

**Committee date: 12<sup>th</sup> August 2010**

**Reference:** 10/00322/FUL  
**Date submitted:** 28.04.10  
**Applicant:** Mr M Lovett  
**Location:** Land Adjacent To Moat Farm, Middle Lane, Nether Broughton, LE14 3HD  
**Proposal:** New two storey dwelling and change of use of part of lot from a farm yard to a domestic garden for new dwelling.

**Proposal :-**

This application seeks planning permission for the erection of a new dwelling on land to the side of Moat Farm. The dwelling is to be located within the Village Envelope of Nether Broughton. The area currently forms part of the garden area to Moat Farm Cottage and the farm yard area which contains silos which are to be removed. There are residential properties to the south and west of the site and the farm house and farm buildings to the north and east.

Members may recall that this application was deferred from the last Committee in order to undertake a site visit.

**Relevant History:-**

09/00816/FUL - Erection of dwelling and change of use of part of plot from a farm yard to domestic garden – application was withdrawn on the 21.12.09.

**Planning Policies:-**

**PPS 1: Delivering Sustainable Development** - The guidance says that planning should promote sustainable and inclusive patterns of development. PPS1 requires local authorities to deliver development that is located in areas which reduce the need to travel by car and provide access to all members of the community to jobs, health, housing, education, shops, leisure, and community facilities. PPS1 suggests that the focus for development should be existing centres and discourages any new development which would impact negatively on the environment and actively encourages development which reduces the impacts of climate change.

**PPS 3: Housing** - amplifies the advice set out in PPS1, and particularly says that housing should be developed in suitable locations, which offer a good range of community facilities and with good access to jobs, key services and infrastructure. The priority for development in such locations should be previously developed land, where appropriate. The amended statement has removed residential garden area from the brownfield classification. PPS3 also sets out clear advice on determining planning applications, stating that we should have regard to the suitability of a site for housing (including its environmental sustainability) and that we should ensure that proposals are in line with housing objectives and do not undermine wider policy objectives. PPS3 specifically states that “Developers should bring forward proposals for market housing which reflect demand and the profile of households requiring market housing, in order to sustain mixed Communities” (Para 23). In relation to market housing PPS3 states that “One of the Government’s key objectives is to provide a variety of high quality market housing. This includes addressing any shortfalls in the supply of market housing and encouraging the managed replacement of housing, where appropriate. Local Planning Authorities should plan for the full range of market housing. In particular, they should take account of the need to deliver low-cost market housing as part of the housing mix” (Para 25 & 26)

**PPS 7 - Sustainable Development in Rural Areas** - states that many country towns and villages are of considerable historic and architectural value, or make an important contribution to local countryside character. Planning authorities should ensure that development respects and, where possible, enhances these particular qualities. It should also contribute to a sense of local identity and regional diversity and be of an appropriate design and scale for its location, having regard to the policies on design contained in PPS3.

**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.

Policy H6: planning permission for residential development within Village Envelopes shown on the proposals map will be confined to small groups of dwellings, single plots or the change of use of existing buildings.

**Melton LDF Core Strategy:** 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.

**Consultations:-**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highway Authority – Objects</b></p> <p>The proposed access would lack adequate visibility splays out on to Middle Lane, and therefore traffic turning out of the access could create dangers for highway users to the detriment of highway safety.</p> <p>This scheme is better than the previously withdrawn scheme, in that it now provides improved parking and turning facilities that would comply with current requirements. However the visibility out of the access is still an issue. Although visibility to the south out of the access would be acceptable, visibility to the north out of the access would be restricted and could not meet current standards. The proposal still retains the wall and hedge on the front boundary to the garden to the farmhouse, and this will severely impede visibility out of the access. Even if these were to be removed or reduced in height, visibility would still then be restricted by the farmhouse itself to an undesirable degree.</p> <p>Despite the fact that this section of Middle Lane is relatively quiet, and therefore the risks associated with the substandard visibility are less than on busier roads, the Highway Authority would still</p>	<p>The access is proposed to the southeast of the site along the site boundary. Access to the farm itself is to the northwest of the farm house. Middle Lane is not a classified road and the creation of an access would not require planning permission however the access is required in order to serve development which does require planning permission and the Highways Authority have considered the access unsuitable due to lack of visibility. The appellant has stated that this part of the road is used infrequently due to the junction further north of the site linking to the A606.</p> <p>However, it is considered that the proposed access lacks adequate visibility splays and therefore vehicles turning out of the access could create additional dangers for highway users to the detriment of highway safety.</p>

