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Rutland County Council

Catmose,
Oakham,
Rutland
LE15 6HP

Application:	2021/0816/FUL	ITEM 4	
Proposal:	Proposed construction of 2 no. dwellings, new vehicular access and associated works including demolition of existing buildings and foul water disposal.		
Address:	Land to the South of Teigh Road, Market Overton		
Applicant:	Mr R Evans Distinctive Developments Group Ltd	Parish	Market Overton
Agent:	Mr R Hammond, Scroxtton & Partners	Ward	Cottesmore
Reason for presenting to Committee:	At the request of a Local Member		
Date of Committee:	23rd November 2021		
Determination Date:	23rd August 2021		
Agreed Extension of Time Date:	30th November 2021		

EXECUTIVE SUMMARY

The principle of residential development here has been established through the granting of a previous Class Q Prior Approval. Nonetheless the proposal as revised when considered against the fallback position as to the development to be constructed under the Class Q Prior Approval, other material planning considerations would be contrary to local and national planning policies having a detrimental impact upon the surrounding area.

RECOMMENDATION

REFUSAL, for the following reasons:

1. The application site is located outside the Planned Limits of Development for Market Overton. Existing Local Plan Policy only allows for the conversion and re-use of appropriately and suitably constructed rural buildings for residential use in the countryside and does not apply to new build unless it is to meet affordable housing needs in accordance with the Council's Core Strategy affordable housing Policy CS11. Residential development is only acceptable in the countryside to meet an essential operational need for a dwelling to be located in the countryside or to meet an identified affordable housing need as set out in Core Strategy Policy CS11. There is no indication that the proposal is intended to meet the requirements for housing in the countryside. As such the development would be contrary to Policies CS3 (The settlement hierarchy), Policy CS4 (The location of development), of the Adopted Core Strategy and Policies SP6 (Housing in the Countryside), SP23 (Landscape character in the countryside), of the Site Allocations Development Plan Document 2014 and chapter 5 and 12, of the NPPF (2021).
2. The proposed development would result in a change in the character of the site from one that is currently agricultural to an overtly domestic character. The proposal would result in an increased footprint and height of built form that would diminish the openness and character of the site. The scale and design of the proposed dwellings and positioning in relation to the existing barn and adjacent open countryside would result in an undesirable change in character in this part of the village which would dominate the street scene with its formality and harm and diminish the rural appearance of this locality having a negative impact

3. Taking the above into account, it is considered that, by virtue of the design, scale and location the proposal would have a detrimental impact upon the character or appearance of the open countryside and local area contrary to NPPF 2021 (Section 12), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Site & Surroundings

1. The application site is located on land approximately 700 metres to the west of the settlement of Market Overton and adjacent to the southern edge of the Teigh Road.
2. The application site comprises an existing 382m² six bay steel framed agricultural building and areas of external hardstanding. The site is generally enclosed on its northern and eastern boundaries by a mixture of planting. The southern and eastern boundaries are generally open.
3. The building and wider site adjoins existing land in agricultural use on its southern, eastern and western boundaries. The northern boundary adjoins the Teigh Road. Further open agricultural land lies beyond the Teigh Road to the north.
4. Vehicular access to the site is currently via an existing access to the Teigh Road from the northern site boundary.

Proposal

5. A Class Q Prior Approval application was approved (reference no. 2020/1369/PAD) for the conversion of the existing building to three dwellings. Rather than convert the existing barn in accordance with the prior approval, the current application now seeks permission for the demolition of the existing barn and the erection of two new detached two storey dwellinghouses including the re-siting of the vehicular access.
6. The principal two storey element of each building would be constructed from axe dressed or reclaimed limestone laid in coursed rubble fashion. The single storey elements would be constructed in reclaimed red brick. All roofs would have a blue/black natural slate finish.
7. The proposed gross internal floor area for Plot 1 excluding the car port is 250.8m².
8. The proposed gross internal floor area for Plot 2 excluding the car port is 292.8m².
9. The approved Class Q floor area is 464.94m² and the total proposed gross internal floor area for this latest scheme is 543.6m².
10. Plot 1 maximum height of 4.71 metres to the eaves, and maximum height of 7.48 metres to the ridge; and Plot 2 maximum height of 5.01 metres to the eaves and maximum height to the ridge of 7.78 metres. The existing building has a maximum eaves height of 4.4 metres and maximum ridge height of 6.6 metres.
11. The proposed scheme is larger in both floor area and height than the approved Class Q approval.
12. The applicant owns an area of land immediately adjoining the proposed dwellings and beyond the original application site. This is shown as a 'buffer zone on the submitted plans. The submission states that the primary function of the additional land is to facilitate the disposal of foul wastewater via a package treatment plant and appropriately sized disposal field capable of discharging average daily domestic flow rates of grey and black water from two dwellings.

