

North Northamptonshire Area Planning (Kettering) Committee 13/12/2021

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| Application Reference | NK/2021/0829 |
| Case Officer | Natalie Westgate |
| Location | Suffolk Villa, Rushton Road, Rothwell |
| Development | Full Planning Permission: Change of use from open countryside to residential garden and erection of mobile home ancillary to the main dwelling |
| Applicant | Mr M Harrison |
| Agent | Mr A Jelley Alpine Planning Ltd |
| Ward | Rothwell |
| Overall Expiry Date | 07/12/2021 |
| Agreed Extension of Time | |

All plans and documents can be viewed using the application reference number at <https://www.kettering.gov.uk/planningApplication/search>

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation because there are unresolved, material objections to the proposal and the agent is a member of NNC staff working within the Planning & Development Service / at Tier 4 level.

1. Recommendation

1.1 That planning permission be REFUSED.

2. The Proposal

- 2.1 Change of use from open countryside to residential garden and erection of mobile home ancillary to the main dwelling.

3. Site Description

- 3.1 The application site is located on the southern side of Rushton Road within the open countryside to the north east of the settlement of Rothwell. It consists of a detached house which faces onto Rushton Road.
- 3.2 To the south of the dwelling there is a small hard surfaced garden area which provides access to a large detached building used for storage (granted permission under application ref: KET/2014/0499). To the east of the site is a hard surfaced area used for lorry storage in conjunction with the HGV operating centre under application ref: KET/2002/0684. The remainder of the site which rises up away from the site is grassed. There is to the rear a mobile home which does not benefit from planning permission and is not the same mobile home as being applied for.
- 3.3 Site Constraints
Outside town boundary in open countryside

4. Relevant Planning History

- 4.1 KET/2021/0323 - Certificate of Lawfulness for Proposed Use: Siting of a mobile home for use ancillary to the main dwelling – Refused – 29/07/2021.
- 4.2 KET/2014/0499 - Demolition of existing outbuildings and erection of storage and workshop building – Approved - 10/09/2014.
- 4.3 KET/2002/0684 – HGV operating centre for one vehicle (permanent) - Approved - 19/11/2002.
- 4.4 KET/2001/0279 – Change of use: Use of the site as an operating centre (temporary permission) – Approved - 31/08/2001.
- 4.5 KET/1995/0094 – Erection of 2 no. detached dwellings – Refused - 27/03/1985.
- 4.6 KET/1977/1382 – Erection of refrigerated milk storage building and use of land as milk distribution depot - Approved - 06/01/1978.
- 4.7 KET/1977/0977 – Erection of refrigerated milk storage building and use of land as milk distribution depot – Approved - 14/10/1977.
- 4.8 KET/1977/0277 – Continued use of premises as heavy vehicle depot - Refused - 16/06/1977.

5. Consultation Responses

A full copy of all comments received can be found on the Council's website at:
<https://www.kettering.gov.uk/planningApplication/search>

5.1 Parish / Town Council

Councillors has serious reservations about the nature of this application, particularly around loss of open countryside/green space within the town.

5.2 Neighbours / Responses to Publicity

None received.

5.3 Local Highway Authority (LHA)

The Local Planning Authority must satisfy itself as regards parking and servicing of the site. No objections subject to condition on tying the mobile home to the existing dwelling so that is that the development is to be made ancillary to the main dwelling only.

5.4 Environmental Protection Officer

No comments.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1. Presumption in favour of Sustainable Development

Policy 3. Landscape Character

Policy 4. Biodiversity and Geodiversity

Policy 6. Development on Brownfield Land and land affected by Contamination

Policy 8. North Northamptonshire Place Shaping Principles

Policy 9. Sustainable Buildings

Policy 11. The Network of Urban and Rural Areas

Policy 13. Rural Exceptions

Policy 28. Housing Requirements

Policy 29. Distribution of New Homes

Policy 30. Housing Mix and Tenure

6.4 Local Plan – Site Specific Part 2 Local Plan

Policy LOC1. Settlement Boundaries

Policy RS4. Development within the Open Countryside

6.5 Neighbourhood Plan

Not applicable

6.6 Other Relevant Documents

Rothwell and Desborough North AAP

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters

7.1 Principle of Development

7.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires local planning authorities to determine planning applications in accordance with the Development Plan unless material planning considerations indicate otherwise.

