

Reference: 15/00416/FUL

Applicant: Mr & Mrs G Denny

Location: The Old House Farm Sutton Lane Cadeby

Proposal: Cessation of the architectural salvage and reclamation yard and removal of the existing poultry buildings for the erection of 8 dwellings and associated works

RECOMMENDATION:- Refuse planning permission.

Introduction:-

This application is to be considered at Planning Committee at the request of the Chief Planning and Development Officer.

Application Proposal

The application proposes the demolition of the existing poultry units on the front portion of the site, and the erection of eight dwellings on both this front portion and land to the rear which is currently used as a salvage and reclamation yard. Planning permission has previously been granted for the conversion of the existing single storey poultry buildings on the front portion of the site into five dwellings.

The new dwellings would be positioned around an open courtyard that would contain a feature landscaped area in its centre. The buildings would range between single to two and a half storeys in height, with associated single storey garages and landscaping. The car parking would be provided within the courtyard to the front of each unit. The existing access to the site from Sutton Lane would be retained. This would split within the site to allow vehicles to access a private driveway linking to land at the north and east of the site. Each unit would have private gardens.

Site and Surrounding Area

The application site comprises a square parcel of land with an area of 1.13 hectares (2.8 acres). The site has an existing double access off Sutton Lane towards the western end of the highway facing boundary. The farmhouse associated with the holding is sited to the north of the site and is served by the same access. Mature native hedgerow forms the northern, western and southern boundaries of the site. Internally the site is subdivided into two distinct parcels of land, each with differing uses. A mature belt of conifers divides the site. The eastern (rear) boundary of the site is demarcated by a close boarded timber fence and vegetation.

The original site comprised of agricultural land, with four poultry units. The existing buildings are single storey in nature, with low eaves and ridge heights with shallow pitched roofs.

The western section of the site comprises that on which the four poultry units are sited. It is understood that the poultry enterprise and therefore the use of these buildings for their intended (agricultural) purpose ceased in roughly 2004. As illustrated by aerial photography taken in 2006 it is apparent that the use of these buildings for the storage of building materials had commenced at this time. From this evidence it is also clear that the existing farmstead had been extended unlawfully into the undeveloped countryside to the north and that new boundary treatment (close boarded fence and hedgerow) had been erected. A reclamation/salvage business has been operated from the eastern section of the site. No

buildings have been erected in association with this use; this section of the site solely involves the storage of building materials.

