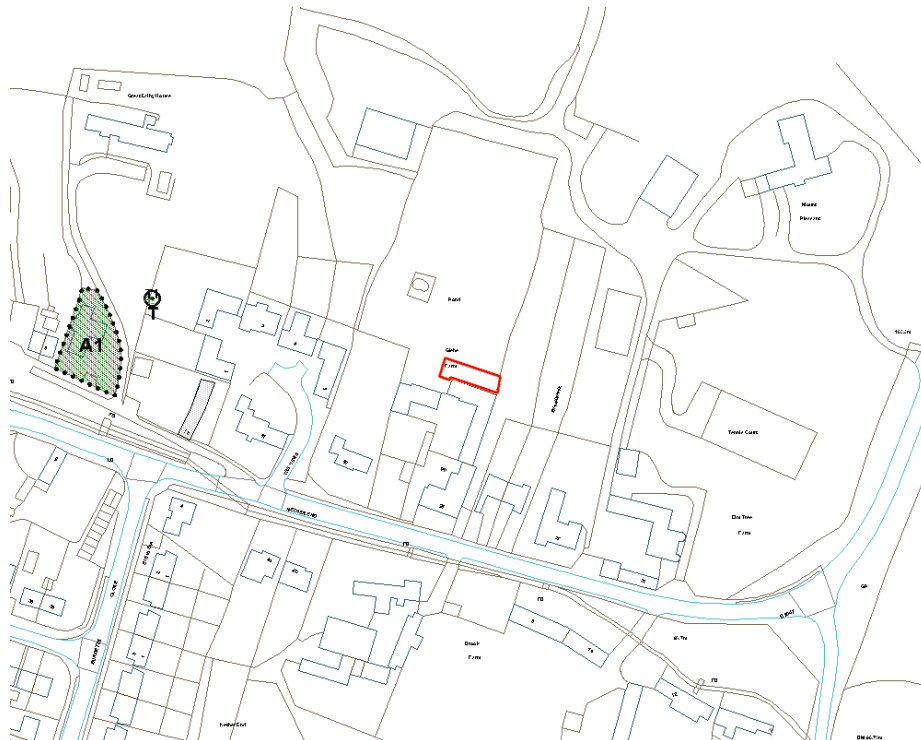


Reference: 13/00300/COU
Date Submitted: 03.05.2013
Applicant: Mr M Mitchell
Location: Glebe Farm, 21 Nether End, Great Dalby, Le14 2EY
Proposal: Consented residential scheme including conversion of existing farm buildings and one new build unit. Change of use applies to unit 4 and the squaring off of the existing residential boundary to provide amenity space to consented unit 4.



Introduction:-

This application seeks planning permission for the change of use of a small parcel of agricultural land to residential garden for future occupiers of Plot 4, the agricultural building associated with Glebe Farm, 21 Nether End, Great Dalby. The site sits within the designated Conservation Area and the Village Envelope runs tightly along the external walls of the rear of the building (plot 4) across the residential gardens of existing properties fronting Nether End. Planning permission was granted for the change of use of the outbuilding and for parking area in front with no residential garden area provided. Plot 5 adjacent has consent for residential use beyond the village envelope and this application seeks to align the rear boundary for plot 4 to that of the exiting, natural boundary, of the neighbouring properties.

The application is required to be considered by the Committee because the recommendation proposes a departure from the Development Plan.

Relevant History:-

03/00743/FUL - Proposed conversion of barn into a dwelling. Application permitted.

08/00655/FUL - Conversion of existing stables and outhouses to create 4 dwellings. Application permitted.

08/01003/FUL - Conversion of barn to dwelling. Application permitted.

12/00233/EXT - Extension of time to planning permission 08/00655/FUL. Application permitted.

13/00174/FUL - Division of existing farm to form two dwellings and demolition of single storey lean to facilitate entrances to each dwelling. Application Permitted.

13/00299/VAC - Vary conditions 8 (footpath widening) and 18 (to correct existing window locations and to allow plot 2 to have enough head room to be habitable) of approval 12/00233/EXT

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.

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 12/00299/EXT. It is not considered that the proposed change of use would have an impact on Highway Safety.
Parish Council – No objection.	Noted.

<p>Conservation Officer – No objection</p>	<p>The dwelling when approved had no 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 for the change of use for part of the land immediately behind the former outbuilding 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 which will follow the approved boundary of the adjacent plot.</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)

<p>Consideration</p>	<p>Assessment of Head of Regulatory Services</p>
<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.</p> <p>The proposal seeks a change of use of part of the area (approximately 67 square metres) beyond the village envelope. The land will form amenity area for the occupiers of Plot 4. The boundary will be denoted by a post and rail fence separating it from the paddock beyond, to the north of the site. It is considered that the proposal represents a true ‘rounding off’ of the rear boundary to align with the existing garden boundaries as reported in the SPG and that the change of use will not further encroach into open countryside given that the land is enclosed paddock land, separated from the open countryside beyond. The change of use to domestic is considered not to detract from the character to the north of the site beyond the paddock area as it relates well to the built up environment. Furthermore, residential use further to the east and 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</p>

	<p>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.</p> <p>Policy OS2 seeks to resist inappropriate development in the open countryside in an attempt to protect the countryside. It is considered that the policy is in conformity with the NPPF in particular chapter 11 ‘Conserving and Enhancing the Natural Environment’</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 five dwellings, along with the existing farm house which is being renovated. 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 is comparable with how the area is used by the existing residents either side of the development site.</p> <p>It is not considered that the proposal would have a detrimental impact on the character of the area.</p>

Conclusion

The change of use of part of the paddock 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 enclosed paddock land. 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. The development shall be begun before the expiration of three years from the date of this permission.

2. Development shall be carried out in strict accordance with the plan drawing no. 1243(2)P10 rev A submitted on the 20th June 2013 unless planning permission has first been granted by the Local Planning Authority.
3. 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. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. 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: 24th June 2013