

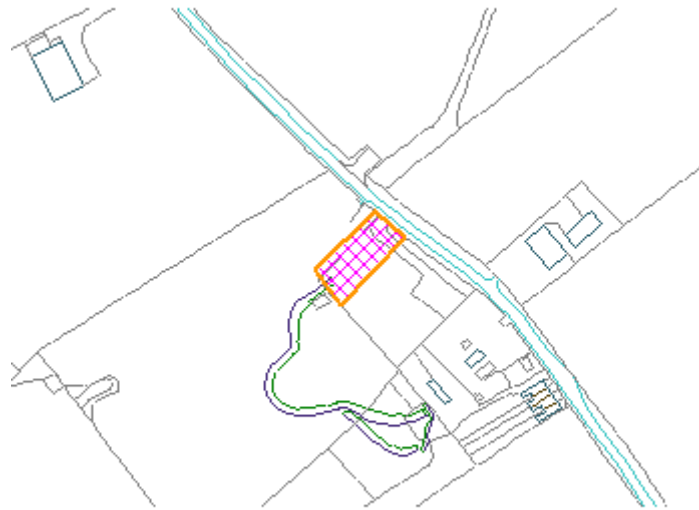
Reference: 16/00023/FULL

Date submitted: 12th January 2016

Applicant: C&C Plants Mr & Mrs Scarborough

Location: Field 8500, Eastwell Road, Scalford

Proposal: Full planning consent for the erection of single storey occupational dwelling with double garage, provision of turning area and associated site landscaping.



Introduction:-

The application seeks full planning consent for one dwelling. The application site is located outside of Scalford on the west side of Eastwell Road, where there is a range of cottages on the approach to the existing nursery. The area has a predominantly attractive rural appearance and the surrounding land is currently grazing paddocks and arable fields. There is existing access for vehicles and pedestrian along with an existing parking area associated to the nursery.

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:

10/00218/CL – Certificate of lawfulness for existing Garden Nursery approved 04.06.2010
10/00837/FUL – Construction of tea room and toilet refused 23.03.2011
10/00852/FUL - Creation of driveway and area of hard standing for parking of vehicles in association with garden nursery approved 13.01.2011
11/00368/FUL - Resubmission of 10/00837/FUL for the erection of 1 wooden tea room and 1 toilet shed approved 08.07.2011

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: No objection</p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Consider sustainability issues, ensure all details of access and parking comply with current standards</p>	<p>Noted.</p> <p>The existing access meets the highways standards for the nursery business, with both vehicular and pedestrian movements being facilitated by this access.</p> <p>It is not considered the addition of a dwelling at the site would cause any additional highways dangers.</p> <p>The access is set back from the highway to allow vehicles to stop clear of the highway when accessing the site even when the gates are closed. There is good visibility from the access in both directions, with wide visibility splays.</p> <p>The site area marked on the plans shows an area large enough to provide a dwelling with plenty of off road parking that would ensure that vehicles would not need to park on the road, and could turn around on site to prevent reversing into the highway.</p> <p>It is not considered that the proposal would cause any highways safety issues. As such, the proposal is considered to meet the requirements of policy BE1 of the Melton Local Plan.</p>
<p>Parish Council:</p> <p>The Parish Council has studied the information provided and comments as follows;</p> <p>This is to be an occupational dwelling which by implication presumably means the proposed dwelling is part of the business of C and C Plants. The proposed dwelling is single storey and not in keeping with other buildings on the site, it is also some distance from the existing buildings and will not sit well within the rural buildings and will not sit well within the rural landscape. The design and materials are not in keeping with the existing buildings and whilst the Parish Council does not wish to put obstacles in the way of local business, the</p>	<p>The single storey nature whilst not in keeping with the existing two storey dwellings would be preferable due to the open nature of the site, however it should be noted the presence of any type of dwelling in this location will be prominent in the open landscape and would result in a development with an ‘urbanising’ effect on land that is currently undeveloped and in the open countryside. The submission of detailed landscaping options is noted.</p> <p>It is considered this impact should be considered in the balance of ‘harm’ against ‘benefits’ described in the Planning Policy Section above.</p>

