

Subdivision of 5 bedroom dwelling into a two bedroomed dwelling and a three bedroomed dwelling, and change of use of agricultural land to residential curtilage to provide parking

Report Item No  
A2

70 Elder Lane Griffydam Coalville Leicestershire LE67 8HD

Application Reference  
17/00381/FUL

Applicant:  
Mr George Denoon

Date Registered:  
19 April 2017  
Consultation Expiry:

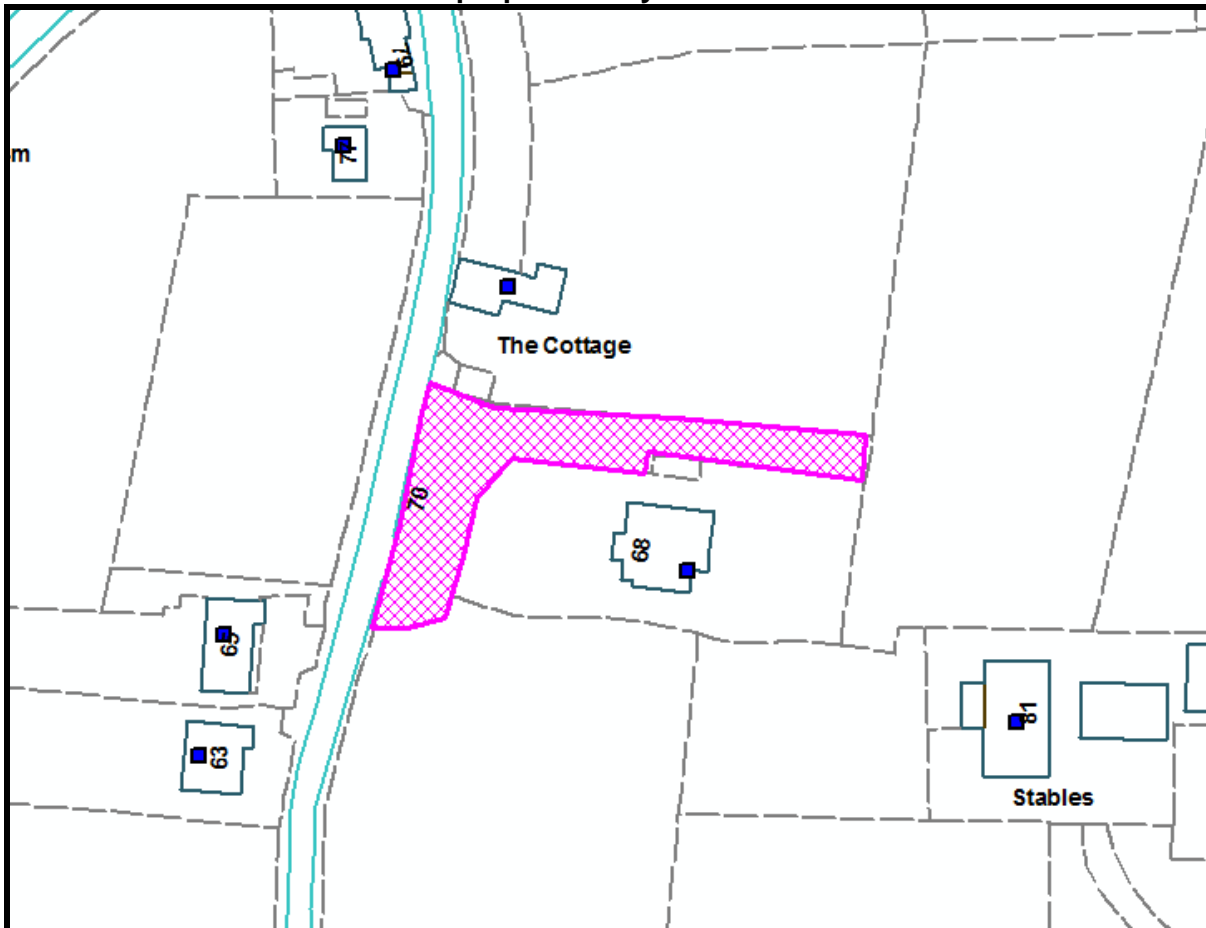
Case Officer:  
Hannah Exley

11 May 2017  
8 Week Date:  
14 June 2017

Recommendation:  
PERMIT

Extension of Time:  
None Agreed

Site Location - Plan for indicative purposes only



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## EXECUTIVE SUMMARY OF PROPOSALS

