

Application Number: F/YR13/0886/F
Minor Dwellings
Parish/Ward: March Town Council
Date Received: 27 November 2013
Expiry Date: 22 January 2014
Applicant: Mr & Mrs J Pooley
Agent: Lee Bevens Associates Ltd

Proposal: Variation of Condition 2 of planning permission F/YR13/0280/F (Erection of a 4-bed 2-storey dwelling and detached workshop for B1, B2, B8 use, involving demolition of existing barn and outbuildings) to lift restrictive condition from dwelling only

Location: Land west of Thirties Farm, Upwell Road, March

Site Area: 0.133 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/YR13/0280/F which requires the occupation of the dwelling to be in conjunction with the operation of the existing groundwork contractors business.

The key issues relate to:

- Justification
- Policy considerations

The site is located away from the established settlement limits of March. The submitted justification for the previous application related to the desire of the son, who currently lives at Thirties Farm, to have his own residential accommodation on site to provide the security that the business needs. The LPA considered that the existing dwelling is adequate to provide this security.

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.

The applicant has not provided an alternative to the wording on the original permission and therefore without the comfort that the dwelling will ultimately be tied to the business use the application cannot be supported.

The LPA considers that the removal of a restrictive condition which ties the occupation of the new dwelling to the existing business will result in an open market dwelling in the open countryside contrary to Policy H3 of the Local Plan and policies CS1, CS3 and CS16 of the emerging Core Strategy and para. 55 of the NPPF. This would be at variance to the original grounds the committed outlined when favourably recommending the scheme. As such the recommendation, in light of policy framework must be one of refusal.

2. HISTORY

F/YR13/0280/F	Erection of a 4-bed 2-storey dwelling and detached workshop for B1, B2, B8 use involving demolition of existing barn and outbuildings	Granted 10 September 2013 Committee
F/YR12/0843/F	Erection of a 4-bed 2-storey dwelling involving demolition of existing barn and outbuildings	Refused 21 December 2012 Delegated

3. PLANNING POLICIES

3.1 National Planning Policy Framework:

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

Paragraph 14: Presumption in favour of sustainable development.

Section 6: Delivering a wide choice of high quality homes.

3.2 Draft Fenland Core Strategy:

CS1: A presumption in favour of sustainable development.

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

CS12: Rural Areas Development Policy

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

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|-----|-----------------------------|--|
| 4.1 | Parish/Town Council: | Comments not received at time of report writing. |
| 4.5 | Local Residents: | No comments received. |

5. SITE DESCRIPTION

- 5.1 The site is located to the east of March approximately 1.2 miles from the existing settlement limits.

The site is presently open amenity land associated with Thirties Farm and consists of a detached brick single storey barn/outbuilding with a gravelled access track into the site. There is a range of conifer trees on the western and northern boundary of the site with the frontage mainly open. The site lies in open countryside away from any existing settlement limits. The site is located within Flood Zone 3.

6. PLANNING ASSESSMENT

The key considerations are:

- Justification
- Policy considerations

Justification

Members will recall that this proposal was supported subject to an occupancy condition at the September Committee. Subsequent to this approval the applicant now seeks to vary the occupancy condition and has submitted a justification as follows:

“Further to the granting of planning permission for the above on 10 September 2013 my clients have been actively trying to secure a mortgage for the construction of the dwelling as their new family home.

Despite numerous attempts through both mortgage brokers and directly with mortgage lenders they have been unable to secure a mortgage due to the very restrictive nature of Condition 2.

They have sought solicitor opinion as well who has noted that the condition makes it highly unlikely that a lender would be prepared to lend on mortgage to fund the erection of the proposed 4-bed dwelling.

The applicant has letters and emails on file should they be required that support the fact that a self build mortgage cannot be granted for the property with the restrictive condition relating to the commercial business at the address, and one broker notes ‘they do not lend on a property with any commercial element involved’ with another noting ‘they have confirmed that they would be unable to lend on this property with any sort of restriction at all on the planning regards running a business from the premises’.

Policy Considerations

The application site lies outside of the existing established limits of March and the area is characterised by a mix of sporadic development in the area. 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 September 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 that where a rural location is fully justified.

