

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/09/2018</b>	<b>Item No: 5.6</b>
<b>Report Originator</b>	<b>Alan Chapman Development Officer</b>	<b>Application No: KET/2018/0478</b>
<b>Wards Affected</b>	<b>Welland</b>	
<b>Location</b>	<b>The Paddocks, Rushton Road, Pipewell</b>	
<b>Proposal</b>	<b>s.73 Application: Variation of condition no. 2 of KET/2017/0600, in respect of approved plans</b>	
<b>Applicant</b>	<b>Mr Nelson</b>	

### 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. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details shown on drawing numbers SK01 Rev E, received by the Local Planning Authority on 20th August 2018, and SK06 Rev A received by the Local Planning Authority on 24th July 2018. The development shall be retained as constructed thereafter.

REASON: In the interest of securing an appropriate form of development in interests of the visual amenity of the open countryside location in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

2. The development hereby approved shall be only for purposes incidental to agricultural uses at The Paddocks. Any activities or use involving commercial or business purposes are not permitted, nor is the use as residential accommodation permitted.

REASON: In the interests of the visual amenity of the open countryside location in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy

3. The materials to be used in the construction of the external surfaces of the building hereby approved, shall be dark stained Waney-edge horizontal timber cladding and slate roof tiles to match those on the south elevation of the existing dwellinghouse which faces into the internal courtyard area at the Paddocks. The materials used are to be retained as constructed thereafter.

REASON: In the interest of the visual amenity of the open countryside location and in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

## **Officers Report for KET/2018/0478**

This application is reported for Committee decision because there are unresolved, material objections to the proposal, and the proposal is a contentious application which, in the opinion of the Head of Development Services, is a matter for the decision of the Committee.

### **3.0 Information**

#### **Relevant Planning History**

KET/2007/0589, APPROVED, 02-05-08, Change of Use: Conversion of barns into 2no. dwellings, with extensions and alterations to suit, new and altered windows and door opening

KET/2017/0089, APPROVED, 06-04-17, Single storey extension to east elevation and boundary wall (The Paddocks)

KET/2017/0600, APPROVED, 08-11-17, Agricultural building and alterations to existing agricultural track (The Paddocks)

KET/2018/0480, PENDING, Retrospective application: Construction of greenhouse / potting shed (The Paddocks)

#### **Site Visit**

Officer's site inspection was carried out on 18/07/2018

#### **Site Description**

The application site makes up part of what was previously buildings and land comprising White Lodge Farm. The farmhouse and associated barns and outbuildings are located in the open countryside approximately 500 metres to the southwest of Pipewell. The buildings and land associated with White Lodge Farm has been subdivided into 3 no. plots, with the U-shaped layout of former barn buildings being converted and altered to form an additional 2 no. residential units, known as The Old Stables and The Paddocks.

This application relates to The Paddocks and comprises half of the U-shaped barn layout which results in a linear L-shaped former barn building with a single and a two-storey element. The single storey element is built of ironstone with a slate tile roof and the attached two-storey element has a slate tile roof with ironstone on the north, east and west elevations and dark stained Waney-edge wooden cladding on the south elevation facing into the inner courtyard. All windows and doors are cream painted wood.

The site is accessed via a shared double post and rail access gate from Rushton Road which serves the application site and The Old Stables. Within the site the shared area comprises a large area of golden gravel leading to each property, with 2 no. further gravelled parking areas for use by the occupiers of The Old Stables.

In addition, an access track leads from the application property east towards the Pipewell to Rushton road, where it is enclosed by an agricultural five-bar gate. A wooden post and rail fence runs along the southern side of the track, separating it from a piece of land to the south which forms part of the land associated with White Lodge Farmhouse. The land on the north side of the access track is shown on the application drawings to be in the control of the applicant.

The earlier planning permission KET/2017/0600 gave approval for the construction of an agricultural building and, following amendments, for the alteration and upgrading of the access track (heading eastwards from the agricultural building to Rushton Road) on land within the agricultural curtilage of land within the applicant's ownership. This permission (Condition No.4) clearly states the agricultural building and access track, 'The development', were for uses incidental to the residential and agricultural uses at The Paddocks.

Following officer investigations confirming that the approved building above had not been built in accordance with the approved plans, this planning application was submitted for consideration.

