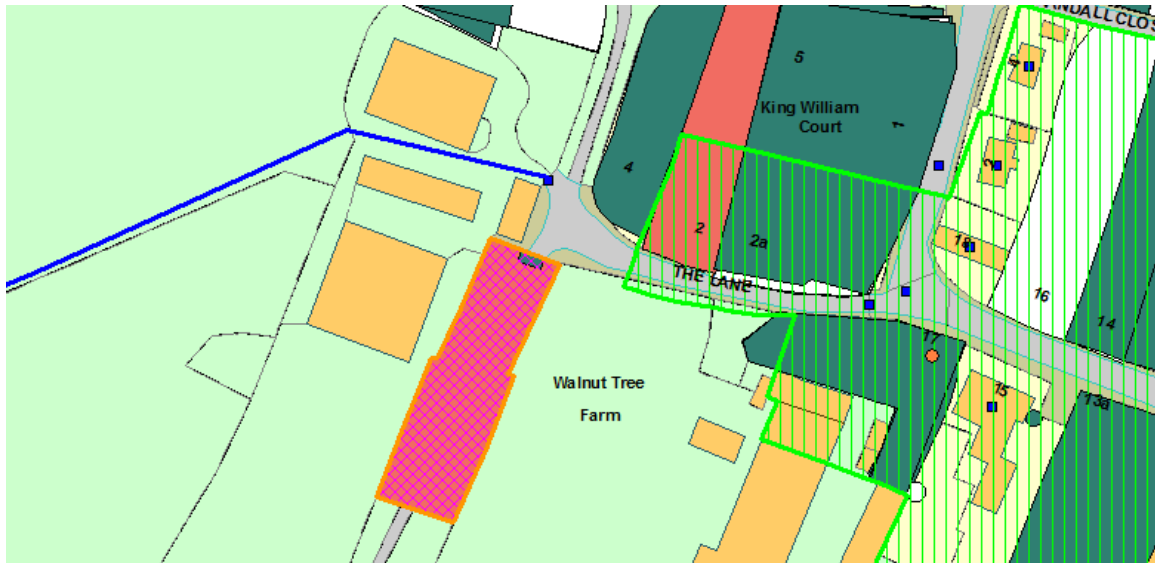


Reference: 18/00271/OUT
Date submitted: 02.03.2018
Applicant: Mr and Ms Featherstone and Harvey
Location: Land To The South Of The Lane, Barsby
Proposal: Demolition of barns and erection of one two storey dwelling, including access



Introduction:-

The application seeks outline planning permission with all matters reserved for the erection of one dwelling on land off The Lane, Barsby.

Being an online application, limited details have been provided on its appearance however an indicative plan shows a three bedroom property with a three bay garage. A protected species survey has also been provided.

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

- **The proposed location being an unsustainable location.**
- **The weight that can be attached to Emerging policy SS3 of the Melton Local Plan 2011-2036.**
- **Whether there is an essential need for a rural worker to live at their place of work.**

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

Relevant History:

13/00204/FUL - Erection of gates Permitted on 11.02.2014

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

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>	<p>Noted. The proposal whilst in outline form does make provision for suitable parking and turning to be achieved on this site.</p>
<p>Ecology The ecology report submitted in support of this</p>	<p>Should permission be granted a condition could be</p>

application (CBE Consulting, February 2018) is satisfactory. No protected species were identified. However, we would recommend that a note to applicant is added to any permission granted to draw the applicants' attention to the recommendations in the report.	imposed to ensure works are carried out in accordance with the submitted report.
Parish Council: No objections to the proposal, however would like to raise concern that the Lane is particularly narrow and given the recent increase in the number of properties along The Lane, is there adequate access from emergency vehicle/services?	Discussions have been held with Building Control who do not object to the proposal in terms of emergency and service vehicles.

Representations:

The application was advertised by way of a site notice at the application site. As a result of the consultation 2 letters of objection were received and 10 letters of support were received.

