

Reference: 14/00801/FUL
Date submitted: 2 December 2014
Applicant: Mr & Mrs C Foster
Location: 76 Church Lane, Long Clawson
Proposal: Change a small piece of the field into a garden at the rear of the property.



Introduction:-

The proposal comprises a change of use of part of the field to the rear of the property to create a larger garden. The area of land is triangular in shape with a width of approximately 20 metres by approximately 3 metres at the widest point. The application site is within open countryside and sits to the west of the village.

It is considered that the main issues relating to the application are:

- **The principle of the change of use**
- **Impact upon the character and appearance of the site and surroundings**
- **Impact on residential amenity**

The application is required to be considered by the Committee due to the land being beyond the village envelope.

Relevant History:

00/00361/FUL Proposed demolition of house and garage and the erection of two new dwellings – permitted.

03/00663/1/FUL Proposal to adjust the position of the new house and extend the curtilage to the rear – permitted.

13/00183/1/FUL New garage and drive – permitted.

Development Plan 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 development providing that the development is designed to harmonise with surroundings in terms of appearance, siting, materials and detailing.

Policy C1 - states permission should not be granted for development which would result in the loss of the best and most versatile agricultural land (grades 1, 2 and 3A) unless there is an overriding need for the development, there are no suitable site for the development within existing developed areas or where agricultural land is of poorer quality and the proposal is on land of the lowest practicable grade.

Policy C11 – states that planning permission will be granted for extensions and alterations to existing dwellings outside the village envelopes provided the size, scale, form, design and 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 the open countryside and supports garden extensions which relate well to the built form of the settlement and where it can be demonstrated that there will be no impact on the character of the countryside.

National Planning Policy Framework – Introduces the ‘Presumption in favour of Sustainable Development’ and states that development proposals should be approved if they accord with the Development Plan, or, if it is out of date or does not address the proposal, approve proposals unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits,
- specific policies in this Framework indicate development should be restricted.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver homes and business 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
- 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.

On Specific issues relevant to this application it advises:

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 the Natural Environment

- The planning system should contribute and enhance the natural and local environment by protecting and enhancing valued landscapes and soils.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Clawson, Hose and Harby Parish Council No objections.	Noted

Representations

A site notice was posted and neighbouring properties consulted. No responses have been received.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
Application of Development Plan and other planning policy Local Plan policies OS2, C1 and C11.	<p>The land the subject of the proposed change of use comprises land beyond the village envelope of Long Clawson. Policy OS2 seeks generally to resist development beyond village envelopes; however in seeking to confine housing to development within existing boundaries the policy is considered out of date with reference to the NPPF, paragraph 49.</p> <p>The parcel of land covers a relatively small area, bordering the village envelope and would adjoin the existing rear garden. Although classed as agricultural land as it immediately abuts the existing rear garden, and comprises a small area, it is unlikely to be used effectively for agriculture. As such it is not considered to compromise the intentions of Policy C1 which seeks to protect high quality agricultural land.</p> <p>Policy C11 accepts extensions and alterations to dwellings outside village envelopes provided certain criteria are met. These include the visual impact which is assessed below.</p> <p>As such, subject to issues of visual and residential amenity being satisfactorily addressed, it is considered the principle of the change of use can be supported. The parcel of land is relatively small, running the width of the existing garden and comprising a maximum depth of approximately three metres at the widest point. The proposal would not extend the residential element significantly into the open countryside and would not prejudice the use of the adjacent land for agricultural purposes.</p> <p>The proposal in land use terms is not considered to comprise the intentions of Local Plan policies OS2, C1 or C11 and conforms to the intentions of the NPPF.</p>

<p>Impact on the Open Countryside</p>	<p>It is not considered that the proposal would adversely affect the character of the countryside as the parcel of land is relatively small and the site borders the existing garden. It is currently indistinguishable from the remainder of the garden to this new house. Rear gardens to the north of the site already extend further into the countryside than the host dwelling and there are also dwellings to the south and south-west which reduce the openness of the site. The intrusion into the countryside would therefore have a limited visual impact and furthermore a condition can be imposed to cover the boundary treatment to enclose the enlarged garden.</p> <p>The proposal is considered to be visually acceptable and complies with policies BE1 and C11 in terms of visual amenity and the NPPF.</p>
<p>Impact on Residential Amenity</p>	<p>The proposal would change the use of a small parcel of land to the rear of the existing garden. The land would border the rear gardens of the neighbouring dwellings to the north and south but would have no undue adverse impact given the limited scale and nature of the proposal. No other property would be materially affected.</p> <p>The proposal is considered acceptable in terms of residential amenity and to complies with Policy C11 of the Local Plan and the NPPF.</p>

Conclusion

The proposal seeks permission to change the use of a small parcel of land to create an enlarged rear garden to serve the new dwelling. The area of land is classed as countryside and would abut the village envelope. The proposal is considered to be acceptable in policy terms and would have a limited visual impact on the character of the countryside being a small area of land and well related to the village envelope. A condition can be imposed to achieve a suitable form of boundary treatment. Accordingly, the proposal is recommended for approval subject to conditions.

RECOMMENDATION:- Permit, 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 works hereby permitted shall be undertaken strictly in accordance with the following plan:
 - 110 Site Plan 1:1250.
3. Prior to the enlargement of the garden hereby permitted details of the boundary treatment to enclose the approved garden extension shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be implemented before the land is first used as a garden and shall thereafter be retained.

The reasons for the conditions are:

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 ensure a satisfactory form of boundary treatment and to prevent sprawl into the open countryside.