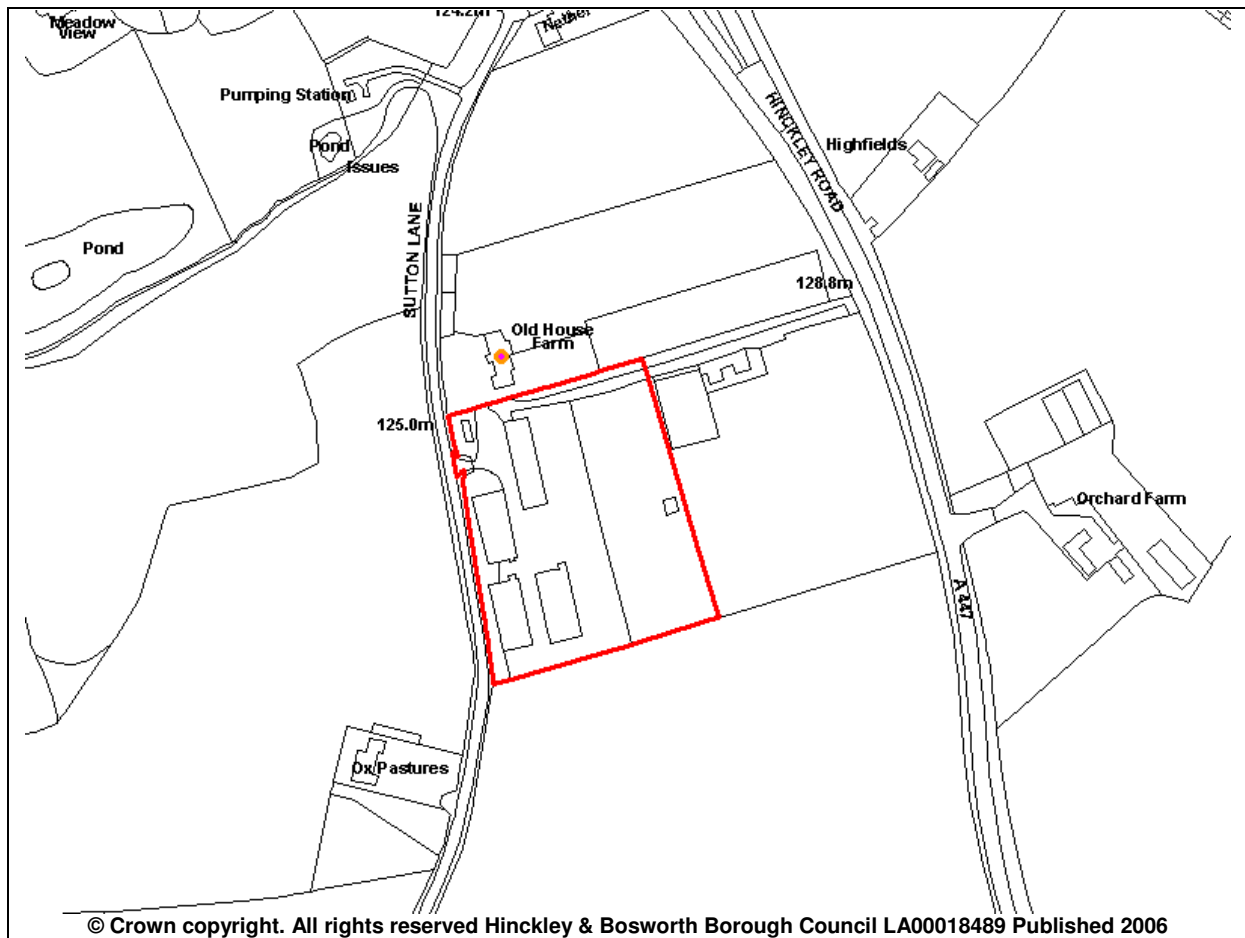
During the timescale of the previous submission, the section of land to the east, from which the reclamation business is operated was cleared and the use ceased. In the interim period, prior to the submission of this scheme, the use has recommenced this land. It is possible that the salvage and reclamation yard is unlawful and therefore could be liable to enforcement action.

Relevant Planning History:-

87/01279/4	Erection of agricultural bungalow for use in connection with poultry farm	Refused	23.02.88
88/00839/4	Erection of a new bungalow	Grant	23.08.88
81/00808/4	Extension to no 3 broiler house	Grant	22.09.81
94/00238/FUL	Erection of a poultry house	Grant	19.04.94
94/00354/FUL	Poultry house	Grant	24.06.94
97/00818/TEMP	Retention of portable building for	Grant	11.12.97
01/00769/FUL	Removal of agricultural occupancy condition	Refused	10.10.01
14/00286/FUL	Conversion of existing buildings to form 5 residential dwellings with associated works	Grant	12.01.15

Technical Documents submitted with application

Ecology Survey
Planning Statement
Design and Access Statement



Consultations:-

Cadeby Parish Council has objected to the planning application, raising the following issues:-