Consideration	Assessment of Head of Regulatory Services
<p>Character of the area</p> <p>The proposed development is to be located within an area of land which currently contains agricultural buildings. These being in keeping with the landscape and locality. The proposed large property would have a negative visual impact upon what is otherwise beautiful rolling countryside as such out of character for the area.</p> <p>Barsby is a conservation area and I do not consider that this proposal meets the criteria as set out in the Barsby Conservation area document and management plan.</p> <p>I have concerns that the size of the dwelling placed on such a prominent position on the hill, will have a detrimental impact on the view of the village from the South Croxton Road, it will also have an affect on views of the quintessential Leicestershire rolling countryside.</p> <p>In preparation for this application being made the applicant has cleared land at the bottom of the proposed site – I would suggest that this is to relocate the barns that he intends to demolish to ensure that land meets his current needs or to allow for future development of the land. However in do so will have a detrimental impact on the view of the village.</p>	<p>The site forms part of the edge of the village and is part of its rural setting, the demolition of the existing barns may be seen as betterment, however the siting of barns in these locations are common and are a feature of the rural character of the area.</p> <p>The application site sits outside of the Conservation Area and whilst these comments are noted the visual impact of a dwelling in this location could potentially be viewed in the same context as the existing barns.</p>
<p>Design and Housing Need</p> <p>The proposed development is out of scale and character in terms of size and appearance. The house is of large proportion and should therefore be treated the same way as the adjacent application 17/01558/REM; the originally approved dwelling was restricted in order to meet an identified need of both the applicant and the wider housing need of Melton Borough. As such this proposal is contrary to part 6 of the Nation Planning Policy framework which aims to deliver a wide choice of high quality homes, in particular paragraph 50 which</p>	<p>The application is in outline form with only access for consideration at this time, should permission be granted the design and final details of the dwelling would form a Reserved Matters application and would be considered accordingly.</p>

<p>seeks to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.</p> <p>The house its self is very large for 2 people to live in and should therefore be treated in the same way as the adjacent application 17/01558/REM</p> <p>The proposal would create a large 4/5 bedroom dwelling and is therefore not in accordance with the approved outline scheme which was restricted following an amendment, to a three bedroom dwelling. The originally approved dwelling was restricted in order to meet an identified need of both the applicant and the wider hosing need of Melton Borough. As such, the proposal is contrary to part 6 of the national Planning Policy Framework which aims to deliver a wide choice of high quality homes, in particular Paragraph 50 which seeks to identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.</p> <p>This is only at outline stage however the size of the master bedroom looks as if it will be split into 2.</p>	
<p>Highway Safety and access</p> <p>The Lane is a single track road which only allows for one way traffic as such it is not suitable access for the proposed development especially in light of recent development which has significantly increased the traffic on the lane-causing disruption and access issues.</p> <p>The Lane used to serve No.2 No.4 and Barsby farm which meant for a maximum of 4 vehicles and farm traffic. Approximately 10 years ago the development of King William Court added an additional 2 properties to the access end of the lane. Last year another three properties were granted permission each with 3 vehicles, so the volume of traffic has gone from 4 plus farm traffic to potentially 20, plus farm traffic which does not account for any visitors vehicles.</p> <p>I do not consider that the Lane can realistically sustain any more vehicles. This is evidenced by the destruction of the grass verge which previously supported wildlife both flora and fauna. This has been caused by the increased traffic squeezing past utilising both the pavement and the verge. This didn't happen before planning was granted for three dwellings at the end of The Lane at Barsby Farm. My concern being the Lane is already over developed in relation to its width.</p> <p>The application form has been ticked "No" for is there a new or altered vehicle access proposed to or from the public highway? Yet the drawings show the access has been moved and state's re position access as per LCC Highway requirements</p>	<p>The access has been considered within the remit of standing advice produced by the County Highway Authority. Given that access is already available to the site the cumulative impact of one additional dwelling is not considered to have a detrimental impact upon the access point.</p> <p>Conditions could be imposed to ensure that works are carried out to improve the existing access point should permission be granted.</p>

