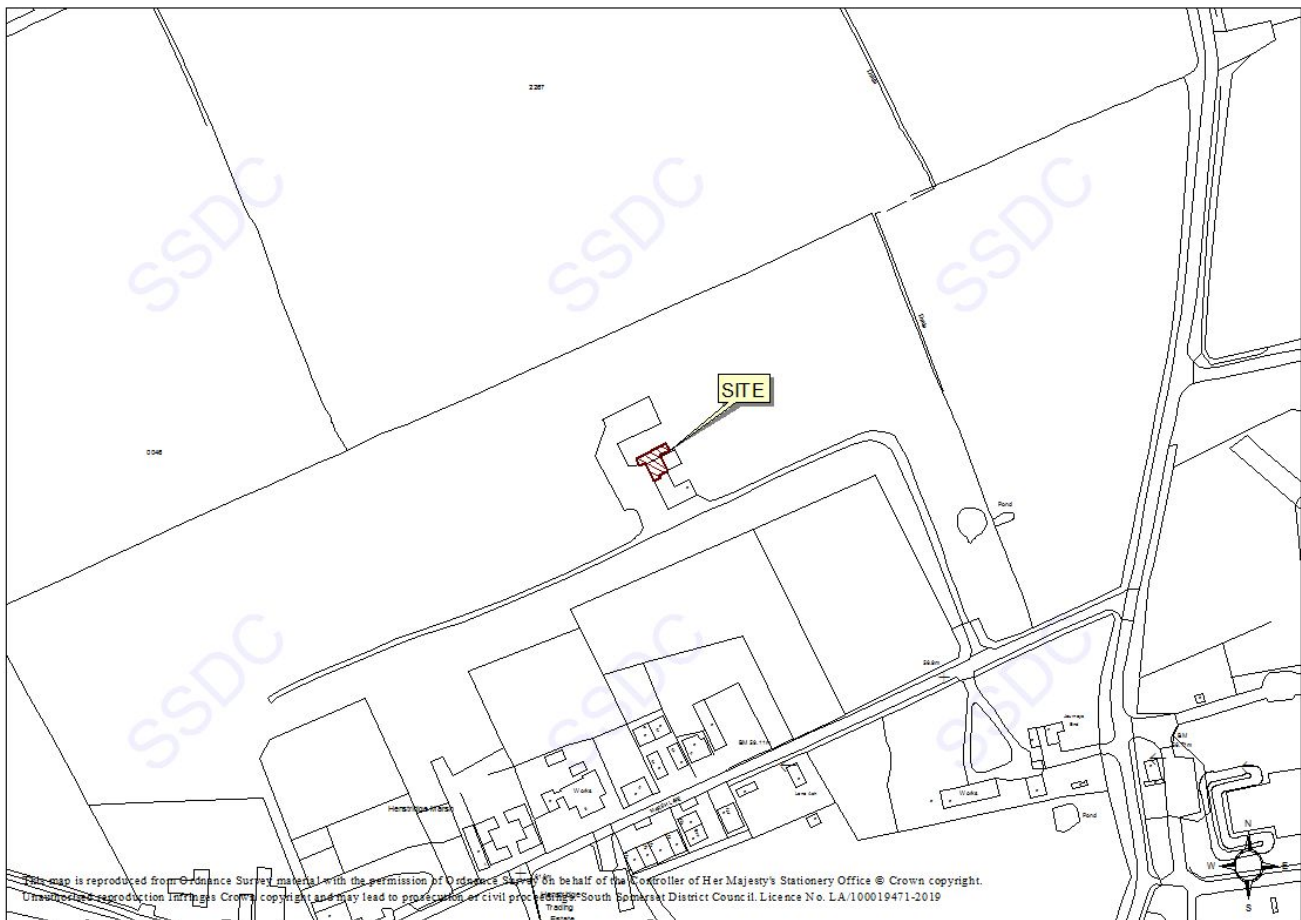


Officer Report On Planning Application: 18/01931/COU

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| Proposal : | The use of part of the building as residential accommodation for facilities manager (Retrospective) |
| Site Address: | The Club House Henstridge Sports And Leisure Centre Marsh Lane |
| Parish: | Henstridge |
| BLACKMOOR VALE Ward (SSDC Member) | Cllr William Wallace Cllr Hayward Burt |
| Recommending Case Officer: | Neale Hall Tel: 01935 462363 Email: neale.hall@southsomerset.gov.uk |
| Target date : | 14th August 2018 |
| Applicant : | Henstridge Golf and Leisure |
| Agent: (no agent if blank) | Mr Diccon Carpendale Wessex House 8 High Street Gillingham SP8 4AG |
| Application Type : | Other Change Of Use |

The application is before the committee at the request of the ward member and with the agreement of the area chair as the ward member believes that the proposal complies with policies SS2 and HG9 of the South Somerset Local Plan contrary to the officer recommendation.

