

## BOROUGH OF KETTERING

<b>Committee</b>	<b>Full Planning Committee - 04/09/2018</b>	<b>Item No: 5.7</b>
<b>Report Originator</b>	<b>Alan Chapman Development Officer</b>	<b>Application No: KET/2018/0480</b>
<b>Wards Affected</b>	<b>Welland</b>	
<b>Location</b>	<b>The Paddocks, Rushton Road, Pipewell</b>	
<b>Proposal</b>	<b>s.73A Retrospective Application: Construction of greenhouse / potting shed</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 approved shall be only for purposes incidental to the residential uses at The Paddocks.

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.

## **Officers Report for KET/2018/0480**

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/2018/0478, PENDING, Variation of condition no. 2 of KET/2017/0600, in respect of approved plans (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.

The earlier planning permission KET/2007/0589 which gave approval for The Paddocks as a dwellinghouse also removed householder permitted development rights which includes the erection of outbuildings.

### **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). A further amendment was submitted to clarify the extent of the application red line boundary.

### **Proposed Development**

Retrospective planning permission is being applied for under section 73A of the Town and Country Planning Act 1990 (as amended) to retain an outbuilding not built in accordance with condition no.4 of planning permission KET/2007/0589. Condition no.4 removed householder permitted rights to construct outbuildings.

The development applied for consists of a detached single storey part brick under slate roof and part brick with glass conservatory located immediately due east of the dwellinghouse.

### **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. Design, 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 defined residential curtilage of the dwellinghouse, beyond which is open countryside.

The principle of residential development has been previously established at this location by KET/2007/0589. The removal of permitted development rights originally was to ensure that any proposed structures could be considered by the Council to assess whether they would be acceptable or not in this rural location, rather than meaning that no ancillary residential can ever occur.

Policy 8 of the North Northamptonshire Joint Core Strategy (JCS) is supportive of new development provided there is no adverse impact on character and appearance, residential amenity and the highway network.

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.

Where 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 proposal was considered to be of minimal impact.

## 2. Design, Character and 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 outbuilding is described by the applicant as a greenhouse/potting shed in his supporting statement. The building is of modest scale on measuring 2.86m in height, 3.539m in depth and 3.00m in width and is located just due north of a recently constructed enclosed porch to the dwellinghouse' east (rear) elevation. It has a pitched roof, in two parts; one slate tiled the other glass. Its exterior materials are in brick matching the main dwellinghouse.

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.

Due to the small scale of the proposal and its location, then the amenities of the neighbouring properties are considered to be unaffected by the development.

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 a condition to restrict the use to be incidental to residential activities at the site, the proposal accords with policies in the Development Plan and is recommended for approval.

#### **Background Papers**

Title of Document:

Date:

#### **Previous Reports/Minutes**

Ref:

Date:

Contact Officer: Alan Chapman, Development Officer on 01536 534316