

Planning Committee 10 April 2018
Report of the Planning Manager, Development Management

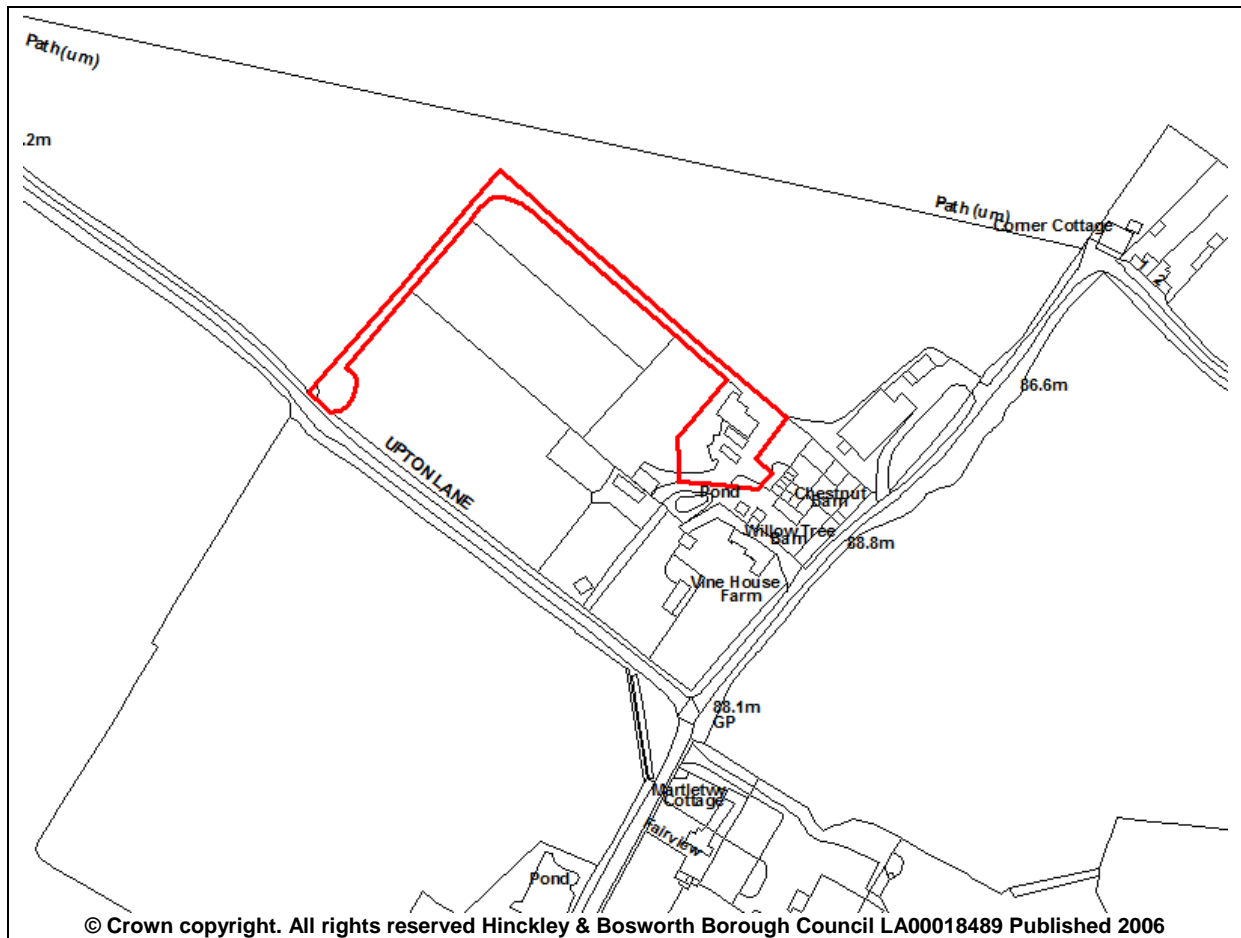


Hinckley & Bosworth
Borough Council

Planning Ref: 17/01268/FUL
Applicant: Anna Vaughan
Ward: Ambien

Site: Meadow Barn Shenton Lane Upton

Proposal: Removal of two mobile homes and residential storage barn and erection of dwelling



1. Recommendations

1.1. **Refuse planning permission** for the reasons at the end of this report.

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of a new dwelling on land currently occupied by two mobile homes, a caravan and an associated residential storage barn.