### **Background**

Amended plans were submitted to ensure that the properties on and adjacent to the site are correctly labelled, as well as correctly labelling the highway (Rushton Road).

### **Proposed Development**

Retrospective planning permission is being applied for under section 73A of the Town and Country Planning Act 1990 (as amended) to vary condition no.2 of planning permission KET/2017/0600, as the agricultural building that has not been built in accordance with the plans approved under this permission.

The retrospective changes being sought are described below.

- The roof profile has been changed from half-hipped gable ends to full hipped ends.
- The northern opening on the front elevation has been partially enclosed with brick-works, timber (Waney edge) cladding, a single timber door and glazed triple-folding doors.
- The remaining exterior of the building has been finished in timber (Waney edge) cladding with brick plinths and brick corner pillars as opposed to full timber cladding.
- Eaves height increased from 2.413m to 2.426m (13mm increase).
- Width increased from 6.000m to 6.013m (13mm increase).
- Length increased from 14.000m to 14.061m (61mm increase).

The finished roof materials (grey slate) and overall height of the building

remains unchanged from that approved by KET/2017/0600. For clarity the building's ridge height is 3.5m.

The agent has reiterated (23/08/18) that the agricultural building is required for use in association with a non- commercial agricultural use of the land shown edged blue on the application plan.

### **Any Constraints Affecting the Site**

Open Countryside

PD Removed

## **4.0 Consultation and Customer Impact**

### **Rushton Parish Council – comments:**

- The Parish Council have reservations about the seemingly continuous work at The Paddocks and the routine of doing works then applying for permission afterwards.
- The agricultural track, with lighting and paving, is designed for residential and or commercial use rather than agricultural.
- The barn which we understood to be for storage of agricultural machinery seems to have been built for residential use and is apparently in residential use.
- There is also a retrospective application for a greenhouse [see KET/2018/0480] – I don't think we can turn a blind eye to this flagrant disregard of planning rules and consents
- There were, for very good reasons, stringent conditions attached to the original permission (KET/2007/0589) and they should be enforced. If they aren't then it will set a dangerous precedent.
- It is becoming clear that the planning department, when granting planning permission, often sets conditions which it does not follow through and only takes action if an interested party raises an issue. We feel that this is most unsatisfactory.
- The whole Paddocks saga needs to be reviewed by the Head of Development Services before any decisions are made on the two applications currently outstanding

### **Neighbours**

#### **Objection from The Old Stables:**

- I believe there is a window to the south of the building above the eaves.
- I would like confirmation that the height of the building is as specified on the original application. (i.e. 3500mm).
- The triple glazed bi-folding doors to the front are not sympathetic in colour or design to an agricultural building, or to the windows and doors of the barn conversions.
- In order to build the structure with these modifications, the design would have to be predetermined, prior to the actual build. Therefore the applicant never intended to build an 'agricultural structure' according to

application KET/2017/0600. I believe the application was submitted solely to ensure planning permission was granted for a 'structure' to be erected on 'agricultural land', with the applicant taking it into his own authority to build as he wanted and not what was approved. The applicant had already commenced foundation works to the building and the farm track associated with the original application, which was dealt with by the planning officer at the time.

- The property is subject to a section 4 [removal of householder permitted development rights; e.g. outbuildings] by permission KET/2007/0589. The reasons given in the officer's report for applying section 4 were to ensure any future development would not be too domestic in design and to prevent urban sprawl.
- I object to the design of the agricultural building as it is too domestic in design. It should be corrected to reflect the plan submitted and approved.
- Building the structure outside the residential curtilage has led to 'urban sprawl' into agricultural land, which the council approved – despite the council making this rule in the first place.
- The structure could have been built inside the residential curtilage without impacting as much on neighbouring properties – had the applicant not built some other structure (supposed greenhouse, which retrospective planning permission is only just being sought after a year).
- I object to the applicant repeatedly building structure with and without planning permission, in a development which is supposed to be restricted.
- They have an adverse effect on neighbouring properties in terms of (visual impact) location and the materials (not sympathetic to the adjoin barn), the late night activities and general use of these buildings do not represent the labels given to the structures.