7.1.2 The proposal seeks to change land from open countryside to residential land and to erect 1 no. detached mobile home on a parcel of land which is set outside the settlement boundary within the open countryside.

7.1.3 The Council's adopted development strategy is to direct development in a hierarchal order such that development sites are within the growth towns, market towns, villages and then open countryside.

7.1.4 The proposal site is within the Rural Policy Area in open countryside as defined by Joint Core Strategy (JCS) 2016 Policy 11. Policy 11 of the Joint Core Strategy defines the settlement hierarchy which underpins the focus and priorities for new development throughout the borough, with principle focus of housing delivery being directed towards the growth town of Kettering, with secondary focus being directed to the market towns such as Rothwell and then focus on villages. It also states that other forms of development will be resisted in the open countryside unless there are special circumstances as set out in Policy 13 of the Joint Core Strategy or national policy.

7.1.5 Criteria 2 of Policy 13 in the Joint Core Strategy states:

“In open countryside, away from established settlements, permission will not normally be granted for new build residential development, with the exception of:

- a) *Individual dwellings of exceptional quality or innovative design...*

b) *Dwellings for rural workers at or near their place of work in the countryside, provided that:*

- i. *The dwelling is required to enable someone who is in full time employment in agricultural, forestry or similar rural businesses to meet the essential need of the enterprise concerned; and*
- ii. *It can be demonstrated the functional, financial and viability tests...have been met."*

In this instance, the proposal does not accord with the relevant requirements of this policy.

7.1.6 The housing requirements for the borough and rural area over the plan period are set out in Policies 28 and 29 in the Joint Core Strategy.

7.1.7 Policy RS4 of the Site Specific Part 2 Local Plan states

"Development in the open countryside will be resisted, unless;

a. *It meets the requirement of Policy 13, 25 or 26 of the Joint Core Strategy; or*

b. *It involves the replacement of an existing dwelling; and*

i. *the proposal is similar in size and scale to the existing dwelling;*

ii. *is sited on or close to the position of the original dwelling; and*

iii. *does not detract from the open and undeveloped character of the countryside*

c. *The development would involve the re-use of redundant or disused buildings and would enhance the immediate setting of the redundant or disused buildings; and*

i. *the building is physically suitable for conversion or retention;*

ii. *the building is suitable for the proposed use without extensive alteration, rebuilding, or extension;*

iii. *the proposal would not have a detrimental impact on the character of the building or surrounding area;*

iv. *Proposed alterations are in keeping with the design and character of the building and seek to retain original features*

d. *It involves small scale private equestrian facilities where a need can be demonstrated."*

In this instance, the proposal does not accord with the relevant requirements of this policy.

7.1.8 National Planning Policy Framework paragraph 80 states that local authorities should *"avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

a) *There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*

b) *The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*

- c) *The development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) *The development would involve the subdivision of an existing residential dwelling; or*
- e) *The design is of exceptional quality, in that it:*
 - *Is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - *Would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.”*

In this instance, the proposal does not accord with the relevant requirements of this policy.

7.1.9 Policy 8 of the North Northamptonshire Joint Core Strategy is supportive of such development provided there is no adverse impact on character and appearance, residential amenity, and the highway network. It also seeks a high standard of design.

7.1.10 The principle of development is considered unacceptable for the reasons set out above.

7.2 **Visual Impact**

7.2.1 Policy 8(d) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

7.2.2 There is currently a mobile home which is highly visible from the adjacent open space in Rothwell but this is not part of the application and does not benefit from planning permission. It does demonstrate that the proposed mobile home also to be sited near to the boundary with the open space would be highly visible from adjacent open space and would be dominate alien building that would appear out of character from both outside and within the site.

7.2.3 The loss of the open countryside for residential land would alter the appearance and the character of this open land as there may be residential hard landscaping and large garden furniture which would be visible from the adjacent open space.

