

Application Number: F/YR13/0772/F
Minor Dwellings
Parish/Ward: Chatteris Town Council/The Mills Ward
Date Received: 10 October 2013
Expiry Date: 5 December 2013
Applicant: Mr D White

Proposal: Removal of Condition 2 of planning permission F/YR13/0311/F (Erection of a 2-storey 4-bed dwelling and detached garage/carport with storage area above and erection of 2 m high security fence and gates) relating to the use of the property in conjunction with Oak Garden Centre

Location: Land east of 134 London Road, Chatteris

Site Area: 0.125 ha

Reason before Committee: The previous application was supported by Members at Planning Committee and therefore for consistency the application is for determination by Planning Committee

1. EXECUTIVE SUMMARY/RECOMMENDATION

This application seeks the removal of condition 2 of planning permission F/YR13/0311/F which requires the occupation of the dwelling to be in conjunction with the operation of the adjacent Oak Garden Centre.

The applicant has submitted a justification for the removal of this condition as follows:

“Although the house is being built next to the garden centre, it is in no way attached to the business. Whilst my wife and I are happy to afford security to a site that has had numerous problems over the years, this building, as stated publicly at the planning committee meeting is intended to be a retirement home for use. I am the freehold owner of the garden centre but not a director or shareholder in Oak Landscapes Ltd. Having discussed the situation with two of my neighbours who have both been granted permission recently and no such condition made, it seems really unfair that this should be applied to our retirement home. We are extremely concerned that in the event of our son’s business changing that the Council have the opportunity of exercising control over subsequent use of our new house and request that the condition be removed.”

The key issues relate to:

- Policy considerations

The site is located away from the established settlement limits of Chatteris and consists of an agricultural field located adjacent to an existing garden centre.

The submitted justification for the previous application related to the desire of the current owner of the garden centre who resides at 132 London Road to move to a more modern house which is easier to maintain and heat whilst still retaining some security measures for the garden centre.

The removal of the condition would in effect result in the development of a dwelling in the open countryside with no justification contrary to the National Planning Policy Framework. Para 55 of the NPPF states the LPA's should avoid new isolated homes in the countryside unless there are special circumstances, such as justification to support a rural enterprise.

Without a justified need for the dwelling, Officers cannot support the development as outlined in the previous report as set out in F/YR13/0311/F.

Whilst there have been other approvals in this part of London Road which accord with local Member support, Officers must be mindful of Policy H3 of the Local Plan and policies CS1, CS3 and CS16 of the emerging Core Strategy and para. 55 of the NPPF. As such the recommendation, in light of policy framework must be one of refusal.

2. HISTORY

F/YR13/0311/F	Erection of a 2-storey 4-bed dwelling and detached garage/carport with storage area above	Granted 27 August 2013
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3. PLANNING POLICIES

3.1 National Planning Policy Framework:

Paragraph 2: Planning law requires that application for planning permission must be determined in accordance with the development plan.

Paragraph 14: Presumption in favour of sustainable development.

3.2 Draft Fenland Core Strategy:

CS1: A presumption in favour of sustainable development.

CS3: Spatial strategy, the settlement hierarchy and the countryside.

CS16: Delivering high quality environments

3.3 Fenland District Wide Local Plan:

H3: Development should be within existing settlements

E8: Landscape and Amenity Protection

4. CONSULTATIONS

4.1 **Parish/Town Council:** Noted.

4.2 **Middle Level Commissioners:** Will not comment on application.

4.3 **Environmental Health:** No objection as the development is unlikely to have a detrimental effect on local air quality or the noise climate.

- 4.4 **Local Highway Authority:** No observations to make.
- 4.5 **Police Architectural Liaison Officer:** I am conscious of my previous comment regarding free access to the dwelling and the current need to access through the garden centre. This clearly creates a relationship between the dwelling and the commercial premises. I am also conscious of further conditions on the planning approval regarding the redesign of the entrance with gates positioned 22 metres from the highway to permit free access of the dwelling as well as resolving crime prevention measures. As I have not been consulted on any resolution of these matters I have to conclude that resolution has not been sought by the applicant.
- Until such time as these matters are resolved to permit free access to the dwelling then there is a correlation between the dwelling and the adjacent commercial premises that will affect the security of the premises. Therefore I would object to removal of this condition prior to satisfactory resolution of the other conditions pertaining to approval F/YR13/0311/F.
- 4.6 **Local Residents:** No comments received.

5. **SITE DESCRIPTION**

- 5.1 The site is located to the south of Chatteris approximately 0.7 miles outside the existing settlement limits. The site is presently open grassland with a range of landscaping along the front boundary with open views to the rear. Access is to be formed off the B Class road which will require the removal of a small section of hedge and vegetation. The site has an area of approx 0.125 ha.

6. **PLANNING ASSESSMENT**

The key considerations are:

- Policy considerations
- Other considerations

Policy Considerations

The application site lies outside of the existing established limits of Chatteris and the area is characterised by a mix of sporadic development in the area including some recently approved dwellings and is considered rural in nature.

Under criteria contained in Policies H3 and H16 of the Fenland District Wide Local Plan 1993 the principle of development in such locations is normally unacceptable unless associated with agriculture, horticulture or forestry.

The emerging Fenland Local Plan Core Strategy Proposed Submission February 2013 seeks to concentrate new housing development in the most sustainable locations principally in the main market towns and to a lesser extent in the growth villages.

Policy CS3 has an overarching strategy for sustainable growth in and around the four market towns and states that development outside of towns and villages will be restricted to what which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation, transport or utility services and such development will be subject to a restrictive occupancy condition. Policy CS3 steers most new development to those larger places that offer the best access to services and facilities and help reduce the need to travel as well as making best use of existing infrastructure and previously developed land in built up areas. It is Government policy that development in the countryside should be strictly controlled in order to conserve its character and natural resources. By identifying the settlement hierarchy and distinguishing between settlements and the countryside the policy restricts development in the countryside to than where a rural location is fully justified.

The request to remove a restrictive condition which rendered the previous application acceptable cannot be supported by Officers. The dwelling has not been erected and therefore any further consent will result in an unjustified dwelling in the open countryside.

The application is therefore recommended for refusal.

7. RECOMMENDATION

Refuse

- 1. The proposed removal of condition 2 of planning permission F/YR13/0311/F will result in a new dwelling in the open countryside without any justification and therefore the proposal is considered to be contrary to Policy H3 of the Fenland District Wide Local Plan 1993 and Policy CS12 of the Fenland Local Plan Core Strategy September 2013.**