### Call In

The application is brought to the Planning Committee as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

### Proposal

Planning permission is sought for the subdivision of an existing property (including minor external alterations) into two separate dwellings at 70 Elder Lane, Griffydam. The proposal also includes the change of use of part of a neighbouring agricultural field owned by the applicant to provide off-street parking and turning for the proposed dwellings.

### Consultations

Seven letters of representation have been received; six of which are supportive of the development proposals and one is supportive of the proposals with some concerns. All statutory consultees, with the exception of Worthington Parish Council whose comments are awaited, have raised no objections.

### Planning Policy

The application site is located outside the Limits to Development as defined in the adopted Local Plan and outside the limits in the submitted Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted and submitted Local Plans and other relevant guidance.

### Conclusion

The site lies outside the Limits to development and whilst proposals relating to the conversion of existing buildings are acceptable in principle, the change of use of land to domestic curtilage would conflict with the restrictive countryside Policies S3 of the adopted and submitted local plans. However, the NPPF specifically states that decision takers should consider housing applications in the context of the presumption in favour of sustainable development. In this instance, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, ecology or highway safety. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

**RECOMMENDATION - PERMIT, subject to conditions and subject to no contrary representations being received by 22nd June 2017.**

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the subdivision of an existing property into two separate dwellings at 70 Elder Lane, Griffydam. The subject property is a detached two storey dwelling with five bedrooms, and is one of a group of 8 dwellings located at the northern end of Elder Lane. The subject property is located within Limits to Development as defined by the adopted and submitted Local Plans.

In terms of external alterations the scheme would include for the removal of a garage door and insertion of a window and a door (with canopy) at ground floor level in the front elevation and a new ground floor window in the rear elevation.

The property currently has one parking space available within the site within the garage which conforms with highway standards. Although there is a driveway to the front of the dwelling, which is currently used for the parking of one vehicle, it has been established during the course of the application that the existing driveway and front boundary currently encroach into highway land as the highway boundary aligns with the front gable of the existing dwelling.

The proposal also includes the change of use of part of a neighbouring agricultural field owned by the applicant to provide off-street parking and turning for the proposed dwellings.

Relevant planning history:

08/01363/FUL - Change of use of premises to livery stables including alterations to existing barn, erection of horse walker and formation of new access off Top Road (Permitted). This application resulted in the closure of a former vehicular access in the location of the currently proposed access which allowed access to the neighbouring agricultural field/equestrian use of the land.

### 2. Publicity

Six neighbours notified 20 April 2017

Site notice posted 20 April 2017.

### 3. Summary of Consultations and Representations Received

The following summary of representations is provided.

**Worthington Parish Council** any comments received will be reported to Members on the Update Sheet.

**Leicestershire County Council Highways** have referred the Authority to Standing Advice.

**Leicestershire County Council Ecologist** has no objections.

#### Third Party Representations

Seven letters of neighbour representation have been received which are summarised below:

Six letters of neighbour letters of support have been received raising the following comments:

- the proposal would help maintain a resident that contributes to village life;
- the proposal would enable an existing resident to stay in the village and allow a family

who currently live in different villages to be together and allow a young family to care for a relative;

- the proposal would bring another young family into the village to support a local school;
- the applicant's grandchild already attends the local school and therefore, the development would place no greater burden on local services;
- alterations to the building would be minimal and there would be no change in the visual impact;
- a small amount of notional agricultural land (waste ground) would be converted into parking space;
- better use of a large property;
- Griffydun is sustainable with local services within 1-1.5 miles;
- the parking proposals are reasonable and would get vehicles off the road;
- the proposal include car parking which will improve highway safety;
- the proposal makes environmental and economic sense: and
- economic use of housing stock.