2.2. The proposed dwelling would be a 1½ storey, three bedroomed detached dwelling that would measure 13.3 metres in width x 7 metres in depth. It would have an eaves height of 3 metres and a ridge height of 6.85 metres. It has a plain rectangular design with modern windows and roof lights. Proposed external materials include Istock Leicestershire Weathered facing bricks, plain clay roof tiles and painted hardwood windows and doors. Access would be from Upton Lane

along an existing narrow unmade private track. The existing structures would be removed to enable the proposed development.

- 2.3. A combined Design, Access and Planning Statement has been submitted to support the application.

3. Description of the Site and Surrounding Area

- 3.1. The application site measures approximately 1560 square metres (not including the access) and is located in the countryside to the north of Upton. It currently comprises two separate mobile homes, another mobile home/caravan and a timber framed storage barn along with areas of hardstanding and grass.
- 3.2. The applicant has obtained a certificate of lawful use for the residential occupation of two of the mobile homes (one for lounge accommodation and kitchen facilities and the other for bedroom accommodation and bathroom facilities) along with residential storage within the barn (reference 16/01052/CLUE). A certificate of lawful use was previously refused for lawful occupation of the two mobile homes as a single dwelling as neither of the structures provided all the normal facilities such that they could be considered to comprise a single dwelling (reference 16/00755/CLUE).
- 3.3. The former farm complex previously included a fourth barn with planning permission for residential conversion but this was demolished. The applicant recently renewed an extant planning permission (reference 17/00147/FUL) to build a replacement new dwelling on an adjacent plot immediately to the south east of the application site where the fourth barn formerly stood. This permission remains extant but has not been implemented.
- 3.4. To the south and south east of the application site there is a former farm house (Vine House Farm), a 2½ storey detached house, two x 1½ storey residential barn conversions (Chestnut Barn and Willow Tree Barn) which front onto Shenton Lane and a single storey range used for garaging and ancillary residential storage. To the north west of the site there is a grassed paddock and agricultural fields to the north and north east.

4. Relevant Planning History

13/00383/FUL	Erection of dwelling	Withdrawn	18.06.2013
14/00176/FUL	Erection of one new dwelling	Withdrawn	16.04.2014
14/00637/FUL	Erection of one new dwelling	Permitted	08.09.2014
16/00755/CLUE	Certificate of lawful use for the existing use of Meadow Barn and associated access and curtilage to be lawfully occupied as a single dwelling house and separate address	Refused	11.11.2016
16/01052/CLUE	Certificate of Lawful Existing Use for the residential occupation of two mobile homes (one for lounge accommodation and kitchen facilities and the other for bedroom accommodation and bathroom facilities), residential storage within the barn and associated access and curtilage at Meadow Barn, Upton Lane, Upton, Leicestershire	Permitted	16.01.2017

17/00147/FUL	Erection of one new dwelling	Permitted	04.04.2017
17/00536/FUL	Removal of two mobile homes and residential storage barn and erection of replacement dwelling	Refused	07.08.2017
17/00898/FUL	Erection of one new dwelling (Resubmission of 17/00147/FUL)	Refused	26.10.2017

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.

5.2. One response received raising the following concerns:-

- 1) Height and distance from existing buildings
- 2) Out of keeping with existing buildings and being clearly visible from Shenton Lane
- 3) Lack of detail submitted in respect of proposed disposal of foul drainage from the site.

6. Consultation

6.1. No objection has been received from:-

Environmental Health (Pollution)
Environmental Health (Drainage)

6.2. Street Scene Services advise that waste and recycling collection is from the public highway and recommend a condition to confirm that adequate space is available at the public highway.

6.3. No response has been received from:-

Severn Trent Water Limited
Sheepy Parish Council

7. Policy

7.1. Core Strategy (2009)

- No relevant policies.

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Sheepy Neighbourhood Plan (SNP) 2017 (Pre-submission consultation draft)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area

- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other issues

Assessment against strategic planning policies

- 8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that 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. Paragraph 13 confirms that the NPPF constitutes guidance and is a material consideration in determining planning applications.
- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The site also lies within the emerging Sheepy Neighbourhood Plan area. However, this is still in development, not yet having been submitted to the local planning authority for comment prior to Examination by an Inspector and subsequent referendum. Therefore, only very limited weight can be afforded to this document at this time.
- 8.4. Policy DM1 of the adopted SADMP states that planning applications that accord with the policies in the development plan will be approved unless material considerations indicate otherwise. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to list a number of categories of development that would be considered sustainable in the countryside subject to meeting a number of other criteria. The categories of development that may be considered to be sustainable in the countryside do not include new residential development unless it is in respect of essential rural worker accommodation.
- 8.5. Paragraph 55 of the NPPF in seeking to promote sustainable development in rural areas expects housing to be located where it will enhance or maintain the vitality of rural communities and states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
- 8.6. Upton does not have a settlement boundary. The application site is located in the countryside, and whilst there are three other dwellings (a former farmhouse and two residential barn conversions) in the vicinity the application site it is isolated in relation to access to everyday services and facilities. The supporting information makes reference to a private caravan site bar which is also open to the public and to a cheese shop and tea room which appears to be open for two mornings a week but other than this Upton lacks everyday services and facilities to serve new dwellings and therefore the proposal would contribute little to maintaining or enhancing the vitality of facilities in Upton. Future occupiers would therefore rely heavily on the private car for transport to surrounding settlements to access everyday services and facilities and one dwelling is unlikely to contribute significantly to the vitality of any services in surrounding settlements. Accordingly the site is considered to be in an unsustainable location for a new dwelling.
- 8.7. The proposal for a new dwelling is not a form of development considered to be sustainable in countryside locations or supported by Policy DM4 of the SADMP and it would therefore be in clear conflict to this adopted, and NPPF compliant, development plan policy for the area. The submitted Design, Access and Planning

Statement fails to assess the proposal in terms of this principle adopted development plan policy relating to development in the countryside.

- 8.8. The proposal does not meet any of the special circumstances highlighted in paragraph 55 and would therefore also be in conflict with the overarching strategic principles of the NPPF with regard to new dwellings in the countryside.
- 8.9. The proposal for a new dwelling in this remote location isolated from everyday services and facilities would be in clear conflict with current strategic development plan policy and national guidance which seeks to protect the countryside from unsustainable and unwarranted new residential development.

Design and impact upon the character of the area

- 8.10. The site is located in the countryside as defined in the adopted SADMP. Policy DM4 of the adopted SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the area generally.
- 8.11. An objection has been received on the grounds that the height of the proposal would be out of keeping with neighbouring existing buildings and would be clearly visible from Shenton Lane.
- 8.12. By virtue of their utilitarian design and appearance, the existing mobile homes are not sympathetic to the rural surroundings but are not permanent structures. The proposed new dwelling would be located to the north west of the former farm complex and its siting would not be well related to the complex. The proposed dwelling has a simple rectangular footprint and a ridge height of almost 7 metres. Whilst it would replace some existing smaller structures it would be more prominent in the landscape than those structures and would extend built form from the former farm complex to the detriment of the open character of the surrounding landscape and in conflict with Policy DM4 of the adopted SADMP. By virtue of the proposed siting, uncharacteristic layout, design and scale the scheme would fail to complement or enhance the rural character or appearance of the former farm complex of buildings or its historical form and layout and would therefore be in conflict with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 8.13. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and that the amenities of the occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.14. By virtue of the siting and scale of the proposed dwelling and separation distances of in excess of 25 metres relative to the three neighbouring dwellings, the proposal would not result in any significant overbearing impacts or loss of privacy from overlooking to any neighbouring occupiers.

Impact upon highway safety

- 8.15. Policy DM17 of the adopted SADMP supports development proposals that would not have any significant adverse impacts on highway safety, seek to make the best

use of existing public transport services and ensure that there is convenient and safe access for walking and cycling to services and facilities. Policy DM18 requires new development to provide an appropriate level of parking provision.

- 8.16. The existing driveway to the application site has adequate width and visibility at its junction with Upton Lane to provide satisfactory access to serve the proposed dwelling without having any adverse impacts on highway safety. The site would provide adequate space for off-street vehicle parking (two spaces) and turning within the site. The application site is not located where a majority of services and facilities could be accessed by public transport, cycling or safely by walking given the unlit rural road network and lack of footways. There is therefore a degree of conflict with Policy DM17 of the adopted SADMP.

Other issues

- 8.17. An objection has been received regarding the lack of detail submitted with the application in respect of disposal of foul drainage. However, this would be subject to separate Building Regulations approval.
- 8.18. The submitted Design, Access and Planning Statement makes no attempt to support the application in terms of the main adopted development plan policy relating to development in the countryside outside of any defined settlement boundary (Policy DM4 of the adopted SADMP) but instead seeks to justify the proposal based on paragraph 55 of the NPPF and the judgement in Braintree District Council and Secretary of State for Communities and Local Government [2017] EWHC 2743 (Admin).
- 8.19. Paragraph 11 of the NPPF requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF states that the development plan is the starting point for decision making and that proposed development that accords with an up-to-date development plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

