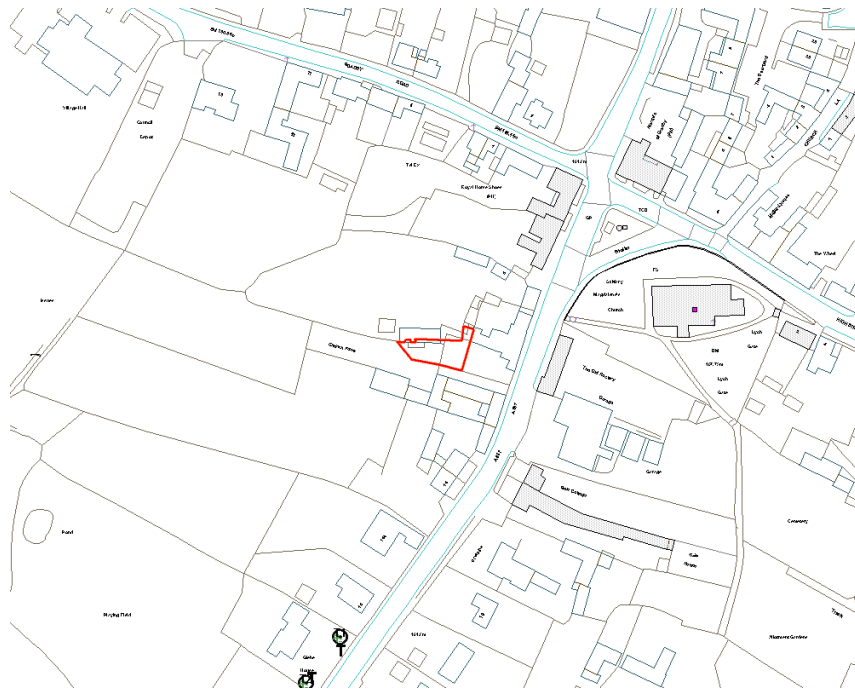


Reference: 12/00635/COU
Date Submitted: 17.09.12
Applicant: Mr and Mrs Duffin
Location: 10 Melton Road, Waltham LE14 4AJ
Proposal: Change of use of land to residential garden, construction of new 1800mm wall and gates.



Introduction:-

This application seeks planning permission for the construction of a boundary wall and gates and for the change of use of a small parcel of agricultural land to residential garden for future occupiers of Plot 4, the former cow shed associated with Church Farm, 10 Melton Road, Waltham. The site sits within the designated Conservation Area and the Village Envelope runs closely along the external walls of the front of the cow shed, before turning at a right angle to run along the rear of the dwellings fronting Melton Road. Planning permission was granted for the change of use of the cow shed and for parking area to the side with little residential garden area provided. The conversion is nearing completion and the wall and gates have already been constructed in a different place to that already approved. The front boundary has been moved so that Plot 4 is completely separated from the rest of the approved development so that a small residential amenity area can be created and used by the future occupiers. The parcel of land required for the change of use would also allow for access into the adjacent paddock area.

The application is required to be considered by the Committee because the recommendation proposes a departure from the Development Plan. The application has been submitted following intervention by the Enforcement Team.

Relevant History:-

12/00636/COU – Pending - Change of use of land to residential garden, raising of land level and construction of perimeter walls and fences to garden boundaries to plots 1a and Plot 2.

12/00074/FUL – Planning permission granted for alterations to cow shed (plot 4).

11/00824/FUL - Planning permission granted for alterations to existing farmhouse and adjacent outbuilding.

11/00125/DIS & 11/00545/DIS – Discharge of condition 2 (materials)

10//00732/CON –Withdrawn - Demolition of existing outbuildings.

10/00731/FUL – Permission granted for the building of 3 new homes and the refurbishment and alteration of the existing cow shed into a 2 bed dwelling.

10/00655/DIS - Discharge of conditions 2 (materials), 3 (Contamination), 4 (Archaeology), 5 (Tree Planting), 8 (Boundary Treatments) relating to Planning Approval 08/00551/FUL

09/00650/VAC – Removal of Affordable Housing Contribution. Granted on the 16th October 2009.