One letter has been received stating support for the proposed sub-division but raising concerns regarding the proposal to create 'off-site' shared parking facilities for both new properties for the following reasons:

- questioned whether the short term sustainability credentials of the subdivision are outweighed by the potential longer term negative cumulative impacts of the parking element of the proposal;
- the District Council should work with the applicant to find alternative parking arrangements;
- the proposed parking area on agricultural land outside the Limits to Development and will result in the domestication of the land which will have a detrimental impact on the character and appearance of the rural environment and harm to the environmental strand of sustainability;
- impact on wildlife with the destruction of hedgerow;
- detrimental impact on highway safety including use of the lane by pedestrians;
- detrimental impact on neighbour to the rear residential amenity, including loss of privacy and noise disturbance;
- the access drive between 70 Elder Lane and the car parking area is unregistered land at the Land Registry and is not owned by the applicant, however, the neighbouring occupier and the owner of the neighbouring field (the applicant) have a right of way across the land for access;
- if permission is granted it should be subject to a detailed plan being provided of the works required to the parking site to ensure that the existing access drive is not affected; and
- the proposal should be assessed against the 6C's design guide, a drainage scheme should be implemented if required; hardsurfacing should be required, the existing boundary with the access drive should be retained where possible with additional planting, the parking area should not be used in connection with the livery owned by the applicant; permitted development rights should be removed and neighbouring soft landscaping should not be harmed.

The full contents of these letters are available for Members to view on the case file.

#### **4. Relevant Planning Policy** **National Planning Policy Framework**

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with

the NPPF. The closer the policies in the development plan to the policies in the NPPF, the greater weight they may be given.

Save where stated otherwise, the policies of the adopted Local Plan as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded due weight in the determination of this application.

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraph 10 (Achieving sustainable development);  
Paragraph 14 (Presumption in favour of sustainable development);  
Paragraph 17 (Core planning principles);  
Paragraph 28 (Supporting a prosperous rural economy);  
Paragraphs 32 and 39 (Promoting sustainable transport);  
Paragraph 49, 55 (Delivering a wide choice of high quality homes);  
Paragraph 57, 60, 61 (Requiring good design);  
Paragraph 109 and 118 (Conserving and enhancing the natural environment); and  
Paragraph 203 and 206 (Planning conditions and obligations);

**Adopted North West Leicestershire Local Plan (2002) Saved Policies (ALP)**

Policy S3 - Countryside;  
Policy E3 - Residential Amenities;  
Policy E4 - Design;  
Policy E7 - Landscaping;  
Policy F1 - National Forest: General Policy;  
Policy F2 - Tree Planting;  
Policy F3 - Landscaping and Planting;  
Policy T3 - Highway Standards;  
Policy T8 - Parking;  
Policy H4/1 - Housing Land Release; and  
Policy H7 - Housing Design.

**Submission North West Leicestershire Local Plan (SLP)**

The publication version of the Local Plan was agreed by Council on 28 June 2016 and submitted for examination on 4 October 2016. The weight to be attached by the decision maker to this submitted version should be commensurate to the stage reached towards adoption: -

Policy S1 - Future Housing and Economic Development Needs;  
Policy S2 - Settlement Hierarchy;  
Policy S3 - Countryside;  
Policy D1 - Design of New Development;  
Policy D2 - Amenity;  
Policy IF4 - Transport Infrastructure and New Development;  
Policy IF7 - Parking Provision and New Development;  
Policy En1 - Nature Conservation; and  
Policy En3 - The National Forest.

