

Reference: 12/00853/FUL
Date Submitted: 11.12.12
Applicant: Mr and Mrs D Swallow
Location: Windy Ridge 34 Harby Lane Plungar NG13 0JH
Proposal: New replacement dwelling with garage to include demolitions

Introduction:-

The application seeks full planning permission for a replacement dwelling in the open countryside and demolition of the existing dwelling, garages, outbuildings, barns and stables.

The site sits wholly within the open countryside along Harby Lane approximately 140 metres to the south of the village of Plungar. The site currently comprises of a two storey detached dwelling, double detached garage, brick stables (linked to the dwelling), timber outbuildings and agricultural barn. The site was formerly a working farm but no longer has any farm land associated with the site which is to be cleared to allow for a slightly larger, more modern looking dwelling and detached triple garage with integral garden store.

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

- **Compliance with the Development Plan**
- **Impact upon the Countryside**

The application is presented to Committee as the recommendation is contrary to the Development Plan.

Relevant History:-

No relevant planning history.

Melton Local Plan (saved policies):

Melton Local Plan (Saved Policies)

Policy OS2 - does not allow for development outside the town and village envelopes shown on the proposals map except for development essential to the operational requirements of agriculture and forestry, and small scale development for employment , recreation and tourism.

Policy BE1 - Siting and design of buildings: Allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

Policy C12 states that planning permission will not be granted for the replacement of an existing dwelling outside the town and village envelopes shown on the proposals map unless:

- The replacement dwellings would be of similar size and scale in close proximity to the existing **and in character with its surroundings;**
- The existing dwelling has a lawful residential use or is not so dilapidated as to be incapable of habitable use.

The Melton LDF Core Strategy (Publication) Development Plan document:

The Core Strategy has been published and has come to the of a 6 week consultation period. 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.

There are a number of policy objectives contained within the Core Strategy which apply to this proposal and will attract some weight given its close reflection to the NPPF.

CS3 Sustainable Villages:

To qualify as a sustainable village there will have to be at least three public services available to support new housing development. Plungar has not been identified as a sustainable village.

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.

CS5 Strategic Housing: Seeks to manage the delivery of homes to provide a balanced housing market taking into account local needs. Promoting accessible design and apply Lifetime Homes Standards where appropriate to ensure new dwellings are flexible and able to meet the housing of a wider section of society, including people with disabilities and older people.

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.

East Midlands Regional Plan

Policy 1 – Regional Core Objectives – to secure the delivery of sustainable development within the East Midlands which includes a core objective to increase the regions biodiversity through the management and extension of existing habitats and to reduce the causes of climate change by minimising emissions of CO₂ by encouraging sustainable development and design.

Policy 2 – Promoting Better Design – states that the layout, design and construction of new development should be continuously improved, including terms of reducing CO₂ emissions.

Policy 3 – relates to the distribution of new development and states that development in rural areas should;

- maintain the distinctive character and vitality of rural communities;
- shortening journeys and facilitating access to jobs and services;
- strengthening rural enterprise and linkages between settlements and their hinterlands; and
- respecting the quality of the tranquillity, where that is recognised in planning documents

In assessing the suitability of sites for development priority is given to making best use of previously developed and vacant land or under-used buildings in urban or other sustainable locations, contributing to the achievement of a regional target of 60% of additional dwellings on previously developed land or through conversions.

Policy 39 sets out the Regional priorities for energy reduction and efficiency and states that Local Authorities should promote a reduction of energy usage in line with the ‘energy hierarchy’ and develop policies and proposals to secure a reduction in the need for energy through the location of development, site layout and building design.

The National Planning Policy ‘Framework’ introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.

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 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**
- **encourage the effective use of land by reusing land that has been previously developed (brownfield land)**
- **Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable**

On Specific issues relevant to this application it advises:

Delivering a Wide choice of High Quality Homes

- To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby.
- Set out own approach to housing densities to reflect local circumstances
- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand

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.