SITE DESCRIPTION AND PROPOSAL





The site is located on the north side of Marsh Lane, to the north east of the industrial development taking access off this lane. The club house sits within a 17 Ha open site. The club house is a large, single-storey structure, used for various club purposes including a bar, restaurant, kitchen and changing rooms. A portion of this space has been used as a flat for the club manager prior to 2012 and since. A temporary regularisation permission given in 2012 expired in 2015. A previous application had sought permanent regularisation of the position, but was refused (and a subsequent appeal dismissed). A temporary permission was granted in 2012 until 31 July 2015. That permission expired and this application seeks regularisation on a permanent basis.

The applicant has now submitted an application to retain the use of part of the clubhouse as a residence with small outside curtilage for the manager on a permanent basis.

HISTORY

17/00162/USE - Part of building being used as living space

17/04766/FUL - Recreational use of land to include retention of a 9 hole golf course, driving range. Clubhouse, access and parking areas, extended parking area, construct decking, provision of moveable structures including service yard containers, shower toilet block, creation of pond, use of existing pond for coarse fishing and use of land for touring caravan park for a maximum of 60 no. pitches.

12/00659/COU - Change of use of part of clubhouse building to provide residential accommodation for facilities manager (re-submission) Temporary approval to 31 July 2015.

11/00890/COU - Change of use of part of clubhouse building to provide residential accommodation for facilities manager - refused. The application was appealed, and the appeal was dismissed in November 2011.

951832 (95/05968/FUL) - The change of use of land from agricultural to recreational use including access, provision of car parking, club house/changing rooms, tennis court, running track and football pitches - permitted

with conditions

97/01589/REM - The erection of a clubhouse and the provision of associated car parking facilities and the construction of tennis courts with a 2.4m high surround fence - approved with conditions.

11/00890/COU - Change of use of part of clubhouse building to provide residential accommodation for facilities manager - refused. The application was appealed, and the appeal was dismissed in November 2011.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the South Somerset Local Plan and NNPF 2018.

The policies of most relevance to the proposal are:

SD1 - Sustainable Development

EQ2 - General Development

TA5 - Transport Impact of New Development

TA6 - Parking Standards

National Planning Policy Framework 2018

Paragraph 79

CONSULTATIONS

Parish Council - Parish Council recommended approval of this application. The Council added that it views this enterprise as a valuable asset to the community.

Highways Authority - Standing advice

SDDC Highways - No objection subject to adequate parking

REPRESENTATIONS

None received

CONSIDERATIONS

The key policy consideration to this development is considered to be Paragraph 79 of NPPF 2018 that states:-

"Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area."

Previous Permission

The previous temporary permission was based on a Business Plan and the demonstration of functional need. The policy of the development plan in force has changed since the last determination and this proposal will be determined on the basis of current up to date policy as outlined in the policy section of the report.

The temporary granted permission was based on the following officer consideration of functional need and a business plan.

Functional Need of Previous Permission

The submitted functional need is integral to the business plan, discussed below. The owner has, since he acquired the site, lived on the site for the major portion of that time (albeit without planning permission), which has arguably assisted in making the progress he has made. The need for a presence on site can be summarised as follows:

- the site is isolated and in need of a permanent presence for security reasons
- the security need relates to avoiding damage to the course; to secure stocks; and to secure machinery and equipment
- increased profitability resulting from cost reductions, better management, etc: The applicant has built the business case around the possibility of an on-site manager/owner. Being on site reduces various costs, including travel, hire and management of other staff (often at unsociable hours), and accommodation costs. It would also enable certification of the site by the Caravan Club, which is an integral part of the business plan.

The submitted functional need is considered to be reasonable. Without a manager (the owner) on site, it is doubtful that the business plan could be implemented, and that continued improvement of this site and local community facility could be assured.

It is therefore recommended that the identified need be accepted, in association with the submitted business plan. This would give the applicant three years in which to establish the business on the site, after which a final assessment could be made of the acceptability of having a flat within the building.