**National Planning Practice Guidance**

**6Cs Design Guide (Leicestershire County Council)**

## **Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System)**

### **5. Assessment**

#### **Principle and Sustainability**

In accordance with the provision of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the Development Plan which, in this instance, includes the adopted Local Plan (2002 (as amended)).

The application site lies outside the defined Limits to Development with residential dwellings not being a form of development permitted by Policy S3 of the adopted Local Plan or Policy S3 of the submitted Local Plan. However, Policies S3 and E24 of the adopted Local Plan do allow for the conversion of rural buildings and Policy S2 of the submitted Plan identifies Griffydam as a small village with very limited services and where development will be restricted to conversions of existing buildings or the redevelopment of previously developed land. The application proposals also include the extension to the existing residential curtilage resulting in the change of use of agricultural land outside the Limits to Development and this element of the proposal would not accord with Policy S3 of the adopted or submitted Local Plan.

The NPPF requires that the District Council should be able to identify a five year supply of housing land with an additional buffer of 5% or 20% depending on its previous record of housing delivery. The Local Authority is able to demonstrate a five year supply of housing (with 20% buffer) against the requirements contained in the Submission Local Plan.

Paragraph 17 of the NPPF highlights the need to recognise the intrinsic character and beauty of the countryside, but does not specifically preclude development within the countryside. Consideration must therefore be given to whether the proposals constitute sustainable development (including in its economic, social and environmental roles) given the presumption in favour of such as set out in the NPPF. Further consideration of the proposals' compliance with the three dimensions of sustainable development is set out below.

With regards to the sustainability credentials of the site; there is a church located 170m from the site off Rempstone Road and a Primary School off Top Road within 615m (or 540m when utilising the footpath network) of the site which are within an acceptable walking distance of the site. The Beaumont Social Centre is located 1,160m from the site and the nearest bus stop is on Top Road and provides a less than 2 hourly service. Elder Lane has no footways but is lightly trafficked and there is an option to cross over onto Top Road using the public footpath network.

The social role, as defined in Paragraph 7 of the NPPF, requires the supply of housing to be linked to accessible local services which meet the needs of the community and support its health, social and cultural wellbeing. As identified above Griffydam does not benefit from many services and as such any future resident would be isolated from key services that meet day to day needs. The limitations of the public transport available would also restrict the opportunity to access services other than via the private car.

As a consequence, the settlement of Griffydam has very few services such that residents of the proposed dwelling (as with the existing dwelling), would be heavily reliant on the private car to reach the most basic services in order to meet day to day needs. However, Policy S2 of the submitted Plan identifies Griffydam as a small village with very limited services and does allow for some development including the conversions of existing buildings. Furthermore, in considering the social sustainability of the proposed development, consideration must be also

be given to the existing situation. The existing dwelling has 5 bedrooms and the proposed dwellings would cumulatively have the same number of bedrooms. The local planning authority cannot control the number of people residing at a property and therefore, the number of residents could be less or more than the existing situation. Therefore, whilst it is possible that the proposal could result in an increase in the vehicular movements to and from the site, it is considered that this is unlikely to be to an extent that would result in the development being significantly more socially unsustainable than the existing situation.

There would be some limited economic benefits as a result of construction works associated with the subdivision of the dwelling and formation of the parking area, and by utilising an existing building, which would contribute to the economic strand of sustainability.

From an environmental sustainability perspective, the NPPF in paragraph 109 states that the planning system should protect and enhance the natural and local environment. The dwellings would be provided within an existing building and therefore, the built development would have no greater impact on the surrounding rural environment than the existing situation. The proposal also includes the change of use of land for parking associated with the dwelling. This land forms part of an agricultural field to the south of No.70 Elder Lane which is separated from the dwelling by the access to Breach House. The land is elevated above the highway and includes a triangular area of land enclosed by hedgerows/post and rail fencing that was left over following the closure of the former access to the stables on the field to the south, when a new access was introduced off Top Road. The triangular area within the north-western corner of the agricultural field would need to be extended as part of the proposals and would result in an encroachment of development into the countryside. However, when having regard to the fact that there is already an existing enclosed area within this corner of the field which does not appear as part of the open paddock, that an access formerly existed in this location, the hedgerow screening available along the highway boundary and the potential to further mitigate the impacts of the proposed car parking area through additional landscaping along the boundaries, along with the informal/irregular form and arrangements of plots within this locality, on balance, it is not considered that the proposal would be significantly harmful to the character and appearance of the surrounding countryside.