## **5.0 Planning Policy**

### **National Planning Policy Framework**

Policy 1: Introduction

Policy 2: Achieving sustainable development

Policy 4: Decision-making

Policy 6: Building a strong, competitive economy

Policy 12: Achieving well-designed places

Policy 15: Conserving and enhancing the natural environment

### **Development Plan Policies**

#### **North Northamptonshire Joint Core Strategy**

Policy 1: Presumption in favour of Sustainable Development

Policy 3: Landscape Character

Policy 8: North Northamptonshire Place Shaping Principles

Policy 11: The Network of Urban and Rural Areas

Policy 13: Rural Exceptions

Policy 25: Rural Economic Development and Diversification

## **Saved Policies in the Local Plan for Kettering Borough**

RA4. Rural Area: Restraint and Scattered Villages

7: Environment: Protection of the Open Countryside

## **Emerging Policies (Local Development Framework)**

Site Specific Part 2 Local Plan (Draft Plan Consultation – *now closed*)

### **6.0 Financial/Resource Implications**

None

### **7.0 Planning Considerations**

The key issues for consideration in this application are:-

1. Principle of Development
2. Open Countryside, Pipewell Conservation Area and Character and Appearance
3. Residential Amenity
4. Other

#### 1. Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan, unless material planning considerations indicate otherwise. Paragraph 2 of the National Planning Policy Framework (NPPF) reiterates this.

The application site is located within the open countryside and is defined by the submitted red line location plan. As commented upon in the officer's report for KET/2017/0600, "...the red line round the application site is limited to a small area of agricultural land which surrounds the area of the proposed building...and, notwithstanding the limitations applied to development in the open countryside, Policy 8 of the North Northamptonshire Joint Core Strategy (JCS) is supportive of new development provided there is no advisers impact on character and appearance, residential amenity and the highway network."

This planning application seeks relatively minor amendments to the originally proposed scheme which are discussed later in this report. With regards to the principle of development at this location then this has been previously established by planning permission KET/2017/0600.

This earlier approval gave permission for the building and access track to be used for incidental residential and agricultural use at The Paddocks. The officer's internal inspection of the building revealed that was in apparent ancillary use linked to the dwelling as well as an agricultural use eg a tractor being housed in the section behind the bi-folding doors. The applicant's statement indicate that his intentions are [will] be in line with the use applied for.

In discussion with the agent on 23/08/18 the officer is clear that no significant or substantive use of the building is intended as residential other than say keeping a push bike or lawn mower, but the primary use being in association with non-commercial agriculture of the land at The Paddocks. Consequently, the wording of condition 2 in the Officer recommendation reflects this.

With regards to the comments made concerning development being retrospectively applied for the Town and Country Planning Act 1990, under section 73, gives provisions for to regularise development is not carried out in compliance with conditions previously attached. The motives of the applicant for this situation are not considered to be planning considerations, and in response to the objection comments received, the applicant provided a statement to confirm he currently has no intentions to carry out further works at the property but if latterly considered then he would automatically consult the planning authority and obtain consent before commencing any building works.

Were developments have not been built in accordance with approved details, the Local Planning Authority has discretion when to and how to enforce. Every case is assessed on its own merits, and in this case it was considered expedient to consider the unauthorised works by way of a retrospective application as the amendments sought were considered to be of minimal impact.

2 Open Countryside, Pipewell Conservation Area and Visual Appearance  
Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

The application site is located in the open countryside approximately 500 metres to the southwest of the centre of Pipewell and makes up part of what was previously White Lodge Farm.

Any new development in the open countryside is resisted in order to focus development within existing settlements or at their edge, in order to prevent urban sprawl into the open countryside, and this is supported by Saved Policy 7 of the Local Plan for Kettering Borough and Policy 13(2) of the North Northamptonshire Joint Core Strategy.

Pipewell has no village boundary and is part of the rural area of Kettering Borough. It is defined as a scattered village by Saved Policy RA4 of the Local Plan for Kettering Borough. Scattered villages are small hamlets or groups of dwellings regarded as scattered development in the open countryside, where planning permission would not normally be granted except for where a proposal is appropriate to the form, character and setting of the existing settlement.

The original scheme was concluded by the case officer that the proposed materials of timber boarding and a slate roof reflect the original barn buildings, which use dark stained Waney-edge wooden cladding. Furthermore the scale

of the building was found to be acceptable.