- a) the proposal does not comply with the Development Plan
- b) planning permission has been granted for a previous scheme for the conversion of the existing agricultural buildings on site, which is appropriate to the rural location and setting
- c) the development would be unsustainable
- d) the site is situated outside of the settlement boundary
- e) proposal would lead to a 12% increase in the total number of dwellings to the village
- f) Cadeby lacks the services to accommodate the increase in housing
- g) no land in or adjacent to Cadeby is identified for new housing within the Hinckley and Bosworth Borough Council Site Allocations Document
- h) new builds would not be in keeping with the rural character of the village
- i) the development would occupy a significantly greater area of the site than the area occupied by the existing agricultural buildings
- j) the proposed dwellings would be two storeys, and therefore would appear prominent along Sutton Lane. The scheme would have a detrimental visual impact on the rural setting and gateway to the Conservation Area
- k) would be contrary to the Cadeby Conservation Area Management Plan, which describes Sutton Lane as providing a "pleasant entry into the village that gives rise to views of farm outbuildings"
- l) the Conservation Area Appraisal Map identifies views from Wood Lane towards the application site that should be protected
- m) concerns with highway safety for both pedestrians and drivers, as Sutton Lane is a substandard road with no street lighting or footpath

- n) development would lead to an increase in housing along Sutton Lane of almost 300%, which would result in a significant increase of vehicle and pedestrian movement along the lane
- o) concerns with drainage of surface water into the existing sewer system.

A petition has been received with 43 signatures, objecting to the application. The following objections have been raised:-

- a) Lack of safety and suitable access to the site via Sutton Lane which has 6 blind bends situated to the North and South of the proposed access, is very narrow having no central demarcation, is a busy “rat-run” between Bosworth, the Fenn Lanes and the A5, is used by large commercial and farm vehicles, has no speed limit, vehicle weight restriction, footpaths, or street lighting. Vehicles are unable to pass each other without difficulty. Safety mirrors have been erected by residents in order to combat the winding nature of the road. The road is currently unsafe to be utilised by pedestrians and cyclists, thus using the road as access to bus routes or Cadeby Village would be dangerous. The proposal would result in the increase in vehicle numbers utilising the road, which is already unsafe
- b) Drainage of the site. The village drainage system is already inadequate. When overwhelmed, the pumping station discharges foul waste into the watercourse resulting in noxious smells and environmental damage. Wood Lane floods frequently when drains are overwhelmed. The development would ultimately add to the existing problems with drainage
- c) Contravention of the Conservation status of Cadeby as defined by the “Cadeby Appraisal” and the resulting “Long Term Strategy for the Village”. “Protected views” from “listed and historical buildings” would be lost. “Gateways” in Sutton Lane would be detrimentally changed. “The transition to the countryside” in Sutton Lane would be detrimentally changed. There would be significant change in the protected “character” of the village by the large footprint, height, design, access visibility splay and location of this development. The proposed development is outside of the settlement boundary, and of such a size as would change the “centre of gravity” of the village away from the “heart of the Conservation Area and the intersection between Main Street and Wood Lane”.

Additionally, objections have been received from 9 neighbouring properties, raising the following issues:-

- a) would result an unacceptable increase in traffic to substandard Sutton Lane
- b) would have a detrimental impact on the conservation area
- c) the proposed designs of the dwellings would not be in keeping with the existing single storey buildings on site, and thus would detract from the character of the village
- d) proposal would set a precedent for future development outside of the settlement boundary
- e) concerns with sewage and drainage on the site, and adding to the existing problems with drainage within the village
- f) Cadeby lacks the services to accommodate the increase in housing
- g) development would result in the loss of the “small village community”
- h) original planning permission for the conversion of the existing agricultural buildings on site was not intended to be carried out, and was a used as a gateway to the submission of the current application
- i) development would be an eyesore
- j) members of the public were not given the opportunity to present their views on the proposal
- k) surrounding housing developments within Market Bosworth, Newbold Verdon and Desford are better equipped to accommodate an increase in housing

- l) Sutton Lane has no street lighting or pavements to accommodate additional pedestrian footfall
- m) would result in a 12% increase to the population of the village
- n) size of the proposal would be overwhelming and oppressive
- o) development would result in the erection of 3 storey buildings, which is out of character with the existing area
- p) the site is agricultural land.

