

The site is located in the open countryside away from any village core, and sat amongst open rural fields, with limited built structures apparent within close proximity.

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

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Functional need**

The application is required to be considered by the Planning Committee for consistency.

Relevant History:

10/00520/HEDG – Removal of part of hedgerow and replant in different location permitted August 2010

Development Plan Policies:

Melton Local Plan (saved policies):

Policies OS2, BE1

Policy 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

Policy 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- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless: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 establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver homes and businesses that local areas need;
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;

- Deliver sufficient community and cultural facilities and services to meet local needs;
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focusing development in locations which are or can be made sustainable.

On Specific issues relevant to this application it advises:

Promoting sustainable transport

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport

Delivering a Wide choice of High Quality Homes

- Housing applications should be considered in the context of the presumption in favour of sustainable development.
- LPA's should identify land for 5 years housing supply plus 5% (20% if there is a history of under delivery). In the absence of a 5 year supply housing policies should be considered to be out of date.
- 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
- **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.**

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.
- Planning decisions 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 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

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:</p> <p>Revised comments stated no objections to the proposal subject to the following conditions</p> <ol style="list-style-type: none"> 1 Before development commences on site, the proposed visibility splays of 2.4 metres by 160 metres shown in each direction out of the access on to Waltham Road have been provided. 2 Before first use of any part of the development the proposed vehicular access shall have been constructed with a minimum clear margin of 0.5 	<p>Noted.</p> <p>Eastwell Road is a national speed limit road with traffic travelling at up to 60 mph, however amended plans have been submitted that provide adequate sightlines for a road of this nature.</p> <p>The proposed access to the dwelling is to be utilised by the additional dwelling and is considered</p>

<p>metres on each side and surfaced in a hard bound material as shown on amended plans.,</p> <p>3 The gradient of the access drive shall not exceed 1:12 for the first 5 metres behind the highway boundary.</p> <p>4 Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway</p> <p>5 The car parking and turning facilities shown within the curtilage of the site shall be provided, hard surfaced and made available for use before any part of the development is first brought into use and shall thereafter be permanently so maintained.</p>	<p>acceptable in terms of visibility.</p> <p>The proposed site plan demonstrates that parking can be provided for both the existing and proposed dwelling off the main road and there would remain sufficient space to turn around within the site before exiting towards the highway.</p> <p>The proposal would therefore meet the requirements of policy BE1 in terms of highways safety and parking provision.</p>
<p>Parish Council:</p> <p>No response has been received from the Parish Council in relation to the application.</p> <p>The comments relating to application 16/00148 are below for reference purpose only.</p> <p><i>No comments to make on the application.</i></p> <p><i>The Parish Council would have concerns should it become apparent that a domestic dwelling is required on site.</i></p>	<p>The comments are noted, however the application contains a residential dwelling as part of the proposal. Part of the dwelling is to be used for business purposes.</p>
<p>Environmental Health:</p> <p>Having considered the application I recommend the following contaminated land condition be applied to any permission:</p> <p>1. No development shall take place until a phase 1 / desktop study investigation and risk assessment has been completed in accordance with a scheme to assess the nature and extent of any contamination on the site and to identify and control any unacceptable risks to human health or the environment taking into account the sites actual or intended use, whether or not the contamination originates on the site. The phase 1 / desk top study shall include the identification of previous site uses, potential contaminants that might reasonably be expected given those uses and other relevant information. Using this information a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced.</p> <p>The investigation and risk assessment must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and must be undertaken by competent persons and a written report of the findings</p>	<p>These comments are noted and it is considered that the conditions are both reasonable and required.</p>

