

COMMITTEE DATE: 27th September 2018

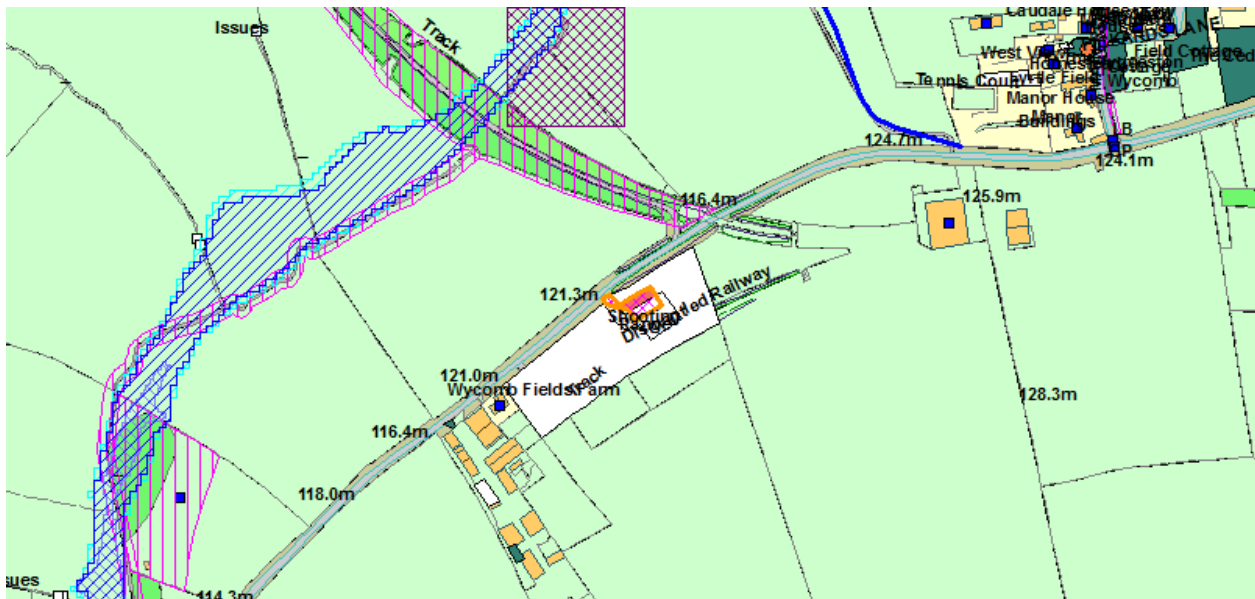
Reference: 18/00882/FUL

Date Submitted: 24.07.2018

Applicant: Mr & Mrs Watchorn

Location: Land off Wycomb Lane Scalford

Proposal: Proposed log cabin for tourism use



Introduction:-

The application seeks full planning permission to erect a log cabin on land north east of Scalford village. The proposed development would be located off Wycomb Lane, outside the village confines of Scalford. The site is approximately 1.km from Scalford and that access to the site will be via Wycomb Lane.

The structure itself will be constructed out of timber logs and be 10 long x7m wide and have a height of 5.5m

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Sustainable development**
- **The role of the emerging Local Plan.**

The application is required to be presented to the Planning Committee due to representations received.

Relevant History:-

08/01014/FUL Erection of utility block, provision for 6 touring caravans and improved access for leisure use - Refused

18/00269/FUL Log cabin for holiday rental. Refused

Planning Policy:-

National Planning Policy Framework

The revised National Planning Policy Framework was published on 24th July 2018. Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. In doing so, the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways:

- An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
- A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- An environmental objective - to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Plan and decisions should apply a presumption in favour of sustainable development. For decision taking this means:

- c) approving development proposals that accord with an up-to-date development plan without delay; or
- d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. 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.

Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. At paragraph 48, Local planning authorities may give weight to relevant policies in emerging plans according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- b) 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
- c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Other relevant policies in the NPPF relevant to this application include:

Supporting a prosperous rural economy

- Planning policies and decisions should enable:
 - a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;
 - c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
- Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

Promoting sustainable transport

- The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- When assessing applications, it should be ensured that:
 - a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users; and
 - c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- Within this context, applications for development should:
 - a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;

c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;

d) allow for the efficient delivery of goods, and access by service and emergency vehicles.