<p>The Lane used to serve No.2, No.4 and Barsby Farm, (Max 4 vehicles and farm traffic) and is structured to do so. Circa 10 years ago the King William Development added an additional 2 properties to this lane, (5 bed properties another 5/6 cars).</p> <p>Last year another 3 properties have been added to The Lane at Barsby Farm. (3 cars each), The 3rd being only having outline at present.</p> <p>So the volume of traffic has gone from 4 plus farm traffic to potentially 20, plus farm traffic excluding the 3 vehicles proposed by this application and this has not accounted for deliveries and visitors etc. for all these properties.</p> <p>The Lane cannot sustain any more vehicles, it is a single track road in a poor condition, due to the increase in traffic with the new neighbouring properties.</p>	
<p>Justification</p> <p>There is no business or other reason for the proposed dwellings. The recent approved applications for three houses on the land at the end of the lane was granted on the basis of the farmer requiring support with the land and animals on that site. The applicant in this case, currently stores equipment at this site but his small number of livestock is located in a barn along Gaddesby Lane. As such his current property on Baggrave end in Barsby provides the same level of access to the livestock as this proposed location site would.</p> <p>The justification of the neighbouring plots at Barsby farm was to assist the elderly parents who run the well established farm, that is not a requirement in this case.</p> <p>Granted the applicant does keep a few cattle on fields south of the application and has only recently purchased the land, however his main farm is along Gaddesby Lane which is established and is where he keeps his cattle over the winter period in the barns. Surely if there was anywhere where it would be justifiable to build a property, it would be on this farm, so long as the business plan could highlight the requirement for a property to be onsite and sustain it. Most of the applicants land is rented and therefore keeps his cattle wherever he can get grazing.</p> <p>I cannot see any justification for change of use of this land or to build a property on it. And certainly cannot see justification to look after the small number of cattle on circa 10 acres of land.</p> <p>I have yet to see the planning justification statement or the Applicants personal statement as these are not online.</p>	<p>The applicant has submitted a personal statement in which they outline that they have lived in Barsby for a number of years and have established a farming enterprise in the village. They also set out it is their intention to be as self sufficient as far as is practically possible.</p> <p>Whilst the intentions of the applicant are noted and are considered to be a benefit to the scheme, it should be noted that the application is in outline with only access given full consideration at this time.</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>Wildlife</p> <p>The area of the proposed development is green land where wildlife and nature thrive including Bats, badgers and foxes all of which I have witnessed in the hedge line of the proposed development. This proposal would significantly affect his by the demolishing of barns, outbuildings, hedgerow and other green land.</p> <p>Another concern that I have is the local ecology within the vicinity, the application has no mention of a Bat survey. I would have thought that this would be most prudent, being so rural with neighbouring farms and with the demolition of existing timber barns and shed. I know for a fact that there are bats in the vicinity as we see them during the summer.</p>	<p>An Ecology survey has been produced and submitted for assessment as part of the application this has been independently reviewed by LCC who raise no objection to the proposal subject to condition.</p>
<p>Other matters</p> <p>By granting such an application you would be setting precedent-authorising applications from any other land owner who wish to demolish outbuildings on their pasture land to make way fro new houses to-this encouraging building outside of village envelopes and developing otherwise green sites.</p> <p>I have no objection to rural development and support it so long as it is done in such a way it meets the correct criteria and the local infrastructure can support it. However overcrowding an already busy small lane, I believe does not meet this criteria. My concerns are if this application gets passed then what is stopping the farmer adjacent at Walnut Farm back filling the field directly informant of mine and the neighbours properties along the lane.</p> <p>I have not received any notification of this application to date.</p> <p>The application was validated on 2nd March but has only been available to view online from the 19th March.</p> <p>The drawings don't show the existing barn opposite, is this being retained or demolished the same as the others.</p> <p>The applicant already resides with his partner in the village less than 600m away. The applicant's house is currently on the market listed as a 4 bed property with roughly 180sqm floor space excluding the garage.</p> <p>The new application states 400sqm proposed floor space. The drawings represent 258 sqm floor space already this is an increase to what they already have, yet supposedly downsizing to a 3 bed?</p> <p>The applicant has also recently cleared a large hard standing area at the bottom of this land, possibly to put up barns in the future to replace the small sheds he</p>	<p>Each application is determined upon its own merit and should future applications be submitted they will be assessed as per the requirements of this application.</p> <p>Residential properties who border the site were notified by letter, a site notice was also placed at the entrance to the site. The consultation period relates to the date of publication, rather than the date of validity.</p> <p>The application site is the land contained within the red outlined site plan, any barns outside of this red line are not considered for development as part of this planning application.</p> <p>The matters of the applicants existing dwelling with regards to size are not a material planning consideration, however Policy D3 of the New Melton Local Plan at part D does require the demonstration of dwellings that meet the requirements of the enterprise near to the premises which would be available and suitable.</p> <p>The existing dwelling would appear to meet this criteria and therefore would add to the weight against the requirement of this proposed dwelling.</p>

