

BOROUGH OF KETTERING

Committee	Full Planning Committee - 05/04/2016	Item No: 5.4
Report Originator	Amy Prince Development Officer	Application No: KET/2016/0109
Wards Affected	Welland	
Location	Brook House, 36 Main Street, Ashley	
Proposal	s.73A Retrospective Application: Change of use of former paddock land to domestic garden	
Applicant	Ms P Higgins	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no development permitted by Schedule 2, Part 1 Classes E (outbuildings) or F (hard surfaces) or Part 2 Classes A (gates, walls and fences) and B (means of access to a highway) unless consent has first been granted in the form of a separate planning application.

REASON: To protect the character and appearance of the area in accordance with policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2016/0109

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KET/2007/1041

Conversion of two-storey barn. Convert piggeries to garaging and store.
Erection of 1no. two-storey dwelling - Approved with conditions - 07-02-08

KET/2011/0017

KET/2007/1041 (Conversion of two-storey barn. Convert piggeries to garaging and store. Erection of 1 no. two-storey dwelling) – Approved with Conditions

KET/2012/0778

1 no. dwelling with conversion and extension of outbuilding to self-contained annex and garage – Approved with Conditions 12-03-13

KET/2013/0322

1 no. dwelling with conversion and extension of outbuilding to self-contained annexe and garage. Approved with Conditions - 08-07-13

KET/2013/0812

1 no. dwelling with conversion and extension of Piggeries to provide domestic outbuilding and garage – Approved with conditions 03-02-14

KET/2015/0723

Detached garden room and store - Approved with conditions 02-11-15

KET/2015/0929

Variation of condition 7 of KET/2013/0812 in respect of boundary treatment - Withdrawn 15-02-16

Site Description

Officer's site inspection was carried out on 19/02/2016.

The application site is located in the centre of Ashley Village within the designated village boundary and within the north west of the Ashley Conservation Area. The application site is an irregular shape and borders both Main Street and Green Lane. The site contains a large residential building close to Main Street with a detached garage/home office located in a converted outbuilding. At the time of the site visit the open space to the rear of the house toward Green Lane is being used as a garden land with mown grass. The site boundaries consist of the outbuilding to the north, the outbuilding of No.98 and a close boarded fence along the eastern boundary and a post and rail fence south-east, south-west and south boundary. Within the south-east, southwest and southern boundaries there is also a hedge and some trees. A copse of trees sits within the south-east corner with a brook running through, providing a physical separation between this site and the adjacent open land.

Proposed Development

This application is retrospective and seeks permission to change the use of the paddock/green space to the rear to residential garden land.

Any Constraints Affecting The Site

Ashley Conservation Area

Restricted Infill Village

Identified site for Historically/Visually Important Open Spaces in the emerging Site Specific Proposals LDD

4.0 Consultation and Customer Impact

Ashley Parish Council

Object to the application on the following grounds:

- Weakens HVI designation
- Six car parking spaces are not clearly marked on application.
- Disregard boundary separation set out in previous applications.
- Contravenes KBC SSP LDD: Option Paper in regard to the HVI designation and future enhancement through public access following the river.
- Removal of PD does not give adequate protect from future owners.

Neighbours

No comments received.

5.0 Planning Policy

National Planning Policy Framework

Para 14 - Presumption in Favour of Sustainable Development

Para 17 - Core Planning Principles

Policy 6 – Delivering a wide choice of high quality housing

Policy 7 – Requiring Good Design

Policy 8 – Promoting Healthy Communities

Policy 11 - Conserving and Enhancing the Natural Environment

Policy 12 - Conserving and Enhancing the Historic Environment

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1 - Strengthening the Network of Settlements

Policy 13 - General Sustainable Development Principles

Local Plan

Policy RA3 - Rural Area: Restricted Infill Villages

SPGs

Ashley Village Design Statement

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of the Development
2. Impact on the Character and Appearance on the Conservation Area
3. Other matters raised

1. Principle of the Development

Paragraph 49 of the National Planning Policy Framework states that applications for residential development should be considered in the context of the presumption in favour of sustainable development.