08/00551/FUL - Planning permission granted for Alterations to existing outbuilding, three new build houses, conversion of existing pig sty to residential dwelling and alterations to existing farmhouse.

08/00552/CON - Conservation Area consent granted for the demolition of the majority of agricultural buildings on the site.

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within Village 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.

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

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 Melton LDF Core Strategy (Publication) Development Plan document: The Core Strategy has been submitted for examination with an inquiry date set for January 2013. The CS seeks to focus development in Melton Mowbray with a small balance (20%) in the surrounding

Borough, with expectations to produce mixed, integrated housing developments and meet local needs by addressing identified imbalances in housing stock in all locations.

CS4 Making Effective use of Land: Supports the use of brownfield land which will assist in meeting the target of 50% of development on brownfield land by 2026. Advises that in planning for the efficient use of land we will prepare settlement boundaries and important open areas in the Land Allocations and Settlement Boundaries Development Plan Document and promote the efficient use of land through Neighbourhood Plans.

Policy CS13: Countryside – seeks to protect the rural environment by requiring development to be of a high standard which respects the character of its location; surroundings, and setting. The form and appearance of development should reinforce its sense of place and take into account the Melton Landscape Character Assessment.

CS22 Better Design: Seeks to ensure that the design of all development makes a positive contribution to the character of the area. New development should integrate successfully into established settlements or rural areas without harming their character, appearance or setting. It also promotes the most effective use of land having regards to the form, pattern, scale and character of the area, provide safe environments whilst protecting residential amenity; and protect important heritage assets located within the Borough.

National Planning Policy Framework (NPPF): Seeks to ensure that there is a presumption in favour of ‘Sustainable Development’ introducing three dimensions in achieving sustainable development through the planning system. The NPPF states that these roles should not be undertaken in isolation, because they are mutually dependent.

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being; and
- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

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.

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 Historic Environment

- Recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance.
- The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- The desirability of new development making a positive contribution to local character and distinctiveness, and;
- Opportunities to draw on the contribution made by the historic environment to the character of a place.

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
Highway Authority – No observations	Noted. There are no changes to the access and parking arrangements as granted under planning application 10/00731/FUL. It is not considered that the proposed change of use would have an impact on Highway Safety.
Parish Council – No objection.	Noted.
Conservation Officer – No objection Farm buildings that were once on this land have been demolished which has resulted in an improvement. Now that the land has been restored to an open area in conservation terms there are no objections to this proposal.	The high quality development of the site has enhanced the Conservation Area and provides the much needed housing required for the village. The dwellings create an active street frontage, screening the open paddock land from view. The dwellings when approved had a small amount of garden area and a condition was imposed to prevent the open paddock to the rear from being used as residential garden without written consent from the Local Planning Authority in order to control the use of the site. The proposal seeks consent to retain the boundary wall and gates whilst applying for the change of use for part of the land immediately in front of the former cow shed to be used as amenity area for the future occupiers. It is proposed to fence off the remainder of the paddock through the use of a post and rail fence with a gated access into the paddock which has been re-graded and will be put to seed now that the construction works are nearing

	<p>completion.</p> <p>The NPPF recognises that heritage assets should be conserved in a manner appropriate to their significance. The site lies within the Conservation Area and it is considered that the development on the whole has improved the area and enhances the conservation area on the whole.</p>
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Representations:

A site notice was posted and neighbouring properties consulted. As a result no letters of representation have been received at the time of drafting the report.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Departure from Local Plan:</p> <ul style="list-style-type: none"> • Proposal exceeds village envelope 	<p>The proposal is contrary to Local Plan policy OS2, however, adopted Supplementary Planning Guidance on Garden Extensions supports garden extensions outside village envelopes which relate well to the existing built form of the settlement and can be demonstrated to have no impact on the character of the countryside. Some of the works, repositioning of the wall and gates, have already been carried out and the proposal seeks retrospective planning permission for those works.</p> <p>The proposal includes a change of use of part of the area (approximately 72 square metres) beyond the village envelope. The land will form amenity area for the occupiers of Plot 4. An access into the paddock area, which is to be reseeded. The rest of the boundary is already denoted by a post and rail fence separating it from the open countryside beyond, to the west of the site. It is considered that whilst the proposal does not represent a true ‘squaring off’ of the village envelope reported in the SPG the change of use will not further encroach into open countryside given that the use was the former agricultural yard. The change of use to domestic is considered not to detract from the open character to the west of the site, beyond the paddock area as it relates well to the built up environment. Furthermore, residential use further to the west is evident and it is considered that the character of the area will not be unduly altered through granting consent to allow a small amenity to Plot 4. A condition can be imposed to prevent the remainder of the paddock being used for domestic purposes. The area will be fenced off from the paddock by a post and rail fence which will also have a gated access for vehicles.</p> <p>The boundary wall and gates have been built 10 metres further to the east so that the whole of the Plot 4 is contained within the closed off area. The</p>

	<p>hard standing for the parking areas remains unchanged from the scheme approved 10/00731/FUL and sits within the village envelope. The brick wall has a height of 1600mm with timber vehicle gates with a separate pedestrian gate and it is considered to comply with the development plan policies OS1 and BE1 and to not have a detrimental impact upon the character of the area or affect the residential amenities of the neighbouring properties.</p> <p>The change of use would not extend the village envelope or change the designation of the site. The land would still remain in the open countryside and any future application would have to be considered against open countryside policies.</p>
<p>Impact on the character of the area:</p>	<p>The proposed site sits within the development site of four dwellings, along with the existing farm house which is being renovated. The brick boundary wall is barely visible from outside of the confines of the site and it is considered that there will not be a detrimental impact upon the character of the area or the Conservation Area. The proposed wall and gates are in keeping with the development and is considered to comply with the local plan policies OS1 and BE1.</p> <p>The change of use of the land is small in comparison with the size of the paddock. Beyond the paddock is open countryside however there is a boundary hedge separating the paddock from the agricultural land which screens the views into the site from the open countryside. It is considered that the change of use relates well with the existing built form and given its former use as an agricultural yard serving access to the large barn that's been removed the development represents an improvement to the character of the area.</p> <p>It is not considered that the proposal would have a detrimental impact on the character of the area.</p>
<p>Impact upon neighbouring properties.</p>	<p>Works have already been carried out in regards to the wall and gates. The land is currently been cleared of building material and equipment and has been regarded ready to be seeded. The proposal would not adversely affect the residential amenities of adjoining properties and is considered to comply with the relevant development plan policies.</p>

Conclusion

The construction of the wall and gates is considered to be acceptable and comply with the development plan policies as it does not have a negative impact upon the character of the area or have a detrimental impact upon residential amenities of nearby properties. The change of use of part of the agricultural field into garden area in the open countryside does not comply with Policy OS2 of the Adopted Melton Local Plan being located outside the village envelope. However, although the proposal represents a departure from the Local Plan the proposal is considered to relate well to the existing built form and does not represent a further encroach into the open countryside due to the previous use as part of the agricultural yard. It is considered that the change of use would not have a detrimental impact on the character and appearance of the open countryside and would not adversely affect the residential amenities of neighbouring dwellings. The NPPF seeks to promote sustainable development, ensuring development relates well to the natural and historic environment whilst promoting good design. It is considered that the proposal will not detract from these objectives and therefore, for the reasons stated above the application is recommended for approval.

Recommendation : PERMIT.

1. Development shall be carried out in strict accordance with the plan drawing no. 6369P 20 submitted on the 13th September 2012 unless otherwise agreed in writing by the Local Planning Authority.
2. Notwithstanding the provisions of Part 2 of Schedule 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 garden extension, hereby permitted no development as specified in Class A - relating to the erection of buildings, walls or fences - shall be carried out unless planning permission has first been granted by the Local Planning Authority.

The reasons for the conditions are:-

1. For the avoidance of doubt.
2. To enable the Local Planning Authority to retain control over future extensions in view of the form, design and density of the development proposed

Officer to contact: **Mrs Denise Knipe**

Date: 31st October 2012