It is considered that the use of the land as garden with domestic paraphernalia could change the appearance of the land which could have an adverse impact on the character and appearance of the site. Therefore, it is considered that it would be prudent to remove permitted development rights for curtilage buildings and structures. Subject to conditions, it is considered that the proposals would not cause significant harm to the environmental strand of sustainability and would accord with the aims of the NPPF.

In conclusion, whilst the proposal would not comply with the provisions of Policy S3 of the submitted Local Plan, there is some support for the conversion of buildings to residential accommodation within Policies S3 and E24 of the Local Plan and within Policy S2 of the submitted Local Plan. Whilst the proposals would be contrary to the adopted Local Plan, in determining the application regard must be had to other material considerations, including other policies, such as national policies. When having regard to the existing situation on site, as set out above, it is considered that the proposals would represent a sustainable form of development for the purposes of the provisions of the NPPF. The principle of the development is therefore, considered acceptable.

### **Residential Amenities**

The neighbouring properties that would be most immediately affected by the proposals would be No.68 Elder Lane (Breach House) to the rear (west) of the application dwelling and The Cottage

to the north of the application dwelling. The proposed alterations to the dwelling would be at ground floor only and the internal layout is such that the use of just one of the first floor rooms would be different to the existing situation. A former study is now proposed as a bathroom. In these circumstances, it is not considered that there would be any additional overlooking from the existing dwelling over the two nearest neighbouring dwellings. In terms of comings and goings, the number of bedrooms available within the existing and proposed developments would be the same. The local planning authority cannot control the number of people residing at a property and therefore, the number of residents occupying the proposed dwellings could be less or more than the existing situation. Therefore, whilst it is possible that the proposal could result in an increase in the vehicular movements to and from the site, it is considered that this is unlikely to be to an extent that would result in the development generating a significant increase in noise and disturbance to the neighbouring dwellings. Although there would be comings and goings along the shared access drive, these would be at sufficient distance from the neighbouring dwellings to prevent any significant loss of amenities from noise and disturbance. There is a ground floor window that would serve a dining room in the side elevation of the application dwelling which faces the shared access route, and there would be an increase in vehicles passing this window but it is not considered that this would give rise to any significant loss of amenities to the occupiers of this dwelling to warrant a refusal of permission on this ground.

Overall, it is considered that the development would not have any significant detrimental impact upon the amenity of neighbouring residential properties (or future neighbouring residents) and the proposal is considered to be acceptable in relation to Policy E3 of the adopted Local Plan and D2 of the submitted Local Plan.

#### **Design and Character of the Area**

The subdivision of the dwelling would require some minor alterations to the existing dwelling and these are detailed in the background and proposals section of this report. The proposed alterations to the existing dwelling would not look out of keeping with the character and appearance of the existing dwelling or the street scene.

With regard to the proposed parking area, as detailed above within the consideration of the environmental strand of sustainability, when having regard to the fact that there is already an existing enclosed area within this corner of the field which does not appear as part of the open paddock, that an access formerly existed, the hedgerow screening available along the highway boundary and the potential to further mitigate the impacts of the proposed car parking area through additional landscaping along the boundaries, along with the informal/irregular form and arrangements of plots within this locality, on balance, it is not considered that the proposal would be significantly harmful to the character and appearance of the surrounding countryside.

Overall, the application is considered to be compliant with Policy E4 of the adopted Local Plan and Policy D1 of the submitted Local Plan.

