

Application No: 12/0650N

Location: LAND SOUTH OF MEADOW RISE, HOLMSHAW LANE, HASLINGTON

Proposal: A New single-storey dwelling

Applicant: MR & MRS J COUPLAND

Expiry Date: 09-Apr-2012

SUMMARY RECOMMENDATION: Refuse

MAIN ISSUES:

- Principle of the Development
- Amenity
- Design and Scale

REASON FOR REFERRAL

The application was called in to Southern Planning Committee by Councillor John Hammond on the following grounds:

“Should the officer recommendation be for refusal then Haslington Parish Council has requested that the application be determined by Committee as it is considered that an exception should be made to Policy NE2 of the Crewe & Nantwich Replacement Local Plan 2011 as any objections are outweighed by the specific personal circumstances associated with the applicants and the long term care plans for their disabled daughter.”

DESCRIPTION AND SITE CONTEXT

This application relates to a plot of land on the western side of Holmshaw Lane, Haslington. To the north there are three residential properties including the one owned by the applicant. The site is designated as being within the open countryside in the adopted local plan.

DETAILS OF PROPOSAL

This proposal seeks full planning permission for a detached bungalow in what is currently a paddock with associated buildings. The dwelling would provide 3 bedrooms, 2 with en-suite and additional living accommodation including kitchen, studies and boot room.

The main justification for the application is that the dwelling would provide suitable living accommodation for the applicants, in particular for their disabled daughter.

RELEVANT HISTORY

11/3677N	2011	Withdrawn application for new dwelling
P02/1342	2003	Refusal for dwelling. Appeal dismissed

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF2 Rural Areas

L2 Understanding Housing Markets

L4 Regional Housing Provision

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Local Plan

The site is not allocated in the Local Plan but the following policies apply:

RES.5 Housing in the Open Countryside

NE.2 Open Countryside

NE.3 Areas of Special County Value

BE.1 Amenity

BE.2 Design

BE.3 Access and Parking

BE.4 Drainage, Utilities and Resources

CONSIDERATIONS

United Utilities:

Have not provided a response on this application but had no objections to the previous application that was withdrawn.

Environmental Protection:

Request conditions relating to contaminated land and hours of construction and piling.

Highways:

This development requires the reconstruction of the vehicular crossing to current specifications. The Strategic Highways Manager recommends that the following informative be attached to any permission which may be granted for the above development proposal:

Prior to first occupation the developer will enter into a Section 184 Agreement under the Highways Act 1980 and will reconstruct the existing vehicular access to current highway specifications.

VIEWS OF TOWN/PARISH COUNCIL

The application was discussed at the March meeting of Haslington Parish Council. The meeting agreed that Haslington Parish Council support the proposed development on the basis of providing appropriate accommodation for the applicant's disabled daughter with a development that would not appear to result in catastrophic damage to the specific area of open countryside, provided the following conditions can be applied to the development:

- * The covenants and restrictions proposed by the applicant are applied to development - specifically the unilateral undertaking included in the application and that the proposed bungalow will be used only by a person with disability and their carers
- * Safeguards are applied to the existing and proposed trees, hedges and other vegetation to retain the local characteristics of the open countryside.
- * Permitted development rights be removed

Request that Cllr John Hammond call in the application for a decision by the Southern Planning Committee requesting an exception be made to Policy NE2 given the specific circumstances of the applicants and the long term care plans for their disabled daughter.

OTHER REPRESENTATIONS

None received at the time of report writing.

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the open countryside where Policies NE.2 and RES.5 apply. These policies state that new dwellings in the open countryside will only be allowed if they are essential for the purposes of agriculture, forestry or outdoor recreation, or involve the infilling of a small gap with one or two dwellings in an otherwise built up frontage.

This proposal is for a new dwelling to accommodate the applicants and their disabled daughter and therefore does not meet the requirements of the policies outlined above. The applicants have submitted supporting information as justification for making an exception to the relevant policies. These documents have been given careful consideration and whilst officers understand the difficulties faced by the applicant's daughter, it is not considered that these circumstances justify the creation of a new dwelling in the open countryside.

This issue was considered at a Public Inquiry in 2006, relating to a similar case, at Mill Run, in the former Congleton Borough. In this case the applicant's daughter's disability and housing needs were considered to be a material consideration, which had to be weighed in the balance against the planning policy presumption against residential development in the Open Countryside. However, in order to determine the weight to be given to those personal circumstances it was necessary to examine the reasonableness of the housing needs which were claimed by the Appellants and the criteria and the efforts employed by them to find suitable accommodation elsewhere.

The Appeal turned on whether the features of the proposed dwelling proposed by the Appellants were “essential” or “desirable” for their disabled daughter. Having considered this issue the inspector determined that, having regard to grants and other assistance which were available to help the family to adapt a dwelling, the needs of the disabled person could be adequately met by an existing property.

The justification for the applicants existing property not being suitable, largely relates to building regulations and does not give any reason why she would be unable to continue living there, due to her special needs. In addition should the works considered necessary to bring the existing dwelling up to what the applicants believe is a suitable standard for their daughters future care, these would cause disruption to her, which may be distressing but would only be short term. Whilst such disruption would not be ideal, it is not considered that this is sufficient reason to allow a new dwelling in the open countryside contrary to the policies in the adopted local plan.

As stated above, officers understand the aspirations of the applicants to provide a dwelling in the paddock for their daughter, however the information submitted has not given sufficient justification that it is “essential” rather than “desirable” in order to make an exception to Policies NE.2 and RES.5.

Having regard to Policy NE.2, the site is not considered to constitute the infilling of a small gap in an otherwise built up frontage and this view was supported by the Inspector on the appeal decision for the previous application.

