

Report to Planning Committee

Subject: Local Planning Document Policies LPD 13 and LPD 14

Date: 23rd February 2022

Author: Head of Development and Place

Purpose

To consider the attached Position Statement.

Recommendation(s)

THAT: Planning Committee

- 1) Support the interpretation of Policies LPD 13 and 14 as set out in the in the appendix.**

1 Background

- 1.1 Recent planning decisions have highlighted the need for the Council to be consistent in its interpretation and application of Local Planning Document (LPD) Policies LPD 13 and LPD 14. The two policies are considered to be in conformity with the National Planning Policy Framework (NPPF) and the issue of their interpretation relates to the supporting text.
- 1.2 Local Planning Document Policy LPD 13 and LPD 14 both relate to the Green Belt and deal with extensions to existing buildings and replacement buildings respectively. They conform to NPPF paragraph 149 but add more detail in that both set a threshold to clarify that extensions or replacement buildings of more than 50% increase in floor area would result in a disproportionate addition to the original building or a replacement dwelling that is materially larger than the one it replaces.
- 1.3 The supporting text for Policy LPD 13 and Policy LPD 14 is at paragraphs 6.3.3 and 6.4.6 of the Local Planning Document respectively. These two paragraphs include guidance on the calculation of the floorspace of the original building. This guidance includes outbuildings within 5 metres of

the original building to be taken into account in the floorspace calculation regardless of whether the outbuilding is part of the original building or not. This creates an anomaly in that taken out of context more recent outbuildings constructed under permitted development rights could also be taken as counting towards the floorspace figure. This effectively circumvents the intent of both Policy LPD 13 and Policy LPD 14 and contrary to the guidance contained in the NPPF as in such cases the resultant extension may well result in a disproportionate addition or a replacement building materially larger than the one it replaces.

Relevant Planning Applications

- 1.4 Recent planning applications that are relevant to this issue include the demolition of an existing dwelling and garage/store/home cinema and construction of a self-build dwelling at Broadeaves, Newstead Abbey Park (reference 2021/0714); and an application for the demolition of an existing dwelling and construction of a replacement dwelling at 10 Bank Hill, Woodborough (reference 2019/0970). Both planning applications have been granted conditional planning permission and are pertinent to the issue of including non-original outbuildings within 5 m of the original building.

Planning Application 2021/0714

- 1.5 The application related to a bungalow located within the Green Belt which had previously been extended and the proposal entailed the demolition of the bungalow and construction of a replacement dwelling. A previous planning application (reference 2019/0416) was granted for the demolition of the existing building and the construction of a replacement building. Since the determination of 2019/0416 an outbuilding had been constructed under permitted development rights within 5 m of the original building and the floor area of this newly developed outbuilding has been used to justify additional floor area for the replacement dwelling.

Planning Application 2019/0790

- 1.6 The property is a bungalow situated within a substantial plot located within the Green Belt. The proposal is for the demolition of this property and construction of a replacement. The property had been previously extended with a substantial single storey element to the side/rear elevation. This extension has subsequently been detached from the original dwelling under permitted development rights so that the floor area could be included in the calculations for a replacement dwelling.

Summary

- 1.7 These recent decisions highlight the need for the Council to be consistent in the interpretation of LPD Policies 13 and 14 in order to conform to the NPPF. The appendix clarifies the interpretation of the intent of Policy LPD 13 and Policy LPD 14 by clearly stating that only original outbuildings constructed at the same time as the original building or outbuildings in existence at 1st July 1948 (the date the Principal Planning Act came into force) would count towards existing floorspace.

2 Proposal

- 2.1 It is proposed that Planning Committee agrees the proposed Position Statement appended to this report.

3 Legal Implications

- 3.1 The Planning and Compulsory Purchase Act 2004 empowers Local Planning Authorities to prepare Local Plans and for their periodic review in whole or in part. The Local Planning Document was adopted in July 2018 and considered to be in conformity with the NPPF. Paragraph 47 of the NPPF states that planning law requires applications for planning permission be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The NPPF requires Local Plans to be in conformity with national planning policy. The Position Statement is intended to clarify the interpretation of Policies LPD 13 and LPD 14 to ensure the intent of Policies LPD 13 and LPD 14 is met in accordance with the NPPF.

4 Equalities Implications

- 4.1 None. An equalities impact assessment has already been undertaken on the Council's policies through the assessment of the adopted version of the Local Plan.

5 Carbon Reduction/Environmental Sustainability Implications

- 5.1 None. Consideration of carbon reduction/environmental sustainability implications has already been undertaken on the Council's policies through the preparation of the adopted version of the Local Plan

6 Appendices

- 6.1 Appendix: Position Statement on Policies LPD 13 and LPD 14 of the Local Planning Document

7 Background Papers

- 7.1 None

