

MEETING:	PLANNING COMMITTEE
DATE:	9 DECEMBER 2015
TITLE OF REPORT:	152475 - PROPOSED COTTAGE AND GARAGE AT LAND ADJACENT TO SUTTON LAKES FARM, SUTTON LAKES, HEREFORD For: Mr Nenadich per Mr John Phipps, Bank Lodge, Coldwells Road, Holmer, Hereford, Herefordshire HR1 1LH
WEBSITE LINK:	https://www.herefordshire.gov.uk/planning-and-building-control/development-control/planning-applications/details?id=152475&search=152475
Reason Application submitted to Committee - Redirection	

Date Received: 18 August 2015

Ward: Sutton Walls

Grid Ref: 354189,246852

Expiry Date: 13 October 2015

Local Member: Councillor K S Guthrie

1. Site Description and Proposal

- 1.1 The site lies to the south of the curtilage associated with the existing dwelling at Sutton Lakes Farm which is all within the applicant's ownership. The site has clearly been used in connection with the farm previously due to a field access gate egressing from the site onto the C1129 and there being access into the farm to the north of the site.
- 1.2 The site boundaries include hedging and vegetation to the north and south and a post fence to the west with the adjacent agricultural field.
- 1.3 The site is located in open countryside away from both the nearest identified settlements of Sutton St Nicholas and Marden. The periphery of the built up part of Sutton St Nicholas lies approximately 1.2km to the south west with Marden being approximately 1.5km to the north west.
- 1.4 There are two grade II listed buildings, Little Durance and Ivy Cottage approximately 100m to the north of the site on the T junction of the unclassified lane Sutton Lakes and the C1129 Road.
- 1.5 The application seeks full planning permission for the erection of a single detached dwelling, associated access and turning, a double garage and domestic curtilage. The dwelling proposed is two storey with four dormer windows in total and a projecting gable on the front elevation. The dwelling would measure approximately 14m in length and 6.5m in width on the main part. The height would be approximately 3.5m to the eaves and 7.6m to the ridge. The single storey element located off the south elevation would measure 2.3m to the eaves and 5.4m to the ridge. The proposed materials for the dwelling are red facing brick on the elevations and clay tiles on the roof.

Further information on the subject of this report is available from Miss Emily Reed on 01432 383894

2. Policies

2.1 Herefordshire Core Strategy (HCS)

SS1	-	Presumption in Favour of Sustainable Development
SS2	-	Delivering New Homes
SS6	-	Environmental Quality and Local Distinctiveness
SD1	-	Sustainable Design and Energy Efficiency
RA1	-	Rural Housing Strategy
LD1	-	Landscape and Townscape
LD2	-	Biodiversity and Geodiversity
LD4	-	Historic Environment and Heritage Assets
SD2	-	Renewable and Low Carbon Energy
SD3	-	Sustainable Design and Energy Efficiency
MT1	-	Traffic Management, Highway Safety and Promoting Active Travel

2.2 National Planning Policy Framework (NPPF)

The following sections are of particular relevance

Introduction	-	Achieving Sustainable Development
Section 6	-	Delivering a Wide Choice of High Quality Homes
Section 7	-	Requiring Good Design

2.3 Marden Parish Council recently submitted their Regulation 16 Neighbourhood Development Plan to Herefordshire Council for consultation. However, the plan cannot be afforded any weight until the six week consultation period has expired.

2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

<https://www.herefordshire.gov.uk/planning-and-building-control/planning-policy/core-strategy/adopted-core-strategy>

3. Planning History

3.1 SH950323PO – Application for erection of retirement dwelling. Refused 1995.
This application was for a previous occupier of Sutton Lakes but in a similar position to the proposal.

4. Consultation Summary

Statutory Consultees

4.1 Welsh Water has no objections to the proposal given that the development intends to utilise a septic tank facility.

Internal Consultees

4.2 Transportation Manager comments awaited

4.3 Conservation Manager (Historic Buildings) comments awaited

5 Representations

- 5.1 Marden Parish Council supports the development for one property with the access as shown.
- 5.2 A petition containing 22 signatures of support has been received for the application as well as four individual letters of support. Their comments are summarised as below:
- The applicant has always been a concerned member of the community and should be rewarded
 - The proposal would be beneficial as the applicant would remain in the district and it is imperative, given his ill health, that he moves out of the farm environment
 - A single dwelling will not have a detrimental effect on any neighbours or affect the surrounding area
 - Situation is in the public interest as the applicant will not depend on the Council or the State

- 5.2 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Principle of Development

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires local planning authorities to determine applications in line with provisions of the local development plan unless material considerations dictate otherwise.
- 6.2 In this instance the Development Plan is the recently adopted Herefordshire Local Plan Core Strategy. HCS Policy SS1 enforces what is at the heart of the Government's National Planning Policy Framework in its '*presumption in favour of sustainable development*'. This policy states:

When considering development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the social, economic and environmental conditions in Herefordshire.

