

Reference: 13/00609/OUT

Date Submitted: 22.08.2013

Applicant: Mr & Mrs B Wiles

Location: Land to the rear of 1a East End, Long Clawson

Proposal: Outline application for the erection of single storey 2 bedroomed dwelling with reserved matters of access, layout and scale



Introduction:-

The application seeks outline planning permission for the access, layout and scale for the erection of a single storey, 2 bedroom dwelling on land situated to the rear of 1a East End, Long Clawson. The host property comprises a relatively modern former farmhouse associated with the Brunts Farm, which was a former farmstead located within the built up part of the village. The site is outside, but adjacent to the village envelope for Long Clawson in the open countryside, but part of the site area forms residential garden for 1a East End, Long Clawson.

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

- **Compliance to the development plan: whether it is justified to make an exception to Development Plan policies**

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

Relevant History:-

There is no relevant history at the site.

Planning Policies:-

Adopted Melton Local Plan (Saved Policies)

Policy OS2 states that planning permission will not be granted for development outside of the town and village envelopes except for:-

- Development essential to the operational requirements of agriculture & fishery
- Limited small scale development for employment, recreation and tourism, which is not significantly detrimental to the appearance or rural character of the open countryside
- Change of use of rural buildings

Policy C8 states that planning permission for a new dwelling outside the town and village envelopes will not be granted unless:-

- There is an essential long term need for a dwelling to enable a person employed in agriculture or forestry to live at, or very close to the place of work and there is no existing suitable means of accommodation available.
- The need cannot be met within the village envelopes shown on the proposals map

Policy BE1 states that planning permission will not be granted for new buildings unless:

- The buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing
- The buildings would not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight / daylight
- Adequate space around and between dwellings is provided
- Adequate vehicular access and parking is provided

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 this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

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

- always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and building
- take account of the different roles and character of different areas, promoting the vitality of main urban areas, protecting Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- encourage the effective use of land by reusing land that has been previously developed (brownfield)

On Specific issues relevant to this application it advises:

Delivering a wide choice of quality homes:

- that Local Planning Authorities should deliver a wide choice of high quality homes which widen opportunities for home ownership and create sustainable, inclusive and mixed communities. These should include a mix of housing based on current and future demographic trends, and identify the size, type, tenure and range of housing that is required in particular locations to reflect local demand.
- Local Planning Authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to an area.
- to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

Requiring Good Design

- The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

As stated above, s38(6) requires determination to be in accordance with the Development Plan unless other material considerations indicate otherwise. This is reinforced by paragraph 11 of NPPF. These form the relevant Development plan policies and they remain extant.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority: 'Consider the suitability of the access'.	<p>Noted.</p> <p>The initial plans submitted showed the access to the site via a farm track to the south west of the site, and along the rear of 1 East End. This has been the subject of amended plans due to ownership issues relating to the track, objections received and concerns with regards to the safety of the access.</p> <p>The revised access now runs between the host dwelling and 1 East End and is accessed from the private unadopted roadway which serves the Brunts Farm development.</p> <p>It would appear from the block plan provided that although space would be fairly tight on the site it would be possible to park two vehicles, and there should also be space for turning. The revised site access should also ensure a good level of visibility for vehicles entering and exiting the site from East End.</p> <p>It is considered that the proposed access would provide adequate vehicular parking and access in accordance with policy BE1 of the Melton Local Plan.</p>
Clawson, Hose and Harby Parish Council: The Parish Council objects to the proposal because it is outside of the village envelope, it is outside of the curtilage of the dwelling and it will	<p>Noted.</p> <p>The proposal is outside of the village envelope where there is no presumption in favour of development. The site is within the rear garden of</p>

<p>create additional traffic and a new access onto a private road near a children's play area.</p> <p>No further comments have been received to date from the Parish Council in response to the amended plans submitted which alter the proposed access to the site.</p>	<p>the host dwellinghouse which is considered to be residential curtilage. As discussed above the access has been moved so that it is no longer utilising the farm track where it is known that children play, however it would still be accessing the private road.</p> <p>Due to the dwelling's proposed location outside of the village envelope, the proposal is considered to be contrary to policies OS2 and C8 which seek to resist inappropriate development in the open countryside.</p>
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Representations:

A site notice was posted at the site and four neighbours were informed. As a result six representations have been received to date, one stating no objections to the proposal.

