

BOROUGH OF KETTERING

Committee	Full Planning Committee - 19/06/2012	Item No: 5.6
Report Originator	Mark Coleman Assistant Development Officer	Application No: KET/2012/0155
Wards Affected	Burton Latimer	
Location	Black Lodge, Higham Road, Burton Latimer	
Proposal	Full Application: Replacement dwelling	
Applicant	Harrowden Farms Ltd	

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 REFUSED for the following reason(s):-

1. The site lies within open countryside as designated by policy 1 of the Core Spatial Strategy and saved Policies 7 and 35 of the Local Plan for Kettering Borough, where development is restricted. Furthermore, the proposal fails to accord with any of the exceptions outlined in saved Policy RA5 of the Local Plan, which restricts development such as this in the open countryside. The application fails to adequately justify, in accordance with adopted National and Local Planning Policy the reasons for allowing such development in open countryside. A replacement dwelling in this location is therefore considered unacceptable in principle and contrary to para 55 of the National Planning Policy Framework, Policies 1 and 3 of the East Midlands Regional Plan, Policies 1, 9, and 10 of the North Northamptonshire Core Spatial Strategy, and saved Policies 7 and RA5 of the Local Plan for Kettering Borough.

Notes (if any) :-

- NONE

Justification for Granting Planning Permission

Not applicable

Officers Report

3.0 Information

Relevant Planning History

KET/2011/0687 – Demolition of existing dwelling. Construction of replacement dwelling (Refused 29.11.11)

KET/2011/0321 – Demolition of existing dwelling and construction of replacement dwelling (withdrawn: 27.07.11)

Site Description

Officer's site inspection was carried out on 20.04.12. The site is located adjacent an old disused slip road which is now left over since the A6 by-pass has been built. The site is located midway between Finedon and Burton Latimer and screened from the A6 by-pass by an established woodland buffer strip.

The site is occupied by a single, two storey dwellinghouse connected to a series of agricultural buildings (all with the exception of one being single storey), with agricultural yard and land beyond. The agricultural buildings are arranged to form a courtyard area to the rear (west) of the house. Beyond this to the west and north, is an agricultural yard area which is used for the storage of vehicles and a number of make shift structures. Its character is clearly that of a working yard. A temporary caravan was also present on the agricultural yard area to the side of the dwelling at the time of the site visit. Further north is a large area of rough grassland planted intermittently with trees, and largely enclosed by trees on all sides. To the front of the house is a small garden set to lawn with shrubs and a number of mature trees. There is vehicular access both sides (north and south) of the property.

Proposed Development

The proposal is for demolition of the existing 2 bedroom dwellinghouse and attached two storey barn (now part of the house) which is in a state of requiring significant repair, and the erection of a replacement 4 bedroom dwellinghouse.

Any Constraints Affecting The Site

Open Countryside

4.0 Consultation and Customer Impact

Parish/Town Council

No objection

Environmental Health, Kettering Borough Council

No objection subject to condition application of a contaminated land condition and associated informative.

Neighbours

Comment of support from the previous and future occupiers (Mr and Mrs

Smith) of the existing dwelling known as Black Lodge Farm.

Comment of support from the daughter of Mr and Mrs Smith stating that the existing dwellinghouse (Black Lodge Farm) is in a state of disrepair with foundations unsuitable for major renovation. Issues highlighting include subsidence, cracks, no central heating, part of the first floor being uninhabitable, rotten window frames, etc. Comment is also made with respect of Mr and Mrs Smith having lived at the site for 45 years, and that the proposed scheme is eco-friendly, and in-keeping.

Councillors

Councillor Zanger has requested that the application be called in for determination by Planning Committee.

5.0 Planning Policy

National Planning Policy Framework

Para's 49, 55: Delivering a wide choice of high quality homes

Para 58: Requiring Good Design

Para 215: Annex 1 - Implementation

Development Plan Policies

East Midlands Regional Plan

Policy 1: Regional Core Objectives

Policy 2: Promoting Better Design

Policy 3: Distribution of New Development

Policy 11: Development in the Southern Sub Area

North Northamptonshire Core Spatial Strategy

Policy 1: Strengthening the Network of Settlements

Policy 7: Delivering Housing

Policy 9: Distribution and Location of Development

Policy 10: Distribution of Housing

Policy 13: General Sustainable Development Principles

Policy 14: Energy Efficiency and Sustainable Construction

Local Plan

Policy 7: Protection of Open Countryside

Policy RA5: Housing in Open Countryside

SPGs

Sustainable Design

6.0 Financial/Resource Implications

None

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development

The proposal is a re-submission of application KET/2011/0687 which has previously been refused; the associated officers report established that the development was unacceptable in principle by virtue of its unsustainable location and unjustified need. The application was refused on 29th November 2011 and is a material consideration in the determination of this planning application.