13. Vehicular and pedestrian access is proposed via a slightly relocated new access off the Teigh Road. The existing access would permanently closed. A minimum of three parking spaces would be provided for each unit together with sufficient on site turning.

Relevant Planning History

2017/0462/PAD – Approved - Change of use of the existing building on site to two dwellinghouses pursuant to Class Q of the General Permitted Development Order 2015.

2020/1369/PAD – Approved - Change of use of the existing building on site to three dwellinghouses pursuant to Class Q of the General Permitted Development Order 2015

Planning Guidance and Policy

National Planning Policy Framework (NPPF)

Chapter 5 - Delivering a sufficient supply of homes

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed places

Chapter 15 - Conserving and enhancing the natural environment

Site Allocations and Policies DPD

SP6 - Housing in the Countryside

SP15 - Design and Amenity

SP19 - Biodiversity and Geodiversity Conservation

SP23 - Landscape Character in the Countryside

Core Strategy DPD

CS04 - The Location of Development

CS19 - Promoting Good Design

CS21 - The Natural Environment

Officer Evaluation

Principle of Development

14. The Development Plan, specifically Policies CS4 and SP6, restricts new housing in the countryside to that which is necessary, usually for agriculture or forestry. This is supported by the advice in Paragraph 80 of the revised National Planning Policy Framework (NPPF).
15. CS4 states that conversion will only be permitted where the building is close to sustainable settlements and where there is no environmental impact. Policy SP6 builds on the Core Strategy and sets out where residential conversion might be allowed.
16. Since the introduction of Class Q permitted development rights, with no consideration of sustainability, this can be a material consideration in the determination of an application to convert a rural building, i.e. where there is a clear possibility and intention to use the Class Q rights. There was a Class Q approval granted here, and case law has established that a fallback position should be lent considerable weight.
17. The site is outside but adjacent the boundary of the Market Overton Conservation Area and the Planned Limits for Development for the village
18. The existing barn has approval to be converted to three dwellings, granted (Ref:2020/1369/PAD) under Class Q of the GPDO.

19. This is currently unimplemented. A condition of Class Q.2(3) requires the work to be completed within 3 years of the prior approval date. It is therefore still reasonably capable of being implemented.
20. The clear intention of Class Q is to make use of existing agricultural building stock irrespective of locational matters. It does not follow that this is a method to gain the construction of new dwellings that would side-step the spatial policies of the Development Plan or the Nation Planning Policy Framework.
21. Applications for planning permission requires development to be determined in accordance with the development plan unless material considerations indicate otherwise.
22. Paragraph 11 of the NPPF (2021) explains that plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means approving development proposals that accord with the development plan without delay; or where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework that protect areas or assets of particular importance indicate development should be restricted.
23. It is considered that the proposed development would be contrary to National and Adopted Local Plan Policy as the development would result in a new dwellings in the open countryside. The existing local plan policy only allows for the conversion and re-use of appropriately and suitably constructed rural buildings for residential use in the countryside and does not apply to new build unless it is to meet affordable housing needs in accordance with the Council's Core Strategy affordable housing Policy CS11. Residential development is only acceptable in the countryside to meet an essential operational need for a dwelling to be located in the countryside or to meet an identified affordable housing need as set out in Core Strategy Policy CS11. There is no indication that the proposal is intended to meet the requirements for housing in the countryside.
24. It is considered that the proposed development would be contrary to Policies CS3 (The settlement hierarchy), Policy CS4 (The location of development), and CS19 (Promoting good design) of the Adopted Core Strategy and Policies SP6 (Housing in the Countryside), SP15 (Design and amenity) and SP23 (Landscape character in the countryside), of the Site Allocations Development Plan Document 2014 and Chapter 5 and 12, of the NPPF (2021). It is therefore necessary to establish whether any other material planning considerations exist that outweigh the policy objections. Class Q Prior Approval was allowed for the conversion of the existing farm building to three dwellings, this is specific consent under a separate piece of legislation and in no way means that the Local Planning Authority should be duty bound to grant a full planning permission for an alternative proposal contrary to National and Adopted planning policies. The view is held that the proposed scale and mass of the development and would provide no betterment to that which is approved under Class Q The proposal would have a significant adverse effect on the wider environment in comparison to that allowed under the class Q approval.

