

Reference: 13/00629/FUL

Date

Submitted: 4th September 2013

Applicant: Mr And Mrs J Brankin Frisby

Location: 30 The Hollow, Knossington

Proposal: Change of use of land to domestic use and construction of a greenhouse and garden store to be attached to the existing detached double garage



Proposal:-

The proposal seeks permission for change of use of agricultural land to be used for domestic purposes and the construction of a greenhouse and garden store to be attached to the existing detached double garage, but outside of the current residential curtilage. The application site is located wholly within the open countryside and sits to the north east of the village of Knossington.

It is considered that the matters for consideration are:

- **Impact upon the open countryside**

The application is required to be considered by the Committee because the recommendation proposes a departure from the Development Plan.

Relevant History:-

01/00335/FUL - Proposed demolition of existing dwelling and outbuilding and construction of replacement dwelling and garage

13/00251/FULHH - Single storey side extension.

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 - states that permission will not be granted for development outside town and village envelopes with some exceptions for agriculture, employment, recreation and tourism.

Policy BE1 allow for new buildings providing that the buildings are designed to harmonise with surroundings in terms of height, form, mass, siting, construction materials and architectural detailing.

Policy C11 states that planning permission will be granted for extensions and alterations to existing dwellings outside the town and village envelopes shown on the proposals map provided the size, scale, form, design and construction materials are in keeping with the dwelling and locality.

Adopted Supplementary Planning Guidance on Garden Extensions (2003) explains how the above policies will be implemented in respect of garden extensions into open countryside and supports garden extensions which relate well to the built form of the settlement and that it can be demonstrated that there will be no impact on the character of the countryside.

The National Planning Policy 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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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 core planning principles against which proposals should be judged. Relevant to this application is:

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for recreation or food production)

The framework introduces 12 core planning principles with more detailed criteria contained within the 13 chapters. Relevant to this proposal is:-

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.
- Securing high quality and inclusive design goes beyond aesthetics considerations and 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
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

This 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 para. 12)

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Parish Council No objection</p>	<p>The application proposes change of use of a piece of land which is approximately 308 square metres in area, this forms part of an area of land which covers 7.9 hectares and is owned by the applicant. The proposal also comprises the addition of a lean-to style garden store and greenhouse to the rear of the existing detached double garage. It is considered that proposed location for the buildings would be outside of the residential curtilage as approved for the construction of the dwelling in 2001. Policy C11 allows for extensions and alterations to existing dwellings outside the town and village envelopes provided the size, scale, form, design and construction materials are in keeping with the dwelling and locality. The proposed lean to and greenhouse would be constructed to the rear of the existing garage it will have a combined floor area of 23 square metres with a maximum height of 3.8 metres. The design and materials proposed are considered to be in keeping with the surrounding buildings and the proposed lean to and green house would be screened from view by a stone wall and hedge on the boundary with The Hollow It is considered that the proposal complies with policy OS2 and C12.</p> <p>The change of use of land is required to allow for the area to be used as a vegetable garden for the applicants personal use and will also give</p>

	<p>general access across the site to the field beyond. It is considered that the use of the land can be controlled through the use of conditions. Policy OS2 seeks to resist inappropriate development in the open countryside in an attempt to protect the countryside. It is considered that the policy is in conformity with the NPPF in particular chapter 11 'Conserving and Enhancing the Natural Environment'</p> <p>It is not considered that the proposal would adversely affect the character of the countryside as the area is well screened and the design of the proposed buildings are is not incongruous within the setting. The area proposed for the change of use is directly adjacent to a group of domestic buildings, and not on an open area of land which is currently totally undeveloped, therefore it relates well to the setting. The land adjacent to the proposed greenhouse and store is intended to be used as a vegetable garden, and the portion of land proposed is not considered to be excessive in scale for this purpose however a condition should be imposed to require delineation to prevent sprawl into the open countryside.</p>
Highways Authority: No comments	Noted

Representations: A site notice was posted on 11th October 2013. As a result no letters of representation have been received at the time of drafting the report.

Other Considerations (not raised through representations or consultations)

Consideration	Assessment of Head of Regulatory Services
Impact on open countryside	It is not considered that the proposal would negatively affect the character of the countryside. The proposed buildings relates well to the existing domestic setting, and will be visible from the streetscene due to the screening which is in place from the stone boundary wall and hedge adjacent to The Hollow.
Application of the Development Plan Polices and conformity with the NPPF.	Policy OS2 seeks to resist inappropriate development in the open countryside in an attempt to protect the countryside. Policy C11 allows for extensions and alterations to existing dwellings outside the town and village envelopes provided the size, scale, form, design and construction materials are in keeping with the dwelling and locality. The buildings would be discretely located behind the existing garage and it is considered that there would be no substantial harm to the character of the area. The change of use of land from agriculture to 'vegetable' garden for domestic use is not considered to comply with policy OS2 however the land is well related to the residential use and is well screened from public view. It is considered that the proposal is acceptable as a

	<p>departure to the local plan as no harmful impact will arise from the use of agricultural land to allow growing of vegetables.</p> <p>The NPPF, core principles, promotes mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for recreation or food production)</p> <p>The nominal size of the proposed site area in relation to the area of the entire land holding which it is contained within is considered to be a reasonable amount and it is not considered that the change of use proposed would have any harmful impact upon the character of the surroundings. Development of the land can be controlled by removal of Permitted Development Rights to ensure that any future proposals within the site are considered by the LPA.</p>
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Conclusion:

The proposal seeks consent for change of use of 380 square metres of agricultural land directly behind the domestic curtilage to be used for growing of vegetables including the erection of a lean to type store and greenhouse. It is considered that the change of use relates well with the existing residential use of the adjacent site, and would not have a significant harmful impact upon the appearance of the open countryside. The site is well screened from the highway by mature planting and subject to imposing a condition requiring delineation of the area to contain the use the proposal is considered acceptable as a departure to Local Plan policy OS2. Accordingly the proposal is recommended approval subject to conditions.

RECOMMENDATION: Approve subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans submitted on 5th September
3. Boundary treatment of post and rail fence shall be erected around the proposed vegetable garden and shall be maintained in perpetuity.
4. Notwithstanding the provisions of Schedule 2, Parts 1 and 2 of the Town and Country Planning (General Permitted Development Order) 1995 as amended (or any Order revoking and re-enacting that Order) in respect of the area of land, hereby permitted, no development shall be carried out unless express planning permission has first been granted by the Local Planning Authority.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt
3. To prevent sprawl into the open countryside
4. To enable the Local Planning Authority to retain control over future development within the site.

Officer to contact: **Lynn Eastwood**

Date: 16th October 2013