It should be noted that whilst the footprint and scale of the proposed dwelling remains similar to the existing dwelling, actual living space is increased from 2 bedrooms to 4 bedrooms, making the dwelling more suitable for occupation by a larger family, which has additional implications on sustainability as discussed below. Since planning application KET/2011/0687 was determined, all relevant national planning policy has been superseded by the NPPF, which presents a new material consideration. In addition, this application is submitted with an additional structural survey which seeks to demonstrate that special circumstances apply which would justify the development.

The NPPF states that planning permission should be granted where a development plan is absent, silent or out of date. However, it also states that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF, and that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF.

In this instance, whilst saved policy RA5 of the Local Plan states exceptional circumstances may include 'replacement dwellings', the policy refers to Policy 48 of the Local Plan on this issue; Policy 48 has not been saved (NB: it is noted Policy 48 did not support the provision of replacement dwellings in the countryside where the existing building is structurally unsound and incapable of renovation. This state of repair of the existing dwelling is discussed below.

It is noted that the applicant's representative is arguing that the exception on local policy RA5 retains the exception allowing for a replacement dwelling. However, Officer's advise that the removal of policy 48 removes the line in RA5 which refers to "replacement dwellings" CSS makes clear that the deleted policy 48 has been superseded by Policy 9 of the CSS, see below.

Policy 1 North Northants Core Spatial Strategy 2008 (NNCSS) also makes it clear that the focus of new development should follow the settlement hierarchy, with no provision made for development in open countryside other than adjoining village boundaries where it can be demonstrated that the proposal involves the reuse of an existing building, or exceptional circumstances apply where it can be demonstrated that the proposal meets local needs for employment, housing or services.

Policy 9 of the North Northamptonshire Core Spatial Strategy 2008, states that

"new development in the open countryside outside of sustainable extensions will be strictly controlled with priority being given to reuse of suitable previously developed land and buildings within the urban areas, and preference given to locations that are accessible by a choice of means of travel'. The location of the application site does not meet these criteria.

Policy 10 of the NNCSS states that "New housing will be focused at the three growth towns, with modest growth at the smaller towns, limited development in the villages and restricted development in the countryside"

Although the applicant states in the submitted D&A statement that refurbishment of the property is not an option due to structural reasons (suggesting that the dwelling is incapable of renovation and structurally unsound as per lost policy 48 of the Local Plan), the submitted structural survey states *'Having considered the current state of the property and the substantial amount of remedial work that would be required to bring this property up to a suitable structural condition, it is recommended that consideration be given to the demolition and rebuilding of this property, as this may be a more practical and cost effective option'* (para 4.14 of Report on a Structural Survey at Black Lodge, 02.04.12).

Submitted information relating to the exact condition of the dwelling therefore conflicts to some degree. Bearing in mind the conclusion of the structural report, it seems probable that it is the cost and other implications of the renovation approach that has made this a less attractive option for the applicant.

The submitted information fails to demonstrate how exceptional circumstances (as set out in the CSS) would be met. Supporting comment received from the previous/future occupiers of the existing/proposed building and their daughter demonstrate that they have lived at the property for approximately 45/46 years, although they have never been directly employed by the existing or previous owners of the dwelling. These comments do not demonstrate that there is a need for a new dwelling in this unsustainable, open countryside location (halfway between Burton Latimer and Finedon) or that the last and future occupiers have been employed in agriculture and that such agricultural need for the dwelling exists.

Para. 49 of the NPPF states that there should be a presumption in favour of sustainable development when considering housing applications.

Para. 55 of the NPPF goes on to say that *'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and avoid new isolated homes in the countryside unless there are special circumstances'*. Special circumstances include development which supports the essential need for a rural worker; development which represents the optimal viable use of the heritage asset...; re-use of redundant or disused buildings; development which demonstrates exceptional quality or innovative design which is truly outstanding and helps to raise standards of design, reflect the highest standards of architecture or

significantly enhances the immediate setting and is sensitive to the defining characteristics of the local area. No heritage assets are affected by the proposed development and the application does not demonstrate a need for the dwelling for the purposes of agriculture or persons last employed in agriculture which could be secured by agricultural occupancy condition, or that any of the above exceptional circumstances apply.

The unsustainable location of the proposed development is therefore the issue raised by applying the NPPF, Policy 3 (EMRP), and Policies 1, 9 and 10 (CSS) [the

latter two policies also seeking to strictly control/restrict development in open countryside].

