
Delegated report Officer: Tom Beardsmore

Application ref. DMPA/2019/0943

The proposed re-positioning of access gates and change of use of land from agricultural to residential (use class C3) to provide the creation of additional parking/turning area and extended garden at 1 ROYLE FARM COTTAGE, CAULDWELL ROAD, DRAKELOW, SWADLINCOTE, BURTON ON TRENT, DE15 9TU

Valid date: 26/07/2019

Consults expired: 06/09/2019

EIA development?

This decision is delegated to officers under the terms of the current Scheme of Delegation.

Relevant planning history

9/2000/0555 - The erection of two detached houses and garages - Granted 08/08/2000

Responses to consultations and publicity

County Highway Authority - No Objections

Relevant policy, guidance and/or legislation

The relevant Development Plan policies are:

- Local Plan Part 1 (LP1): S2 (Presumption in Favour of Sustainable Development), S6 (Sustainable Access), H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), BNE1 (Design Excellence), BNE4 (Landscape Character and Local Distinctiveness) and INF2 (Sustainable Transport)
- Local Plan Part 2 (LP2): SDT1 (Settlement Boundaries and Development), H26 (Residential Gardens within Rural Areas) and BNE5 (Development in Rural Areas)

The relevant local guidance is:

- South Derbyshire Design Guide Supplementary Planning Document (SPD)

The relevant national policy and guidance is:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

Planning considerations

Taking into account the application made, the documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application is/are:

- Principle of Development;
- Visual Impact; and
- Highway Safety.

Planning assessment

Principle of Development

The proposed change of use of the land would increase the size of the dwelling's rear garden and would also provide an area of block paving to the side of the dwelling for additional parking and manoeuvring of vehicles. The proposed changes to the land are considered to be appropriate for the size of the dwelling and when considering the existing boundaries and site layout. The area of block paving was reduced to a more appropriate size as there was no justification to increase the area of parking to that originally proposed. The proposed change of use is considered to be acceptable in principle as it complies with Policy H26, which permits such change subject to it not resulting in detrimental domestication of the countryside within the rural areas; which this proposal would not, there would also be no detrimental impact on the living conditions of the neighbouring dwelling as a result of the change in use.

Visual Impact

The visual impact of the change in use is considered to be minimal with no views to the rear of the property from the public realm and the extended area of block paving would appear as a natural extension. The proposed new gates, to be built from timber and no higher than 152cm as detailed on the submitted plans would be considered appropriate for the site's rural context and would not harm the existing character of the 2 dwellings and as such, the proposal complies with Policies BNE1 and BNE5.

Highway Safety

Vehicular access for the site is proposed via the existing access off Caldwell Road, with new gates proposed set back further into the site and the access also being widened as a result, the proposal would also result in an increase in the level of parking space as a result of additional block paving. Vehicle movements generated by the proposal are unlikely to have an increased negative impact on the capacity of the wider highway network, with no increase to the size of the dwelling. It is noted that the Highway Authority have raised no objections, subject to an informative. As such the alterations to the existing access and proposed additional parking is considered acceptable and would not adversely impact on highway safety to a point where it would reasonably justify refusal of the application. As such the proposal complies with the requirements of Policy INF2.

Recommendation

Approve with Conditions

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended), as well as climate change, human rights and other international legislation.

Recommendation made:	28/10/2019
Report agreed:	28/10/2019
Authorised officer:	Tony Sylvester
