

Item No. 11

APPLICATION NUMBER	CB/14/04585/FULL
LOCATION	Westmead Farm, Sheep Tick End, Lidlington, Bedford, MK43 0SF
PROPOSAL	Erection of a replacement detached dwelling.
PARISH	Lidlington
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	Cllrs Bastable, Matthews & Mrs Clark
CASE OFFICER	Annabel Robinson
DATE REGISTERED	21 November 2014
EXPIRY DATE	16 January 2015
APPLICANT	Mr A Mullan
AGENT	GC Planning Partnership Ltd
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Bastable for the reasons set out by the Parish Council:
	<ul style="list-style-type: none">• The application is outside of the Parish Settlement Policy Area.• The proposed replacement dwelling is not on the original dwelling site.• The proposed the dwelling is also significantly larger than the original dwelling.• The dwelling that it is proposed to replace, is a building for tourist use which had an occupancy condition applied to it. Therefore, the Parish Council object to the proposed or any replacement dwelling being a residential building given that the original permission on the site is for a restricted occupancy. If permission, were to be granted, then restricted occupancy rules should be applied as well.• The supporting plans fail to demonstrate exact intended location of the replacement dwelling which is of a concern to the Parish Council.• The site has recently had a permanent structure built with a tiled roof, so it is unclear if this is a retrospective application or for an additional building. There are a number of large buildings on site, which are not reflected on the accompanying site plans.• There is no reference in the application title or the supporting plans regarding the demolition of the existing dwelling, a tourist log cabin.
RECOMMENDED DECISION	Full Application - Recommended Approval

Reasons for call in:

- The application is outside of the parish Settlement Policy Area
- The proposed replacement dwelling is not on the original dwelling site.
- The proposed dwelling is also significantly larger than the original dwelling.
- The dwelling that it is proposed to replace, is a building for tourist use which had an occupancy condition applied to it. Therefore, the Parish Council object to the proposed or any replacement dwelling being a residential building given that the original permission on the site is for a restricted occupancy. If permission, were to be granted, then restricted occupancy rules should be applied as well.
- The supporting plans fail to illustrate the exact intended location of the replacement dwelling which is of a concern to the Parish Council.
- The site has recently had a permanent structure built with a tiled roof, so it is unclear if this is a retrospective application or for an additional building. There are a number of large buildings on site, which are not reflected on the accompanying site plans.
- There is no reference in the application title or supporting plans regarding the demolition of the existing dwelling, a tourist log cabin.

Summary of recommendation:

The application is for a replacement dwelling house and is recommended for approval. It is considered that the replacement dwelling is of the same design, and within the same curtilage as a replacement dwelling that was granted planning permission in 2014. It is considered that the differing location on the site does not make a material difference such as to demonstrate harm which would warrant the refusal of this application. It is considered to be in accordance with Policy DM3 of the Central Bedfordshire Core Strategy and Development Management Policies and in accordance with the principles set out within the National Planning Policy Framework.

Site Location:

The application site is Westmead Farm, Sheep Tick End, in Lidlington, the site is located outside any settlement envelope.

There is an existing modest two bedroom property located more than 100 metres behind the line of rural dwellings which front this part of Sheep Tick End. The existing dwelling is of single storey utilitarian design.

To the south is a field and dwellings fronting Sheep Tick End, to the north are 3 holiday let former barns under construction, and there is open countryside to the west and east.

The Application:

Planning permission is sought to demolish the existing 2 bed bungalow and replace it with a Potton Style 1.5 storey 3 bedroom dwelling house.

Planning permission was granted on appeal for a dwelling in this location (CB/14/00560/FULL). The application moves the proposed dwelling house some 5

metres to the west, to allow the owner to continue to live in the existing dwelling, during the construction of the proposed dwelling.

RELEVANT POLICIES:

National Planning Policy Framework

Core Strategy and Development Management Policies for Central Bedfordshire (North)

CS1: Development Strategy

CS14: High Quality Development

DM3: High Quality Development

DM4: Development Within and Beyond Settlement Envelopes

DM15: Biodiversity

Submitted Development Strategy for Central Bedfordshire

Policy 43 High Quality Development.

