

Reference: 14/00978/OUT
Date submitted: 22 December 2014
Applicant: Ian Bennett
Location: Field 3465 Coston Road Sproxton
Proposal: Outline permission for single dwelling



Introduction:-

The application is in outline and comprises the erection of a dwelling. The site lies within the designated open countryside some distance from the village of Sproxton.

It is considered the main issues relating to the proposal are:-

- **The principle of development in terms of ‘essential need’**
- **The visual impact on the site and surroundings;**
- **The impact on the residential amenities of occupiers of neighbouring properties;**
- **Highway Safety.**

The application is to be considered by the Committee due to the number of letters of support received.

Relevant History:-

There is no relevant history.

Development Plan Policies:

Melton Local Plan (saved policies):

Policy OS2

Policy OS2 states planning permission will not be granted for development outside the town and village envelopes 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

Where such development would lead to the coalescence of existing settlements, planning permission will not be granted.

Policy C1

Policy C1 states planning permission will 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 the following criteria are met:

- there is an overriding need for the development;
- there are no suitable sites for the development within existing developed areas or where agricultural land is of poorer quality;
- the proposal is on land of the lowest practicable grade.

Policy BE1

Policy BE1 states planning permission will not be granted for new development 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 and between dwellings is provided;
- adequate public open space and landscaping is provided where appropriate;
- the buildings and their environs are designed to minimise the risk of crime;
- wherever possible buildings are designed and sited to maximise solar gain and utilise energy saving features;
- adequate vehicular access and parking is provided.

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;

- 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:

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.

Delivering a Wide Choice of High Quality Homes

- 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.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Sproxton Parish Council – no objections.	Noted.
<p>Ecological advisors: The proposed application site appears to be on existing grassland, some of which will be lost to the development. We would recommend that the quality of the existing habitats on site is determined, prior to the determination of the application. This should include an assessment of the grassland and the hedgerows, in accordance with national standards. Please find attached our Habitat Survey Protocol with further details.</p> <p>It is assumed that both the dwelling and the garden will be within the red line boundary. However, if any part of the development is to fall within 10 meters of the stream, we would recommend that a survey for Water Voles and Otters is completed, prior to the determination of the application. This will establish if these species are present within the stream and any mitigation if necessary.</p>	<p>The applicant has not provided a survey nor has there been a request made due to the other issues associated with the application, and the date of receipt of the consultation reply. Planning Policy is clear that such assessments should be carried out in advance of determination (as opposed to through a condition) in order that any significance can be weighed in the ‘planning balance’. It is therefore recommended that this issue should form a reason for refusal to prevent unnecessary expense (if however permission is granted, provision for such work should be incorporated into that decision).</p> <p>The application includes ‘siting’ (i.e. it would be within the red line) and this is greater than 10m from the watercourse.</p>

Representations

A site notice was posted, the application was advertised and neighbouring properties consulted. Six letters of support have been received raising the following points

Representation	Assessment of Head of Regulatory Services
The Bennett family have always been actively involved in village life and one of the few families we turn to should any help be needed, they play an important role in the village community, they have had their property broken into on numerous occasions and it is a constant	Noted.

worry as to know how to keep properties safe. The applicant has demonstrated the ongoing value of his agricultural holding to us and others in the local community, without which, would present difficulty attaining usage of such equipment and his services locally, permission should be granted for a dwelling, the applicant cannot get insurance on the agricultural building and cannot afford a property in the village.	
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of Development Plan and other planning policy</p> <p><u>Policy OS2</u> states permission in the open countryside will be limited to certain types of development including development essential for the operational requirements of agriculture.</p> <p><u>Policy C1</u> seeks to protect the best and most versatile agricultural land from development.</p> <p><u>Policy BE1</u> allows for development providing that (amongst other things):-</p> <ul style="list-style-type: none"> • 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 or daylight; • Adequate space around and between dwellings is provided. 	<p>The proposal relates to the erection of a dwelling. The application is in outline with all matters reserved and in support of the application the applicant has stated the following:</p> <ul style="list-style-type: none"> • His family has been connected to the village of Sproxton for many generations; • The applicant lives in Waltham but owns this parcel of land with a storage unit outside Sproxton; • The unit has been broken into 34 times and houses a large collection of vintage tractors which he restores but cannot leave tools and parts due to the fear of theft; • Have used alarms, CCTV and are members of Farm Watch and have also sited a caravan at weekends but this was stolen; • Currently travelling daily to Sproxton to check the field; • Consider the only option is to be allowed to build a dwelling to increase security and enable the applicant to live closer to his father in Sproxton. <p>The site lies in the open countryside, away from nearby settlements. Policy OS2 seeks to generally restrict development in the countryside but supports residential development where it is essential to the operational requirements of agriculture or forestry.</p> <p>In addition, the NPPF seeks to resist isolated dwellings 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. As such it is considered on the issue of seeking to restrict development in the countryside Policy OS2 is compatible with the NPPF and carries significant weight.</p> <p>The applicant has stated the dwelling is required in order to provide security for the holding which comprises a storage building housing a number of vintage tractors for restoration. It is noted there have been a large number of break ins and</p>