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 |
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| <p>Highway Authority – No observations.</p> | <p>The proposal seeks to replace an existing residential dwelling, albeit on a larger scale. The existing access will be utilised which is situated on Harby Lane. The site is situated wholly within the open countryside adjacent to Plungar and was once a working farm.</p> <p>The proposal, given its existing uses, will not have a detrimental impact upon the existing highway safety and there is adequate parking provision.</p> |
| <p>Barkestone, Plugar and Redmile Parish Council</p> <p>The Parish Council objects to the above planning application on the grounds that it is an inappropriate development in open countryside and does not meet the conditions set out in Policy C12 Replacement Dwellings in Open Countryside.</p> <p>The proposal does not protect the appearance of the open countryside. It is tantamount to a new dwelling rather than a replacement dwelling and undermines the policy of restricting new development in the countryside.</p> <p>The current property is a relatively modest period house in brick with red roof. It has low level outbuildings and stables arranged around a courtyard giving the appearance of a typical rural small holding. The proposed new building is very significantly larger, contemporary, white with grey roof, triple garage and gravelled drive.</p> <p>C12 Replacement Dwelling in Open Countryside criteria</p> <ul style="list-style-type: none"> - Similar size and scale . The proposed dwelling is more than double the size of the existing and a very large, two storey mass. The existing outbuildings should not be taken into account as they are not ‘dwelling’ space - Close Proximity. The proposed dwelling is on an entirely different part of the site, to the extent that there is no overlap with the existing dwelling’s footprint - In character with its surrounding. Standing at the site all buildings in view | <p>New residential uses are not supported outside of the town and village envelopes unless special justification applies. The site has an existing dwelling on the site along with farm buildings that once formed a working farmstead. The dwelling is however not subject of an agricultural tie and no longer has farm land associated with it.</p> <p>The Council is aware that existing habitable dwellings in the open countryside may sometimes need to be completely rebuilt in order to achieve modern standards of foundation, design, insulation and so on. Policy C12 sets out a criterion in order to assess proposals for replacement dwellings. In order to prevent dilapidated buildings or remnants of buildings being replaced by new dwellings there should be a lawful residential use and the building should not be incapable of habitable use. The existing property is currently vacant and appears to be maintained but is not of modern construction and is in need of upgrading to assist modern day family living and therefore is considered to comply with this part of the policy.</p> <p>The existing two storey dwelling occupies a footprint of approximately. 209.4 m² the existing footprint of the garage, stables agricultural building and outbuildings occupy a further 270.2 m², giving a total coverage of 470.6 m². Policy C12 seeks to ensure that replacement dwellings are of a similar size and scale and in close proximity to the existing property and furthermore that the replacement would be in character with the surroundings.</p> <p>The replacement dwelling and triple garage would have a combined footprint of approximately 484 square metres. The proposal consists of a substantial 5 bedroom dwelling having separate kitchen, family living room/dining room, lounge, study and a gym in the basement and therefore it cannot be concluded to be of similar scale and size of the existing residential dwelling. Therefore</p> |