The proposal is therefore considered to be contrary to Policies NE.2 and RES.5 and unacceptable in principle and the personal circumstances of the applicants do not outweigh this.

Amenity

Having regard to the amenities of the neighbouring property, due to the siting of the proposed dwelling, it is not considered that there would be any significant adverse impact on the amenities of this dwelling. The proposal is therefore considered to be in compliance with Policy BE.1.

Design and Scale

This proposal is for 3 bedroom bungalow finished in traditional materials. It is considered that the design and scale of the buildings are appropriate in the context of the site. The proposal is therefore considered to be in compliance with Policy BE.2 of the adopted local plan.

Highways and Parking

The proposal would provide adequate parking spaces for a property of this size and, due to the size of the turning area, vehicles would be able to enter and leave the site in a forward gear. The proposal is therefore considered to be in compliance with Policy BE.3 of the adopted local plan.

CONCLUSIONS

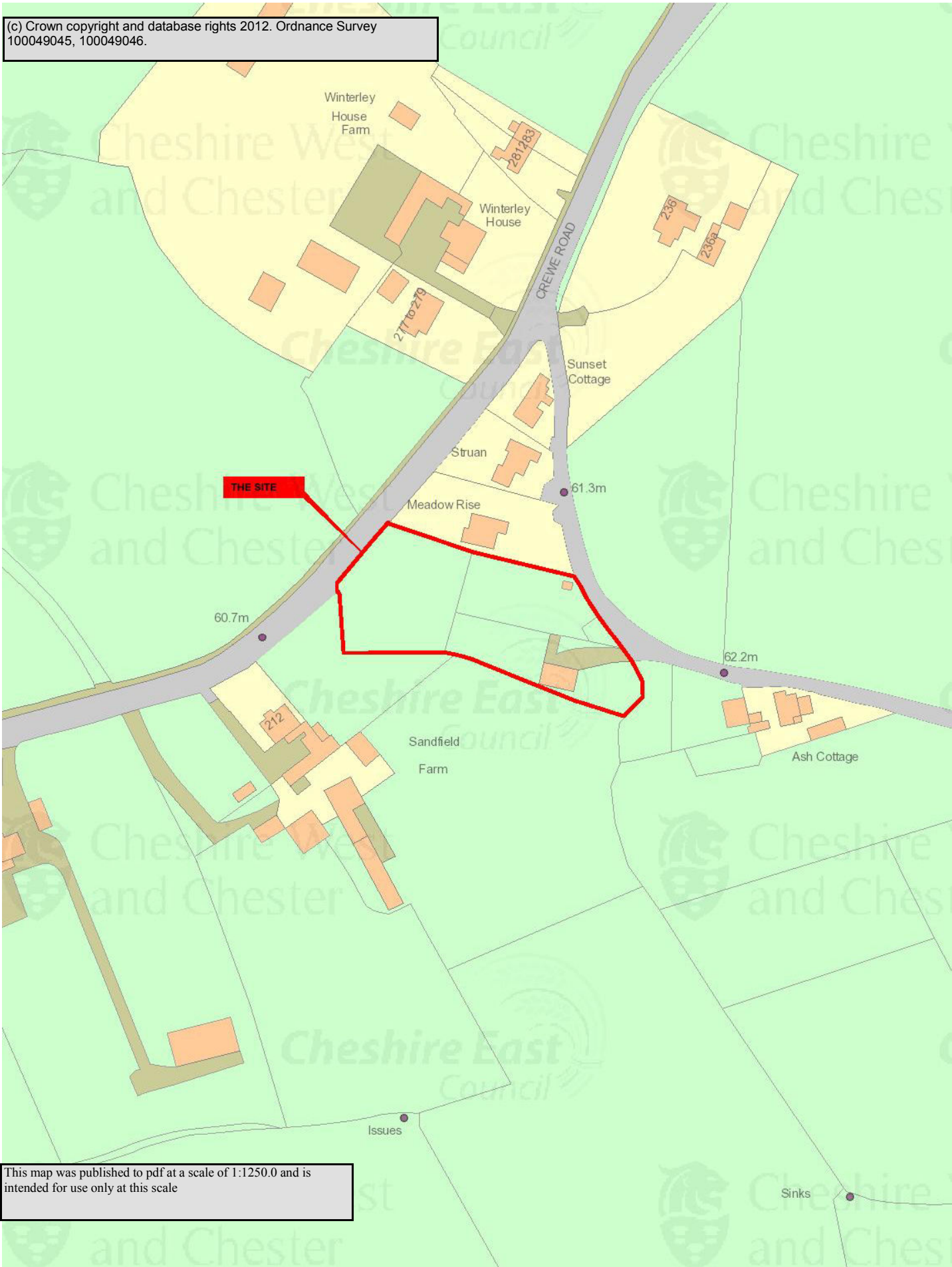
In conclusion, the site is within the open countryside and does not constitute a small gap in an otherwise built up frontage. Insufficient justification has been provided in order to render it an exception to Policies NE.2 and RES.5. The proposal is therefore not acceptable in principle and the application is recommended for refusal.

Should members be minded to recommend approval of the application, it must be referred to Strategic Planning Board as it would be a departure from the development plan.

RECOMMENDATION: Refuse for the following reasons:

1. The proposal is for a new dwelling in the open countryside, which is contrary to the requirements of Policy RES.5 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the applicant has failed to demonstrate that there are very special circumstances that outweigh the requirements of this policy.
2. The proposal does not constitute the infilling of a small gap in an otherwise built up frontage, contrary to the requirements of Policy NE.2 of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011.

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