructed to advise as follows:</p> <p>The Parish Council feel that their comments on the previous application 16/00098/FUL for development on this site are still relevant as follows:</p> <p>The site is in open countryside with no justification and is an unnecessary development in open countryside, with an inappropriate design for the location, and not in keeping with rural landscape. The application should be refused unless the planners have grounds to approve, and if so the Parish Council would appreciate being notified of the reasons for approval.</p>	<p>Noted</p>

The Parish Council object to this application.	
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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 **6 letters of support were received.**

Consideration	Assessment of Head of Regulatory Services
<p>Location</p> <ul style="list-style-type: none"> - Although the site is outside the main village, there are a small group of residential properties around the subject site plus one other under construction. - Within a short distance there are three more dwellings near the landyke Lane junction and a number of Lionville. - I know that it is outside the envelope of the village, but it is supported by public transport and the village is less than half a mile away. - I believe it will be an advantage to the established community at Old Brickyard and C&C Plants - 	<p>The dwelling if approved however would be a market dwelling, with no conditions requiring the applicant to live there, therefore this can be given no weight in the planning balance.</p> <p>Accordingly, the proposal does not meet the requirements of policy OS2 or the NPPF in terms of a dwelling in the open countryside, as the dwelling is not proposed for a rural worker who needs to live at or near their place of work in the countryside. The application is therefore contrary to policy OS2 and paragraph 55 of the NPPF.</p>
<p>Highways</p> <ul style="list-style-type: none"> - Access to the site is already in place and one extra dwelling won't materially affect the amount of traffic generated. 	<p>The Local Highway Authority have not raised any objection to the proposal subject to conditions.</p>
<p>Housing scale and need</p> <ul style="list-style-type: none"> - As a smaller property, this application will be ideal at any time as a starter or retirement for anyone needing to be in a rural situation - The current owners of 4 Old Brickyard, who want to stay in the area in a smaller house, make a good contribution to the village, local charities and to local rural business. - It is good to see more individual, eco-friendly and good looking houses being planned rather than large estates of similar looking houses. - There is a shortage of 2 bed-roomed houses in the area. 	<p>David Couttie Associates conducted a Housing Market Analysis for Melton Borough Council (Housing Stock Analysis 2006-2011; 2006) which clearly demonstrated that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough. Future development has therefore to address the imbalance of stock type and size, both by tenure and location to create a more sustainable and balanced housing market.</p> <p>This will require a bias in favour of 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 assessment found specifically within the rural north of the Borough there is a surplus of larger family homes, with additional small two bedroom properties being particularly required to rebalance the existing stock. There are limited opportunities for new housing development within the borough and therefore new residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.</p>

	<p>The Leicester and Leicestershire Strategic Housing Market Assessment (Bline Housing, 2009) supports the findings of the Housing Market Analysis and states that controls need to be established to protect the Melton Borough (particularly its rural settlements) from the over development of large executive housing, and to encourage a balanced supply of suitable family housing (for middle and lower incomes), as well as housing for smaller households (both starter homes and for downsizing).</p> <p>It continues to state that the undersupply of suitable smaller sized dwellings needs to be addressed to take account of shrinking household size which if not addressed will exacerbate under-occupation and lead to polarised, unmixed communities due to middle and lower income households being unable to access housing in the most expensive and the sparsely populated rural areas.</p> <p>A 2014 Strategic Housing Market Assessment has recently been produced that offers more up-to-date guidance on the housing market mix, but not in as much detail or depth as the Housing Market Analysis 2006-2011; this further work has yet to be done. This latest document however summarises a similar message to that evidenced previously, about the need for further smaller accommodation.</p> <p>With regards to the Strategic Housing Market Assessment, within the rural north of the Borough there is a significant need for small two bedroom dwellings as there is a significant surplus of larger family and executive style housing.</p> <p>This dwelling has been proposed to have two bedrooms, and meets the requirements of lifetime homes, therefore it is considered that it would meet the locally identified housing needs in the north of the Borough. However, the site remains outside, and some distance from the designated village envelope where there is no presumption in favour of development.</p> <p>Whilst it is acknowledged that the Council cannot demonstrate a five year land supply, this on its own is not considered to weigh in favour of approving development that is contrary to the development plan where harms are identified, such as impact upon sustainable development.</p>
<p>Character and appearance</p> <ul style="list-style-type: none"> - I wouldn't support a house in an open field, but believe this one in a garden area, replacing an old building, doesn't affect the look of the area, it has a busy road to the front, houses on one side, poly tunnels and a brick built store on the 	<p>The existing group of dwellings to the south is of a Victorian appearance, being a block of four, two storey terraced cottages with bay windows on the ground floor.</p>

