

## **COMMITTEE UPDATE SHEET**

### **SUPPLEMENTARY REPORT OF THE PLANNING MANAGER**

This sheet is to be read in conjunction with the main report.

#### **Agenda Item No: 6 Planning Applications to be determined**

Planning Site Visits to be held on 11 January 2019 were cancelled because only one application is on this month's agenda and members had already visited the application site in September 2018.

#### **Summary of representations received after the preparation of the original main Committee Report and any recommendation based thereon.**

**Agenda item No: 6 (i): Construction of new dwelling with supported living annexe, construction of new barn, conversion of existing barn to microbrewery/ kitchen with associated office on land to the West of Bridge Close, Hollin Hill Road, Clowne (18/00623/FUL).**

Since the original officer report was published two further consultee responses have been received:

**1) BDC (Heritage Conservation Manager)** - no objections to the proposal and does not consider that there will be any impact upon heritage assets but does consider the proposal to be of a high quality design and in keeping with its proposed uses.

**2) DCC (Highways)** – No objections subject to conditions.

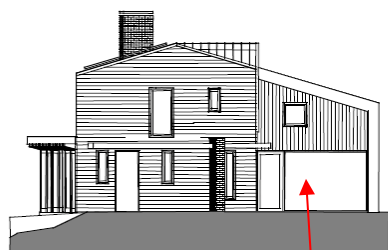
The applicant's agent has also asked that officers clarify the differences between the current application and the previous application (18/00043/FUL), which was refused planning permission in October 2018.

#### **In terms of the development proposals:**

Application no. 18/00043/FUL proposed construction of new dwelling, construction of new barn, conversion of existing barn to microbrewery/ kitchen with associated office.

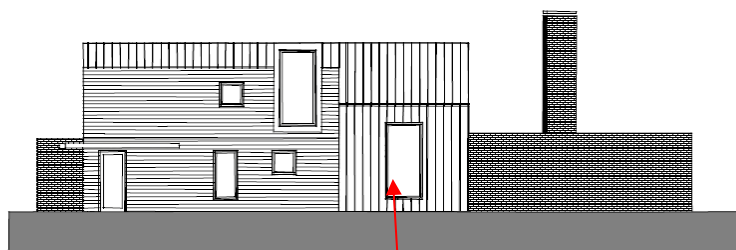
The current application proposes construction of new dwelling with supported living annexe, construction of new barn, conversion of existing barn to microbrewery/ kitchen with associated office.

The only difference between the two development proposals and the design of the proposals is the addition of the supported living annex shown overleaf.