It is considered that as the building has not increased in height and its full hipped design is more reflective of the full hipped residential properties of The Paddocks and the adjoining residential property, then the proposal is sympathetic and respectful to its immediate rural setting. The choice of exterior materials has a rustic charm and appearance, and is reflective of the brick pillaring of The Paddocks dwellinghouse. It is noted that there is no window in the south elevation above eaves contrary to what the objector states.

The comments relating to the 'opening' being enclosed with the single timber door and glazed bi-fold doors are noted. This elevation faces into the dwellinghouse and therefore does not face out into the wider countryside. The timber door helps to retain the appearance of an 'agricultural' building. The glazed doors, due to their transparency, help to give the sense of an opening. Directly opposite to these bi-folding doors are the two sets of triple bi-folding glazed doors of the main residential property. In a large regard, the propose doors are reflective of immediate setting, albeit their frames are of a different colour. Collectively, the design changes proposed are considered to be sympathetic to their setting and due to the orientation of the building's front elevation facing in towards the residential property then impact upon the wider countryside is very limited.

In order to preserve the rural setting, and at the request of the applicants, a condition will be added requiring compliance with these materials. An additional condition will be added to ensure the development is carried out in accordance with the approved plans

As such, it is considered the proposal complies with Policy 8 of the North Northamptonshire Joint Core Strategy.

### 3. Residential Amenity

Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

The nearest residential occupiers are to the west at The Old Stables and to the southwest at White Lodge Farmhouse.

The impact on residential amenities of the proposal were previously assessed under the original proposal and subject to the imposition of conditions to control the building height to 3.5m, its intended use (incidental residential and agricultural) and exterior materials then the proposal was considered to be acceptable. Furthermore, amenity disturbance from associated traffic was previously considered to be at a level that would not be harmful.



However, it is considered appropriate to re-impose (though clarified) condition no.4 of Planning Permission KET/2017/0600 to ensure the use of the building remains incidental to the permitted uses described for this building at The Paddocks. It is to be made clear that the use of the building as residential accommodation is not permitted.

The main changes being considered in this application relate to the visual amenity impacts arising from the insertion of the timber and glazed bi-folding doors. The exterior changes are considered to be aesthetically pleasing and of a high quality. They are reflective of the bi-folding doors in The Paddocks dwellinghouse. Taking into account planning permission was granted for the building to be used for incidental residential use, it would not be unreasonable to expect some 'domestic' features being included in its design. It is considered that as the 'front' of the building faces directly at The Paddocks and the proposal building is set within close proximity to it then it creates a transition from a residential dwelling in the open countryside, then to limited surrounding residential curtilage, then to an outbuilding with a rear elevation facing onto open countryside, where the rear elevation has an agricultural look and feel to it.

Overall, it is considered that the proposal responds to its immediate setting and has an appearance that is opined not to adversely harm the neighbour's outlook.

As such, the proposal is considered to accord with Policy 8 of the North Northamptonshire Joint Core Strategy.

#### 4. Other

Concerns were raised that the applicant has flagrant regard to the planning system, the lack of enforcement and the continuing of development at the site.

In response the applicant's agent has stated; *"We have reviewed the comments from the Parish council and the occupier of the Stables and acknowledge the concerns raised. Having consulted the applicant he has confirmed that at present he currently has no future plans to carry out any further building works to the property. However, if in the future further building works are considered he would automatically consult with the planning authority and if necessary seek planning approval prior to commencing any building works."*

Every case is to be assessed on its own merits and the Council has discretion when to exercise its enforcement powers where and when it is considered expedient to do so. In this case, 'enforcement' has been carried-out by way of requiring the submission of this application. Furthermore, the granting of permission for this proposal does not imply or permit further buildings/structures would be constructed or indeed be permitted by the Council.

#### Conclusion

Subject to conditions requiring the development to be carried out in accordance with the approved plans, compliance with materials and to restrict the use to be in conjunction with non- commercial agricultural activities at the site, and no material or significant activity linked to the residential use at The Paddocks, including no residential accommodation, the proposal accords with policies in the Development Plan and is recommended for approval.

**Background Papers**

Title of Document:

Date:

Contact Officer:

Alan Chapman, Development Officer on 01536 534316

**Previous Reports/Minutes**

Ref:

Date:

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