Supplementary Planning Guidance

Design Guide for Central Bedfordshire

Planning History

MB/09/00092/LDCE	Certificate of Lawful Development for a single dwelling house (existing). Appeal Allowed October 2009.
CB/11/04254/LDCP	Certificate of Lawful Development (Proposed), single storey side extension. Approved February 2011.
CB/14/00560/FULL	Erection of a replacement detached dwelling. Appeal allowed 20.08.14

Representations: (Parish & Neighbours)

Parish Council

- The application is outside of the parish Settlement Policy Area
- The proposed replacement dwelling is not on the original dwelling site.
- The proposed dwelling is also significantly larger than the original dwelling.
- The dwelling that it is proposed to replace, is a building for tourist use which had an occupancy condition applied to it. Therefore, the Parish Council object to the proposed or any replacement dwelling being a residential building given that the original permission on the site is for a restricted occupancy. If permission, were to be granted, then restricted occupancy rules should be applied

as well.

- The supporting plans fail to illustrate the exact intended location of the replacement dwelling which is of a concern to the Parish Council.
- The site has recently had a permanent structure built with a tiled roof, so it is unclear if this is a retrospective application or for an additional building. There are a number of large buildings on site, which are not reflected on the accompanying site plans.
- There is no reference in the application title or supporting plans regarding the demolition of the existing dwelling, a tourist log cabin.

Neighbours None received

Consultations/Publicity responses

Highways No objection subject to condition

Site Notice No comments received

Determining Issues

The main considerations of the application are;

1. The Principle of Development
2. Impact on the character and appearance of the surrounding area
3. Residential amenities of existing and future residents
4. Other Issues

Considerations

1. The Principle of Development

The application site is located beyond any settlement envelope.

The supporting text to Policy DM4 refers to the replacement of existing dwellings.

The existing built footprint within the site comprises:

Bungalow: 8.1 metres by 6.3 metres. Total floor area 51 sqm. Height - 4.3 metres.

The proposed footprint would comprise:

House: 12.9 metres by 8 metres, with an additional 2 metre projection. Total

ground floor area 109 sqm. Height -7.7 metres.

The dwelling is the same design as that approved on appeal under application reference CB/14/00560/FULL, however the dwelling has been relocated on the site, to allow the existing dwelling to remain during the construction of the proposed. It is considered that the principle of a replacement dwelling of this design, on this site has been established.

The Planning Inspector in August 2014 considered a replacement dwelling house of this size and design on this site to be in accordance with Policies DM3 and DM4 of the Core Strategy. He also had regard to the policies within the emerging Development Strategy and the National Planning Policy Framework. A copy of that decision is appended to this report.

2. Impact on the character and appearance of the surrounding Area

The existing house is located in a relatively isolated position, approximately 152 metres set back from Sheep Tick End. Views of the existing dwelling are not prominent from this location.

Impact of the proposed dwelling on the character and appearance of the surrounding area:

It is considered due to the scale of the proposed dwelling that it would not have a significant impact, resulting in harm to the character of the surrounding countryside, which is rural and open.

3. Residential amenities of neighbouring properties

Due to the isolated position of the site it is considered that the development would not have a significant impact upon any neighbouring residential property, the closest back to back distance would be over 120 metres, well in excess of current guidance relating to privacy distances.

It is considered due to the design of the proposal and the location of the site that no residential amenity would be significantly impacted upon in terms of loss of privacy, light, outlook or the causing of an overbearing impact.

No neighbour comments have been received in relation to this application.

4. Other issues

Highway Safety:

The proposed house would have the opportunity to provide a satisfactory level of parking and would be accessed via an existing access. No significant additional traffic would be generated and as such there are no highway safety issues. The Highways Officer suggested a number of conditions, however these were not imposed by the Planning Inspectorate for a dwelling in this location, and therefore they are not considered necessary in this instance.

The removal of the existing dwelling house:

The principle of moving the approved dwelling some 5 metres, to an alternative location within the site, is considered acceptable in principle, providing a condition requiring the removal of the existing dwelling is attached. This is suggested in the associated documents, submitted with the planning application. The applicant suggests that a condition requiring the removal of the existing dwelling within 1 month of occupation would be appropriate, however it is considered that an application to remove the existing dwelling prior to occupation would have greater enforceability, and therefore greater clarity in planning terms. It is considered that the reason for imposing a condition would be to stop an additional residential unit becoming established, and therefore it is appropriate to only allow one residential unit to be occupied at any time.