Planning Balance

- 8.20. Unlike the case referred to in the above judgement, the Council can demonstrate a five year supply of deliverable housing sites therefore the relevant policies for the supply of housing are not silent or out of date. The proposal does not accord with the development plan in respect of its isolated countryside location outside any defined settlement boundary.
- 8.21. Planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore it must be considered whether there are any economic, social or environmental benefits arising from the scheme (as detailed in paragraph 7 of the NPPF) that would outweigh the significant conflict with adopted Development Plan policies and national planning guidance.
- 8.22. In terms of economic considerations, the proposed development would provide a very limited short term benefit to the local economy through the creation of jobs and demand for local services during the construction period. Any support for local services would be limited by the scale of development (one dwelling) and the lack of such services in Upton and the need to access services in other larger settlements by the use of the private car.
- 8.23. The occupation of the proposed dwelling would provide a private benefit to the applicant, however, in terms of other social benefits, the proposal would make a minimal contribution to the housing supply and the weight attached to this is further

limited by the fact that the Council has identified sufficient land to meet local housing requirements for at least the next 5 years and in locations that have better access to services and facilities.

- 8.24. The proposed removal/demolition of the existing structures would result in an improvement to the appearance of the site. However, this could be achieved without the need to erect another new dwelling on the site in addition to the extant planning permission. There would also be environmental harm due to the poor accessibility of the location for services and facilities, the resultant increase in the need to travel and the use of unsustainable transport modes.
- 8.25. It is therefore considered that there are no significant material considerations arising from the scheme that would outweigh the clear and significant conflict with adopted Development Plan policies. Therefore the presumption in favour of sustainable development under paragraph 14 of the NPPF does not apply in this case.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

10. Conclusion

- 10.1. Policy DM1 of the adopted SADMP states that planning applications that accord with the policies in the development plan will be approved unless material considerations indicate otherwise. Policy DM4 of the adopted SADMP states that the countryside will first and foremost be safeguarded from unsustainable development. The application site is located in an unsustainable location in the countryside, remote from services and facilities, where there is no demonstrable need for additional housing within the adopted spatial strategy for the area. New, unwarranted residential development is not a form of sustainable development in the countryside supported by Policy DM4 of the adopted SADMP. By virtue of the proposed siting, uncharacteristic design and scale, the scheme would extend built form and result in adverse impacts on the open character of the surrounding landscape in conflict with Policy DM4 of the adopted SADMP. By virtue of its siting, uncharacteristic design and scale, the scheme would fail to complement or enhance the rural character or appearance of the former farm complex of buildings or its historical form and layout and would therefore be in conflict with Policy DM10 of the adopted SADMP.
- 10.2. The proposal would be in clear conflict with Policies DM1, DM4 and DM10 of the recently adopted, and NPPF compliant, local development plan policies and the overarching strategic principles within national planning guidance.

- 10.3. There are no significant material considerations arising from the scheme that would outweigh the clear and significant conflict with adopted development plan policies and national planning guidance in this case that seek to avoid unsustainable and unwarranted residential development in the countryside. There are no other material considerations that would weigh in favour of the proposal. Accordingly, the proposal would not constitute sustainable development and the application is recommended for refusal.

11. Recommendation

- 11.1. **Refuse planning permission** for the reasons at the end of this report.

11.2. Reasons

1. By virtue of the location of the application site outside any settlement boundary and remote from services and facilities, the proposed scheme would result in unsustainable and unwarranted new residential development in the countryside in conflict with the spatial strategy for residential development in the borough as set out by the Core Strategy. The proposal is therefore contrary to Policies DM1 and DM4 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2012) with particular reference to paragraph 55.
2. By virtue of the siting, layout, design and scale of the proposed dwelling it would fail to complement the rural character, appearance and historic layout of the adjacent former agricultural complex. The proposal is therefore contrary to Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2012).

11.3. Notes to Applicant

1. This application has been determined having regard to the following documents and plans submitted with the application: Planning Application form; Design, Access and Planning Statement (January 2018); Site Location Plan Drawing No. 16/027/10/10; Existing Site Plan Drawing No. 16/027/11/11; Existing Mobile Home Floor Plans and Elevations Drawing No. 16/027/01/1; Existing Storage Barn Floor Plan and Elevations Drawing No. 16/027/12/12; Proposed Site Plan Drawing No. 16/027/09/09; Proposed Block Plan Drawing No. 16/027/08/8 and Proposed Floor Plans and Elevations Drawing No. Grouse-RH-001.