

Committee date: 11 August 2011

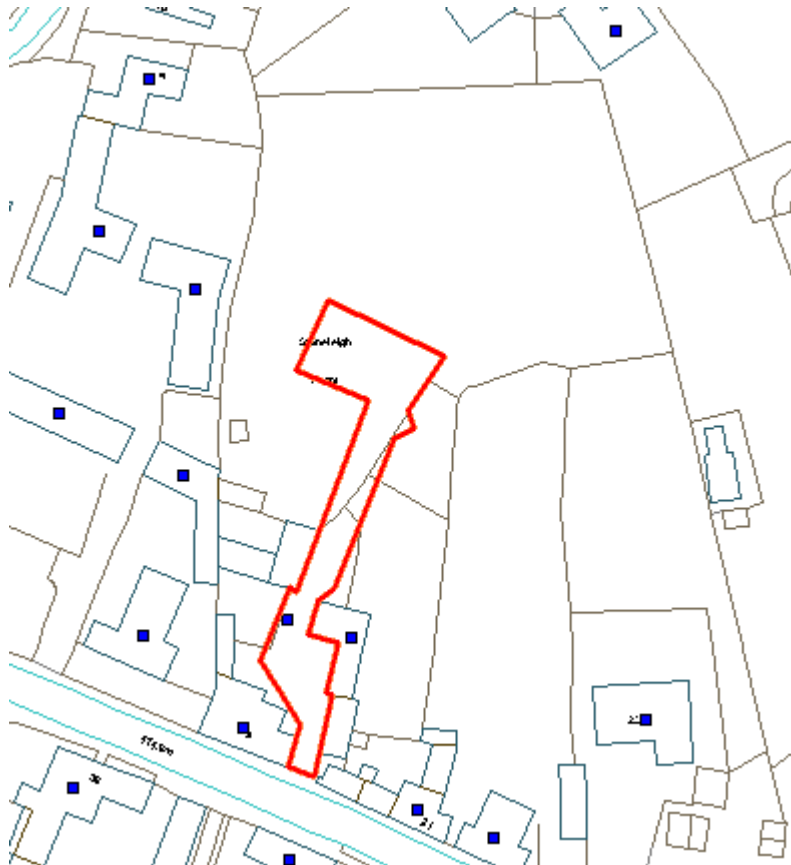
Reference: 11/00451/FUL

Date submitted: 14.06.2011

Applicant: Mr And Mrs R Pilkington

Location: Cresswell Spring Farm, 19 High Street, Waltham On The Wolds

Proposal: Relocation of previously approved cart shed (10/00697/FUL)



This application seeks planning permission for the relocation of previously approved cart shed under Reference 10/00697/FUL

The proposal relates to the development of a detached garage building with studio accommodation above and an area of car parking and turning to the rear. The site is designated as a 'Protected Open Area' in the adopted Melton Local Plan. Planning permission has been previously granted for a similar garage building in a different location.

It is considered that the main issue relating to the proposal are:

- **Whether the location of the proposed garage building is acceptable in view if the 'protected open area' status of the site.**

Relevant History:-

08/00141/FUL – Erection of Dwelling – Approved 27.05.2008

08/00142/CON – Demolition of farm buildings/annex – Approved 31.03.2008

08/00442/COU – Change of Use of paddock to garden – Approved 15.08.2008

10/00438/FUL - Erection of Dwelling – Withdrawn 06.08.2010

10/00442/CON - Demolition of farm buildings/annex - Withdrawn 06.08.2010

10/00697/FUL – Demolition of existing annexe and replacement with new detached dwelling and erection of cart shed type garage with ancillary accommodation above. (Revisions to a previously approved planning app 08/00141/FUL)– Approved 04.11.2010

10/00698/CON – Demolition of annexe – approved 26.10.2010

Planning Policies:-

PPS 7 - Sustainable Development in Rural Areas - states that many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its location, having regard to the policies on design contained in PPS1 and supported in 'By Design'.

PPS 5 – Planning and the Historic Environment – development should preserve or enhance the character and appearance of heritage assets.

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Town Envelopes providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy BE12 – Permission should not be given for development within a Protected Open Area, unless it is in conjunction with an existing use and the development would not adversely affect the intrinsic character of the area.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highways Authority – No observations	Noted.
Parish Council –The Parish Council is unanimously opposed to the above application to re-site the cart shed into the existing Important Open Area.	Noted
LCC Archaeology - The Leicestershire and Rutland Historic Environment Record (HER) shows that the application site lies in an area of archaeological interest, being situated within the historic medieval and post-medieval settlement core of Waltham on the Wolds, to the rear of a Grade II Listed 19 th Century farmhouse (LB ref. 1835/32/30/410; HER ref. MLE12594). It has also been suggested that High Street may form	Noted - Conditions can be imposed.

part of a Roman road that joins the Drift to the Saltway (MLE3814). Consequently, there is likelihood that buried archaeological remains will be affected by the development.	
Recommends the imposition of conditions	
LCC Ecology – No response to date.	Noted .