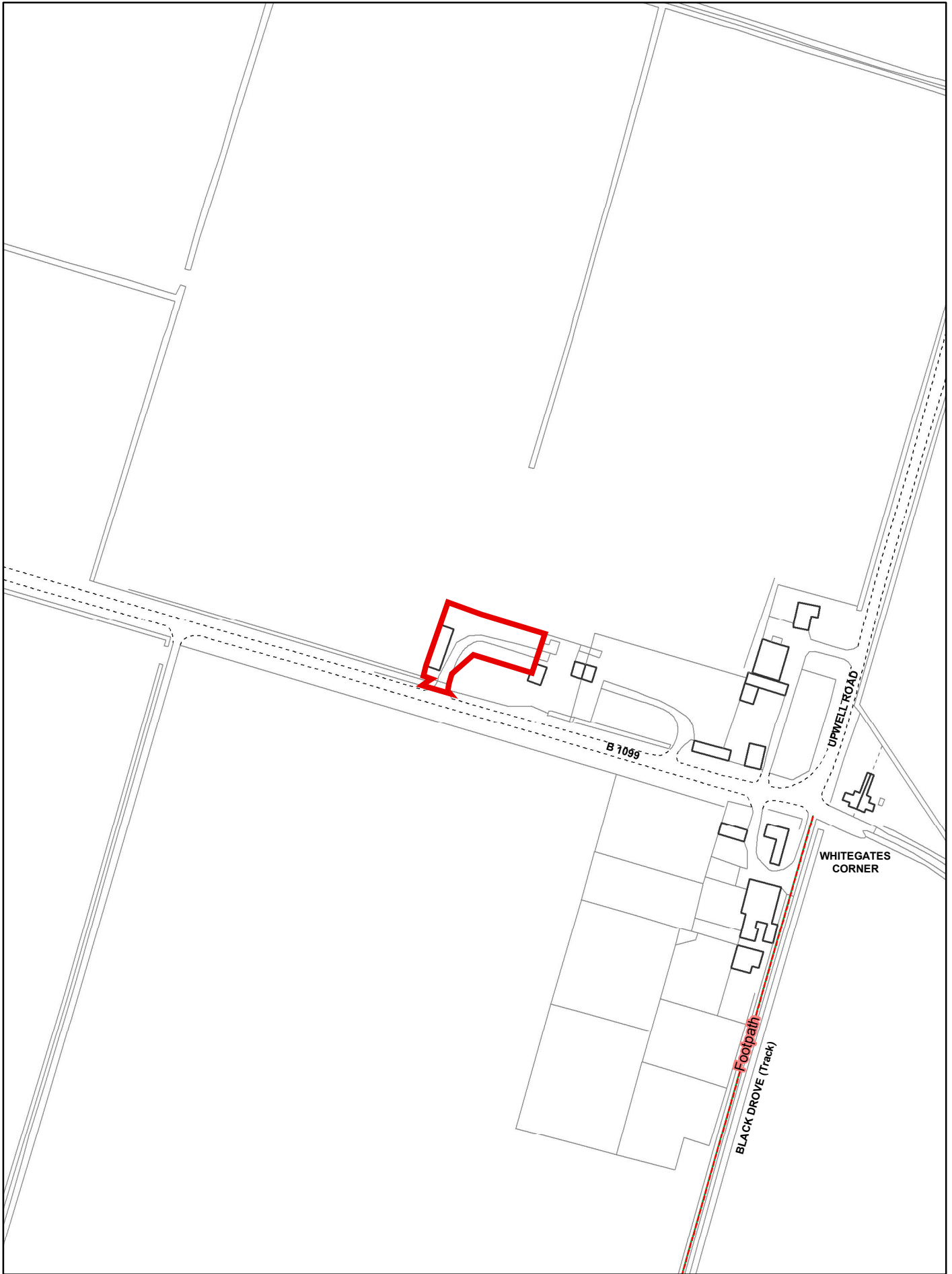
The request to remove a restrictive condition which rendered the previous application acceptable cannot be supported by Officers. The dwelling has not been erected and therefore any further consent will result in an unjustified dwelling in the open countryside.

The application is therefore recommended for refusal.

7. RECOMMENDATION

Refuse

- 1. The proposed removal of condition 2 of planning permission F/YR13/0280/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.**



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