

Reference: 15/00992/OUT

Applicant: Jody Kerrod

Location: Holly Cottage Lindridge Lane Desford

Proposal: Erection of one dwelling (outline - access only)

RECOMMENDATION:- Refuse planning permission.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as Cllr Camomile has requested that a decision be made by Planning Committee so that members can consider this unusual application.

The proposal

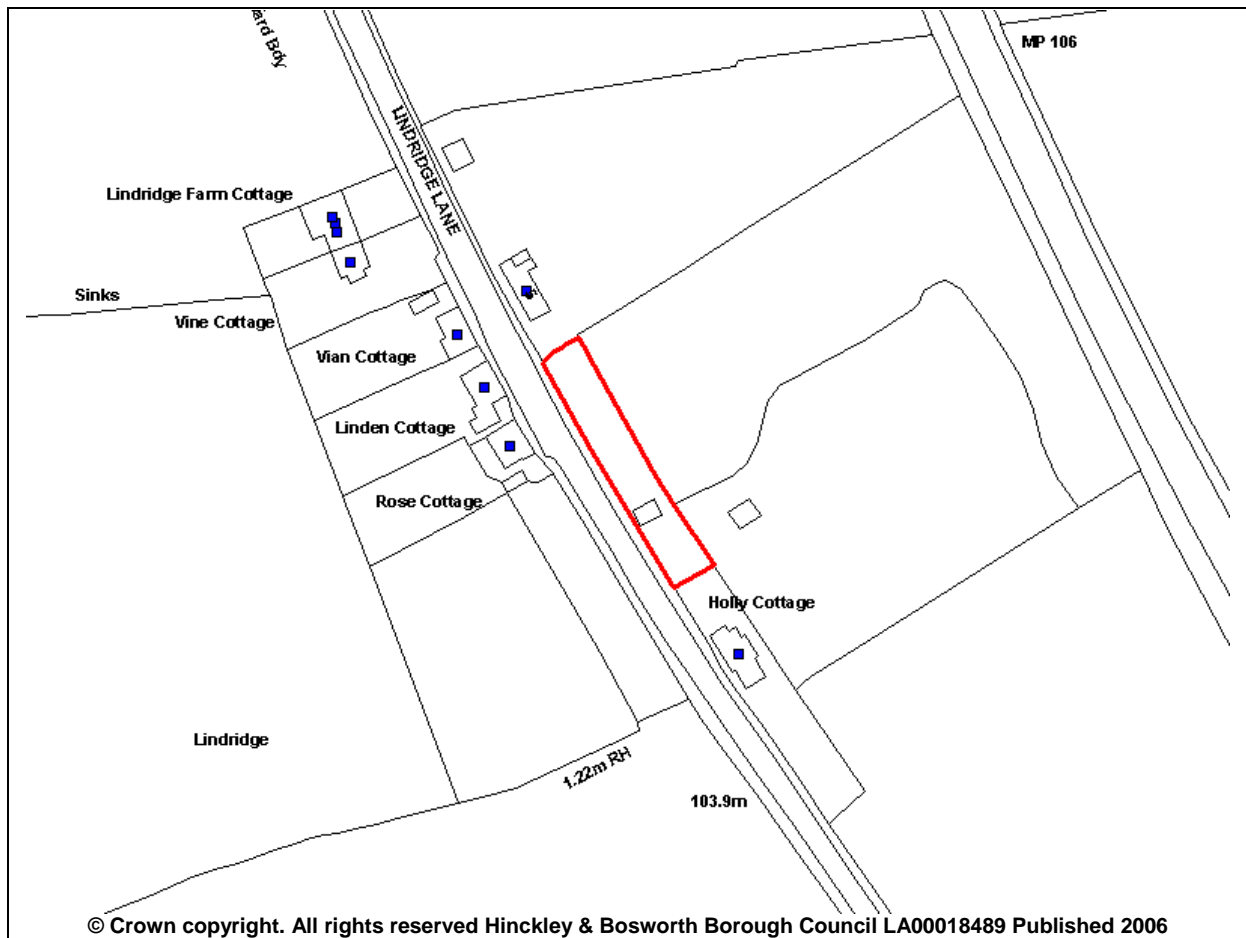
The application seeks outline permission for the erection of one dwelling, with only access to be determined at this stage. The proposed access is off Lindridge Lane which is subject to a 60mph speed limit.