<p>wishes to demolish to make room for this application.</p> <p>I notice that he wishes to retain the access past his dwelling down towards the field he has recently purchased, which already have access from the South Croxton Road. Is this access to the bottom going to be for further development down the hill or for more farm machinery to and from some more barns for only a small parcel of land.</p>	
<p>Letters of support</p> <p>The applicant has farmed next to our family farm for a number of years and is a valued member of our community. It is imperative to keep family farms in villages such as Barsby, without them it would become just another faceless commuter village with no heart.</p> <p>The applicants have live in Barsby for the last 27 years, it is imperative that they are located near their stock.</p> <p>The applicant is a good stockman and neighbour and living on site is extremely important for the welfare of his animals.</p> <p>It is only right that local people with a farming connection should inhabit land in the village.</p> <p>Fully support the application to enable the applicants who are already residents of Barsby to live where their livestock farming business is.</p> <p>The house is a necessary addition to the applicant's farm to enable them to be available at all times to ensure the care and safety of their livestock.</p> <p>The applicants are local people and should be able to live where they farm.</p> <p>This is a suitable residence for the location and will have a positive impact on the surrounding area. It is vitally important that local farming industry should be supported as it helps maintain the village's traditional vocations.</p> <p>Farmer needs to be able to live alongside their livestock to provide round the clock care.</p> <p>The applicants are local people that have come from the area and wish to remain in the village. They farm in the village and would like to be nearer to their stock.</p> <p>By building a new home the applicants will be able to remain in the village whilst also being located near to their farm stock which is crucial.</p> <p>Important for any livestock farm for their livestock and dwelling to be situated in one location, this development would be positive for the village.</p>	<p>The local support for the proposal is noted and makes reference to two key elements which are the need for the applicant to be located on the farm and the design of the proposal.</p> <p>Whilst these comments are noted, insufficient justification has been submitted to support these comments. No financial information has been submitted that confirms the existing business is able to support the cost of building a dwelling and other than for reasons of security the need or demand of the dwelling has again not been fully justified, therefore the proposal is viewed and considered as an open market dwelling in the countryside, and as per both Local and National Planning Policy, dwellings should be planned for and built in a sustainable location to which they are not reliant on the use of a motor vehicle to fulfil daily needs such as employment, education and services.</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> <p>The application is in outline form and therefore the design of the proposal cannot be considered at this stage.</p>

<p>The applicants are longstanding residents of the village the proposals are in keeping with the character of the village and would support the ability of a local farming family to live adjacent to the land where they work.</p> <p>I own a plot nearby the proposed property and feel that the design and size of the proposed property fit in well with the others.</p> <p>The proposed building is situated at the very end of the village which until recently was not built on but permission has been given to build several houses on an adjacent site. There is no reason why the proposed construction should not go ahead.</p> <p>It will not be visible from the lane leading to it and the new entrance to it will definitely be an improvement to what is there now</p> <p>Plans show house which fits in well, local couple who wish to keep their farm interests in one place, feel that it will be an asset to the village.</p> <p>As the land and buildings are used by the applicants for their farming business it should be approved, the design and size are appropriate.</p> <p>The end of the village is currently neglected and, the new entrance and a smart new build house will be a marked improvement to what is there now. Permission has been given to build several houses on an adjacent site so there is no reason why the proposed construction should not go ahead.</p> <p>The proposed development will not be overlooked by anyone or block anybody's right of way or view.</p>	
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Other Material Considerations Not Raised In Consultations:

Consideration	Assessment of Head of Regulatory Services
<p>Principle of Development</p> <p>The site lies adjacent to the village of Barsby. When taken from the 1999 Local Plan Village Inset Map the site lies outside the defined village envelope and Policy OS2 is applicable.</p> <p>The NPPF advises that local housing policies will be considered out of date where the Council can-not demonstrate a 5-year land supply and where proposals promote sustainable development objectives it should be supported</p>	<p>The Local Planning Authority can demonstrate a 5 year housing land supply and as such the relevant housing policies are applicable; however, the 1999 Melton Local Plan is considered to be out of date and as such, under paragraph 215 of the NPPF can only be given limited weight.</p> <p>The application is required to be considered against the Local Plan and other material considerations. The NPPF is a material consideration of some significance because of its commitment to boost housing growth. This means that the application must be considered under the 'presumption in favour of sustainable development' as set out in paragraph 14 which requires harm to be balanced</p>

