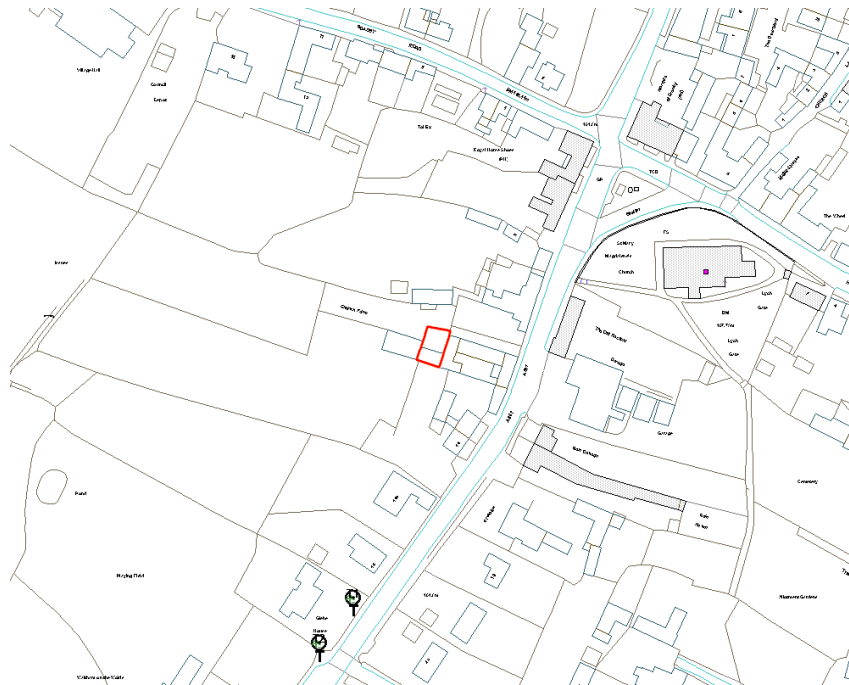


Reference: 12/00636/COU
Date Submitted: 17.09.12
Applicant: Mr and Mrs Duffin
Location: 10 Melton Road, Waltham LE14 4AJ
Proposal: Change of use of land to residential garden, raising of land level and construction of perimeter walls and fences to garden boundaries.



Introduction:-

This application seeks retrospective planning permission for the change of use of a small parcel of agricultural land to residential garden for future occupiers of recently constructed dwellings on the former site of Church Farm, 10 Melton Road, Waltham. The site is within the Conservation Area for Waltham on the Wolds. The Village Envelope runs through the rear of the site, which is paddock land that had been included in the development site boundary but conditioned to not be used for the purpose of residential garden. The dwellings are or are nearing completion however part of the paddock area has been levelled and included into the residential garden areas of Plots 1a and 2. The parcel of land for the purpose of this application represents a ‘squaring off’ of the curtilage boundary for both Plots 1a and Plot 2 continuing from the existing hedgerow forming the rear garden boundary to Plot 1b, which has been historically been used as residential garden area and therefore not requiring express consent for a change of use itself.

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:-

12/00635/COU – Pending - Change of use of land to residential garden, construction of new 1800mm wall and gates, included in these Committee Papers.

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10//00732/CON –Withdrawn - Demolition of existing outbuildings.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

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. Access and parking provisions remain unchanged from those approved with planning reference 10/00731/FUL. It is not considered that the change of use would have a detrimental 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 removal of the commercial farming activities and buildings in place of 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 very little 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. During the construction of the dwellings the land to the rear of Plot 1a and Plot 2 has been levelled and raised by approximately 300-500mm and laid to grass with a low retaining wall with close boarding fence above to create a small amenity area for future occupiers. The remainder of the paddock has been re-graded and will be put to seed now that the construction works are nearing completion. 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. The change of use of part of the paddock is not considered to have a negative impact upon the heritage assets.

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. The works have already been carried out and the proposal seeks retrospective planning permission for change of use of approximately 133 square metres of former agricultural land (previously housing large agricultural building) shared between the two plots, leaving the remainder of the land as a grassed paddock.</p> <p>To allow the retention of the rear gardens would result in a squaring off, of both the residential curtilage for the future occupants, continuing from the existing boundary hedge of Plot 1B and the paddock land adjacent. The boundary is delineated by a close boarded fence on top of a low brick retaining wall. In this respect it is considered that the change of use from agriculture land to residential has not adversely affected the character of the countryside and through removing the large agricultural building to allow the redevelopment of the site has contributed to enhancing the area. Furthermore it will provide for a more appropriate size of residential garden for the family housing which is consistent with the residential gardens to the south.</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 the relevant policies.</p>
<p>Impact on the character of the area:</p>	<p>This is a retrospective planning application as the works have already taken place with the redevelopment of the site. The site was in former agriculture use associated with the Church Farm and had a collection of outbuildings and barns on the site which have been cleared, except for the cow shed which has been converted into residential use. (Plot 4)</p> <p>The ‘squaring off’ of the residential curtilage is considered to comply with the SPG and the proposal is considered to not have a detrimental impact upon the character of the area. The development is of high standard and a large portion of the paddock will remain as open land delineated</p>

	with post and rail fencing from the wider open countryside further to the west.
Impact upon neighbouring properties.	Works have already been carried out and the land will be maintained as residential curtilage. Areas have been landscaped and a new close boarded fence erected to the rear, continuing from the existing hedge line. The fencing and change of use would not adversely affect the residential amenities of adjoining properties.

Conclusion

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. Although the proposal represents a departure from the Local Plan the proposal does 'square off' the curtilage in line with the Supplementary Planning Guidance specified above and 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 affected 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. 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 21 submitted on the 13th September 2012 unless otherwise agreed in writing by the Local Planning Authority.

The reasons for the conditions are:-

1. For the avoidance of doubt

Officer to contact: **Mrs Denise Knipe**

Date: 31st October 2012