#### **Highway Safety**

The existing 5 bedroom dwelling currently only has one parking space within the existing curtilage that complies with the dimensions set out in the 6C's Design Guide (within the existing garage). Therefore, as 3 spaces are required for this size property, there is currently a deficit of 2 spaces which exists and this will need to be considered in the determination of the application. The current proposal for 3 and 2 bedroom dwellings would generate a requirement for 4 spaces. However, the proposals include the change of use of nearby land to provide parking and turning for four vehicles and it is considered that this part of the site is of sufficient size to accommodate parking and turning in accordance with the 6C's Design Guide. The access drive over which the



proposed parking area is accessed is bound by land owned by the applicant on both sides. It is considered that an effective width of 4.25m could be achieved for the access drive to allow two vehicles to pass clear of each other in order to avoid the need for vehicles to reverse into the public highway. Visibility at the access drive is restricted by the application dwelling to the north and by the existing hedgerow to the south and would not comply with the 6C's Guide, and whilst visibility to the south could be improved by the removal of hedgerow to the south, this would have adverse impacts on visual amenities.

On balance, when having regard to the existing parking deficit, the poor visibility available at the existing access to the front of the existing dwelling and the available visibility at the shared private drive and in the absence of an accident record on Elder Lane, the County Highways Authority considers the applicant's specific proposal to be acceptable, subject to conditions concerning access width, parking and turning.

In response to comments raised by the neighbour about alternative parking options being explored, this has been undertaken in consultation with the County Highways Authority and although a potential solution was reached, which provides two parking spaces within the existing site, the applicant decided that this level of provision, which is below that required by the 6C's Design Guide, would be inadequate for his family in the future and therefore, the application has been determined on the basis of the originally submitted plans.

In summary, subject to the imposition of conditions it is considered that the scheme is acceptable in relation to Saved Policies T3 and T8 of the adopted Local Plan and Policies IF4 and IF7 of the submitted Local Plan, and the 6C's Design Guide.

### **Ecology**

The proposal relates to agricultural land in the countryside and therefore, the County Ecologist has been consulted on the application. Despite the concerns of the neighbour regarding the destruction of the hedgerow, the County Ecologist raises no objections due to the minor nature of the application and the minor loss of hedgerow. Therefore, the proposal is considered acceptable for the purposes of Policy En1 of the submitted Local Plan and paragraphs 118 of the NPPF.

### **Other Matters**

With regard to comments about land ownership, the applicant has provided a revised Certificate of Ownership which reflects the fact that the applicant does not own all of the application site. A notice has also been published in a local newspaper as required when the land owner is unknown, and therefore, the applicant has met with the necessary requirements of legislation and the application is a valid submission.

With regard to matters relating to rights of way, this is a civil matter covered by separate legislation and, therefore, is not a planning matter to be taken into account in the determination of this application.

The neighbours' concerns regarding the need to provide details of the parking area should permission be granted are addressed through the imposition of conditions.

### **Conclusion**

The site lies outside the Limits to Development and whilst proposals relating to the conversion of existing building are acceptable in principle, the change of use of land to domestic curtilage would conflict with the restrictive countryside Policies S3 of the adopted and submitted Local Plans. However, the NPPF specifically states that decision takers should consider housing

applications in the context of the presumption in favour of sustainable development. In this instance, the proposed scheme is considered to comply with the core principles of the NPPF, and thus in principle, the development is considered acceptable. The scheme does not give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, ecology or highway safety. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

**RECOMENDATION - PERMIT, subject to the following condition(s) and subject to no contrary representations being received by 22nd June 2017**

Time limit  
Approved plans  
Levels for parking area  
External materials - dwellings and parking area (surfacing)  
Landscaping and boundary treatments  
Highways - effective access width of 4.25m  
Highways - parking and turning (tie occupation to provision of parking)  
PD removal - extensions and alterations (dwelling) /curtilage buildings and structures (parking area)

Notes to applicant:  
Positive and proactive statement  
Coal authority Standing Advice note