Representations:

A site notice was posted and neighbouring properties consulted. As a result 2 letters have been received, objecting to the application on the following grounds:

Representations	Assessment of Head of Regulatory Services
<p>Concerns that the relocation of the cart shed will result in loss of privacy, light, view, visual amenity and will devalue properties in the vicinity.</p> <p>Previous plans stated that rooms in neighbouring property were uninhabitable but they are and the view from the master bedroom in particular will be affected</p>	<p>Saved Policies OS1 and BE1 of Melton Local Plan states, amongst other things, that the development should not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity.</p> <p>It is not considered that the position of the garage will impact on the adjacent dwelling as it has a ‘hipped roof’ on the elevation facing the neighbour, and the building is “dug-in” to the land to further reduce its height and impact. As a result of the reduction in ground levels the effective eaves height of the west elevation is only 2.3 metres rising to a ridge height of 4.9 metres. On the east side the ridge is half hipped with an eaves height of 2.6 metres and a ridge height of 5.4 metres. The boundary treatment to the neighbouring property also serves to screen the building from the windows to some extent.</p> <p>The layout complies with the separation standards normally accepted with regard to the relationship to existing neighbouring properties and although the location of the garage has been moved further back, it is no closer to the neighbouring property than the garage previously approved.</p> <p>The proposal is therefore not considered to have a detrimental impact on the residential amenities of adjoining properties.</p> <p>The view across the open area will be affected to a degree by the re-located building, however, it must be borne in mind that there is no entitlement to a view.</p> <p>The perceived valuation of properties is not a consideration of this application</p> <p>As stated above, it is not considered that the residential amenities of the neighbouring property would be adversely affected by the proposal.</p>

<p>Moving the 'cart shed' further out into the garden/paddock would further encroach on the Protected Open Space; this is contrary to local planning policy (BE12), which may lead to the submission of further plans to develop more or the remainder of the paddock as has been done already</p>	<p>Saved Policy BE12 of Melton Local Plan states that Permission should not be given for development within a Protected Open Area, unless it is in conjunction with an existing use and the development would not adversely affect the intrinsic character of the area. The proposed development would be a building of significant size and would lie within the area allocated under BE12. Although a separate building it is proposed to be associated with the dwelling previously approved under 10/00697/FUL and in this respect meets the first test of Policy BE12. However, the location of the garage now proposed is further to the north and therefore encroaches much more into the Protected Open Area. It is therefore considered that the proposed cart shed would adversely affect the intrinsic character of the area, contrary to Policy BE12 of the Adopted Melton Local Plan.</p>
<p>There is no apparent 'need' for moving the structure in a northerly direction (to a location originally proposed but later withdrawn prior to the original application), or for adding an intrusive parking area behind it, unless the footprint of total structure is to be used at a later date as the basis for an application for a new large dwelling on the site.</p>	<p>The applicant states in the Design and Access statement that accompanies the application that the revised location has been proposed to improve the layout of the development site but also to minimise impact of the protected open space from the public domain. The application states that the building will be used as a detached garage with studio above. the Council can only consider the application as submitted. A condition can be imposed to ensure that the garage remains ancillary to the dwelling (similar to the condition imposed previously).</p>
<p>Since the 'cart shed' is allegedly for parking, why is a further area behind the structure required for additional parking. Vehicle parking in this area, will be intrusive.</p>	<p>The previous proposal provided for adequate parking and turning for the dwelling proposed. The garage building is proposed to be accessed from the north thus resulting in a further parking and hard standing area encroaching into the Protected Open Area. Previously it was argued that the parking area was sited to avoid impinging on the rear 'garden' of the new dwelling and to allow the garage to be drawn closer to the dwelling. However, no such argument has been put forward in this application and there is now a 21 metre separation between the rear of the previously approved dwelling and the garaging. It is considered that although the parking area is proposed to be a 'grass-crete' type permeable or similar material, the introduction of parked cars will further add to the adverse impact on the character and appearance of the area to the detriment of the Protected Open Area. The perceived valuation of properties is not a planning consideration.</p>
<p>The proposed relocation will seriously affect the value and resale value of properties and the quality of life of residents</p> <p>The area to which it is proposed to relocate the cart shed has already been the subject of a</p>	<p>Application 08/00402/COU related to a change of use of the site from a paddock to garden. There was a planning condition imposed that required</p>

