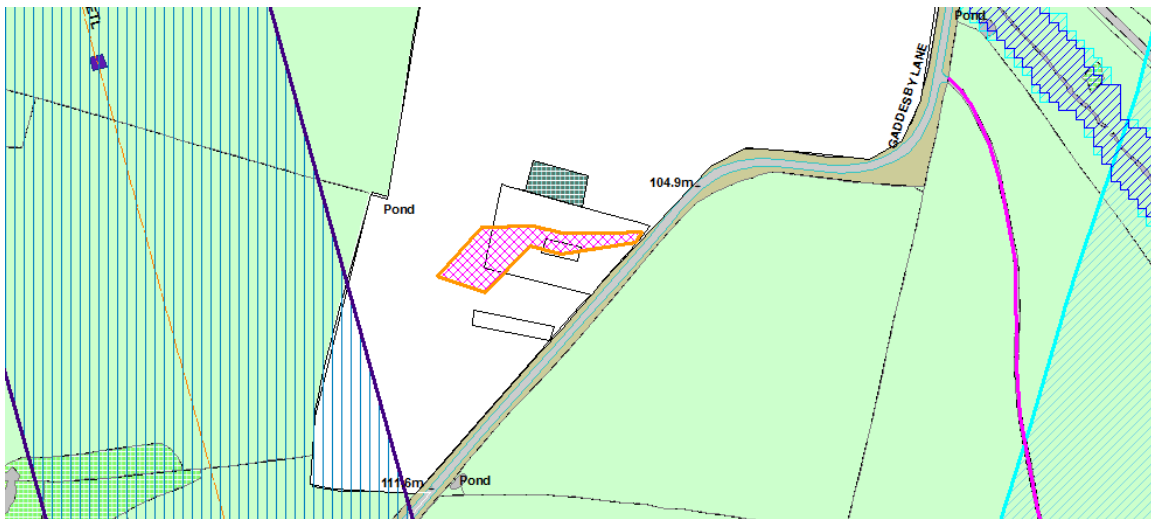


Reference: 17/00140/FUL
Date submitted: 25.01.2017
Applicant: Mrs Katrina Cass
Location: Field OS 0850, Gaddesby Lane Kirby Bellars
Proposal: Erection of dwelling to replace mobile home. Previous application No: 13/00814/FUL.



Introduction:-

The application seeks full planning permission with all matters reserved for the erection of one dwelling on land to replace an existing mobile home on agricultural land off Gaddesby Lane, Kirby Bellars for occupation by a worker of the current farming business.

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

- **The proposed location of an isolated dwelling in an unsustainable location.**
- **Whether there is essential need for a dwelling at this location that justifies an exception to normal policies.**

The application is required to be considered by the Planning Committee due to the level of support representations received.

Relevant History:

- 16/00543/FUL was withdrawn on 28.11.2016 as there was no information submitted to assess whether there is an essential need for this dwelling, in line with planning policy
- 13/00814/FUL was approved on 10.02.2014 for a temporary consent for a mobile home that this application seeks to replace

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS2, BE1

OS2 states that planning permission will not be granted 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;
- Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside;
- Development essential to the operational requirements of a public service authority, statutory undertaker or a licensed telecommunications code system operator;
- Change of use of rural buildings;
- Affordable housing in accordance with policy H8

BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provision.

The National Planning Policy Framework was published 27th 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 the 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 is considered that in respect of rural workers dwellings, policy OS2 is compliant with the aims and objectives of the NPPF.**

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

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

On Specific issues relevant to this application it advises:

Delivering a wide choice of high quality homes

At paragraph 55 of the NPPF advises that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the open countryside unless there are special circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside

Supporting a prosperous rural economy

At paragraph 28, the NPPF advises that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings;
- Promote the development and diversification of agricultural and other land-based rural businesses.

The 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 paragraph 12).

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority: Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011. Please consider access, parking and turning arrangements.</p>	Noted.
<p>MBC Agricultural advisor Using the PPS7 guidelines for assessing whether an essential need for this dwelling exists the application fails to justify this. Within Annex A of PPS7 there are various tests and these include:-</p> <p>i) There is a clearly established existing functional need <i>There is clearly established existing functional need for one person to live near the site and this criteria is therefore satisfied.</i></p> <p>ii) The need relates to a full-time worker, or one who is primarily employed in agriculture and does not relate to a part-time requirement; <i>There is a clearly a full time need owing to the staff numbers and structures</i></p> <p>iii) The unit and the agricultural activity concerned have been established for at least three years, have been profitable for at least one of them, are currently financially sound, and have a clear prospect of remaining so <i>In observing the financial information supplied there is small profit and some losses. Therefore it looks difficult that the cost of the dwelling will be sustained. This criteria has therefore not been satisfied.</i></p> <p>iv) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned <i>There are other dwellings available in the local area</i></p>	The ‘essential need’ or otherwise is considered to be the main issue in the determination of this application. It is the test set out in the Local Plan and NPPF para 55, both of which are consistent on this issue This forms the basis of the recommendation on this application.
<p>Parish Council: Supports the proposal</p>	Noted

Representations:

The application was advertised by way of a site notice at the application site. As a result of the consultation 7 letters of support were received.