Parish Council object for the reasons stated above.	
<p>Rights of Way Officer</p> <p>Public Bridleway F25 and Public Footpath F12 run through the field adjacent to the proposed development site.</p> <p>There is no objection to the application to erect a new dwelling on the site as the use and enjoyment of the Public Rights of Way as a whole will not be affected by the development. However, owing to the proximity of the Rights of Way it is suggested that notes are applied to any permission for development of the site in relation to construction works and storage of materials in proximity to the footpath, no re-routing of the right of way, damage to footpath and information on temporary closure/diversion.</p>	These comments are noted and any informatives can be added to any permission granted.
<p>Ecologist</p> <p>The ecology report submitted in support of this application (Curious Ecologists, December 2015) is satisfactory. No protected species or ecological features of note were identified, and no further action is required.</p>	Comments noted.

Representations:

The application was advertised by way of a site notice at the application site. As a result of the consultation 8 letters of support were received, in addition to 1 neutral comment

Consideration	Assessment of Head of Regulatory Services
<p>The Business</p> <p>Many years of hard work have created a thriving business</p> <p>Provides employment for local people</p> <p>Enhance security of their business</p> <p>Reduce travel burden</p> <p>Rural businesses need encouragement</p> <p>Essential need for business to survive</p>	<p>Noted.</p> <p>Please see the commentary below with regards to the weight that can be given to security considerations.</p> <p>The supporting documentation states that there have been some criminal acts to the site however these have not been sufficient to warrant police intervention, submitted information suggests a high level of stock contained on the premises, however there are other measures of security that could be implemented without the need to live on the site.</p>
<p>Sustainability</p> <p>Scalford is a village well suited to this sympathetic and well planned expansion</p> <p>Type of building needed for the borough</p>	<p>Noted.</p> <p>The applicants have advised that they needed to be closer to the site as the 1 mile distance from the applicant's home address to the site is not sustainable.</p> <p>The sustainability of the proposal will be discussed in full in the commentary below.</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>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>The application does not relate to a specific requirement for agriculture or forestry, and is brought about due to security concerns and to deal with the day-to-day demands of the business. The security concerns, whilst valid, are not given any weight in policy terms in favour of a new dwelling in the open countryside. Annex A as stated opposite, recommends that security concerns can only be partially justified in the case of the protection of livestock.</p> <p>It is not considered that security of machinery and plant stock is sufficient justification for a dwelling in the open countryside.</p> <p>With regards to the financial viability of the business to support a dwelling on site, the information provided has not demonstrated whether the level of profit is sufficient to support the cost of a house.</p> <p>The applicant has emphasised the business has been running for over 20 years, however costs occurred for development and precise financial figures were not submitted for assessment.</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 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> <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. Furthermore, the site is some distance away from Scalford and cannot be considered to be a sustainable location for the reasons as set out above.</p>
<p>Appearance, Landscaping, Layout & Scale</p>	<p>The site is relatively well screened by mature planting and the applicant has submitted drawings</p>

	<p>demonstrating that additional landscaping can be added to further screen the proposal.</p> <p>This should ensure that a dwelling would not have a significant negative impact upon the open countryside, subject to a reasonable scale and mass.</p> <p>However any additional dwelling in this location will add to a form of urbanisation to the open nature of the site. The site is relatively close to the existing nursery 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 business.</p> <p>As discussed above, it has not been fully demonstrated that the business is capable of sustaining a dwelling on site based on the level of financial information submitted.</p> <p>The location of the dwelling would be some distance from the closest neighbouring dwellings, and it is not considered that a dwelling in this location of the submitted scale and mass would have an impact upon the neighbouring dwellings.</p>
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Conclusion

The application seeks outline planning permission for a dwelling in the open countryside to provide security and to help with the day-to-day running of an established business. 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.

The proposal is some distance from the village envelope of Scalford. The security argument put forward by the application is not, on its own, considered as sufficient reason to grant consent contrary to the local plan and the NPPF. 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. Accordingly, the application is recommended for refusal.

RECOMMENDATION: Refuse, for the following reason:

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, and the functional requirement for crime prevention is not considered an essential need as the business has no animal welfare issues.

Officer to contact: Miss Louise Parker

Date: 16 March 2016