The applicant submitted a revised Design and Access Statement, Applicant Justification and revised plans on 2/12/15. These were consulted upon for 7 days.

The site and surrounding area

Lindridge Lane is a rural road which runs from Desford to the south (approximately 1.75km away) to the Merrylees Industrial Estate to the north (approximately 670m away). The site is within a small group of 7 existing dwellings. The site is located to the east of Lindridge Lane, and to the north of Holly Cottage which is also in the applicant's ownership.

The site is a long thin parcel of garden land, which currently forms part of the large garden of Holly Cottage. The site is adjacent to Lindridge Lane to the west, Holly Cottage and its gardens to the south and east, and number 5 Lindridge Lane to the north. Both neighbouring properties are detached two-storey dwellings. The site is bounded by a mature hedge to Lindridge Lane, and the north and east boundaries are trees/shrubs. The southern section of the site contains a garden building and a pond in the garden of Holly Cottage and so the southern boundary of the site is currently not delineated at all. The site does not currently have access from Lindridge Lane. There is a telegraph pole adjacent to the western boundary of the site, within the highway verge.



Consultations:-

HBBC Environmental Health.

HBBC Waste

HBBC Drainage - Notes to the applicant recommended

LCC Highways - Refer to Standing Advice. Details of the proposed access should be submitted to comply with the visibility, width and surfacing requirements, and appropriate turning facilities.

Severn Trent Water - No objection subject to a condition regarding drainage for surface water and foul sewage.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012

The National Planning practice Guidance (NPPG) 2014

Presumption in Favour of Sustainable Development

Policy 3 Supporting a Prosperous Rural Economy

Policy 4 Promoting Sustainable Transport

Policy 6 Delivering a wide choice of high quality homes

Hinckley and Bosworth Core Strategy 2009

Policy 7 Key Rural Centres

Policy 8 Key Rural Centres Relating to Leicester

Policy 17 Rural Needs.

Hinckley and Bosworth Local Plan 2001

RES5 Residential proposals on unallocated sites
NE5 Development in the Countryside
T5 Highway design and vehicle parking standards
BE1 Design and siting of development
REC3 Outdoor play space for children
DM4 Safeguarding the Countryside and Settlement Separation
DM10 Development and Design
DM17 Highways Design
DM18 Vehicle Parking Standards.

Supplementary Planning Guidance/Documents

New Residential Development (SPG)
Play and Open Space (SPD).

Appraisal

Principle of Development

The Development Plan consists of the adopted Core Strategy (CS) and the saved policies of the Local Plan (LP). The application site is approximately 1.8km outside the defined limits of Desford (as defined on the Local Plan Proposals Map). CS policy 7 defines Desford as a key rural centre. The policy states that in these villages, housing will be supported within settlement boundaries. Therefore, housing outside the boundary is not supported. Policy 7 also states that housing will be supported where it meets rural needs as set out in policy 17. CS policy 17 sets out that where a clear local need arises in the plan period, housing development will be permitted adjacent to the settlement boundary subject to several criteria being met. As the site is not adjacent to the village boundary, and the applicant has not stated how the housing is to meet a local need identified in a parish survey, the proposal does not meet policy 17 either.

CS policy 8 sets out that at Desford, land will be allocated for a minimum of 110 houses, to support local services. The submitted Site Allocations and Development Management Policies DPD (recently examined September 2015) allocates land for 135 dwellings at Desford. The DPD states that the residual minimum housing requirement for Desford has been met.

Saved policy RES5 states that planning permission will only be granted for new residential development on unallocated sites if the site lies within the settlement boundary and the siting, layout and design do not conflict with relevant plan policies. Saved policy NE5 states that the countryside will be protected for its own sake and sets out circumstances in which development in the countryside will be granted. A residential development is not included as such a circumstance. It is recognised that NE5 is not fully compliant with the NPPF in that it protects the countryside for its own sake. However, the site is located outside the settlement boundary and therefore is not the most sustainable location for development.