Leicestershire County Council (Highways) has raised the following objections to the application:-

- a) the opportunities for sustainable transport modes have not been taken up/ there are no opportunities for sustainable transport modes
- b) safe and suitable access to the site cannot be achieved for all people
- c) improvements have not been offered within the transport network that cost effective limit the significant impacts of development
- d) failure to demonstrate that proposal will be in a location where services are readily and safely accessible by walking, cycling and public transport.

Environmental Services (Drainage) have requested the submission of a Flood Risk Assessment for the application, in accordance with the NPPF.

No objections subject to conditions have been received from:-

Leicestershire County Council (Ecology)
 Severn Trent Water Limited
 Street Scene Services (Waste)
 Environmental Health (Pollution)

Development Plan Policies:-

National Policy Guidance

National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)

Site Allocations and Development Management Policies Development Plan Document – Submission Version December 2014

Policy DM4: Safeguarding the Countryside and Settlement Separation
 Policy DM10: Design of Developments

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
 Policy NE5: Development in the Countryside
 Policy RES5: Residential Proposals on Unallocated Sites
 Policy T5: Highway Design and Vehicle Parking Standards

Supplementary Planning Guidance/Documents

New Residential Development (SPG)

Appraisal:-

The site is situated within the countryside as defined on the adopted Local Plan Proposals Map.

The NPPF states that the Local Plan is the starting point in the determination of planning applications unless material considerations indicate otherwise. In this case the Local Plan constitutes the emerging Site Allocations and Development Management Policies (SADMP), the Hinckley and Bosworth Local Plan (2001) and the Core Strategy (2009). The NPPF is also a material consideration in the determination of this application.

As the site is situated outside the settlement boundary of Cadeby, there are no applicable land-use policies within the Core Strategy of relevance to whether the proposal is acceptable in principle.

In relation to local policies, as the SADMP is at an advanced stage of adoption, the policies within it can be attributed weight in the determination of the scheme. In addition saved policies of the Local Plan are also applicable. Policy DM4 (Safeguarding the Countryside and Settlement Separation) of the SADMP will replace Policy NE5, Development in the countryside and Policy RES5, Residential proposals on unallocated sites are the most relevant when considering whether this a residential scheme is acceptable in principle.

The release of the NPPF and its presumption in favour of sustainable development requires Local Plan policies to be considered in terms of their consistency with this presumption and for weight to be attributed accordingly.

Policy NE5 seeks to protect the countryside for its own sake; and designate appropriate development in rural areas outside of settlement boundaries which are generally considered to be unsustainable, criterion a – c and i – iv are considered broadly compliant with the NPPF and as such are attributed weight in the determination of this application.

Policy RES5 relates to residential proposals on unallocated sites and suggests that residential development will not be granted unless it is within a settlement boundary. The intent of this policy is to direct development to the most sustainable locations, which is in accordance with the NPPF and as such weight is attributed to it in the determination of this application.

In relation to new residential development within the countryside, Paragraph 55 of the NPPF is most relevant. This suggests that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. It continues that local planning authorities should avoid new isolated homes within the countryside unless there are special circumstances. These include the provision of rural workers accommodation; where the development would result in the optimal viable use of a heritage asset; where the development would re-use redundant or disused buildings; or due to the exceptional quality or innovative nature of the design of the dwelling. In relation to the final point, further clarity is provided. It is suggested that such developments should be truly outstanding or innovative, should reflect the highest standards in architecture, significantly enhance the immediate setting and be sensitive to the defining characteristics of the local area.

There is a clear conflict between the proposed development in relation to policies of the Local Plan and the emerging SADMP, in that the development does not fall within one of the categories of acceptable types of development as cited within these policies, nor is the site considered to be in a sustainable location, by virtue of its countryside location, as required by Policy RES5.

Notwithstanding the conflict of the proposal with Policy NE5 and RES5 of the Local Plan, as the scheme proposes new residential development within the countryside, evaluation in accordance with the final point of paragraph 55 of the NPPF must be undertaken along with consideration of any other material planning considerations.