	<p>acknowledged that security in rural areas is a major issue. Furthermore, alternative security measures have been tried including CCTV, alarms, a caravan and membership to Farm Watch.</p> <p>However, local and national policies seek to restrict development in the countryside to that which has to take place there and is essential to the operational requirements of agriculture. Based on the case submitted it is not considered that the operation of the site is such that a dwelling could be justified under Policy OS2 and the NPPF. Although the issue of security is a consideration given the limited scale of the operation and the size of the holding it is not considered that a dwelling is essential on this site based on the operation requirements. The proposal is therefore considered contrary to Policy OS2 and the NPPF.</p> <p>The soil is classed as grade 3b and as such the proposal would not result in the loss of the best and most versatile agricultural land. The proposal therefore complies with Policy C1 of the Local Plan.</p>
Visual Amenity	<p>Although the proposal is in outline with no details of the proposed dwelling submitted the proposal would lead to an isolated dwelling in the countryside together with the associated domestic paraphernalia. It is considered this would be to the visual detriment of the openness and character of the rural location. The proposal is therefore considered contrary to Policy BE1 of the Local Plan which seeks to ensure development is sympathetic to the site and surroundings.</p>
Highway Safety	<p>The proposal would be served by the existing access which is considered to be adequate to also serve the proposed dwelling. Adequate off street parking could be provided within the site and it is considered that the proposal is acceptable in highway safety terms. The proposal therefore complies with the highway safety element of Policy BE1.</p>
Residential Amenity	<p>The dwelling would be set a sufficient distance from the neighbouring dwelling to ensure that with suitable design and layout there would be no undue adverse impact on the amenities of the neighbouring property. The proposal therefore complies with the residential amenity element of Policy BE1.</p>

Conclusion

The proposal relates to the erection of a dwelling in the countryside. The applicant has made a case based on the need for a dwelling to enhance the security of the holding following a large number of break ins and states alternative measures have been implemented but without success. The security issue is acknowledged as are the letters in support of the applicant. However, the proposal is not considered to be essential to the operational requirements of agriculture and as such does not comply with Policy OS2 which seeks to restrict development in the countryside. The thrust of this policy is considered to be compliant with the NPPF. Furthermore, if approved the proposal would result in the

development of an isolated dwelling in the countryside, to the detriment of the openness and rural character of the locality and would be contrary to Policy BE1 and the NPPF.

RECOMMENDATION:- Refuse on the following grounds:

1. In the opinion of the Local Planning Authority the proposed dwelling in a location outside of any town or village envelope as defined by the adopted Melton Local Plan would be contrary to the aims and objectives of the NPPF and saved policy OS2. It is considered that there is no essential need for a dwelling at this location as stated in paragraph 55 of the National Planning Policy Framework (NPPF). The applicant has failed to demonstrate that there is a genuine need for a rural worker to live at or near their place of work in the countryside. Therefore the proposal would create a new isolated dwelling, to the detriment to the openness and rural character of the countryside, contrary to the NPPF and policies BE1 and OS2 of the Melton Local Plan.
2. Insufficient information has been submitted to enable the Local Planning Authority to be able to assess the impact the proposed development will have upon the habitats within the site. This is contrary to the NPPF 'Conserving and Enhancing the Natural Environment' where it seeks to minimise impacts upon biodiversity and halt the overall decline in biodiversity

Officer to contact: **Mr Joe Mitson**

Date: 10.02.2015