<p>other and outbuildings/car parking behind.</p> <ul style="list-style-type: none"> - I have seen the plans for the house and believe they will enhance the area, it is a good design could be a lifelong house or suit a young family. - I have seen the plans for the house and believe they will enhance the area. It is good to see more individual, eco-friendly and good looking houses in the area. - I have looked at the revised plans and think the new house will be a good addition to the row of existing houses. - It will be more pleasing to the eye than the current disused and ugly brick built garage 	<p>The block is symmetrical and has a pleasing appearance in the streetscene. The proposed dwelling would stand alone at not be connected to the existing dwelling and would have an odd appearance adjacent to the existing block of four terraced cottages.</p> <p>The proposal may remove an existing unpleasant garage, however this could be removed to improve the street scene without the requirement to build a dwelling in its place.</p>
<p>Other matters</p> <ul style="list-style-type: none"> - There has already been permission given to build a house, which is further outside the village and is in an open field (although I appreciate it is tied to a business), it still has the same issues of lack of facility support. I think the precedent has already been set. - It is converting an existing building which also has enough land attached for parking and a garden and therefore not having to use any land from elsewhere. - The current owners would like to stay in the area but in a smaller house and make a good contribution to the village. 	<p>Whilst it is acknowledged that the dwelling proposed would provide for the applicant's needs, and indeed this is argued within the design and access statement; it is important to note that the planning system seeks to provide housing in the public interest, not the private.</p> <p>The Council cannot ensure that the dwelling is not sold on the open market in future, and is only built for occupation by the applicant, and therefore this matter can be afforded very little weight in the determination of the planning application.</p> <p>The applicant has stated that the dwelling has been designed to accord to the principals of building for life, to ensure that the dwelling would be adaptable to the changing needs of households.</p> <p>The plans clearly show that this would be the case, with parking provision meeting the required widths, access being close to the house and approaches to the house being level or gently sloping.</p> <p>Other features proposed clearly show that the house would be adaptable in future. The application states that the dwelling would be for the applicants as they wish to downsize from the host dwelling (no 4). The dwelling if approved however would be a market dwelling, with no conditions requiring the applicant to live there, therefore this can be given no weight in the planning balance.</p> <p>Accordingly, the proposal does not meet the requirements of policy OS2 or the NPPF in terms of a dwelling in the open countryside, as the dwelling is not proposed for a rural worker who needs to live at or near their place of work in the countryside. The application is therefore contrary to policy OS2 and paragraph 55 of the NPPF.</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>The detached nature of the site outside of Scalford 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>

Conclusion

The application seeks planning permission for a dwelling in an isolated rural location .The proposal is contrary to policy OS2 because the site lies within the open countryside, outside of any designated village envelope where there is no presumption in favour of development.

The design has been amended since the previous refusal, and is now one that better relates to the street frontage, however there have been no other change in circumstances and the principle of a new dwelling in this location remains unacceptable.

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. No exceptional need has been submitted in support of this application.

RECOMMENDATION: Refuse, for the following reason:

In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of a dwelling in an unsustainable location, in the open countryside, contrary to policy OS2 of the Melton Local Plan. The development is proposed in an unsustainable location where there are no local amenities, facilities and jobs, and where future residents are likely to depend on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that the positive elements of the development are 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.

Officer to contact: **Miss Louise Parker**

Date: 19 September 2016