Business Plan of Previous Permission

The proposal starts out from a relatively low base, and the business plan is built around the inputs of the owner and his family. Integral to the plan is the need for the owner to be on site, to deal with security, insurance, and time constraints in keeping costs down and making the scheme viable. The business proposal focuses on the following aspects of the business:

- bar sales
- food sales
- golf
- fishing
- caravanning

The plan extrapolates current performance, and projects results forward for three years, seeking to establish clear and reliable cash flows and profits. The details have been assessed by the Council's Economic Development Officer, who is satisfied that they are realistic, and hold out the promise of success over the short term (he supports a temporary permission to allow a fuller investigation of performance after that period).

The applicant's documentation refers to numerous other aspirations:

- bowling green
- indoor hall for bowling (permission already granted)
- provision of other facilities (e.g. machinery shed)
- tennis courts (permission granted)
- putting course
- picnic area
- expanded caravan facilities including facilities block

None of these is quantified or included in the figures of the proposal. The business plan does, however, seek to

generate increasing profits, and it would be an expectation of a reassessment of this proposal after three years that future development be realistically assessed, including an assessment of the possibility of further developments outlined in the list above.

The Current Application

Principle of Development

The site is outside of the defined development area, and there is a presumption against the creation of new dwellings in the open countryside under NPPF paragraph 79 unless it meets an exception criterion listed in 79 a) - e). It is considered the proposal fails to meet any of the exception criteria listed for the following reasons:-

- a) there is not an essential need for a rural worker in the context of this criteria. An essential rural worker derives from the old PPS Annex A on which Inspectors consider a "useful tool".
- b) it is not a heritage asset
- c) it does not reuse a redundant or disused building, but an existing part of the business unit.
- d) this is not applicable
- e) this criteria could not be fulfilled by the proposal.

Current Application Business Case

Whilst a fairly well evidenced case was made previously, it is considered the current application does not supply sufficient information to compare the progress of the business since 2012. The basic information contained in the application are statements by various parties on behalf of the applicant and do not provide tangible comparable evidence to support the progress of the business case. Therefore as a material consideration the application cannot be supported in this context. Whilst permission was granted in 2017 for all existing facilities (save the residential use) it is not clear from this application as to when the various facilities were implemented.

Need

The need is considered to be a material consideration to the proposal and as such regard will be had to the details submitted in the covering letter accompanying the application. The main reasons cited are those of security, safety and emergencies. It is contended that on site presence is required as a break into the clubhouse has occurred previously and to safeguard stored machinery and goods. It is also contended the clubhouse will not be insured without an onsite presence.

The advancements in the security industry producing systems technology as a deterrent has been quite substantial since the previous application was submitted and in this respect it is considered the site does not need a 24 hour presence, as cost effective remote security deterrents are available on the open market. Also by virtue of the use of the site as a caravan site lends itself to some extent as an enhancement of the level of security due to more occupants being present on site. During the seasonal use as a caravan site, it is considered by the applicant that there is a need for a presence in terms of their needs coupled with arrivals during the night. In terms of the latter it is not considered that late arrivals need an onsite presence. Again it is not specified what potential emergencies would require a 24 hour presence and by the very nature should be extremely infrequent. The settlements of Henstridge and Stalbridge are not so distant as to preclude onsite presence within a fairly short time scale should a manager be employed from such a location. Overall the requirement for 24 hour on site presence is not considered to be justified on the basis of security and safety or emergencies.

Conclusion

The current application does not contain any substantive evidence to justify the proposal. The previous temporary approval was given to allow evidence of the business development to be put forward. The evidence provided does not satisfactorily demonstrate the case for a residential unit at this location. It is considered a manager's office would suffice for the opening hours and case law would back the position that there is insufficient justification for a residential unit based on that alone. The organisation of management is for the operator to resolve and would not justify a residential unit at this location. Again there is case law relating to these types of proposals.

Enhanced security measures would negate the need for a 24 hour presence on site and the need for 24 hour presence for insurance purposes is questionable and again an operational management issue.

Overall it is considered the submitted evidence is insufficient to justify the approval of a residential unit in this location.

RECOMMENDATION

Refuse for the following reason:

SUBJECT TO THE FOLLOWING:

01. The current application does not contain any substantive evidence to justify the proposal, it does not satisfactorily demonstrate a functional need, nor give any weight to the business activity concerned being financially sound with the clear prospect of remaining so and developing. The proposal therefore represents unjustified development in open countryside contrary to the aims and objectives of the development plan and NPPF paragraph 79.
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