7.2.4 Policy 9 of the North Northamptonshire Joint Core requires new development to incorporate measure to ensure high standards of resources and energy efficiency and reduction in carbon emissions. This includes measures which limit water use to no more than 105 litres/person/day.

7.2.5 The proposal would be inappropriate for the locality in terms of change of character and a dominant alien building would be visible from an adjacent open space. Therefore, the proposal is considered to have detrimental impact adversely upon the character of the local area and therefore is not in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

7.3 Impact on Neighbouring Amenity

- 7.3.1 Policy 8(e) of the North Northamptonshire Joint Core Strategy seeks to ensure that development prevents harm to residential amenity.
- 7.3.2 The proposed development would have significant separation distances from the neighbouring properties, which are also set off the common boundary and there are significant ground level changes.
- 7.3.3 The proposed development would be overdevelopment of the site. To access into the new residential area you would go through commercial area and indeed there is an unsafe drop in land from the proposed residential garden to an industrial workshop building to the south of the proposed residential area and commercial vehicles would be to west of the proposed residential area so it would not be safe for children to play and would result in an unpleasant outdoor amenity area for future occupier(s) of the mobile home. There is no provision for refuse for the future occupier(s) of the mobile home.
- 7.3.4 It is therefore considered that the proposed development is not in accordance with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy in that the new development would result in an unacceptable impact upon the amenities of the future occupants.

7.4 Highway Matters

- 7.4.1 Policy 8(b) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.
- 7.4.2 The mobile home would be 2 bedrooms and lived in by the occupier's son so there would be requirement for additional parking within the site which is not set out within the plans.
- 7.4.3 It is considered that the proposed development is not in accordance with Policy 8(b) of the North Northamptonshire Joint Core Strategy.

8. Other Matters

- 8.1 Neighbour comments:
No neighbour comments received.

9. Conclusion / Planning Balance

- 8.1 For the reasons given above then the proposal would not be acceptable in terms of loss of open countryside, dominant alien building visible from adjacent open space, and overdevelopment of the site with conflicting uses which would result in a detrimental impact on living conditions for future occupier(s).

10. Recommendation

10.1 The proposal is recommended for refusal.

11. Reasons for Refusal

1. The proposed development is located outside the settlement boundary of Rothwell in the open countryside. It is an unjustified form of development outside of the town boundary, contrary to both local and national planning policy. The proposal would have a detrimental impact upon the character of the area, creating an uncharacteristic development. The proposal does not seek to enhance the intrinsic quality of the countryside and as such the proposal conflicts with paragraph 80 of the National Planning Policy Framework, Policies 11 and 13 of the North Northamptonshire Joint Core Strategy and Policy RS4 of the Site Specific Part 2 Local Plan.

2. The loss of the open countryside for residential land would alter the appearance and the character of this open land as there may be residential hard landscaping and large garden furniture which would be visible from the adjacent open space. The siting and form of the proposed mobile home would result in an unacceptable incongruous and alien feature which would be visible from the adjacent open space within Rothwell and would be out of character with the locality. The proposed development would erode the open character as viewed from the adjacent open space by encroaching into the open countryside. Thereby the proposal would have a harmful impact to the character of the locality contrary to Policy 8(d) (i) of the North Northamptonshire Joint Core Strategy (2016).

3. The proposed development would represent overdevelopment of the site and would provide insufficient and unsafe levels of residential amenity for the future occupants of the site given the conflicting uses within the site. There is no provision for refuse nor parking provision within the site, which would add conflicting pressure for amenity land in the proposed small rear garden for the mobile home. Therefore, the proposal would be likely to have a detrimental impact upon the amenity levels of the future occupants of the site which would be contrary to Policies 8 (b) (ii) and 8 (e) (i) of the North Northamptonshire Joint Core Strategy.