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| <p>are red brick. Local buildings within the open countryside are rural in nature. The proposed property will be out of character in the immediate surroundings. The impact of such a building on the wider surrounds is also in point as it will be visible from higher ground (Belvoir /Stathern Ridge) which provide views across the Vale.</p> | <p>the proposal fails to comply with this element of Policy C12. However when taking collectively all of the existing buildings on the site that are to be demolished there would be a very small increase in building footprint on this brownfield site.</p> <p>The proposed dwelling is not proposed to be sited in the same location as the existing dwelling and would be sited further into the site on the site of the current garage, agricultural and timber outbuildings. This will assist in reducing the replacement dwellings prominence from the highway and will allow for ample turning and parking in front of the dwelling and garaging, which is to be sited along the northern boundary running perpendicular to the highway boundary.</p> <p>Whilst the replacement dwelling will not be sited on the same footprint as the existing dwelling it will still be sited within the existing curtilage and on former developed land. It is considered that on balance the reposition of the dwelling will not require the loss of any Greenfield land.</p> <p>The dwelling will have a T-shape on plan constructed over two floors. The main body of the dwelling will have an overall ridge height of approximately 9.4 metre which is an increase of 1.2 metres from the existing dwelling however the eaves height will be the same at approximately 5.3 metres. The rear projection will be slightly lower at ridge height of approximately 8.7 metres. The dwelling will be of modern appearance with the principle elevation having large glazed windows with central glazed section incorporating the entrance. To the rear the rear projection will have bi-folding glazed doors at ground floor level with balcony at first floor to take advantage of the countryside setting.</p> <p>The dwelling would have a grey clay/slate roof covering and be white rendered which is not typical of the local building material, particularly in the open countryside, however as the dwelling will be read in isolation to the rest of the village of Plungar it will define its own distinctiveness and identity in this location. The NPPF seeks to encourage good design which is integral to sustainable development. The dwelling will be constructed using modern sustainable techniques and will be built to fulfil Life Time Home requirements, an objective of the Core Strategy. The proposal is attempting to achieve Passive Houses status (Improved insulation of fabric, low air permeability, incorporation of passive energy techniques), and would be the first of its kind in the Borough should this status be successfully achieved. A condition could be imposed for the details of the Passive energy technologies to be</p> |
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| | <p>submitted for approval should consent be granted.</p> <p>It is considered that although the dwelling is not of similar size to the existing dwelling it will be in context with the overall site and has been designed to be sensitive within the wider landscaping of which it will be absorbed and having a roadside facing frontage. The NPPF encourages good design (chapter 7) and advises that this goes beyond aesthetics. New development should address connection of people and places and integration into the natural and historic environment. The curtilage of the site is defined by mature hedgerows around the site. The dwelling will be sited along the southern boundary with the roadside frontage hedge remaining in situ. The garage will be along the northern boundary.</p> <p>It is not considered that the proposal will have a detrimental impact upon the open countryside. The removal of collection of buildings, some very dilapidated from the site, the proposal could be perceived as improving the overall appearance of the site, in turn, having a positive impact upon the character of the area.</p> <p>The assessment of the proposal is one that is unique to this site and could not be easily replicated elsewhere and in this instance, due to the factors above the proposal is considered acceptable.</p> |
| <p>Ecology – No objections subject to conditions.</p> | <p>The application was supported with a Protected Species report which was considered to be satisfactory. Presence of bats was recorded in the roof space of the building to be demolished and compensatory roost space will be required within the new building. This can be imposed by means of a condition.</p> <p>It is considered that appropriate mitigation measures can be incorporated within the new development to safeguard protected species.</p> |

Representations:

A notice was published in the press and a site notice was posted at the site. As a result five objections from separate households have been received to date objecting on the following grounds.

| Representation | Assessment of Head of Regulatory Services |
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| <p>Out of keeping with the character of the countryside location.</p> <p>It's more akin to a new dwelling which undermines the policy restricting development in the countryside.</p> <p>In appropriate development in the open countryside contrary to policy C12.</p> | <p>The site lies in open countryside outside of the village envelope for Plungar and is required to be assessed against local plan policies OS2 and C12. OS2 carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development. Policy C12 allows for replacement dwellings and states that planning</p> |