The site comprises a vacant poultry enterprise and unauthorised salvage and reclamation which may be unlawful. The general appearance of the site is untidy and the existing timber poultry sheds are in a poor state of repair. The scheme proposes to clear the entire site, demolishing all buildings associated with the historic agricultural use and to re-develop the site through the erection of eight new dwellings.

The dwellings would be arranged in a courtyard formation, following a simple rectangular footprint. Internally there would be a central landscaped feature. Parking would be to the frontage of the development arranged around the landscaped feature and private amenity space would extend to the sites external boundaries. The development would vary in scale between one and a half to two and a half storeys. The variation in ridge and eaves height and the incorporation of architectural detail including header and cill detail, brick plinths, decorative brickwork and chimney stacks along with the use of quality materials may result in a well designed scheme.

Paragraph 55 of the NPPF sets out how local planning authorities should deal with proposals for housing in rural areas. It advises that new isolated homes in the countryside should be avoided unless certain criteria are met. This includes the re-use of redundant or derelict buildings. This weighed in favour of approving the previous scheme on the front portion of this site.

Another criterion of Paragraph 55 to allow development in rural areas is where the development proposes a development of exceptional quality or innovative design. In this case, the re-development of the site and the incorporation of additional landscaping and remediation would help to enhance the site's immediate setting. The intention to provide 'green technologies' in the construction of the development would also be positive. However, it is not considered that this is a scheme that is outstanding or innovative and therefore in this respect it could not be argued that the requirements of Paragraph 55 are satisfied.

The surrounding area is rural and undeveloped in character, aside from isolated buildings associated with agriculture. Mature native hedgerow provides a strong highway boundary to this narrow country lane and where buildings do exist, these are predominantly single story. By virtue of its scale, form, volume and design, notwithstanding that the scheme has been attractively designed, it would not be sensitive to the defining characteristics of the local area. Based on the above, the development can not be considered as adhering to the requirements of Paragraph 55 of the NPPF.

In the supporting statement, the applicant suggests that there are special circumstances relating to the scheme that would override the in principal policy objection to the development. The site is considered by the agent to comprise of brownfield (previously developed) land and this has been weighed paramount to all other considerations in the acceptability of the scheme.

The Government's intent in relation to the development of brownfield land for housing has been made clear in various ministerial statements and publications including *'Building More Homes on Brownfield Land'* January 2015.

The definition of previously developed land (Annex 2 of the NPPF) is as follows:-

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes:

- land that is or has been occupied by agricultural or forestry buildings;*
- land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures;*
- land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and*
- land that was previously-developed, but where the remains of the permanent structure have blended into the landscape in the process of time”.*

As mentioned, the application site can be defined as two halves. The western section comprises the historic farmstead. As this land has been occupied by agricultural buildings, in accordance with the above definition it can not be defined as previously developed land. The eastern section comprises a parcel of agricultural land on which building materials have been stored over a period of time. There is no built development associated with this parcel of land and in any event it is uncertain as to whether this is lawful. Consequently, this land is not currently and has not historically been occupied by a permanent structure and as such does not fall within the definition of previously developed land.

Regardless of whether or not the application site falls within the above definition of previously developed (brownfield) land, the publication continues, outlining what would be considered as ‘suitable’ sites for residential development. Suitable sites are defined as those free from constraint, either physical, environmental or policy related, where any mitigation required would not impact upon viability. Contaminated land should also be excluded if mitigation would compromise viability.

Based on the information available, there are known environmental and policy constraints to the development of the site and it is highly likely, given the site’s historic agricultural uses that there would be contamination issues. Accordingly, the site is not one that could be considered ‘suitable’ for new build residential development.