Neighbourhood Plan

25. Rutland County Council designated the whole of Market Overton in Rutland as the designated Neighbourhood Plan area following a statutory public consultation between 23 May and 04 July 2016. A neighbourhood Plan has not being adopted to date for the Parish.

Impact of the use on the character of the area

26. The site at present comprises a six bay steel framed agricultural building. The existing building has permission to be converted to three dwellings. The building set back into the site and partially screened and, despite being purely functional in its appearance, it is

- unassuming and a typical example of its type which can be found in most farm settings.
27. The current application proposes removal of the agricultural building, to which there is no objection, and replace them with two stone barn style house in a position forward of the existing buildings. The layout illustrates a departure from the character of the existing barn. The approved conversion retained the form and profile of the existing barn, with consolidated openings that maintained the character of the building.
 28. The proposed development would result in a change in the character of the site from one that is currently agricultural to an overtly domestic character. The proposal would result in an increased height and footprint that would diminish the openness and character of the site. Subsequently, the proposal would have a harmful effect on the character of the area.
 29. The Planning Authority have concerns with regard to the design and positioning of the proposed dwellings and its impact on the rural surroundings. Its design, proportions and position in relation to the existing barn and adjacent open countryside would result in an undesirable change in character of the scene in this part of the village to the detriment of the character and appearance of the area
 30. It is not considered that there are any benefits other than a temporary boost to the local building industry during the construction period and the addition of two additional units to the local housing stock and suggest that these cannot be considered to outweigh the permanent harm to the scene identified above.
 31. Dwellings of the scale and design proposed in such a rural location would dominate the street scene with their formality and harm and diminish the rural appearance of this locality, and have a negative impact.
 32. Whilst the applicant owns an area of land immediately adjoining the proposed dwellings shown as a 'buffer zone' on the submitted plans any use of this land to facilitate the disposal of foul wastewater and daily domestic flow rates of grey and black water from the two dwellings may constitute a change of use of the land. Should this land be required to facilitate a drainage strategy the red line site area would need to be increased to include this area of land.
 33. Taking the above into account, it is considered that, by virtue of the design, scale and location the proposal would have a detrimental impact upon the character or appearance of the open countryside and local area contrary to NPPF 2021 (Section 12), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Impact on the neighbouring properties

34. There are no immediate neighbouring properties in proximity to the proposed development.
35. It is considered that the scheme would not result in an unacceptable adverse impact on the residential amenities of the occupiers of adjacent properties in accordance with Section 12 of the NPPF (2021), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).

Highway issues

36. A new access point will be created with the existing access blocked off. ; The Highway Authority have no objection to the scheme. The proposal would result in adequate access, parking and turning facilities and would not have an unacceptable adverse impact on highway safety in accordance with Section 9 of the NPPF (2021) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).With regard to the

public right of way that runs through the site, the Public Right of Way Officer has no objection to the proposal, subject to notes to applicant (these are included).

Other Matters

37. The applicant has referred to a recently approved application in Caldecott (2021/0672/FUL) to justify the approval of this application.
38. Notwithstanding any fall-back position, every application should still be assessed on its merits. In the instance of the Caldecott application the proposed scheme would result in a reduced internal floor area (465m²) compared to the extant class Q approval (536m²). The proposed scheme in this case sees a considerable increase in floor area. This would be apparent if you did a comparator of the area of built form the existing buildings took up in the site areas compared to the proposed buildings. The Caldecott dwellings are sited mainly within the area of the existing building whereas this proposal has built form outside the confines of the existing building, and due to its location would have an adverse impact on the open countryside in the opinion of the local authority.
39. Due to the scale, footprint and design of the proposed properties, as opposed to the approved scheme, it is not considered that the proposed design of the new dwellings would represent a visual enhancement over the permitted Class Q conversion scheme.

