
Delegated report Officer: Tom Beardsmore

Application ref. DMPA/2019/0844

Change of use from agricultural land (Use Class Sui Generis) to domestic garden (use class C3) on LAND AT SK2716 8026, COLLIERY LANE, LINTON, SWADLINCOTE

Valid date: 22/07/2019

Consults expired: 29/08/2019

EIA development?

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

Relevant planning history

9/2003/0915 - The erection of a two storey extension - Granted 16/09/2003

9/2014/0952 - Change of use of agricultural land to domestic garden - Granted 26/11/2014

9/2015/0709 - The erection of a garage - Granted 04/12/2015

9/2016/0244 - The erection of a garage (amended application to that approved under 9/2015/0709) - Granted 05/05/2016

Responses to consultations and publicity

None

Relevant policy, guidance and/or legislation

- Local Plan Part 1 (LP1): S2 (Presumption in Favour of Sustainable Development), H1 (Settlement Hierarchy), SD1 (Amenity and Environmental Quality), BNE4 (Landscape Character and Local Distinctiveness)
- 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; and
- Visual Impact.

Planning assessment

Principle of Development

The proposed change of use of the land would increase the size of the dwelling's outdoor amenity area, with the existing rear garden being small in comparison to the size of the house, with the original footprint of the building being increased as a result of a two storey extension being constructed at a later date. The existing use of the land is for agriculture and forms a corner of a large field. The proposed change to the land is considered to be appropriate for the size of the dwelling and when considering the existing boundaries and site layout. An area of land adjacent to the application site was previously approved for an extension to the domestic curtilage, after undertaking a site visit this permission was implemented and then built on with a detached garage being built. 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 dwellings as a result of the change in use.

Visual Impact

The visual impact of the change of use is considered to be minimal with the site being at the end of a row of properties and the only views being along Colliery Lane and it would appear as a natural extension to the existing residential curtilage. The proposed boundary treatment details submitted, being 1.2m in height would be considered appropriate for the sites rural context and its appearance would not appear overly enclosing and would not harm the existing character of the area and the existing dwelling, the proposal complies with Policies BNE1 and BNE5.

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:	29/10/2019
Report agreed:	29/10/2019
Authorised officer:	Richard Stewart