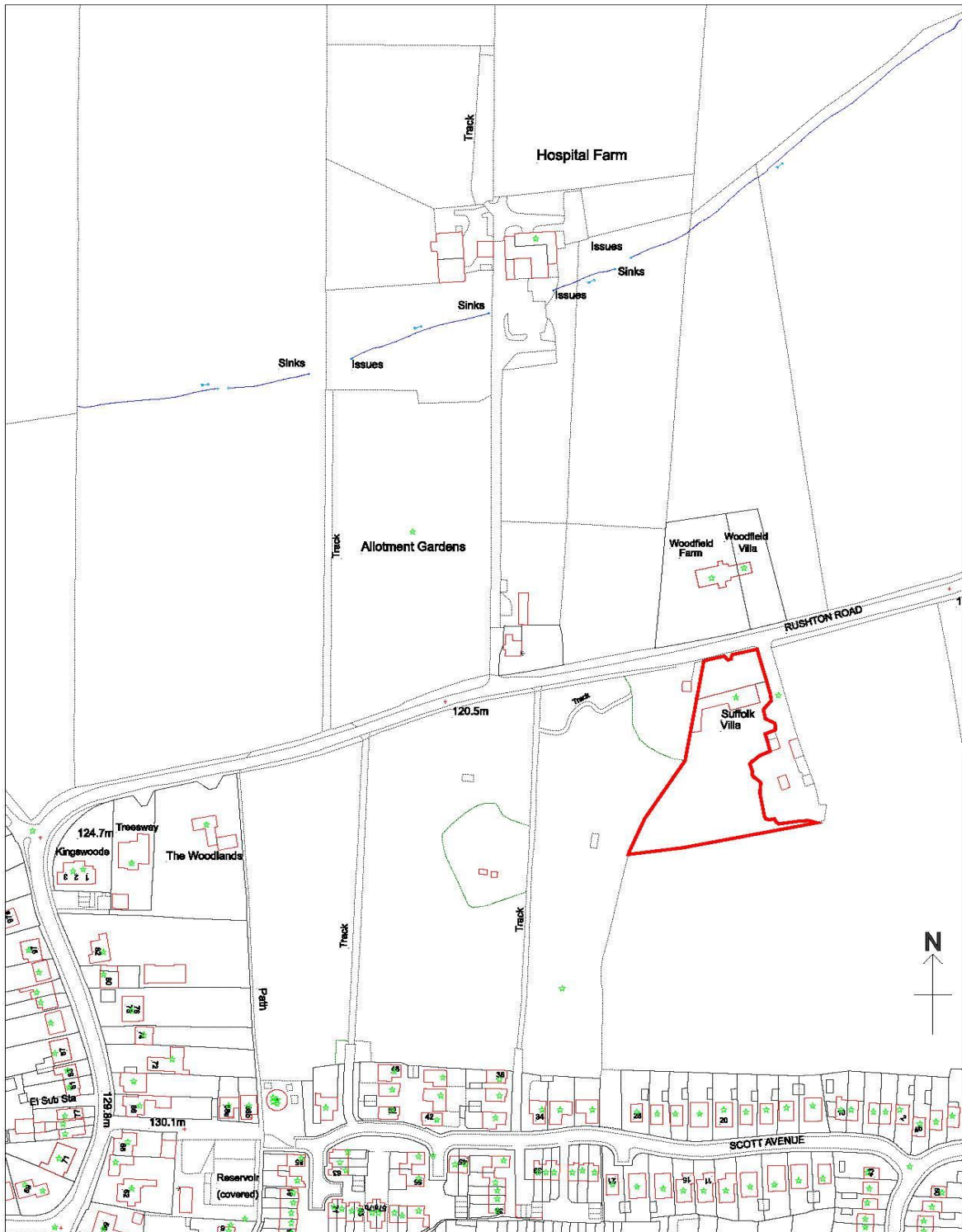
12. Informatives

Positive/Proactive - refused

List of plans

The plans and documents, some of which may have been subsequently referenced by the LPA, are set out below and form the basis for this decision:

| Title | NK Ref. | Agent's Ref | Received Date |
|--|----------------|--------------------|----------------------|
| Location plan | NK/2021/0829/1 | | 12.10.21 |
| Block plan showing proposed change of use area | NK/2021/0829/3 | | 12.10.21 |
| Block plan showing proposed mobile home | | 4-25.v1r0 | 05.10.21 |
| Proposed elevations | | 6-22.v1r0 | 05.10.21 |
| Proposed floor plan | | 5-21.v1r0 | 05.10.21 |
| Design & Access Statement | NK/2021/0829/2 | | 05.10.21 |



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