<p>expect visibility to accord to full standards and as such could not support the planning application.</p>	
<p><b>Housing Policy Officer</b> – within the Rural West of the borough that there is a need for additional market housing to 2011, there is a local surplus of larger family homes with additional 3 bedroom properties being particularly required to rebalance the existing stock. There is also a need for smaller sized dwellings such as 2 bedroom houses and accommodation suitable to meet the needs of older people. There are limited opportunities for new housing development in the rural settlements in the borough and therefore new residential developments in the area should contribute towards the creation of a mixed community and have regard to local market housing needs.</p> <p>The application seeks consent for the erection of a large detached dwelling which could provide 4 bedroom accommodation if the second floor study was utilised as a bedroom. The size of dwelling proposed by the application is not supported as it would add to the local imbalance of the housing market through the addition of a further large property and as such is considered inappropriate. On this basis the application is recommended for refusal as the local over supply of larger family accommodation would be further exacerbated.</p>	<p>The LDF Core Strategy introduces a significant redirecting of policy requirements in terms of housing provision and it is considered that the Core Strategy, particularly in conjunction with the advice of PPS3 that it is intended to implement at the local level, is of sufficient importance to outweigh the Local Plan. This therefore introduces revised requirements for new development to address housing market imbalances.</p> <p>The applicants are family members associated with the running of the farm. It is proposed to build a dwelling on land associated with the farm although it is not applied for as a workers dwelling due to being located within the village envelope where residential dwellings are acceptable. The study room proposed is to enable the occupiers to manage the farm administration from home and it is not intended for the purpose of an additional bedroom. However as there will be no agricultural tie on the property it could become available as market housing in the future.</p>
<p><b>Parish Council</b> – Object</p> <p>Cllrs agree that this application is an improvement on the original but still feel that the proposed house is of an imposing nature and very large. They concur with the views of Highways and therefore object to the application.</p>	<p>The development is supported in principle by the Local plan (policies OS1 and BE1) in terms of its general location (i.e. within the village envelope). The dwelling will site in an elevated position within the streetscene due to the topography of the application site. The dwelling will be set back from the highway by an approximate distance of 20 metres and will be set further back than the neighbouring property to the southeast. The principle elevation has a staggered frontage consisting of a double gable, central mono pitched porch and a bay window. The ridge height also steps down in order to reduce the bulk of the dwelling within the streetscene and to mitigate any impact upon the neighbouring property to the south east. It is considered that due to the set back distance and the design of the dwelling it would not appear over dominant in the streetscene.</p> <p>The access is proposed to the south of the site in order to benefit from maximum visibility splays. However due to the existing boundary treatment to the site and that the farm house to the north sits on the edge of the highway the applicant is unable to achieve the required visibility splays and therefore the proposal is not supported by the Highways Authority. The applicants have stated that this part of the road is generally quieter due to the main</p>

	junction being positioned further to the north of the site which gives access to the main A606.
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**Representations:**

A site notice was posted and neighbouring properties consulted. As a result 7 letters have been received, supporting the proposal on the following grounds:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Wider Community Benefits:</b></p> <ul style="list-style-type: none"> <li>• The proposal will enable the younger family members to remain in the village</li> <li>• .</li> <li>• A dwelling on the site will ensure that the next generation of farmers can carry on with the farming activities whilst the parents can remain living in the existing farm house.</li>   <li>• Villages need to retain the younger generations and the application should be supported to help them stay in the village.</li> <li>• Dwellings in the area are too expensive for young couples.</li>   <li>• The improvements to the site boundary will improve the visibility from the neighbouring access</li> </ul>	<p>The application proposes to construct a large three bedroom property with potential for a fourth bedroom in the roof space, which is to be used as a farm office by the applicants. The dwelling has not been applied for as a workers dwelling under the provisions of PPS7 or OS2 as the site lies wholly within the village envelope. Therefore restrictive occupation conditions can not be imposed and the dwelling will in effect become an open market dwelling.</p> <p>The Council is aware of housing affordability issues particularly in the rural villages. In order to readdress the shortage of smaller affordable houses, housing development is requested to support the boroughs housing needs by favouring smaller units over the larger executive housing in line with the Local Development Framework, Preferred Options Core Strategy.</p> <p>In order to improve the visibility for the development the existing boundary hedge has been cut back from the highway. There is no footpath provision immediately in front of the site so the highway abuts the boundary. The dwellings to the southeast of the site do have vehicular access and the cutting back of the hedge has undoubtedly improved the situation but at present there is no requirement for the applicants to maintain the hedge to this level.</p>
<p><b>Character of the area:</b></p> <ul style="list-style-type: none"> <li>• The dwelling will compliment the existing dwellings in the area as it is in keeping.</li> <li>• The siting of the dwelling ensures that it will not affect the outlook of the village.</li> </ul>	<p>Middle Lane consists of a mixture of styles, types and age of dwellings. In the immediate vicinity the dwellings to the southeast are of two storey detached dwellings with the benefit of front gardens, whilst the host building; Moat Farm Cottage is side and sits on the very edge of the highway with the garden area to the rear; the application site. Across the highway is a Protected Open Area. To the northwest are smaller detached dwellings which front Chapel Lane and Middle Lane. It is considered that the design of the proposed dwelling is not out of keeping with the context of the streetscene and is acceptable and complies with policies OS1 and BE1 of the Local Plan.</p>