<p>must be produced and submitted to the Local Planning Authority. The written report is subject to the approval in writing of the Local Planning Authority.</p> <p>2. If during development, contamination not previously identified, is found to be present at the site then no further development (unless otherwise agreed in writing with the LPA) shall be carried out until a Remediation Method Statement has been submitted by the developer and approved by the LPA detailing how this unsuspected contamination shall be dealt with.</p> <p>3. In the event that it is proposed to import soil onto site in connection with the development the proposed soil shall be sampled at source such that a representative sample is obtained and analysed in a laboratory that is accredited under the MCERTS Chemical testing of Soil Scheme or another approved scheme the results of which shall be submitted to the Planning Authority for consideration. Only the soil approved in writing by the Planning Authority shall be used on site.</p>	
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Representations:

The application was advertised by way of a site notice at the application site. As a result of the consultation no letters of objection have been received to date.

Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
<p>Functional Need</p> <p>As part of the application process, the LPA have consulted an independent Agricultural, Equestrian and Rural Planning Consultant</p> <p>The findings of the Consultant are below:</p> <p>The application is a re-submission of application number 16/00148/FUL which was refused by Committee on 23rd March 2017.</p> <p>The applicants have purchased the application site, which comprises 2.83 hectares (7 acres) of land previously operated as a shrub and tree nursery. It is now predominantly cropped with pasture.</p> <p>The applicant currently operates a rabbit and Guinea pig boarding business from the current address within Stonesby village approximately 2.5 miles from the application site.</p> <p>The proposal is for a new permanent four bedroomed dwelling together with facilities for the housing of</p>	<p>The comments of the Consultant are noted and supported, the response summarises that a functional need cannot be demonstrated for the proposed dwelling.</p> <p>The application differs to that of a farm or livestock proposal where there is a benefit and need for housing farm animals in a rural open countryside location, this proposal is for the boarding of house rabbits and guinea pigs, which can successfully be housed elsewhere from that of the application site.</p> <p>The accounting information whilst not presented within this report has shown a reliance on other factors such as online sales which again does not add to the functional need for the proposal to be situated within the open countryside and a conclusion has been reached that the proposal is not required in a rural location.</p>

house rabbits, with an agricultural building (20 metres x 6 metres) and a second storage building which it so include a workshop, garage and general storage areas of approximately 13.5 metres x 6 metres).

The existing business in Stonesby has a maximum boarding capacity for 17 rabbits (13 in the winter) and up to 13 guinea pigs. It is stated that business is being turned away at present due to a lack of space, hence the proposal to relocate to the application site.

I am of the opinion that both the existing and proposed business which do and will specialise in the boarding of rabbits and guinea pigs is a commercial enterprise, and it is not an agricultural enterprise or business. I am also of the opinion that it is not a rural enterprise but rather a non-rural enterprise which it is proposed to relocate onto a green field site in the open countryside, and should therefore be considered and assessed under the Local Planning Authority's normal Planning Policies and not as an agricultural or other rural occupational dwelling.

If the Local Planning Authority is minded to assess the application as another rural occupation dwelling then the application should comply with the criteria in both The Framework and Annex A to PPS7.

The Framework is only supportive of agricultural or other rural workers dwellings if it is essential for the rural worker to live permanently at or near their place of work in the countryside. In addition, The Framework is only supportive of sustainable development, and this is taken to mean that the enterprise is financially viable and capable of sustaining the cost of the proposal in the long-term.

Paragraph 3(1) of Annex A PPS7 states "There is a clearly established existing functional need, the proposal is for the development of a green field site therefore there is no established existing functional need at the site. The need is currently at the applicants premises in Stonesby Village where the essential/functional need is fulfilled by the existing dwelling. Therefore, this criteria has not been satisfied in relation to the application site.

Paragraph 3 (ii) states "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," from the supporting information I consider both the existing and the proposed enterprise would not be full-time as although there are no standard labour requirements available for an enterprise such as this, I do not consider it would require a full-time worker to look after 30 rabbits and 30 guinea pigs. Therefore, the criteria is not satisfied.