Planning Balance

Based on the above account, there would be benefits derived from the re-development of the site. The site would be remediated and environmentally upgraded and additional housing stock would be provided in the locality. However the development of eight new dwellings in this isolated location would detrimentally alter the character and openness of this area of countryside and the form and amount of new development proposed would appear incongruous in the landscape. The development would be unsustainable by virtue of its distance from services and infrastructure, would be reliant on car travel and it could not be argued that it would help sustain the vitality and viability of the nearest local rural centres due to the distance from them. Furthermore the proposal would not result in the reuse of exiting buildings and would not provide a mix of housing suitable for the whole community. Neither the NPPF or other ministerial guidance indicates that the development of this site for housing would conform with government policy.

In terms of the benefits associated with the site’s re-development, by virtue of the extant permission for the conversion of the poultry buildings to dwellings, there is already a sustainable solution in place to achieve this.

As such there are no overriding material considerations that would result in this scheme for eight new dwellings in the countryside being acceptable.

The development is considered to be unsustainable development, contrary to Policy DM4 of the emerging Site Allocations & Development Management Policies DPD, Policies NE5 and RES5 of the Local Plan and Paragraph 55 of the NPPF.

Design and Character

Policy BE1 (criterion a) of the Local Plan and Policy DM10 of the emerging SADMP seeks to ensure that proposals complement or enhance surrounding development through materials, design and architectural features. Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development.

The scheme is considered well designed, with good architectural detailing, symmetry and proportionality. However when considered in context, the scheme would appear incongruous in the landscape, would compromise its historic setting and would introduce an unacceptable level of new built development which would compromise, to a detrimental level the openness and character of this landscape area. As such the development would be contrary to Policy BE1 (a) of the Local Plan and DM10 of the emerging SADMP.

Residential Amenity

Policy BE1 (criterion i) of the Local Plan and Policy DM4 of the emerging SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.

The closest dwelling to the site would be the farmhouse associated with the enterprise located to the north. As a result of the mature hedgerow running along the northern boundary of the site, along with the separation distances and orientation of the new dwellings and the existing farmhouse there are considered to be no materially harmful impacts in terms of overlooking, overshadowing or overbearing. Furthermore, as the scheme would result in the cessation of an agricultural/commercial enterprise, the proposal raises no concerns in terms of noise and disturbance over and above existing impacts.

Affordable Housing

As the site is within a rural area, Policy 15 of the Core Strategy would be applicable. This states that in rural areas, developments providing more than 4 dwellings or with a site area in excess of 0.13ha would be required to provide 40% affordable housing with a tenure split of 75 Social rented and 25% intermediate housing. There is a confirmed need within this area for the provision of affordable units and as such this obligation is considered necessary and would be sought if the scheme were considered acceptable. While the provision of affordable housing on this site weighs in favour of the scheme, this does not outweigh the harm as set out above.

Highway Safety

Saved Policies T5 and BE1 (criterion g) and NE5 (criterion iv) of the Local Plan seek to ensure a high standard of highway design and vehicle parking standards, as well as adequate highway visibility for road users.

Leicestershire County Council (Highways) has recommended that the application be refused. The proposal would be served by the existing access from Sutton Lane, which currently serves both the host property and reclamation business. Under the previous application (ref. 14/00286/FUL), LCC (Highways) recommended the application for approval on the basis of the evidence provided within the Vehicle Movement Schedule, which demonstrated that, on balance, the usage of the road to serve the reclamation yard would generate a similar level

of traffic for the erection of five dwellings on the site. The ceasing of the reclamation use in that location weighed in favour of approving the application in traffic generation terms.

However, the current application is for eight dwellings. This would result in the increase in the usage of Sutton Lane. It should also be noted that the previous proposal was scrutinised by LCC (Highways), and was only recommended for approval on the basis of the similarity of the existing and previous vehicular movements along the site. Therefore, taking into account comments from LCC (Highways) as well as the raised objections from the public in regard to highway safety, it is considered that the current proposal would result in an unacceptable increase in pedestrian and vehicular usage of the highway, to the detriment of highway safety.