Planning applications that accord with the policies in this Core Strategy (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans) will be approved, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the council will grant permission unless material considerations indicate otherwise - taking into account whether:

- a) any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in national policy taken as a whole; or*
- b) specific elements of national policy indicate that development should be restricted*

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- 6.3 Policy SS2 (Delivering new homes) of the Core Strategy sets out clearly the need to ensure sufficient housing land delivery across the County. In order to meet the targets of the Local Plan the Council will need to continue to support housing growth by granting planning permissions where the developments meet with the policies of the HCS, (and, where relevant with policies in other Development Plan Documents and Neighbourhood Development Plans).
- 6.4 With the site being located outside of Hereford and the Market Towns, policy RA2 of the HCS must be considered. This policy states that to maintain and strengthen locally sustainable communities across the rural parts of Herefordshire, sustainable housing growth will be supported in or adjacent to those settlements identified within Figures 4.14 (Main Settlements) and 4.15 (Smaller Settlements). The preamble to RA2 also states that where a Neighbourhood Plan is not sufficiently advanced as to define a settlement boundary or where a Rural Areas Site Allocation DPD does not exist, that applications are determined “*against their relationship to the main built up form of the settlement*”.
- 6.5 While the site lies within the parish of Marden, Sutton St Nicholas is the closest settlement that features within figure 4.14. However, the site does not lie within or adjacent to the main or built up area of the settlement. The main part of the settlement lies to the south west of the site primarily along the C1125 which runs through the village. Given the distance from the built up area of the village the application is not compliant with Policy RA2.
- 6.6 Since the site lies within open countryside, the principle of development must also be assessed against HCS Policy RA3. This policy includes a list of exceptions where residential development may be permitted. While some additional information accompanies the application, see other matters below, the application is not considered to be compliant with the exceptions stated within Policy RA3.
- 6.7 Given the above, with being contrary to policies RA2 and RA3, the Core Strategy does not support residential development of the site.

Design & Impact on Amenity

- 6.8 Notwithstanding the above, the proposed three bedroom dwelling would sit to the north west of the site with the detached double garage to the south east. The existing access would lie within the centre of the eastern boundary with hardstanding into the site leading to the garage and dwelling.
- 6.9 The dwelling is considered to be of a scale that is acceptable on the site, and retains adequate private amenity space.
- 6.10 The dwellings within the neighbouring vicinity are largely of traditional cottage design often gable end onto the road. While the proposed dwelling would not follow this orientation, it is not considered that this proposal would be out of keeping with the surrounding area so as to warrant refusal, particularly given it would be set back from the road.
- 6.11 Sutton Lakes Farm and Farmhouse lie to the north of the site and are within the applicant’s ownership, and neighbouring dwelling Sunnyside Cottage lies to the south. On the side elevations and ones that would face the neighbouring dwellings, there are a total of 4 windows and a door. With the neighbouring property to the north being approximately 22m away, and the relationship with the application site, and the neighbouring dwelling to the south being approximately 50m away, issues impacting upon their amenity is unlikely in respect of overlooking, loss of light or overshadowing.

- 6.12 While comments have not been received from the Historic Buildings Officer at the time of writing, given the distance and the nature of the proposal, the setting of the two nearby listed buildings are not considered to be impacted upon as a result.

Parking and Access

- 6.13 While no comments have been received from the Transportation Manager at the time of writing, the proposed dwelling utilises an existing access off the west of the C1129 which egresses onto a country lane. With the boundary hedge being within the applicant's ownership, the splay could be widened if necessary. As details of the visibility splay would be conditioned if the application were approved and given the nature of the road, the proposal is not considered to be detrimental to highways safety. Furthermore adequate parking provision is provided on site

Drainage

- 6.14 The application form states that foul sewerage from the site will be treated through a septic tank with surface water being disposed through a soakaway. While this may be acceptable, no details of the location of the soakaway have been included with the application. This matter could be conditioned.

Other Matters

- 6.15 While no address for the applicant has been supplied within the application, having spoken to the agent it is clear that the applicant currently resides at Sutton Lakes Farm and wishes to downsize due to ill health. Whilst some documents accompany the application to indicate the applicant's ill health in the form of a letter from his doctor and letters of support, no information with regard to how the design of the building has been reached in order to accommodate the applicant's ill health has been submitted.
- 6.16 With all planning applications being assessed on their individual merits, in exceptional cases personal circumstances can be afforded some weight as a material planning consideration. However, it is very rarely the case that personal circumstances will carry sufficient weight to override policy. The information supplied with the application is not considered to outweigh the failure to comply with local and national policy in terms of this poorly located new dwelling.
- 6.17 Given the above, whilst the design of the building is acceptable, it is not representative of sustainable development and given the non compliance with Core Strategy Policies RA2 and RA3, the principle of residential development is unacceptable on the site.