	<p>against benefits and refusal only where “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”.</p> <p>The proposal is considered to conflict with the NPPF and saved policies of the Local Plan in terms of principle, being located within an unsustainable settlement.</p>
<p>The (emerging) Melton Local Plan</p> <p>The new local plan has now completed examination where modifications suggested by the Inspector are now the subject of consultation.</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>Policy SS1 states when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.</p> <p>Policy SS2 sets out the development strategy for the Borough and takes a sustainable approach to the location of new development, noting ‘Rural Settlements’ such as Barsby will accommodate a small proportion of new housing on unallocated sites.</p> <p>Policy SS3 relates to sustainable development on unallocated sites and sets out circumstances where residential development may be supported where a robust case is made with particular emphasis on the need to support residential proposals with a proven local need</p> <p>Policy D3 – Agricultural Workers’ Dwellings Proposals for the development/creation of agricultural/forestry and other rural workers dwellings will be granted so long as it is demonstrated that:</p> <ol style="list-style-type: none"> A. The proposal can be proven to be economically viable. B. The need for the labour is essential, permanent and full time. C. The necessity for workers to live on or in close 	<p>The relatively minimal amount of work required to complete the local plan modifications that do not impact upon the main policies of the plan means the plan can be afforded significant weight.</p> <p>Of particular relevance in assessing the principle of development are policies SS1 to SS3.</p> <p>The proposed development is not considered to accord with the criteria in Policy SS3, especially regarding providing housing which meets a local need as identified in a Neighbourhood Plan or appropriate community-led strategy, housing or assessment.</p> <p>The applicant has not conducted a rigorous assessment to fully encapsulate that a need of this type of housing is required in the local area, nor is there other evidence of need available to support such a proposal</p> <p>The New Local Plan states in regards to Policy D3 that In situations where existing dwellings in the ownership of the applicant have been sold off within the previous 24 months, applications for agricultural/rural workers dwellings may be refused.</p> <p>The Council may use its powers to remove permitted development rights when approving an</p>

<p>proximity to the premises can be adequately demonstrated.</p> <p>D. It can be shown that there are no existing dwellings that could meet the requirements of the enterprise near to the premises which would be available and suitable.</p> <p>E. That the proposal is close to the agricultural/forestry operation, and in circumstances where this cannot be achieved, the development must be in a logical location which will not have a detrimental impact on the landscape and amenity.</p> <p>F. That the development of a new dwelling would not provide an obvious opportunity for infill development.</p> <p>G. That the design of the dwelling, including scale, materials and curtilage would be in keeping with design Policy D1.</p> <p>H. That satisfactory access and services can be provided.</p> <p>I. That public sector expenditure on the provision of infrastructure will not be required.</p>	<p>agricultural/rural workers' dwelling, to prevent future development having a detrimental effect on the local area. Furthermore, on farms which have recently been fragmented, or are soon to be fragmented, planning obligations may be used to tie the dwellings to the farm to prevent them being sold separately.</p> <p>The application is in outline form therefore the bedroom number, facilities and size of the dwelling have yet to be confirmed, however no justification has been submitted to provide the viability or need of the dwelling in this location and therefore the proposal does not meet the criteria as set out within the Policy.</p>
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Conclusion

The application seeks outline planning permission for a dwelling in the open countryside to provide accommodation for the existing farm. The proposal is contrary to Policy OS2 of the Melton Local Plan and Policy D3 of the emerging 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 adequately demonstrated through the application with very little information submitted as part of the application.

The application has therefore not met the functional requirements 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 of 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. Accordingly, the application is recommended for refusal.

RECOMMENDATION: Refuse, for the following reasons:

1. The dwelling hereby proposed is considered to be located in an unsustainable location. Barsby as a village lacks many amenities that facilitate sustainable travel and therefore the proposed occupants are likely to rely on the private motor vehicle, which is against the advice in the NPPF and overall aims in creating sustainable development.
2. The information provided by the applicant in support of the application does not show that the dwelling is required for the operational needs of the business, or that it is capable of supporting a permanent dwelling on site as per the requirements of Policy D3 of the emerging Melton Local Plan and para. 55 of the NPPF.
3. The applicant has failed to identify a required need for the development would meet a local need either identified in a Neighbourhood Plan or appropriate community-led strategy, housing assessment or other source of evidence and therefore is contrary to policy SS3 of the emerging Melton Local Plan 2011-2036.

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

Date: **11th May 2018.**