<p><b>Other Matters raised:</b></p> <ul style="list-style-type: none"> <li>• The family have been farming in the village for over 20 years.</li> <li>• The council should support the application to allow a young couple to stay in the village.</li> <li>• It is necessary to be on the site to continue to support the family tradition of breeding pedigree Frisians.</li> <li>• Nether Broughton is a rural village where farming is an important part of the community. It is extremely difficult to purchase a house in the village, especially for the younger generation due to the rise in house prices.</li> <li>• Larger dwellings have been permitted in the village before.</li> </ul>	<p>The application proposes a market house dwelling which could not be conditioned to remain available for use by the occupants of the farm. It is considered that the application for a dwelling in this location is acceptable as it lies within the village envelope of a village which has been considered as a category 2 village, through the formulation of the Preferred Options of the Core Strategy, which supports infill development within the village boundary.</p> <p>The Local Development Framework seeks to protect rural villages from inappropriate large executive housing following on from research and evidence which found that the borough has a surplus of larger dwellings. Applications for larger dwellings are no longer supported by the Council.</p>
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**Other considerations not raised through representation.**

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Impact upon neighbouring properties:</b></p>	<p>The host building; Moat Farm Cottage lies to the northwest of the proposed dwelling. The rear elevation faces onto the residential garden area containing an ornamental pond and landscaped areas. The proposed dwelling will be sited further into the site and the residential garden area will still be used by the existing occupiers of Moat Farm Cottage. The proposed driveway will run along the southern boundary and the land will be levelled out to provide a drive up to the proposed single detached garage. Due to the orientation of the proposed dwelling and being set back into the site no overlooking can be created and the dwelling will not be bearing.</p> <p>To the southeast is a detached two storey dwelling which fronts Middle Lane. This dwelling will sit lower down than the proposed dwelling due to the topography of the site rising up from the highway. The design of the proposed dwelling has taken on board previous comments and has staggered the roofline to reduce its visual dominance. The dwelling is also positioned approx. 5.2 metres away from the boundary and the detached single storey garage will be situated along the boundary. The rear elevation of the neighbouring property contains windows but given the orientation and separation distances it is considered that overlooking will not be present. A new 1800mm close boarded fence is proposed along the rear boundary. The proposed garage will have a pitched roof which will slope</p>

	away from the boundary and will have an overall height of 3.7 metres. It is not considered that the garage will represent an overbearing structure and is acceptable.
<b>Change of use of Land:</b>	In order to accommodate a dwelling on this site the existing farm silos and buildings are to be removed as they are no longer required. This area is intended to be utilised as garden area for the future occupiers and will be denoted by a new close boarded fence to the height of 1800mm. It is not intended to increase the village envelope and the garden area will still be contained wholly within the village boundary and it will be in line with the existing rear gardens to the southeast. It is considered that the change of use will be acceptable in this location and will not have an impact upon open countryside beyond due to the farming practices taking place to the rear of the site.

### **Conclusion**

The application site lies within the village envelope and thus benefits from a presumption in favour of development under policies OS1 and BE1. The proposed development has been designed to have a limited impact on adjoining properties, and is considered capable of reflecting the character and appearance of the surrounding area. Although it would represent the new introduction of a building on land currently used for farming activities, views into the site would be improved as the dwelling would screen the agricultural buildings to the rear. The dwelling as proposed is not considered to support the boroughs housing needs as an open market dwelling however it has been designed specifically for the future needs of a family member who is working on the farm and required to stay housed in the area. However, the proposal would result in the creation of a substandard access on to Middle Lane which lacks adequate visibility splays. Accordingly the proposal is considered to be detrimental to highway safety and is recommended for refusal on these grounds.

### **RECOMMENDATION:- Refuse for the following reason:-**

1. In the opinion of the Local Planning Authority the proposed development would, if approved, result in the intensification in use of a substandard access on to Middle Lane. This access lacks adequate visibility splays and therefore vehicles turning out of the access could create additional dangers for highway users to the detriment of highway safety. The proposal is therefore considered to be contrary to OS1 and BE1 of the adopted Melton Local Plan.
2. In the opinion of the local planning authority the proposed type of house does not address the imbalance of stock type and size of dwellings required to reflect the housing needs of the area. The Housing Stock Analysis conducted in 2006 clearly demonstrates that there is a surplus of larger private market homes and a significant lack of smaller sized properties within Melton Borough and the rural west of the Borough. Accordingly the proposal fails to contribute to a sustainable and balanced housing market and is therefore considered to be contrary to PPS3 and the Melton LDF Core Strategy (Preferred Options). The large executive detached home proposed in this application cannot be supported as it would exacerbate the current imbalance of larger housing stock in the local housing market contrary to the aims of PPS3.

Officer to contact: **Mrs Denise Knipe**

**30th July 2010**