<p>planning decision, when the large children's play area, shown on the applicant's plans, was considered an intrusion in the rural setting and had to be removed under Condition 2 of consent 08/00442/COU.</p> <p>The applicant has already had a proposal to utilise the garden/paddock for housing rejected by the Council, when it was submitted under the Melton Strategic Housing Land Availability Assessment 2009, on the grounds of 'planning policy' (site reference 0310).</p> <p>It is also relevant to note that, in the context of this application, the concept of the use of gardens as 'brownfield' sites suitable for building, was reversed on June 9 2010 by the present Government, a change reflected in Planning Policy Statement 3, issued in June of that year. This recognises the importance of private gardens in residential areas. The proposal to construct a large property in the centre of the garden is therefore not only contrary to local Planning Policy, it is also contrary to national policy as laid out in PPS3.</p>	<p>the removal of play equipment and associated fittings that stood within the Protected Open Area together with the reinstatement of the land surrounding it to the same level. Subsequently the play equipment was sited to the rear of a neighbouring garage on the fringe of the POA.</p> <p>Condition 1 on the same application also stated that no buildings, fences or other means of enclosure, hard surfaces, walls or any other structure shall be erected or otherwise introduced to the site. These conditions were imposed to preserve the open character of the site in the interest of visual amenities and its character.</p> <p>The consideration of S.H.L..A sites and their suitability is a completely different process from the determination of applications. This application should be considered on its own merits.</p> <p>The new PPS 3 has changed the status of residential garden land from brownfield to greenfield although it does not state that gardens should not be developed, only that their release should be considered along with other greenfield sites) in an appropriate form. There are few brownfield sites available to meet demand and the release of a site (that already has permission) within a sustainable settlement is considered to be appropriate in this instance.</p>
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Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Position in respect of planning policy</p> <p>The site is within the village envelope but is allocated as Protected Open Area under Policy BE12 of the Local Plan. BE12 prevents development unless it would protect the inherent quality of the open space and is functionally linked to existing uses.</p>	<p>The proposed development would be a building of significant size and would lie within the area allocated under BE12. Although a separate building, it is proposed to be associated with the dwelling previously approved under 10/00697/FUL and in this respect is considered to meet the first test of Policy BE12. However, the location of the garage now proposed is further to the north and is now 21 metres from the rear of the approved dwelling and therefore encroaches far more into the Protected Open Area than the previous approval.</p> <p>Although now a garden area, the site is a former paddock basically comprising of an open and unobstructed expanse of grass described in the Local Plan as an area of particular significance to the village form, It is therefore considered that the proposed cart shed would adversely affect the intrinsic character of the area contrary to Policy</p>

	<p>BE12 of the Adopted Melton Local Plan.</p> <p>This application has strong similarities to a recent application (Reference 08/00836/FUL), that was granted on appeal, to develop on a protected open area at the rear of The Wheel on High Street, Waltham on the Wolds . This land is similarly within the BE12 designation and also detached from the host dwelling.</p> <p>In the appeal decision the Inspector concluded that: <i>...there are two distinct parts to the appeal site, each with different characteristics. The northern part is open and grassed and is mainly separated from the rest of the site by garden vegetation. In contrast the southern part of the site is much more closely associated with the residential use of The Wheel. Here there is a planted garden area, parking spaces, garden buildings an features, paths, domestic paraphernalia, as well as the outbuilding in question.</i> <i>Although more development would be introduced into the southern part of the site and an additional residential unit created I consider that the essential nature of this part of the site would remain unchanged by the appeal proposal. It would still appear as domestic curtilage with all the associated features that one would expect to find there. At the same time the open area to the north would remain unchanged.</i></p> <p>The proposed cart shed which is the subject of this application– in common with the appeal decision – would be located in the Protected Open Area to the rear of the host dwelling. However the land to the rear of Cresswell Spring Farm is more open and undeveloped than that to the rear of The Wheel, There are also limited public views into the site from the footpath to the north east corner.</p> <p>Permission has already been granted to site the building in a less obtrusive area and no justification has been given into why it should encroach further into the protected open area.</p>
Design	<p>The design follows closely the approach taken with the cart shed type garage approved under 10/00697/FUL in terms of its scale, use of half-hipped gables, dormers and window arrangements. The traditional materials also help to reflect the style of former agricultural buildings in the vicinity and are respectful of the design of the new dwelling. It is therefore the location of the building, rather than the design, which is being considered in this application.</p>
Access and Parking	<p>The access, which would serve the proposed dwelling as well as the new garage, is identical to that previously approved and was deemed to be appropriate.</p> <p>It is therefore considered that the use of the access drive will not cause any highway safety concerns.</p>

	Issues regarding the proposed parking and turning area are dealt with above.
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Conclusion

The site lies within the village envelope and is therefore in a location which benefits from a presumption in favour of development under policies OS1 and BE1. It is however also within a Protected Open Area and in that regard the development needs to be considered against Policy BE12 of the Adopted Melton Local Plan.

It is considered that the design of the cart shed has been well considered to respect adjacent farm buildings, however, its revised location intrudes further into the 'protected open area'. The significant size of the proposal, together with the associated parking area would adversely affect the intrinsic character of the area. As such the proposal is considered to be contrary to saved Policies OS1, BE1 and BE12 of the Melton Local Plan

RECOMMENDATION: Refuse for the following reason:

The proposed development would result in the erection of a substantial building on a Protected Open Area which would adversely affect the area's intrinsic open character, contrary to policies OS1, BE1 and BE12 of the adopted Melton Local Plan.

Officer to contact: Mr R. Spooner

2nd August 2011