3 East elevation - house  
Scale: 1:100

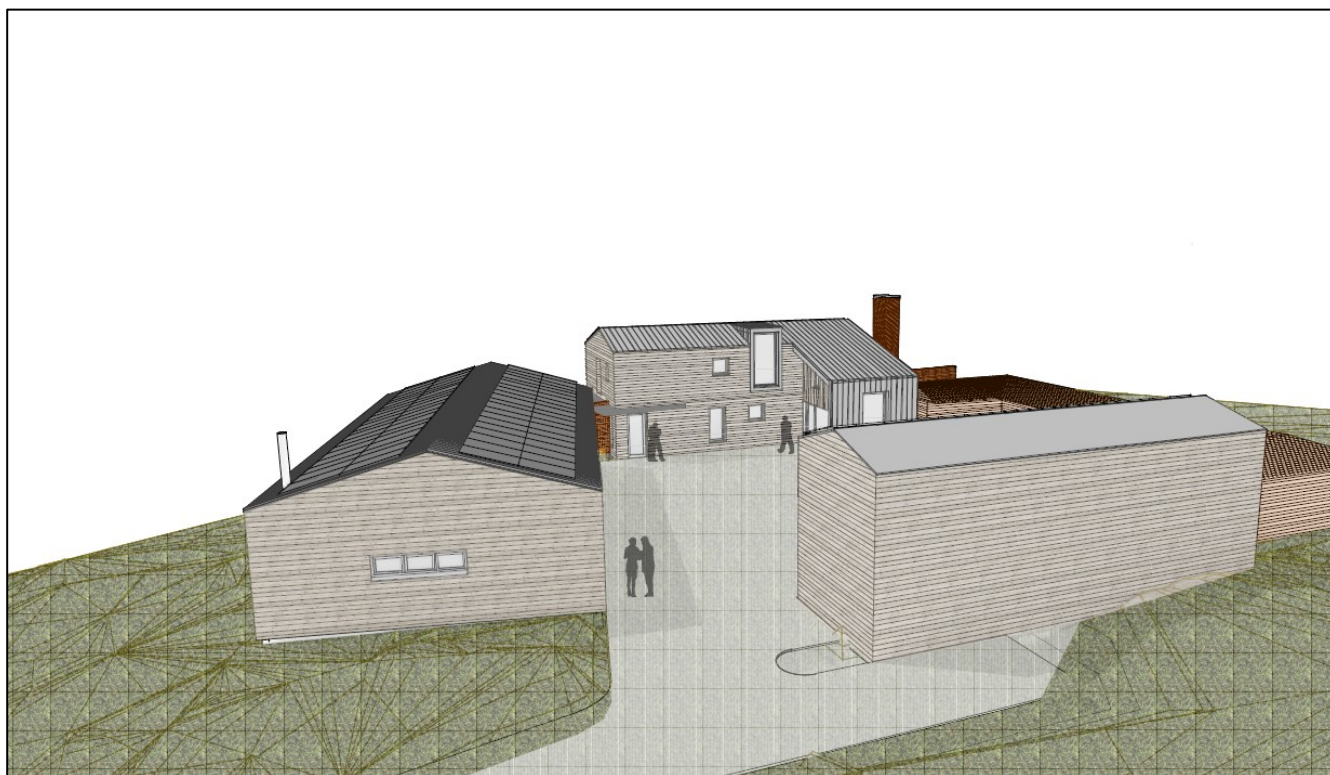
annex



4 North elevation - house  
Scale: 1:100

annex

The annex has no internal connections through to the new house and contains all the facilities needed for day to day living including kitchen, shower room and bedroom. As noted above, the Heritage Conservation Manager has no objections to these proposals and considers the design of the proposals to be of a high quality.



## Personal Circumstances

The applicants say that a supported living annexe would be beneficial to both family members with protected characteristics. The older of the two would live in the annexe first to develop skills needed for permanent independent living. The younger of the two family members would then move into the annex and the use of the accommodation would support independent living as far as is practicable over the longer term.

The needs case as set out above is different from the previous application insofar as the younger of the two family members received a diagnosis after the submission but prior to the determination of application no. 18/00043/FUL. The assisted living annex in this application is different to the original 'needs case' in that the proposed house did not include any special adaptations to meet the long-term needs of either of the two family members.

It is the applicant's case that because of the exceptional circumstances of the duty of care towards their children and the substantial benefits that the proposal would have in terms of addressing the disadvantages that their children face, it is necessary to build a new dwelling in this location.

## **Business Case**

It is fair to say that in both submissions, the applicants have stated "It is not argued that the proposal constitutes an essential rural worker's dwelling, although living on site would have strong benefits to the sustainability of the applicant's enterprises". It is implied in the original officer report that this stance has changed, which may have been unfair to the applicants.

However, the applicants did not choose to challenge the presumption in the supplementary officer report on the previous application that suggested the micro-brewery and commercial kitchen taken together could generate an 'essential need' for a rural worker's dwelling. It was also said in this report that a consent for a temporary dwelling to test the long term viability of the proposed micro-brewery and expansion of the commercial kitchen would be more appropriate than consent for a permanent dwelling based solely on the needs of the two businesses.

Subsequently, officers consider the applicants have more clearly stated that they will retain a continued interest in Basilisk Data in their submissions with the current application whereas officers had previously assumed the applicants would dispose of their interest in this information technology based business to fund their interest in the microbrewery and commercial kitchen. It remains unclear to officers to what extent the applicants would be employed in either business and to what extent a live-work relationship would exist between the applicants living in the proposed house and the operations taking place in the converted barn.

However, it remains clear that the proposals could result in the creation of local employment opportunities regardless of how the applicants were to operate their business interests.

## **Other Relevant Considerations**

In all other respects, there are no substantive differences between the two applications and in the absence of demonstrable harm to the amenities of the local area arising from the proposals: the key issue remains whether there are special circumstances to justify granting planning permission for a new house in the countryside outside the settlement framework.

## **Planning Balance**

Therefore, as with the previous application, if it is accepted that there are exceptional circumstances that would justify permission being granted for a new house in the countryside there is a case that the development proposed in this application can be made acceptable in planning terms, subject to appropriate planning conditions and a legal agreement,.

However, as with the previous application the issues remain finely balanced. On one hand, an approval would provide an opportunity to address the unmet needs of this particular household and allow two locally-based businesses to develop and expand. On the other hand, officers consider there is insufficient justification to recommend conditional approval of the current application for the reasons set out in the original report.

In summary, officers still do not consider that the social, economic and or environmental benefits of granting planning permission for this application amount to the special circumstances required to justify a new house in the countryside outside the settlement framework either individually or cumulatively. Therefore, the recommendation of refusal remains unchanged.

## **RECOMMENDATION**

**The application be REFUSED for the following reasons:**

**In the absence of exceptional circumstances that would justify the erection of a new house outside of the settlement framework, the proposed house is not considered to be development that is necessary in this countryside location. Therefore, the application is contrary to saved Local Plan Policy ENV3.**