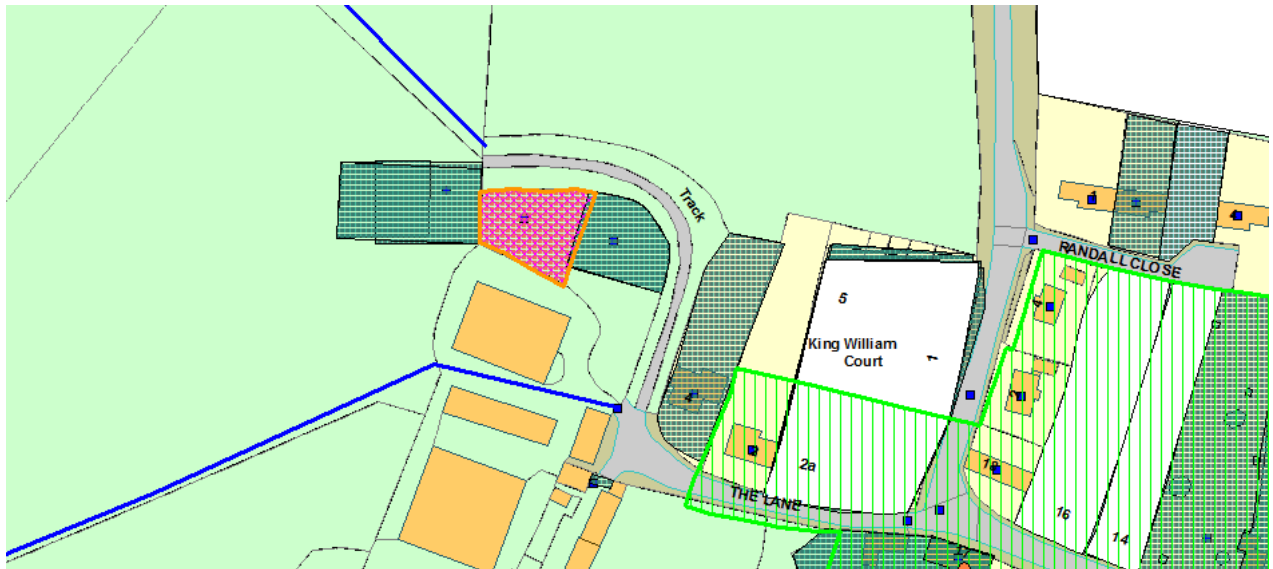


**Reference:** 17/00285/FUL  
**Date submitted:** 01.03.2017  
**Applicant:** Ms Victoria East  
**Location:** Plot 1A, The Lane, Barsby  
**Proposal:** Full planning permission for a Proposed dwelling



The application seeks outline planning permission with all matters reserved for the erection of one dwelling on land at Barsby Farm, for occupation by a family member of the current farmer of Barsby Farm.

The village of Barsby is considered to be an unsustainable location given that there are limited services available within the village.

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

- **The proposed location of an isolated dwelling in an unsustainable location.**

It is noted that the proposal is adjacent to approved isolated dwellings but it has to be noted that current planning policy is against such proposals on the grounds of unsustainability, contrary to planning policy. Barsby lacks any facilities that can make it a sustainable location, with its occupants relying on private motor vehicles to access services that collectively contribute to an unsustainable environment.

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

**Relevant History:**

No relevant planning history – Note that permissions granted in 2016 for two dwellings on adjacent sites (ref 16/00142/OUT and 16/00143/OUT)

## **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 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 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><b>Highway Authority:</b> 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><b>Ecology</b> The ecology survey submitted in support of the application is satisfactory. No evidence of badgers was recorded and no further surveys are required.</p>	Noted
<p><b>Footpaths</b> Public Footpath I85 runs from the end of the lane adjacent to the site of the proposed new dwelling. No objection to the proposed new dwelling as it should not materially affect the public's use and enjoyment of the Public Footpath. Conditions suggested to protect users of path if application approved</p>	Noted and conditions could be placed on development
<p><b>Parish Council:</b> No objections to 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><b>Design</b> Enhance the proposed site and is totally in keeping with its surroundings, very sympathetic to its rural setting. Not detract from the environment and in keeping with the lane/village</p>	This is an area of disagreement as it considered that the dwelling proposed is of poor design quality and does not reflect either the setting amongst the existing recently properties approved or the area as a whole. The design is a single storey timber cabin, which would be incongruous in this location.
<p><b>The Business</b> The applicant has lived and worked in the village all her life and supports her aged family in the running of the</p>	Noted but this does not override the lack of justification for another new dwelling in this location, proving there is an essential need to erect

family farm.  Allows families who are long standing members of the village and the community to staying in the village.	a new dwelling.  The applicant already lives in the village.
<b>Other</b> No affordable housing built since the local authority houses were built just after WW2	Noted but this does not override key sustainable development objectives.

**Other Material Considerations Not Raised In Consultations:**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Policy Considerations</b></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. <b>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.</b></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 three strands of sustainability being economic, social and environmental. If the business cannot support a dwelling it would be unsustainable to allow it.</p>	<p>No financial information has been presented to the Local Planning Authority with regards to the financial viability of the business to support a dwelling on site.</p> <p><b>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.</b></p> <p>The detached nature of the site outside of Barsby village 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 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><b>The application cannot be considered sustainable in terms of meeting the functional and financial tests required of a new dwelling in the open countryside.</b></p>
<b>Appearance, Landscaping, Layout &amp; Scale</b>	The site forms part of the rural edge to the village and is part of its rural setting, therefore any development in this location would erode this rural

	<p>character and further develop the built part of the village away from the main settlement and would not follow the generally linear form to the village.</p> <p>The site is relatively close to the existing farm business, and as such this would reduce some of the visual impact of a dwelling in this location as it could potentially be viewed in the same context as the existing farm.</p>
<p><b>Planning History</b></p>	<p>There are two significant differences between this proposal and the two dwellings recently approved on adjacent sites.</p> <p>At the time that permission was granted for the adjacent sites in 2016 this authority did not have a 5 year housing land supply . That situation has changed . There is now a 5 year housing land supply ,so weight can be given to policy OS2.</p> <p>This application seeks full permission for an incongruous timber cabin style dwelling. The new adjacent dwellings are in conventional materials,designed to fit in with the local area.</p>

**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 policy OS2 of the Melton Local Plan which seeks 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 with very little information submitted as part of the application.

The application has therefore not met the functional requirement for a dwelling, and in addition, 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.
2. The site forms part of the rural edge of the village and is part of its rural setting, therefore any development in this location would erode this rural character and further develop the built up part of the village away from the main settlement and would not follow the generally linear form to the village. The proposal is therefore considered to be contrary to policy BE1 of the Melton Local Plan, and NPPF paragraph 64 which states that

permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

3. The proposed dwelling, by reason of size, design, layout, massing and scale, would result in a poorly designed development, and would be unsympathetic to the character and appearance of the site. The proposal is therefore considered contrary to policy BE1 of Melton Local Plan 1999 and paragraphs 56-68 of the NPPF which seek to ensure development is sympathetic to the site and surroundings and achieving a high standard of good design overall.

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

Date: **12<sup>th</sup> May 2017**