Emerging policy DM4 is proposed to replace NE5. The policy seeks to protect the countryside from inappropriate development, for its intrinsic value, beauty and open character. Exceptions are listed in the policy and this proposal does not meet any of the exceptions. The policy has been examined and some main modifications are proposed to be published shortly. Therefore limited weight is currently placed on this policy.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that proposals must be determined in accordance with the Development Plan; unless material considerations indicate otherwise.

The NPPF is a material consideration. Policy 3 of the NPPF supports development in the countryside for business, tourism or leisure purposes, or agricultural diversification, but this is not what is proposed.

The Council's published 5-year housing land supply figure is 5.69 years (at August 2015). In the recent appeal decision for Markfield Road, Ratby (dated 9 October 2015) the Inspector agreed with the Council and concluded that it is able to demonstrate a 5 year supply of housing sites. Therefore, in accordance with NPPF paragraph 49, the relevant housing policies set out above, are not considered out of date.

NPPF Paragraph 55 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. The policy also states that LPAs should avoid new isolated homes in the countryside e.g. unless where there is an essential need for a rural worker to live near their place of work. The site is not especially isolated (e.g. it is a short drive to the nearest village), but it is entirely separated from the nearest village by open fields.

The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF advises at paragraph 7 that there are three dimensions to sustainability, economic, social and environmental.

The proposal is for a single dwelling so will have very limited impact on the economy, and will not support growth elsewhere or in the nearest settlement. The development will require built development and the removal of trees and hedgerows and the loss of countryside (greenfield land). The applicant refers to the potential to use green technologies at the new house, but the property is not proposed to be 'zero carbon' for example. Therefore the environmental impact is considered to be negative.

The applicant has put forward a social argument in favour of the dwelling, and this is a material consideration. The applicant states that the dwelling is required to allow for the care of their parents, who live at Holly Cottage. The case put forward by the applicant is that:-

- The applicant currently lives in Glenfield (approximately 6 miles away)
- She wishes to be close to the family to help care for her father (who is in a wheelchair) and mother who does not drive far.
- Her parents may need to move from the family home in the future if she does not live closer.
- She and her husband currently help her parents with shopping, DIY and gardening.
- Moving to an existing property closer to Holly Cottage would not maximise family interaction and support.
- Self builders should be supported.

The applicant states that moving to an existing property, closer to Holly Cottage has been considered. It is stated that limited properties are available, and not of the size and garden size that is wanted for her family.

The case officer acknowledges that there would be some social benefit to the two families, living so close to each other, but this benefit is limited to two families only, and the proposal would have no wider social benefit. There is also no wider economic benefit, as the property is intended to be self build.

Overall, given that the applicant is already living close to the site, very limited evidence has been submitted to show a social justification for the new property, and very limited financial information has been provided to show that the applicant is not able to move to a closer existing property, or extend the existing property, the social justification put forward by the applicant is therefore given little weight. In addition, if planning permission were granted, the site (or a new dwelling once constructed) could be sold at any time to a new occupier. It is not reasonable to grant permission for a new house and condition it to be for the applicant only. The national guidance in the NPPG states that:

'A condition used to grant planning permission solely on grounds of an individual's personal circumstances will scarcely ever be justified in the case of permission for the erection of a permanent building' (Para 15 ID 21a-015-20140306)

The social justification put forward by the applicant is therefore not considered to outweigh the above adopted and emerging local policy which does not support development of single open market dwelling in the countryside. Having considered the NPPF, the development does not constitute sustainable development and this is a material consideration against the proposal.

Access

NPPF policy 4 states decisions should ensure safe and suitable access, and minimise conflicts between traffic and cyclists and pedestrians. Development should be located to give priority to pedestrian and cycle movements and have access to high quality public transport. Policy T5 states the Local Planning Authority will apply highway standards. Emerging policy DM17 requires proposals to be in accordance with the most up to date guidance adopted by the Highways Authority. Emerging policy DM18 states that new development will be required to provide an appropriate level of parking.

The applicant has provided limited plans to support the application. The plans do not demonstrate that a satisfactory access can be provided to the site, which complies with the Highway Authorities standards on site access including visibility splays and turning facilities within the site. It is likely that a visibility splay would require the removal of the mature hedgerow adjacent to Lindridge Lane which would also have a detrimental impact upon the character and appearance of the countryside, contrary to criteria (i) of policy NE5 which requires development not to have an adverse impact upon the appearance and character of the landscape.