Representation	Assessment of Head of Regulatory Services
<p>Policy Issues Site is outside of the village envelope</p> <p>Site is outside the residential curtilage of the host dwelling, real curtilage is the village envelope</p> <p>A precedent will be set of encroaching into the countryside</p> <p>Dwelling is unsustainable and cannot be justified solely on the lack of a 5 year land supply</p>	<p>Noted. The site is outside of the village envelope as discussed above, therefore the proposal is contrary to policies OS2 and C8 of the Melton Local Plan.</p> <p>No evidence has been provided to show that the site is outside of the residential curtilage. The site visit conducted on 13th September concluded that the apparent use of the site is as residential garden area, and would appear to have been used for this purpose for many years.</p> <p>Noted.</p>
<p>Highways Issues Extra traffic will pose a danger for children playing</p> <p>Extra traffic will cause loss of privacy to residents of no 1 East End, vehicles of all types passing the side and rear of their dwelling at all times of day (cars, delivery trucks, online shopping, royal mail etc)</p> <p>The track is agricultural, unmade and inappropriate for traffic</p> <p>Access comes out onto a private / un-adopted road maintained by residents</p> <p>Access proposed is not owned by the applicant as stated in the certificates</p>	<p>The revised access provided on the amended plans should overcome safety fears regarding cars using the farm track, and will also have overcome the issues of vehicles passing along the rear boundary of 1 East End. The revised access could however cause noise issues and a loss of privacy from vehicle movements in the gap between 1 and 1a East End, and the tight space on site could mean that cars would reverse along the length of the drive (some 25m) before being able to turn on the private road.</p> <p>Ownership issues were raised in the initial stages of the application with regards to the track which was intended to provide the access to the site. To overcome this issue the access has been amended. The private road is maintained by residents and a private agreement with the owners of this would also be required. However, this is not a matter in which the Local Planning Authority can intervene</p>
<p>Design Previous application on this site was refused</p>	<p>Noted. No details of a previous application on this site have been found, however all applications are</p>

<p>It is a poor design, contrary to the principals of paragraph 64 of the NPPF</p>	<p>considered on their individual merit and a previous refusal would not necessarily mean a refusal in this instance.</p> <p>Paragraph 64 of the NPPF states that planning permission should be refused for development of a poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Whilst no specific designs have been submitted at this stage (it is an outline application), the design of the layout of the proposal can be taken into consideration.</p> <p>In residential amenity terms, there is no detailed design submitted as part of this proposal, however it is stated that the dwelling would be a single storey. At this stage it is not possible to judge whether the dwelling would be acceptable in terms of overlooking, mass, siting or loss of light, however in view of the size of the plot it is considered that with careful design and siting that a dwelling could be accommodated without having a detrimental impact upon any adjoining properties. Any potential issues of overlooking could be addressed by appropriate design of elevations and fenestration.</p>
<p>Back land development that doesn't relate well to the character and appearance of the village</p>	<p>The application relates to a residential back land development using the rear garden of 1a East End, with an access along the west elevation of the existing house to the private roadway.</p>
<p>Unsatisfactory relationship with the built form of the village</p>	<p>It is considered that a dwelling in this location will inevitably change the appearance of the streetscene and this development would be further signified by the introduction of the access drive to the rear of the existing house. A dwelling clearly visible at the rear of an existing house would be out of keeping in the street and the wider built fabric. It is considered that a dwelling in this location would detrimentally affect the appearance of the area.</p>
<p>No street frontage</p>	<p>The site is not recognised as a flood risk area, therefore no further details have been required from the applicant to demonstrate flood risk.</p>
<p>Other Issues Area has problems with flooding</p>	

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of the Development Plan Policies The saved policy OS2 carries a general presumption against development outside town and village envelopes except in certain instances such as the need for a rural worker to live close to their place of work. This policy is backed up by policy C8 which clarifies the situation further, as</p>	<p>In policy terms the proposal is not supported by the Local Plan policies OS2, C8 and BE1.</p> <p>Policy OS2 is considered to retain relevance and weight under the tests set by para 215 of the NPPF because it is compatible with the NPPF objectives on countryside protection.</p>