Contamination

Due to the potentially contaminative past uses of the site, Environmental Health (Pollution) has recommended that prior to the commencement of any development, a scheme of investigation of potential land contamination on the site would need to be submitted to and approved by the Local Planning Authority, including details of how any contamination is to be addressed. Should planning permission be granted, these details would need to be submitted for consideration and approval.

Drainage

In accordance with the NPPF, as well as additional issues raised in relation to the drainage on site, prior to the commencement of any development a Flood Risk Assessment would need to be submitted to the Local Planning Authority for consideration.

Additionally, Severn Trent Water Limited have recommended that prior to the commencement of any development, drainage plans for the disposal of surface water and foul sewage would need to be agreed. A condition securing this would be necessary if the application were acceptable in all other regards.

Other issues

In regard to the comments received concerning the potential increase in the population of Cadeby and the detractor from a "small village community", the provision of eight additional dwellings is unlikely to materially alter the size or character of the village to the extent where a refusal on these grounds could be sustained.

In regard to the comments received concerning the Cadeby Conservation Area, and the consideration of the associated documents, given that the site is not situated within the designated Conservation Area, this can only be given limited weight. Additionally, in regard to the protection of views from Wood Lane, given the existing screening of the site, as well as the untidy state of the site in its current form, it is not considered that the proposal would be detrimental to the Conservation Area in this respect.

In regard to the proposal setting a precedent for future development, all applications are to be appraised on their own merits.

In regard to comments received regarding the intentions of the applicant and the previous application for planning permission, these are not planning matters and therefore cannot be taken into consideration.

In regard to comments received about the lack of consultation with members of the public, the application process has ensured the consultation with members of the public, which is

demonstrated by the level of response from the local community. These views have been fully taken into consideration as part of the assessment of the scheme.

In regard to comments received concerning the suitability of neighbouring settlements for the proposed development as opposed to Cadeby, this is not a planning consideration and therefore cannot be taken into account.

Conclusion

Overall, the proposal for the erection of eight new dwellings to The Old House Farm, Sutton Lane, Cadeby is considered to be detrimental to the character of the countryside and surrounding area, and subsequently unsustainable and therefore contrary to Local Plan Policies NE5 and RES5, Policy DM4 of the emerging Site Allocations and Development Management Policies DPD as well as Paragraph 55 of the NPPF. The proposal would also result in a significant increase in traffic to substandard Sutton Lane, and therefore would be considered unacceptable on the basis of highway safety, and would be contrary to Local Plan Policies T5, BE1 and NE5 of the Local Plan. While consideration has been given to the benefits of improving the condition of the site, this does not outweigh the harm that would be caused. The development is considered to be unsustainable and is recommended for refusal.

RECOMMENDATION:- Refuse planning permission.

In dealing with the application, through ongoing negotiation the local planning authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Reasons :-

- 1 The proposal, by virtue of its location outside of the settlement boundary for Cadeby and being located within an area of designated countryside would result in new residential development in an isolated location remote from services and facilities, resulting in dependency on the private car. The proposal would constitute an unsustainable form of development contrary to Policy NE5 and RES5 of the Hinckley & Bosworth Local Plan 2001, Policy DM4 of the emerging Site Allocations and Development Management Policies Development Plan Document and Paragraph 55 of the National Planning Policy Framework.
- 2 The proposal would result in a detrimental impact upon the character and landscape of the surrounding countryside which is predominantly open and rural in nature, contrary to Policy NE5 of the Hinckley & Bosworth Local Plan 2001, Policy DM4 of the emerging Site Allocations and Development Management Policies Development Plan Document and conflicting with the environmental dimension of sustainability as set out in the National Planning Policy Framework.
- 3 The proposal would lead to the intensification of an existing rural vehicular access with substandard visibility and would introduce new residential development into a location where there are no footways or street lighting. The proposal would cause a detrimental impact upon highway safety contrary to Policy T5 of the Hinckley & Bosworth Local Plan 2001 and the National Planning Policy Framework.

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