Paragraph 3 (iii) states "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. The application is for a proposed enterprise on this green field site, therefore, although the existing business has been established on the application site and therefore, although the business or enterprise has been established for at least three years at Stonesby the unit has not. Therefore, the application does not satisfy the criteria in paragraph 3(iii) of Annex A to PPS 7 which is very clear as it states “The unit AND the agricultural activity concerned have been established for at least three years,” it is not an either/ or solution. This was confirmed at appeal reference APP/F24145/A/09/2108806 – Wayside Lodge Farm, Covert Lane, Scraptoft, Leicester.

Paragraph (3iv) States “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”. Any essential/functional need is currently being fulfilled by the applicants existing dwelling in Stonesby where the business is currently operating from. However, due to the isolated location of the application site I consider that if the enterprise were to relocate there, a dwelling in a nearby town or village would be unable to fulfil any essential/functional needs of the proposed enterprise; therefore, this criteria is not satisfied at the present time.

Paragraph 3(v) states “Other planning requirements, e.g. in relation to access, or impact on the countryside are satisfied”. I consider, this is a planning criteria, and would not affect the needs of the proposed enterprise and should therefore be assessed by the Case Officer.

If the Local Planning Authority are prepared to see the proposed use of this site as a pet boarding facility, primarily for house rabbits and guinea pigs, I consider any residential element should for the first three years be provided by a temporary dwelling, to able the enterprise to become fully established on the site, and provide evidence that the enterprise can become financially viable on the site and able to sustain the cost of a permanent dwelling in the long-term after the three year consent expires.

In conclusion I advise that there is no support for the proposed permanent dwelling as the proposal is for a commercial/business use in the open countryside and not for an agricultural or other rural occupational use, and also the proposal if assessed as an other rural occupational enterprise is unable to comply with either The Framework or Annex A to PPS 7 for a permanent dwelling.