The application site is located within the established residential village boundary of Ashley, as defined by Policy 1 of the Core Spatial Strategy.

The application site is identified for designation as historical and visually important open space in the emerging Site Specific Proposals LDD. Paragraph 216 of the NPPF allows appropriate weight to be applied to emerging policies within the Development Plan.

Policy 13 (g) of the North Northamptonshire Core Spatial Strategy is supportive of development providing that it does not lead to the loss of open space or recreation facilities unless suitable an alternative site can be provided.

The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

2. Impact on the Character and Appearance on the Conservation Area

The application site is located within Ashley Conservation Area, section 72 of the Planning and Listed Buildings Act 1990 places a duty on all local planning authorities to have to pay special attention to the desirability of preserving or enhancing the character and appearance of the conservation area.

The application is for the change of use from the paddock area to residential garden land. This land sits to the south of the existing dwelling and outbuilding/garage which are located along the northern boundary of the site, the paddock area is not visible from Main Street and is not considered to affect this part of the conservation area. The paddock is clearly visible from Green Lane and land to the south-west which is also within the conservation area. The paddock is separated from Green Lane by a post and rail iron fence internally with the external boundary of a hedgerow and some semi-mature trees. There is a gap within the hedgerow which has been secured by post and wire fence externally and new vegetation planted within the site.

The land forms the north west corner of land which was previously designated as Environmentally Important Open Space by Policy 94 of the Kettering Borough Local Plan. This policy is not 'saved' and as such does not form part of the current development plan. The area has however been identified as a Historically and Visually Important Open Space through the site specific element of the Local Plan. The Background Paper supporting this allocation went through consultation in late 2015.

The application site forms part of site HVI001 and is recommended for designation due to its visual importance and its history as an open space within the village. Some weight can be applied to this as an emerging allocation in the Development Plan, although further public consultation and examination is required with regards to this allocation. It provides important views to the church, listed buildings on Main Street and Green Lane and provides views between Green Lane and Main Street and is important to the setting of the village from outside its boundary to the east.

Furthermore, in accordance with the Council's position on restricted infill villages (Policy RA3 of the Local Plan) proposals should not involve the development of open land which is particularly significant to the form and character of the village.

The application site is visually separated from the large open area to the east which forms the majority of the proposed HVI designated land. The site is separated by a copse of semi-mature trees and a stream which also forms the edge of the conservation area. The trees in this area would be protected as they form part of the conservation area and its setting, a notification to the local authority would be required for works or removal of these trees.

Although the application site forms part of the land recommended for designation as HVI in this case there is strong visual separation from this site and the majority of the identified HVI land. This change of use from paddock land to garden land is not considered to significantly alter the open character of the land providing that the land remains undeveloped. A condition is therefore recommended removing permitted development rights for outbuildings, hard surfacing, wall/fences and access are removed to ensure the land is retained as visually open. This will in turn protect the views of the wider Conservation Area and retain open space, as per the intention of the HVI designation.

3. Other matters raised

The parish council raised concerns in regard to the car parking spaces not being marked on plans. This application is for the change of use of the paddock space to garden land and as such the parking provisions are not considered as part of this application.

The applicant has made comments in response to the objections raised by the parish council. These are summarised as follows:

- The existing views and vistas are still maintained with the current proposals of garden land and that there is no change to the existing street

- scene, as there is nothing being developed upon it.
- Green space is still maintained on the site, the land in question within this proposed designation is part of a larger section of land, and not the entire area, to which this HVI/001 refers to.
 - There is no 'public access' adjacent to the stream and land is within our ownership. It is our understanding that the Council would need to seek permission to enable any access to be permitted. As such we would strongly oppose the validity of this aspect of the objection.

Conclusion

Given the current use of the land and that the majority of the HVI would be retained following this change of use and subject to a condition restricting any ancillary residential buildings across the site through the removal of PD, the open aspect of this area would be retained and the views to the surrounding Conservation Area maintained. As such the application is recommended for approval and is considered in accordance with the NPPF and the Development Plan.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Amy Prince, Development Officer on 01536 534316