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| <p>The replacement dwelling will be an eyesore and not in keeping.</p> <p>It is on its own and will stick out like a sore thumb!</p> <p>The dwelling is twice the size of the existing dwelling. The outbuildings are not residential and should not be included in the residential footprint for considering the new dwelling.</p> <p>Too much mass on the site.</p> <p>The white walls and grey roof are not in keeping with the rural location and should be red brick and grey tile.</p> <p>The site is outside of the village envelope so the existing should remain and not be a new build dwelling.</p> <p>The existing dwelling and farm buildings are more in keeping with the rural location.</p> <p>The existing dwelling only needs to be updated not demolished.</p> | <p>permission will not be granted for the replacement of an existing dwelling outside the town and village envelopes unless :-</p> <ul style="list-style-type: none"> • The replacement dwellings would be of similar size and scale in close proximity to the existing and in character with its surroundings; • The existing dwelling has a lawful residential use or is not so dilapidated as to be incapable of habitable use. <p>Whilst the dwelling is larger than the existing dwelling and of different architecture style it is not considered necessary for the new dwelling to replicate what it is to replace. An assessment is required to determine if the replacement due to size, scale, mass and construction materials would have a negative impact upon the countryside. Factors relating to the site specific are taken into consideration such as the screening, boundary treatment, topography, previous developed and built up area. On balance it is not considered that the modern design, scale and mass would have a negative impact upon the countryside and would improve the environment through removal of unsustainable structures.</p> |
| <p>Impact upon Ecology</p> <p>There is a Long eared bat in the dwelling which is protected</p> <p>Other wildlife next in the outbuildings and they will be affected if they are to be demolished.</p> | <p>Please see Ecology comments above.</p> <p>No objection has been received by the County Council Ecologist.</p> |
| <p>Impact upon Highway Safety</p> <p>The road can not accommodate large development</p> | <p>The development is a replacement of an existing residential property and will not intensify the use of the road. The site has historically been in operation as a farm which could be brought back into use which would have far greater traffic movements.</p> |
| <p>Other Matters:</p> <p>Loss of views as much larger than the existing collection of buildings.</p> <p>Concerned that there will be more development in the future on the site.</p> | <p>Loss of views is not a planning consideration however loss of residential outlook is a material consideration. In the case of this development it does not have immediate neighbours being sited in the open countryside. The nearest neighbouring property is to the north, at the entrance to the village of Plungar. The development is sufficiently separated so as not to have an unduly detrimental impact upon the outlook of the village.</p> <p>The application is supported as a replacement dwelling. Any further development would have to be determined on its own merits and comply with the relevant planning policies contained with</p> |

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| <p>The dwelling will be on the site of the stables and outbuildings. We too have stables in the open countryside which if this is passed we would expect no objection from the council to be able to build a dwelling too.</p> | <p>in the development plan.</p> <p>Each application is adjudged on its own merits and will need to comply with the relevant development plan policies. Approving the application does not set a precedent.</p> |
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Other material considerations (not raised through consultation of representation)

| Considerations | Assessment of Head of Regulatory Services |
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| <p>Application of Development Plan and National Policy.</p> | <p>The NPPF seeks to boost housing growth with a presumption in favour of sustainable development whilst making efficient use of brownfield land. It also emphasis the need to provide housing to meet local needs and promotes design as a key factor for connection of people and places. It is considered that the proposal complies with the objectives of the NPPF which attracts significant weight when considering the proposal. .</p> <p>The application needs to be considered in terms of the Development Plan as a whole and the NPPF is required to be balanced against the need for Local Planning Authorities to support the delivery of housing. It is considered that the NPPF is not in conflict with the local plan policies which supports replacement dwelling in countryside locations and seeks to safeguard the character of the area and impact upon residential amenity.</p> |
| <p>Impact upon residential amenities.</p> | <p>The site lies within the open countryside It is considered that there will be unduly detrimental impact upon any residential amenities due to the remote location.</p> |

Conclusion

The proposal seeks planning permission to replace a modest dwelling contained within a group of outbuildings, stables and farm buildings. The dwelling is a substantial new build and a ss such is considered to exceed the provisions allowed within Policy C12 of the adopted Melton Local Plan. It will be constructed to comply with Life Time Homes and using sustainable development techniques which would reduce its impact upon the environment and meet the needs of future generations. This would be a vast improvement upon the current dwelling which has no architectural merit and has no sustainable credentials due to its age. The landscape is considered to be capable of absorbing the development and will not have a detrimental impact upon the wider countryside location, furthermore the removal of older depilated buildings will improve the appearance of the site and a s such it is considered it would not undermine the objectives of C12. The proposed modern design whilst not reflective of the local style of the village is considered to enhance the overall appearance of the site. It is considered that due to the above factors that the proposal should be allowed and the recommendation seeks a departure from the local plan.

RECOMMENDATION: Permit

1. The development shall be begun before the expiration of three years from the date of this permission.

Officer to contact:

Mrs Denise Knipe

Date: 8th February 2013