RECOMMENDATION

That planning permission be refused for the following reason:

- 1. The application site is not within or adjacent to the main built up part of a rural settlement identified for proportionate growth in the Herefordshire Local Plan – Core Strategy, the closest of which is Sutton St Nicholas. For this reason the application site is considered to be in open countryside without overriding exceptional circumstances. The proposal is therefore not representative of sustainable development, contrary to the provision of the Herefordshire Local Plan – Core Strategy policies RA2 and RA3 and the National Planning Policy Framework.**

Informative

- 1 The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material**

considerations and identifying matters of concern with the proposal and discussing those with the applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason for the refusal, approval has not been possible.

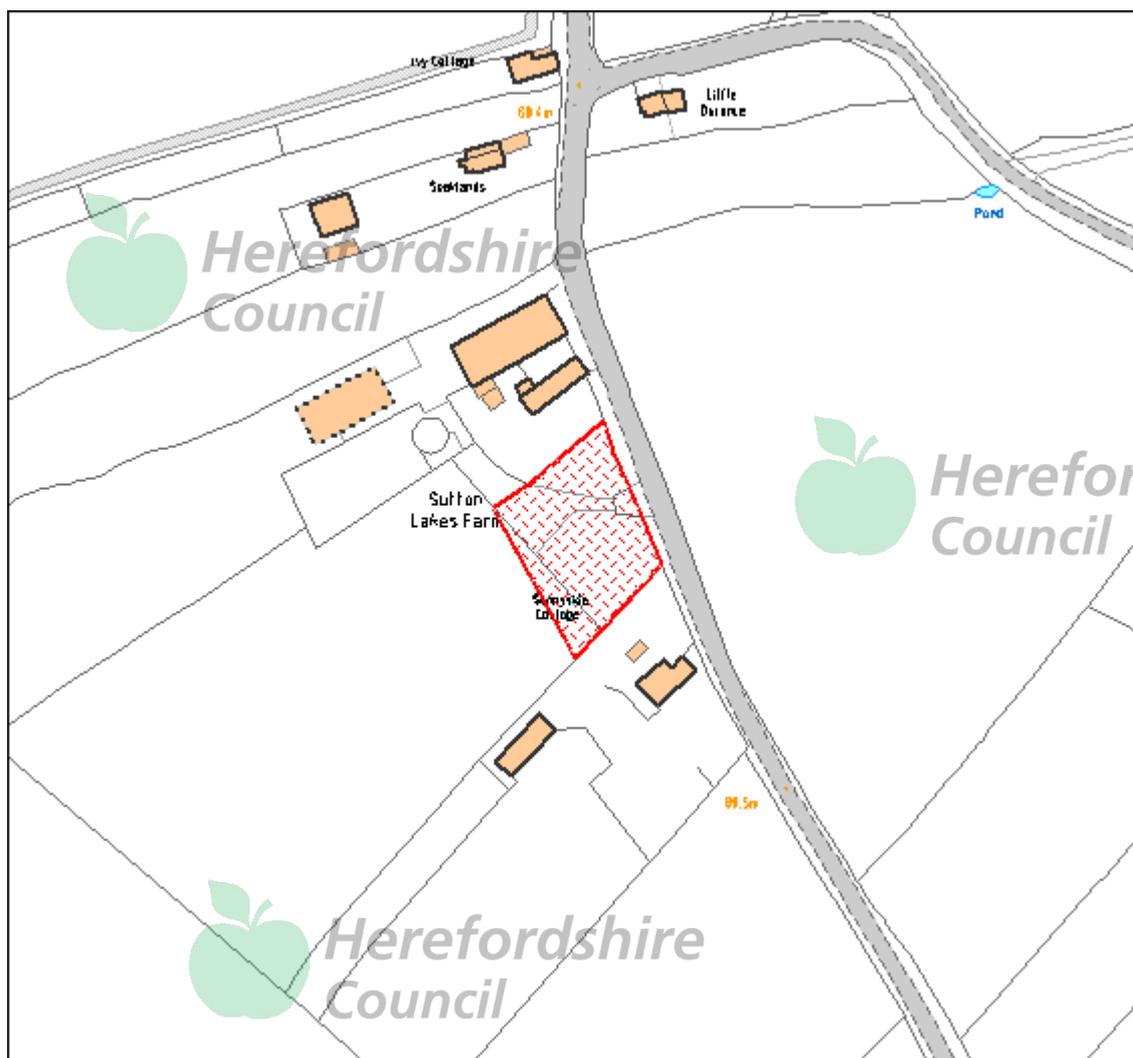
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 152475

SITE ADDRESS : LAND ADJACENT TO SUTTON LAKES FARM, SUTTON LAKES, HEREFORD

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