<p>detailed above.</p> <p>Policy BE1 seeks to ensure that new buildings harmonise with the locality, do not adversely affect occupants of neighbouring properties by reason of loss of privacy or sunlight / daylight and that adequate vehicular access and parking is provided.</p>	<p>The proposed dwelling is outside of the village envelope and would represent inappropriate development. The site does however form part of the residential curtilage, and therefore would have no further encroachment into the open countryside than that which is already visible. The site is immediately adjacent to the village envelope, and the applicant argues that this was at one point due to be included within the village envelope. Long Clawson is considered to be a sustainable village where appropriate development should be supported as the village has facilities which ensure that residents do not have to rely fully on private transport.</p> <p>The design of the dwelling is not yet known at this stage as it is an outline application as discussed above. Therefore the issues such as overlooking, mass and loss of light cannot be considered at this stage.</p> <p>The NPPF states at paragraph 53 that inappropriate development of residential gardens should be resisted where development would cause harm to the local area.</p> <p>It is considered that a new dwelling in this location would represent inappropriate development outside the village envelope, and would cause harm to the countryside, contrary to policies OS2 and C8 of the Melton Local Plan, and paragraph 53 of the NPPF.</p>
<p>Sustainability of the Site</p> <p>The applicant states that Long Clawson is well provided in terms of shops, services and public transport and that the village should be regarded as sustainable. They also state that due to the location of the proposed dwelling within the existing residential curtilage it can be considered to be located within a sustainable location.</p> <p>Although the site is outside of the village envelope, the dwelling is set entirely within the residential garden area of the host dwelling. In addition, the proposed dwelling falls inside the revised settlement boundary as proposed within previous plan consultation documents.</p>	<p>The site is located immediately adjacent to but outside the village envelope for Long Clawson. Long Clawson is considered to be a sustainable location for new development due to the availability of local facilities and services which reduce the need to travel.</p> <p>The development has a close relationship to the village envelope, but would represent an encroachment of the built environment into the open countryside which is not supported by the local plan, or the NPPF.</p> <p>It is considered that the sustainability of the site is good, considering its countryside location as it is close to the village centre. This is where the balance needs to be struck between allowing development outside of the village envelope, but in a location close to an inherently sustainable village, and the competing policy positions.</p>

<p>Housing Needs</p>	<p>The dwelling proposed is a two bedroom bungalow with a total internal floor space of approximately 70sqm. According to the Council's housing needs survey there is a significant shortfall of two and three bedroom bungalows in the rural North of the Borough. Although the proposed dwelling is not within the defined village envelope it would contribute towards reducing the shortage of smaller dwellings in the area as identified in the Strategic Housing Market Assessment.</p> <p>It is therefore considered that the proposed dwelling would not add to the over-supply of larger dwellings in the Borough and meets the needs as identified.</p>
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Conclusion

The application seeks outline planning permission for the erection of a small bungalow outside of the village envelope for Long Clawson, within the residential curtilage of an existing dwellinghouse. The proposal is contrary to policies OS2 and C8 of the Melton Local Plan which seek to only allow for new housing in the open countryside (as defined by the Local plan, which includes garden areas in some locations) 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. The proposal is however immediately adjacent to the village envelope for Long Clawson which is considered to be a sustainable village. The proposal represents backland development of a residential garden which the NPPF seeks to resist where it would cause harm to the local area. In this instance it is considered that the provision of a driveway between 1 and 1a East End would inevitably change the streetscene, and although the new dwelling would not be immediately visible the insertion of the access drive would immediately signify a dwelling accessed from the private road. The new dwelling would also cause a disruption to the built form of the Brunts Farm development which is formed of dwellings situated around a cul-de-sac.

Therefore, it is not considered that the erection of a bungalow would be appropriate in this location outside of the village envelope, and as such the application is recommended for refusal.

RECOMMENDATION: Refuse:

1. The proposed dwelling is in a countryside location, outside the village envelope of Long Clawson as defined by the adopted Melton Local Plan, where there is a general presumption against the erection of new dwellings. It is considered that there is no essential, justified need for a new dwelling at this location as stated both within policy OS2 of the Melton Local Plan, and paragraph 55 of the National Planning Policy Framework (NPPF), nor does the dwelling represent innovative or exceptional design.

2. In the opinion of the Local Planning Authority, the proposal is considered to have a detrimental impact on the form and appearance of the locality where dwellings are orientated around a cul-de-sac. The introduction of back land development in this location will result in development visible behind the existing street-fronting houses and this will unduly alter, and harm, the character of the area. The proposal is therefore considered to change the character and built form of the area and would change the appearance of the neighbourhood, contrary to paragraph 53 of the NPPF. For these reasons the proposal is considered contrary to saved Policy BE1 of the Melton Local Plan and National Planning Policy Framework.

Officer to contact:

Mrs Sarah Legge

25th October 2013