Impact upon the rural landscape

<p>The proposal introduces a new modest sized two and single storey 4 bedroom dwelling and two outbuildings on an existing open field.</p> <p>The main building is a linear 2 storey building with pitched roof, the ridge of which is set at approximately 8m which is justified by the agent as being compatible with rural barn type buildings.</p> <p>The ground floor area is increased with a single storey lean to side addition. The ancillary storage barns would have simple pitched roofs set lower than that of the main building.</p> <p>The building would be of agricultural appearance, roofed with fibre cement panels and over clad with timber.</p> <p>The submitted information compares the design of the proposal to that of agricultural barns with glazing minimised on the approach elevations which have been left low key, with larger glazed areas benefitting from distance views over the landscape.</p> <p>The building will feature the rabbit boarding in its centre as an integral part of the layout as well as providing modes accommodation for the family.</p> <p>Surveillance of the rabbits both within the building and externally when grazing in protected runs is key feature of the design and one which the applicant has expressed is not able to be undertaken in the existing premises.</p> <p>The business and home share several facilities, such as utility, office and the main dining area which will also serve as the education meeting space. The philosophy is one of house rabbits being at home, and located centrally within the building.</p> <p>The applicant has devised a series of pre-fabricated pods to contain the rabbit accommodation which enables a quick set up on site, while the owners live in a temporary caravan, and on completion of the site works and building construction the pods can then be finally located, as well as providing scope for expansion and growth.</p> <p>The applicant has explored the re-use of shipping containers for the pods providing ancillary work areas and stores, which will be over clad with timber and topped with green roofs.</p> <p>Discussions have been held with the applicant to discuss the potential of a small log cabin style transportable building that could be screened efficiently with appropriate landscaping.</p> <p>This recommendation was not accepted by the</p>	<p>The proposal will lead to a large family home being developed within an isolated rural location. It is considered that development on this site would have an adverse impact upon the rural landscape, however the proposal through the further consideration of materials and landscaping could be designed and screened so as not to impact adversely in this location.</p> <p>Since the previous refusal of 16/00148, additional information has been submitted to the LPA demonstrating the materials to be used could mean that the proposal would be similar to that of agricultural buildings ensuring the proposal would not be completely at odds with the current surroundings, the proposal would still be apparent on the site but from restricted views.</p> <p>Whilst the use of conditions to secure the dwelling and its use are tied and also the design being easily de-mountable are noted, this would reduce the impact upon the countryside by the introduction of a two storey modest dwelling.</p> <p>Impact on rural landscape was considered as a reason for refusal on the previous application, given the additional information submitted from the applicant and examples of other workers dwellings in the Borough, a refusal based on impact on the countryside is not considered justified.</p>
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<p>applicant for the following reasons</p> <ul style="list-style-type: none"> • <i>If a mobile home/log cabin were erected there would be a need to build/connect the boarding accommodation to the mobile for safety and security. Hop Inns clients would not expect 2 separate buildings. The new design has rabbit accommodation integral to the dwelling – this cannot be replicated as part permanent and part temporary for an extended time period.</i> • <i>There would be a need to have a third building for office and toilet facilities for clients.</i> • <i>The applicants would not be able to invite vets from Nottingham University or students from Brooksby College to study animal husbandry in the short term without further buildings – caravans do not have the flexible layout proposed in this design to accommodate this use.</i> • <i>There would not be the facilities within a mobile home for a dedicated office.</i> • <i>The look/view/mass of the buildings and cost implications to have 3 separate units with services in the wrong place do not make commercial sense. The finances that sustain a viable business will be drained unnecessarily.</i> 	
<p>Other sites considered</p> <p>The applicant has stated that for approximately 2 years they have searched for alternative sites including cattery, kennel or a pub to convert.</p> <p>Exiting Catteries and Kennels were generally too expensive because of being an on-going concerns or too far away.</p> <p>Domestic properties are considered an issue due to traffic and waste.</p> <p>Whilst the area of land required for rotation of grazing is far greater than most available properties.</p>	<p>Whilst it is acknowledged that other sites have been considered, it is considered that limited sites have been objectively assessed and discounted.</p> <p>At present the business runs from a domestic dwelling, and whilst it is acknowledged that this could cause extra traffic generation, a dwelling with off street parking would avoid any significant impact on neighbouring dwellings.</p>
<p>Additional business development opportunities</p> <p>Sale of Christmas trees</p> <p>The applicant has stated that tree sales and composting represent a percentage of overall income and will assist to fill seasonal troughs in income. The new site enables tree growth to be more structured with establishment of nursery areas.</p> <p><u>Foraging courses</u></p> <p>During part of the year an on site presence will enable the business to offer specific courses to their client and drop off and collection, the applicant has stated that posing these courses along with the on site boarding facility is crucial.</p> <p>Sale of meadow hay</p>	<p>The Local Planning Authority understands that these additional business models will add to the viability of the business. However there is no direct link between the housing of rabbits and guinea pigs and the functions opposite.</p> <p>The sale of Christmas trees and meadow hay could continue in this location without the need to relocate the existing Hop Inn business.</p>

<p>The new site enables the sale of branded mead hay to existing customers on drop off and collection as well as their online platform.</p> <p>Sales of speciality meadow hay will generate new business growth and relocation to this site is therefore critical in the opinion of the applicant to the proposal.</p> <p>This will be an agricultural activity with direct benefits to the existing business. Additional revenue will be generated as a supplier of a niche product specifically related to the rabbit care sector.</p>	
<p>Policy Considerations</p> <p>The site lies in an area of open countryside and is segregated from nearby facilities, the location is not considered sustainable to support the day to day living and the occupant would need to rely heavily on the use of a motor vehicle</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.</p> <p>Paragraph 28 of the NPPF makes specific relation to Supporting a prosperous rural economy and states the following</p> <p>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:</p> <ul style="list-style-type: none"> • Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings • Promote the development and diversification of agricultural and other land-based rural businesses • Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres • Promote the retention and development of local services and community facilities in villages, 	<p>The location of the proposal is considered to be an unsustainable location for new housing as it would require the occupants to travel to Melton Mowbray or other nearby towns to access facilities for day-to-day requirements.</p> <p>The proposal does not fall within Section 3 of the NPPF which aims to supporting the rural economy, it has not been demonstrated thoroughly that this proposal is best situated in a rural location.</p> <p>Nor does the proposal meet with the criteria to that of Paragraph 55 which sets out the requirements for allowing a house in the open countryside.</p> <p>The key element of Paragraph 55 is that of a rural workers dwelling, the proposal does not meet that criteria nor does it allow for the development of a local service nor would it lead to rural tourism.</p>