Parish Comments and Reasons for Call in:

- *The application is outside of the parish Settlement Policy Area.*

This is true, however replacement dwellings outside defined settlements are not considered inappropriate development in principle.

- *The proposed replacement dwelling is not on the original dwelling site.*

The replacement dwelling, would be within the same curtilage as previously defined approved replacement dwelling house, it would be approximately 5 metres to the west of the approved replacement dwelling.

- *The proposed dwelling is also significantly larger than the original dwelling.*

The replacement dwelling house, is exactly the same size as the dwelling that has been approved as a replacement dwelling on this site.

- *The dwelling that it is proposed to replace, is a building for tourist use which had an occupancy condition applied to it. Therefore, the Parish Council object to the proposed or any replacement dwelling being a residential building given that the original permission on the site is for a restricted occupancy. If permission, were to be granted, then restricted occupancy rules should be applied as well.*

The existing dwelling on this site is not subject to a "tourist only" occupancy condition, it is a standard residential dwelling house.

- *The supporting plans fail to illustrate the exact intended location of the replacement dwelling which is of a concern to the Parish Council.*

An additional plan has been sought which clearly illustrates the relationship with the existing dwelling house on this site.

- *The site has recently had a permanent structure built with a tiled roof, so it is unclear if this is a retrospective application or for an additional building. There are a number of large buildings on site, which are not reflected on the accompanying site plans.*

This is a matter for the enforcement team to look into, and should not have a bearing on the determination of this application.

- *There is no reference in the application title or supporting plans regarding the demolition of the existing dwelling, a tourist log cabin.*

The description of the development is for a "replacement dwelling house" a condition requiring the demolition of the existing dwelling on the site is recommended to the Committee.

Recommendation

That Planning Permission be approved subject to the following conditions:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 760/01A, 760/02A, Drawing Number 2, 1A, 2A, 3A, 4A, E12A.

Reason: For the avoidance of doubt.

- 3 **No development shall commence on site until details and samples of the materials to be used in the construction of the external surfaces of the development have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

Reason: To protect the rural character of the surrounding area.

- 4 Notwithstanding the provisions of Class A of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order with or without modification), there shall be no enlargement, improvement or other alteration to the dwelling hereby permitted unless planning permission is granted.

Reason: To protect the rural character of the surrounding area.

- 5 Notwithstanding the provisions of Class E of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or the equivalent provisions of any order revoking and re-enacting that Order with or without modification), there shall be no buildings or other structures erected or constructed within the curtilage of the dwelling hereby approved unless planning permission is granted.

Reason: To protect the rural character of the surrounding area.

- 6 Prior to the occupation of the replacement dwelling hereby approved, the existing dwelling as shown on plan number 760/02A shall be demolished and all materials resulting from the demolition shall be removed from the site.

Reason: To ensure that an additional residential property is not established within the open countryside, in the interest of protecting the rural character of the area.

Notes to Applicant

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
2. The applicants attention is drawn to their responsibility under The Equality Act 2010 and with particular regard to access arrangements for the disabled.

The Equality Act 2010 requires that service providers must think ahead and make reasonable adjustments to address barriers that impede disabled people.

These requirements are as follows:

- Where a provision, criterion or practice puts disabled people at a substantial disadvantage to take reasonable steps to avoid that disadvantage;
- Where a physical feature puts disabled people at a substantial disadvantage to avoid that disadvantage or adopt a reasonable alternative method of providing the service or exercising the function;
- Where not providing an auxiliary aid puts disabled people at a substantial disadvantage to provide that auxiliary aid.

In doing this, it is a good idea to consider the range of disabilities that your actual or potential service users might have. You should not wait until a disabled person experiences difficulties using a service, as this may make it too late to make the necessary adjustment.

For further information on disability access contact:

The Centre for Accessible Environments (www.cae.org.uk)
Central Bedfordshire Access Group (www.centralbedsaccessgroup.co.uk)

Statement required by the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 - Article 31

Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Council has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012.