The development is located in a rural area with no pavements and so it is not an area where pedestrian and cycle movement is prioritised. There is no local bus service on Lindridge Lane. The nearest bus stop is to the north at Merry Lees Farm, which is served by the number 26 Arriva service from Leicester to Coalville (an hourly service, 6 days a week and not in the evenings). As there is also no footpath to that bus stop, and it is not available in the evening, it is not considered that this will be an attractive service to use. It is highly likely that the occupiers of the new dwelling would be heavily reliant upon car use.

Therefore, it has not been demonstrated that a satisfactory access can be provided and the proposal is not in an area that would promote the use of sustainable modes of transport. Therefore the proposal is contrary to the above policies. It is also likely that the creation of an access would require the removal of the existing hedgerow, which will create unacceptable environmental impacts.

Other reserved matters (appearance, landscaping, layout and scale)

Saved policy BE1 states that development should ensure an adequate degree of amenity and privacy is provided by the space between the buildings. Emerging policy DM10 is

proposed to replace BE1 and states that development will be permitted where it would not have a significant adverse effect on privacy and amenity of nearby residents and occupiers of adjacent buildings, and the amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.

The indicative block plan shows that the proposed dwelling would be located in the centre of the site. The New Residential Development SPG states the minimum distance between dwellings should be 25m. Therefore it is shown that an adequate separation distance is not possible to achieve. All details of the dwelling would be provided at Reserved Matters and this would be secured via condition.

Trees and hedges

Policy BE1(b) states that permission will be granted where the development avoids the loss of vegetation and features which contribute to the quality of the local environment.

As discussed above, the access is likely to require the removal of the hedgerow. There are also trees on the eastern boundary of the site. However, as the land to the east of the site is heavily treed, the loss of some of these boundary trees to enable the development would not be particularly detrimental to the character of the landscape. However, overall the likely loss of the hedgerow to enable the development would be contrary to policy BE1(b).

Play space provision

Saved policy REC3 seeks to secure outdoor play space for children. The level of provision is determined by individual circumstances. The Play and Open Space Developer Contributions SPD sets out the Council's approach to planning applications likely to generate demand for open space and play facilities. Policy 19 of the Core Strategy states the standards to be applied to the provision of green space and play provision.

Policy REC3 applies to developments of 1-20 dwellings. As the site is over 400m from the open space in Desford, no open space contribution is sought.

Conclusion

The proposed development is unacceptable in principle as it is contrary to the Development Plan which seeks to locate housing development within and adjacent settlement boundaries. The applicant has not demonstrated that a satisfactory, safe access can be achieved to the site. The proposal is not considered to be sustainable development as it is likely to have adverse environmental impacts upon the appearance and character of the landscape. The economic and social benefits of the proposal are to the family only (as self builders). These are material considerations in favour of the proposal but their weight is very limited as the positive impacts are limited to this family only.

In dealing with the application, through ongoing dialogue and the proper consideration of the proposal in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the local planning authority have attempted to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application. However in this instance, the matter of the proposed development being unacceptable in principle and not constituting sustainable development means the proposal remains in conflict with the development plan and the application has been refused.

RECOMMENDATION:- Refuse planning permission.

Reason:-

- 1 The proposed development is unacceptable in principle as it constitutes development in the countryside outside of the defined Limits to Development of Desford, contrary to policies 7 and 17 of the Core Strategy, policies NE5 and RES5 of the Hinckley and Bosworth Local Plan and emerging policy DM4 of the submitted Site Allocations and Development Management Policies Development Plan Document. The proposed development is not located where the use of sustainable transport modes can be maximised, and it has not been demonstrated that a safe and suitable vehicular access can be provided. The creation of an access would likely lead to the loss of a mature hedgerow which would have a detrimental impact upon the appearance and character of the landscape. The development would have limited social and economic benefits and a negative impact upon the environment and is therefore not considered to be sustainable development. The proposal is contrary to policies BE1 (b), NE5 (i) and T5 of the Hinckley and Bosworth Local Plan, emerging policy DM10 (d and e), DM17 and DM18 of the submitted Site Allocations and Development Management Policies Development Plan Document and policies 4 and 7 of the National Planning Policy Framework.

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