Achieving well-designed places

- The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this.
- Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 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. Conversely, where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
- **In determining applications, great weight should be given to outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.**

Consultations:-

Consultation Reply	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p>Scalford Parish Council - Wish to refer you to their previous points in the response dated 1st May 2018 for the first application for this proposal on this site.</p> <p><i>01/08/2018</i> The Parish Council has discussed this application and in principal has no objection subject to the following points.</p> <ol style="list-style-type: none"> 1) There should be a time limit on each letting of the property. 2) The log cabin should remain as a holiday let for tourist. 3) There is some question in Councillors minds that the ground may be contaminated from previous usage. 4) There is concern over the interior design of the cabin with the shower room (for six people's use) appearing to be accessed through the kitchen. 5) There is concern that this would stay as a holiday let in the longer term. 	<ol style="list-style-type: none"> 1) Should permission be granted the use would be conditioned as a holiday use where a register will need to be kept and made available for inspection. 2) The proposal is for holiday let and any further occupation or use of the site would be considered upon its own merit and through the submission of a further application. 3) There is no record of this being present but a note to applicant on this would be added should permission be granted 4) The bedrooms proposed dictate a specific level of occupancy for the log cabin proposed 5) As per point 2 any revised occupation would need to be considered through the submission of details to the LPA. A register condition would allow for monitoring of this building to be carried out to ensure it remains of a holiday use
<p>LCC Highways</p> <p>The Local Highway Authority refers the Local Planning Authority to current standing advice provided by the Local Highway Authority dated September 2011.</p>	<p>Noted.</p> <p>Access to the site already exists and as part of the proposal will be improved. The site is large enough to accommodate multiple parking areas. In conclusion therefore the proposal is considered to not have a severe impact on highway safety as dictated by the National Planning Policy Framework.</p>

Representations: - A site notice was posted to advertise the application. As a result 11 letters of support were received. A summary of their views and a response is given below:

Representation	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p>Generate Tourism</p> <ul style="list-style-type: none"> • Tourism can only be a positive benefit for the surrounding area and local businesses. • Help to bringing tourists into our village • Will make the existing village businesses more sustainable e.g. Shop/Post Office/Pub/Tea Rooms. • Support numerous events and local amenities 	<p>The generation of tourism remains a fundamental aim of Melton local plan policy. This does however need to be sustainable as guided by the NPPF and the emerging local plan. This is further explained below.</p>

in and around Melton Town.	
Re-use of land <ul style="list-style-type: none"> Provide a useful unit on a site previously used as a clay pigeon shoot. 	The re-use of land is also a crucial part of consideration however the site remains largely undeveloped and therefore any new development, requires careful consideration. There are other wider sustainability implications that are considered to outweigh the limited re-use of the land that is subject to this proposal.
Limited environmental impacts <ul style="list-style-type: none"> There is no negative impact visually or environmentally. Invisible from the road. 	This is noted and it is considered that the proposal would not be overly harmful in the landscape. There are however wider principle concerns over the sustainability of this development that are to be considered alongside this.
Secure site <ul style="list-style-type: none"> The area is safe and secure. 	The site is relatively remote and will have very little if no uses nearby that are able to provide surveillance of this site.
Previous permissions <ul style="list-style-type: none"> Previous application unjustifiably refused. 	The previous refusal was focussed on the location of this development and how devoid of any attachment it has to Scalford village, this is considered again as part of this proposal.

Other Material Considerations:-

Other Material Consideration	Assessment of Assistant Director of Strategic Planning and Regulatory Services
<p>Emerging Local Plan</p> <p>The new local plan has now completed Examination and the Inspector has recently received comments on Modifications. The LPA are awaiting the final report of the Inspector at this time.</p> <p>Paragraph 47 of the NPPF states that:</p> <p>Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing</p> <p>It is stated in paragraph 48 that:</p> <p>Local planning authorities may give weight to relevant policies in emerging plans according to:</p> <p>a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);</p> <p>b) 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</p> <p>c) the degree of consistency of the relevant policies in</p>	<p>The Local Plan has now passed Examination stage following consultation on main modifications.</p> <p>The fact checking exercise following this does not impact upon the main policies of the plan and means the emerging Local Plan can be afforded significant weight.</p>

the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Policy SS1 - Presumption in favour of Sustainable Development

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. 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.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application, or relevant policies or the policies which are most important for determining an application are out of date at the time of making the decision, then the Council will grant permission unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the national planning policy framework taken as a whole.

Policy EC8 – Sustainable Tourism

Sustainable tourism, visitor and cultural development proposals will be supported where they improve the facilities for visitors, including attractions and accommodation subject to the proposal:

1. being of an appropriate scale in the context of the host settlement; and
2. having benefits to local businesses in creating the potential to generate revenues.

Attractions and facilities of a significant scale should be located firstly within the town centre, then on the edge of the town centre, and then at other accessible locations.

Melton Borough Council will support, where appropriate, the restoration of the Grantham Canal. Moreover the Borough Council will resist planning applications which will have an adverse impact on tourism across the Borough, but with particular protection applied to valued attractions such as the Vale of Belvoir, Belvoir Castle and Burrough on the Hill Iron Age Fort, two of the most valued tourist attractions in the Borough.