In addition to the submitted structural survey report, the applicant has submitted a sustainable design and energy statement which explains that a replacement dwelling will employ modern methods of construction which will be more efficient than the existing Victorian dwelling (pre-cast concrete floor, cavity wall and roof insulation). The applicant states that photovoltaic solar panels will be incorporated on the south facing roof plan (rear projection), and air or ground source heat pumps and a wood burner will be used. No details of these technologies have been provided, or how the performance of the proposed building would compare over the existing building with these technologies being retro-fitted. As a result, the energy statement does not provide sufficient detail and limited weight is attached to improvements in energy efficiency of the proposed building over the existing dwelling, as they fail to demonstrate innovative design.

It is acknowledged that the existing dwelling on site was built prior to the introduction of the Town and Country Planning Act (1st July 1948), and is not subject to any planning control. Exceptions for a small rural dwelling may have been allowed in this location as a result of a rural need and subject to an agricultural occupancy restriction.

Whilst the existence of the dwelling which pre-dates planning control is a material consideration, so too is the previous planning decision to refuse a similar development. Changes to national planning policy since this decision maintain a similar emphasis to resist unjustified development in open countryside and as discussed above, there remains no policy support for the proposed development in principle, and up-to-date policies contained within Policy 1, 9 and 10 (CSS), and NPPF seek to resist development in this open countryside in the absence of exceptional circumstances being demonstrated.

2. Impact on Character and Appearance (Visual Amenity)

The proposal intends to replace the existing dwelling with a new property that largely maintains a similar scale and footprint of the existing building, although is measurably higher (0.8m, rear wing) and wider (1.0m, south facing gable) in places.

The proposed curtilage maintains a tight relationship with the proposed

replacement dwelling which addresses some of the issues raised by the earlier withdrawn application (KET/2011/0321), preserving the character and appearance of the surrounding open countryside and working farm yard.

There are a number of significant trees located within the front and side garden area (shown on drawing no. 14 Rev 1) which contribute to the overall visual quality of the area. These are to be retained and enhanced further with mixed native planting. Exact details of planting have not been provided. It is therefore recommended that condition is also applied to secure measures to protect the retained trees, and details of landscaping to be planted. A condition is also recommended to secure materials used in the external construction of the building. Subject to this, the proposal is considered to have an acceptable impact on visual amenity and accords with the relevant parts of Policy 2 (EMRP) and Policy 13 (CSS).

3. Neighbouring Amenity

The proposed dwelling is located in an isolated position adjacent to an existing farm yard and the A6 by-pass. Because the proposal is for a replacement dwelling, no new material considerations resulting from the adjacent road with respect of noise are raised. Comments received from Environmental Health (KBC) raises no objection with respect of the proposed dwelling being adjacent the working farm yard, in the event that the two uses are operated independent of one another. As a result, it is considered that the proposed development has an acceptable impact on the amenity of neighbours and future occupiers of the proposed dwelling, and is in accordance with the aims of para. 123 of the NPPF, and relevant parts of Policy 2 (EMRP), and criteria (I) of Policy 13 (CSS).

4. Impact on Highway Safety

The proposed development has adequate private access connecting the site to the A6 bypass, and together with adequate off-road parking provision does not give rise to significant adverse impact on parking or highway safety. The proposed development therefore accords with the relevant parts of Policy 2 (EMRP) and Policy 13 (CSS) with respect of this material consideration.

5. Environmental Issues

KBC Environmental Health department has stated that the site is located within 250m in-filled ground, which due to the close proximity of in-filled ground and the underlying geology present in the area, is at risk from contamination which may pose an unacceptable risk to future occupiers of the site. In addition, para's. 120 and 121 of the NPPF seek for planning decisions to take account of ground conditions in planning decisions in order to ensure that human health is protected. Criteria (I) of Policy 13 (CSS) also seek to protect the amenities from pollution amongst other things. As a result, a standard contaminated land condition has been recommended in order to mitigate potential harm. Subject to this, the proposal is considered acceptable.

Conclusion

The proposal is for a new dwelling, without substantially retaining any of what

exists. However, without the special or exceptional circumstances as identified in the CSS and (para 55) of the NPPF proposal has been demonstrated, the principle for allowing the current proposal has not been established.

Although the proposal does not have an unacceptably harmful impact on visual amenity, neighbouring amenity, highway safety or environmental issues, this does not outweigh the principal issues referred to with respect of a proposed new dwelling in this location, and the lack of appropriate justification.

Background Papers

Title of Document:

Date:

Contact Officer:

Mark Coleman, Assistant Development Officer on 01536
534316

Previous Reports/Minutes

Ref:

Date:

SITE LOCATION PLAN

Black Lodge, Higham Road, Burton Latimer
Application No.: KET/2012/0155



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