Consideration	Assessment of Head of Regulatory Services
<p>Design The design is sympathetic to surrounding cottages</p>	Noted but the setting is just as important and overall an isolated dwelling is deemed not to not reflect the open character of its surroundings.
<p>The Business</p>	

Demonstrated the business is financially strong	This has been independently adjudicated by a consultant on such matters as above and it has not been deemed to conform to the tests laid out in the relevant planning policy on applications such as these. These conclusions have been reinforced by many planning decisions.
Other Security of various items	With regard to the security of the site it is considered paragraph 6 of Annex A to PPS7 is particularly relevant and it states “The protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one.” There is no mention of the security of plants, or machinery etc., within paragraph 6 of the Annex; only the protection of livestock, and this alone is not sufficient to justify a dwelling.

Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
<p>Policy Considerations</p> <p>The site lies within the open countryside, outside of any designated village envelope where there is no presumption in favour of development.</p> <p>Policy OS2 states that planning permission will not be granted for a new dwelling in the open countryside unless it is essential to the operational requirements of agriculture and forestry. Policy C8 of the Melton Local Plan was not saved.</p> <p>The NPPF is only supportive of, and gives a presumption in favour of, sustainable development. It advises that to promote sustainable development in rural areas housing should be located where it will enhance or maintain the vitality of rural communities. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work.</p> <p>Annex A to PPS7 was superseded by the NPPF, however due to the lack of specific guidance contained within the NPPF, appeals have established that some weight can still be afforded to it and it is considered to be a relevant and useful guide to assessing workers dwellings in the absence of any guidance within the NPPF. Paragraph 6 of Annex A to PPS7 stated that “the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself to justify one”.</p> <p>As the NPPF is only supportive of sustainable development, which should mean in the case of a rural business, that the enterprise should also be profitable; the</p>	<p>The financial information submitted has been provided but does not demonstrate that an essential need exists.</p> <p>Therefore, it is considered that the existing business is unable to comply with the sustainability element of the NPPF, or pass the financial test as set out in Annex A to PPS7.</p> <p>The detached nature of the site outside of any recognised village, distant from any services is considered to be an unsustainable location for new housing as it would require the occupant to travel to Melton Mowbray or other nearby towns to access facilities for even the most basic day-to-day requirements.</p> <p>Several appeal decisions have endorsed the Council’s approach to the classification of sustainable / unsustainable villages. Since the NPPF was implemented, appeal decisions have continued to support this approach and have not set aside considerations in favour of the wider NPPF objective of boosting housing supply.</p> <p>The application cannot be considered sustainable in terms of meeting the functional and financial tests required of a new dwelling in the open countryside.</p>

three strands of sustainability being economic, social and environmental. If the business cannot support a dwelling it would be unsustainable to allow it.	
Appearance, Landscaping, Layout & Scale The proposed dwelling is a double fronted 3 bedroom house sited within the site, down a private access track.	The site forms a very rural part of Melton with no village or similar buildings nearby, therefore any development in this location would erode this rural character and look out of character with the area.

Conclusion

The application seeks full planning permission for a dwelling in the open countryside to provide accommodation for the existing farms family. The proposal is contrary to Para 55 of the NPPF and policy OS2 of the Melton Local Plan which seek to allow for new housing in the open countryside, only where development is essential to the operational requirements of agriculture, and specifically in relation to a dwelling where there is a long term essential need for a rural worker to live at or close to their place of work. Neither of these points have been fully demonstrated through the application.

The application is therefore not presented an adequate justification in line with the NPPF paragraph 55, and cannot show that the business is capable of sustaining the cost of building the new proposed dwelling. Whilst the application has received a good level of local support, it fails to demonstrate the essential need for a rural worker to live at or near their place or work in the countryside.

The location of the dwelling would be slightly screened by planting and the existing farm buildings, however given the open nature of the site, a development in this location would erode the rural character of the area and further develop the built part of the village away from the main settlement. The dwelling is a timber cabin style building which would appear incongruous in this location.

Accordingly, the application is recommended for refusal.

RECOMMENDATION: Refuse, for the following reason:

1. In the opinion of the Local Planning Authority the application is contrary to Local Plan Policy OS2 and paragraph 55 of the NPPF which states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. The Framework is only supportive of sustainable development, and in the case of dwellings for rural workers this is taken to mean that the enterprise is required to be financially viable and capable of supporting the cost of a permanent dwelling in the long term. The information provided by the applicant in support of the application does not show that the business is capable of supporting a permanent dwelling on site.

Officer to contact: **Mr Glen Baker-Adams**

Date: **2nd June 2017.**