Larger proposals for tourist attractions/accommodation outside of Melton

The proposed site is considered to be fairly remote with quite comprehensive farming business being the closest development to the scheme. Information has been supplied by the agent to demonstrate that there are very limited connections to footpaths; however access to Scalford cannot be achieved easily due to lack of un-pathed roads and street lighting. There is also a lack of other facilities close by so any journey for the purpose of recreation would require the use of the private vehicle. In this instance therefore on balance the proposal is deemed to not constitute sustainable development.

The application is considered to not represent sustainable tourism owing to its relatively poor connection to the nearest village of Scalford. The scale of the proposal is also not one that would on balance add to the generating of incomes to local businesses. This was a critical reason for it being previously refused and the application has not changed significantly to change this position.

Furthermore, the site is not attached to an existing tourist attraction and would be a new development in the countryside. Tourist development is supported where it responds well to its location. The suitability of the proposal needs to be balanced against the potential harm and benefit of the development in this location.

<p>Mowbray, Service Centres and Rural Hubs may be supported, provided it can be proven to add significantly and demonstrably to the Borough's economic or tourist offer and can be demonstrated that a suitable more sustainable location is not available or practicable.</p> <p>Policy D1 – Raising the Standard of Design All new developments should be of high quality design. All development proposals will be assessed against all the following criteria:</p> <ul style="list-style-type: none"> a) Siting and layout must be sympathetic to the character of the area; b) New development should meet basic urban design principles outlined in this plan and any accompanying Supplementary Planning Documents (SPD); c) Buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design; d) Amenity of neighbours and neighbouring properties should not be compromised; e) Appropriate provision should be made for the sustainable management of waste, including collection and storage facilities for recyclable and other waste; f) Sustainable means of communication and transportation should be used where appropriate; g) Development should be designed to reduce crime and the perception of crime. h) Existing trees and hedges should be utilised, together with new landscaping, to negate the effects of development; i) Proposals include appropriate, safe connection to the existing highway network; j) Performs well against Building for Life 12 or any subsequent guidance and seeks to develop the principles of 'Active Design' for housing developments; k) Makes adequate provision for car parking; and l) Development should be managed so as to control disruption caused by construction for reasons of safeguarding and improving health well-being for all. 	<p>The proposal is considered to accord generally with Policy D1, however it should be noted that due to the cabin style of the proposal it is unable to meet all of the required principles.</p>
<p>Application of the NPPF</p> <p>Paragraph 2 of the NPPF states: Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.</p> <p>Paragraph 10 states that: So that sustainable development is pursued in a positive way, at the heart of the Framework s a presumption in favour of sustainable development.</p> <p>Paragraph 11 continues to state that sustainable</p>	<p>The application is required to be considered against the Development Plan and other material considerations. The NPPF is a material consideration of some significance because of its commitment to boost housing growth and guidance on relevant policies.</p> <p>The proposed application is considered to not accord with the overarching principles of sustainable development.</p>

<p>development for decision making means:</p> <p>c) approving development proposals that accord with an up-to-date development plan without delay; or</p> <p>d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date , granting permission unless:</p> <p>i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or</p> <p>ii. 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>Supporting a prosperous rural economy</p> <p>Paragraph 84 states that Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing Settlements, should be encouraged where suitable opportunities exist.</p>	<p>The proposal does not exploit any opportunities to make the location more sustainable and due to its size is not able to mitigate the isolation of the site from the built up settlement.</p> <p>The emerging Local Plan is now at a stage whereby modifications have been sought, none of which relate to Policy EC8 and it is therefore considered that the Policy is in line with the overarching aims of the Revised National Planning Framework 2018.</p>
<p>Scaford Dalby Neighbourhood Plan</p> <p>There is no neighbourhood plan applicable for Scaford.</p>	

Conclusion:-

At the heart of decision making is ensuring that all proposals are truly sustainable as guided by the NPPF; this includes applications for buildings that are specifically designed for the purpose of tourism. Owing therefore to this application site being located away from any village centre with no connection to any facility appears to represent unsustainable development and tourism which is contrary to the guidance contained within both the emerging Local Plan and the revised National Planning Policy Framework.

Recommendation: - Refuse due to the following reason:-

The application site is not considered to be in a sustainable location due to the distance from the nearest facilities and services, the absence of nearby public transport and the inaccessibility to the nearest public rights of way which connect the nearest settlements and tourist attractions. The proposed log cabin site would lead to an increase in vehicle movements for the need of tourist/campers to reach services and tourist attractions.

The proposal therefore does not represent sustainable tourism development and would therefore not comply with policies OS2 of the Melton Local Plan and SS1 and EC8 of the emerging Melton Local Plan (Submission Version Oct 2017) and in conflict with planning guidance contained in Section 6 Supporting a prosperous rural economy and paragraph 11 of the revised National Planning Policy Framework (NPPF).

Officer to Contact: Mr Glen Baker-Adams

Date: 14th September 2018