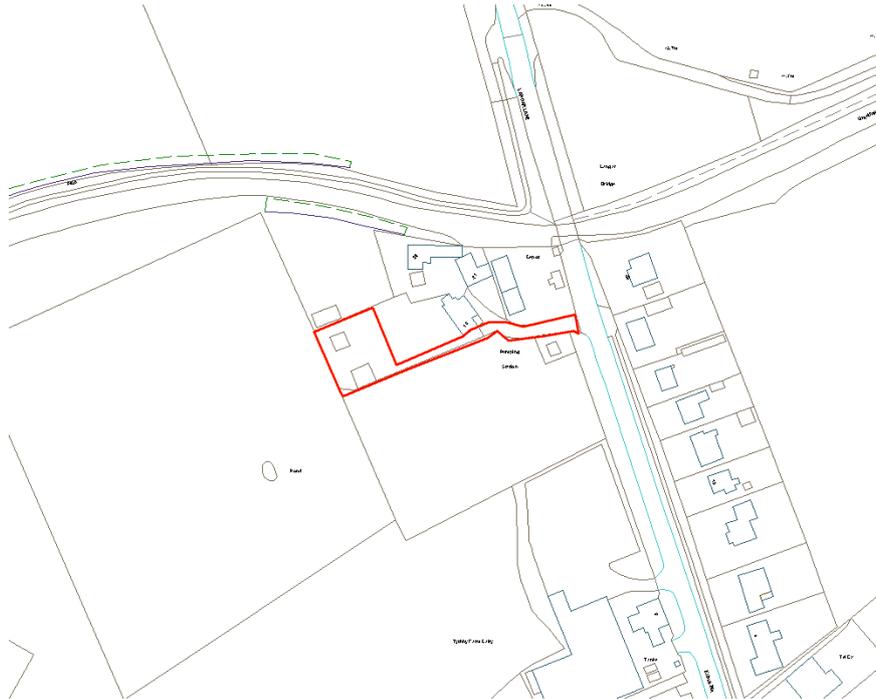


**Reference:** 13/00043/COU  
**Date Submitted:** 15<sup>th</sup> March 2013  
**Applicant:** Mr William Lindsay  
**Location:** Canal Farm House 19 Langar Lane Harby LE14 4BL  
**Proposal:** Change of use from residential annexe to separate residential accommodation



**Introduction:-**

The site lies on the northern edge of Harby and consists of a large dwelling in extensive grounds served from a private drive from Langar Lane. The garage building is situated at the bottom of the garden and consists of a double garage, with a single garage to the side.

Although Canal Farmhouse lies within the village envelope the garages lie outside the envelope.

It is proposed to convert the garages to a two bedroomed unit with lounge and kitchen together with garaging in the smaller of the two garages. A small garden would be allocated to the unit and the current parking area in front of the building sub divide to provide parking for the new unit and spaces for Canal Farmhouse the parent building.

The proposal is supported by a petition of 18 local persons and is presented to the Committee for determination because of this quantity of representation and the planning policy issues it presents.

**It is considered that the main issue relating to the application is:**

- **Departure with the development plan (village envelope)**

**Relevant History:-**

Planning permission was granted in March 2011 (**11/00076/COU**) for the garages to be used as a residential annexe in association with Canal Farmhouse

**Planning Policies:-****Adopted Melton Local Plan (Saved Policies)**

**Policy OS2** states that planning permission will not be granted for development outside of the town and village envelopes except for:-

- Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

**Policy C8** states that planning permission for a new dwelling outside the village envelope will not be granted unless:

- There is an essential long term need for a dwelling to enable a person employed in agriculture or forestry to live at, or very close to the place of work

**The National Planning Policy Framework was published 27<sup>th</sup> March 2012 and replaced the previous collection of PPS. It 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.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively drive and support sustainable economic development to deliver the homes (etc) that the country needs
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it
- Conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.

**On Specific issues relevant to this application it advises:**

**Delivering a Wide choice of High Quality Homes**

- Maintain a five year land supply of deliverable sites with a further 5% headroom.

- Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.
- 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.
- 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
- Avoid new isolated homes in the countryside unless there are special circumstances
- Provide rural exception sites on the edge of rural villages to meet local affordable housing needs. Some market housing should be considered if it brought significant additional affordable housing to the area.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Highways:</b> No objections	
<b>Clawson, Hose and Harby Parish Council:</b> No objections.	<b>Noted.</b> In this instance, the PC has not advised what considerations it has taken account to lead it to conclude that a departure from the development plan is justified.
<b>Planning Policy:</b>  <b>The application seeks to provide a much needed property type in the Rural North and for this reason the application is supported from a housing policy perspective. With regard to the loft space, to ensure the property continues to meet housing need both now and in the future, it is recommended by housing policy that a condition is sort to restrict the development of the loft space for any additional bedrooms.</b>	Noted that the application if approved would provide a much needed property type. The latter point with regard to the use of the loft space as a further bedroom can be secured by condition as recommended.

**Representations:**

A site notice was posted and neighbouring properties were also notified of the proposal. As a result no objections have been received.

A petition submitted with the application contained 18 signatures in support but provided no explanation of the basis for this support.

**Other material considerations (not raised through consultation or representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Impact upon residential amenity:</b>	The garages are approximately 30 metres from the nearest residential dwelling and the host building the Canal Farmhouse. The alterations to the garages are minimal providing small windows at ground floor level to provide for bedroom and lounge openings.  <b>It is considered that there will be no impact upon residential amenity.</b>

<p><b>Design</b></p>	<p>The existing garages are brick built and of an undistinguished design. The alterations are minimal so there would be no significant impact upon the appearance or character of the area.</p> <p><b>It is considered that the dwelling has been designed appropriately for its location and the proposal is therefore considered to accord with the development plan policy BE2.</b></p>
<p><b>Compliance (or otherwise) with Planning Policy</b></p>	<p>The application seeks full planning permission for conversion to a dwelling which is outside of the village envelope for Harby. The proposed dwelling would provide a modest two bedroomed property with parking spaces.. The proposal is considered to be contrary to Melton Local Plan policy as the dwelling is partially outside of the village envelope and does not comply with any exception policy tests within Policy OS2. Policy OS2 is considered to retain relevance and weight under the tests set by para 215 of the NPPF because it is compatible with the NPPF objectives on countryside protection.</p> <p>However, The NPPF introduces a presumption in favour of sustainable development, and Harby is considered to be a sustainable village, suitable for small scale infill development which this proposal would satisfy.</p> <p>Whilst the proposal is outside of the village envelope, the buildings already exist and are within an established residential curtilage and therefore it is considered that the introduction of a dwelling at this site would not cause physical harm to the countryside (i.e it would not prejudice the objectives of Policy OS2).</p>

**Conclusion**

The development is contrary to Policy OS2 as a result of its location outside the village envelope. However, it fulfils NPPF objectives to increase housing supply and is in a sustainable location and a type for which there is an identified local demand in the area.

It is considered that the proposed dwelling in this location does not have a detrimental impact upon the countryside and therefore could be considered as an exception to Policy OS2, and that the dwelling constitutes sustainable development as supported in the NPPF.

Therefore, on balance it is considered that the benefits of permission in terms of meeting NPPF objectives are sufficient to outweigh the very limited harm that would arise from the breaching of Policy OS2. Accordingly the application is recommended for approval.

**RECOMMENDATION: Permit, subject to the following conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried in strict accordance with the plans submitted to the local planning authority on the 12<sup>th</sup> March 2013.

3. The car parking and turning facilities shown within the curtilage of the proposed dwelling shall be provided, hard surfaced and made available for use before the dwelling is occupied and shall thereafter be permanently so maintained.
4. Notwithstanding the provisions of Part 1 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 dwelling hereby permitted no development as specified in Classes A, B or E shall be carried out unless planning permission has first been granted by the Local Planning Authority.

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..
3. In the interests of highways safety.
4. To enable the Local Planning Authority to retain control over future extensions in view of the form and density of the development proposed.

Officer to contact: **Paul Green**

**Date: 23<sup>rd</sup> May 2013**