Crime and Disorder

40. It is considered that the proposal would not result in any significant crime and disorder implications.

Human Rights Implications

41. Articles 6 (Rights to fair decision making) and Article 8 (Right to private family life and home) of the Human Rights Act have been taken into account in making this recommendation.
42. It is considered that no relevant Article of that act will be breached.

Consultations

Parish Council

43. No objection

Highway Department

44. No Objections if built in accordance with Drawing No 1522 - 05 Rev A Hard Landscaping plan. The proposed access is positioned further east than the existing field access providing better vehicle to vehicle visibility in both direction. The access is of suitable width and materials

Archaeology

45. No objections

Ecology

46. No objection

Neighbour Representations

47. The Local Authority has received three letters of support for the proposal.

Planning Balance

48. The Framework seeks to contribute towards the achievement of sustainable development through meeting the needs of the present without compromising the needs of future generations. A key thread of this objective is to ensure that housing development is well located and supported by the necessary infrastructure and facilities.
49. Paragraph 11(d) of the Framework states that where there are no planning policies, or the policies most important for determining the application are out of date (including where a Council cannot demonstrate a five-year supply of deliverable housing sites), a decision maker should grant planning permission. This is unless the policies of the Framework provide a clear reason to refuse development, or any adverse effects of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole. The Council does not have a 5-year Housing Land Supply (HLS).
50. As a consequence, this is of significant weight in favour of the proposal. Accordingly, the presumption in favour of sustainable development in Para 11(d) of the Framework is engaged.
51. However, the proposal would be located on a site with extremely poor accessibility that would therefore not be supported by the necessary infrastructure and facilities. Consequently, the adverse effects of the proposed development would significantly and demonstrably outweigh its benefits when assessed against the Framework as a whole. In addition the proposed development would result in a reduction in the number of dwellings from the approved class Q scheme from 3 to 2.
52. Consequently, even with the significant weight applied in favour of sustainable development, the benefits of the proposal do not outweigh the harm identified to the Council's spatial housing strategy or to the character and appearance of the area. Therefore, the identified conflict with the development plan is not outweighed by other material considerations.

Conclusion

53. The application site is located outside the Planned Limits of Development for Market Overton. Existing Local Plan Policy only allows for the conversion and re-use of appropriately and suitably constructed rural buildings for residential use in the countryside and does not apply to new build unless it is to meet affordable housing needs in accordance with the Council's Core Strategy affordable housing Policy CS11. Residential development is only acceptable in the countryside to meet an essential operational need for a dwelling to be located in the countryside or to meet an identified affordable housing need as set out in Core Strategy Policy CS11. There is no indication that the proposal is intended to meet the requirements for housing in the countryside. As such the development would be contrary to Policies CS3 (The settlement hierarchy), Policy CS4 (The location of development), of the Adopted Core Strategy and Policies SP6 (Housing in the Countryside), SP23 (Landscape character in the countryside), of the Site Allocations Development Plan Document 2014 and chapter 5 and 12, of the NPPF (2021).

54. The proposed development would result in a change in the character of the site from one that is currently agricultural to an overtly domestic character. The proposal would result in an increased footprint and height of built form that would diminish the openness and character of the site. The scale and design of the proposed dwellings and positioning in relation to the existing barn and adjacent open countryside would result in an undesirable change in character in this part of the village which would dominate the street scene with its formality and harm and diminish the rural appearance of this locality having a negative impact.

55. Taking the above into account, it is considered that, by virtue of the design, scale and location the proposal would have a detrimental impact upon the character or appearance of the open countryside and local area contrary to NPPF 2021 (Section 12), Policy CS19 of the Rutland Core Strategy (2011) and Policy SP15 of the Site Allocations and Policies Development Plan Document (2014).