<p>such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.</p> <p>Para 55 advises 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”.</p>	
<p>The (new) Melton Local Plan – Pre submission version.</p> <p>The Local Plan has recently been submitted to the Planning Inspectorate for examination and consideration.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> • the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); • the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and • the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given). <p>The Pre Submission version of the Local Plan identifies Waltham on the Wolds as a ‘Service Centre’, in respect of which, under Policy SS1, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.</p> <p>Policy SS2 states that “Open Countryside: Outside the settlements identified as Service Centres, and those villages identified Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.</p>	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>When assessed against the NPPF criteria opposite:</p> <p>The Local Plan is submitted for Examination and has the following steps to complete:</p> <ul style="list-style-type: none"> • Examination for its ‘soundness’ under the NPPF • Examination results to be published and any ‘modifications’ to be the subject of consultation • Further examination to take place into Modifications • Final Inspectors Report and recommendations • Adoption by MBC <p>There are several hundred representations to the local plan covering very many aspects. It can only be reasonably concluded that very many relevant objections remain unresolved</p> <p>Whilst it is the Council’s view that the Local Plan is consistent with the NPPF (as this is a requirement allowing its submission) this is contested by many parties. As with the NP above, this will be the subject of consideration by the Examination process.</p> <p>It is therefore considered that it can attract weight but this is limited at this stage.</p> <p>The proposal is considered to be contrary to Policy SS2. This is a factor that weighs against the granting of permission.</p>

Conclusion

The application seeks planning permission for the relocation of the Hop Inn Rabbit Hotel and construction of storage buildings, the proposal would create a dwelling in an unsustainable location. The proposal is contrary to the NPPF and Policy OS2 because the site lies outside of a village and is not located close to services that would be needed to provide for day to day necessities, the site is not situated on a transport link to more sustainable locations meaning the future occupant would need to rely heavily on the use of a motor vehicle.

The business is not one that would be required to be located in a rural location, whilst the applicant makes a strong case for the rabbits to be housed inside the residential dwelling, for the purpose of planning policy and consideration this is not an essential requirement. Whilst Annex A to PPS 7 is no longer part of the Development Plan, the practices that it contains sets a solid background to the assessment of business located in the open countryside.

Melton Borough Council prides itself on rural economy, however in this instance, the business does not demand the rural location and therefore could be ran from a larger residential site to that of the existing.

Para. 55 of the NPPF and Policy OS2 are consistent in approach and state 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. The information submitted has not demonstrated that the proposal is required to be located in a rural area.

RECOMMENDATION: Refuse, for the following reason:

- 1 In the opinion of the Local Planning Authority the proposal would, if approved, result in the erection of a residential dwelling in an unsustainable location. The development is in an unsustainable village location where there are limited local amenities, facilities and jobs, and where future residents are likely to depend highly on the use of the car, contrary to the advice contained in NPPF in promoting sustainable development. It is considered that there is insufficient reason to depart from the guidance given in the NPPF on sustainable development in this location and would therefore be contrary to the "core planning principles contained" within Paragraph 17 of the NPPF.

Officer to contact: **Miss Louise Parker**

Date: 26th October 2017