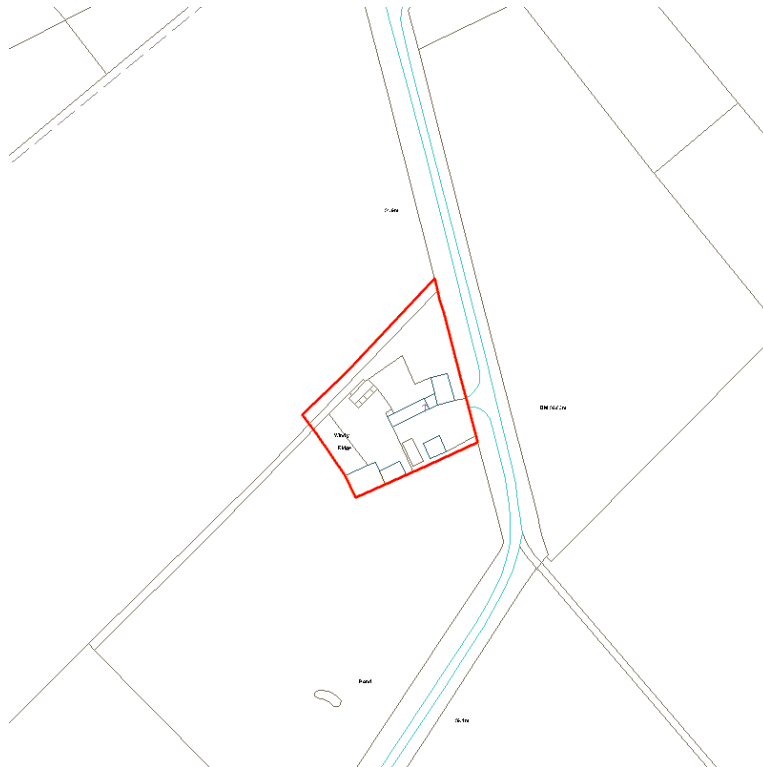


Reference: 12/00853/FUL
Date Submitted: 11.12.12
Applicant: Mr and Mrs D Swallow
Location: Windy Ridge 34 Harby Lane Plungar NG13 0JH
Proposal: New replacement dwelling with garage to include demolitions



Introduction:-

This 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 was deferred on the 20th February 2013 to allow an assessment on housing policy. 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 examination by the Secretary of State is in progress. 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.

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>Housing Policy</p> <p>The current dwelling is a large 3 bedroom detached house, with its squared metre measurements placing it in the 4/5 bedroom Housing Quality Indicator (HQI) category. The dwelling occupies a large site. Taking into consideration the current dwelling its associated garages, outbuildings, barns and stables, the current site totals approximately 470m2 in size. Whilst the outbuildings and stables do not have currently an established residential use, they could be converted to residential use through either permitted development rights and/or a separate application, which provided the number of dwellings remained as one and not more, would be difficult to refuse.</p> <p>The proposal seeks to replace the current dwelling, with a larger 5 bedroom dwelling and garages, approximately 484m2 in size, representing little in the way of overall unit increase from the current dwelling, outbuilding</p> | <p>Since the application was deferred amended plans have been received which seek to reduce the overall floor space of the proposal by 10 m². Whilst the dwelling on the site is a three bedroom dwelling, it does not meet the identified housing needs for the rural north because it sits on a substantial plot and has many outbuildings, therefore its affordability is questionable as it would be in excess of the market price of a typical three bed dwelling</p> <p>The proposed replacement dwelling does not meet identified needs either, but given the baseline presented by the existing, it cannot be argued that the proposal would add to existing imbalances.</p> <p>It is therefore considered that insufficient grounds exist to refuse the application for failing to address housing needs.</p> |

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| <p>and stable configuration.</p> <p>Whilst the proposed dwelling does not meet the established housing need for the rural north, neither does the current dwelling, so on balance there are no objections from housing policy in relation to this application.</p> | |
| <p>Barkestone, Plungar 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 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>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 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</p> |

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| | <p>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>Amended plans show that the dwelling would have a grey clay/slate roof covering and be constructed from brick to better reflect the local character of the nearby village of Plungar. Render was not considered a local material and objectors were concerned that it would not be in keeping particularly in the open countryside. It was not considered to be of a concern as the dwelling will be viewed in isolation to the rest of the village of Plungar where 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 and national Government. 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 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</p> |
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| | <p>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 amended plans seek a 10 square metres reduction in overall foot print to that previously assessed; whilst modest it does bring the overall proposed footprint below the existing footprint on the site.</p> <p>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. Since the deferment amended plans have been received. These have been re-publicised and 1 further comment has been received at the time of writing the report stating no objection to the amended plans.

| 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>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</p> |

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| <p>In appropriate development in the open countryside contrary to policy C12.</p> <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>forestry, small scale employment, tourism and recreation development. Policy C12 allows for replacement dwellings and states that planning 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>Amended plans have been received which seeks to reduce the proposed footprint by 10 square meters and proposes changes to the construction materials in order to address previous concerns. The dwelling is now proposed to be constructed in brick with details and not white render. Materials can be conditioned should approval be granted.</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>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</p> |

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| <p>Concerned that there will be more development in the future on the site.</p> <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 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 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 as 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 as such it is considered it would not undermine the objectives of C12. The changes to the construction materials, whilst still a modern design, goes some way to be capable of reflecting the local style of

the village and 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.
2. Development shall be carried out in accordance with the plan drawing nos. 1204(D)01, 1204(D)02, 1204(D)03, 1204(D)04, 1204(D)05, 1204(D)06, 1204(D)07 and 1204(D)08 submitted on the 26th February 2013
3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
4. No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development.
5. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
6. Works must only proceed in accordance with the mitigation detailed within the Bat Mitigation Plan (Christopher Richards, December 2012), including the construction of a replacement bat roost within the proposed garage as shown on drawing 1204(D)04 A.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt; the initial proposals being considered unsatisfactory.
3. To ensure a satisfactory standard of external appearance.
4. To ensure satisfactory landscaping is provided within a reasonable period.
5. To provide a reasonable period for the replacement of any planting.
6. In the interest to preserve protected species.

Officer to contact: **Mrs Denise Knipe**

Date: **28th February 2013**