

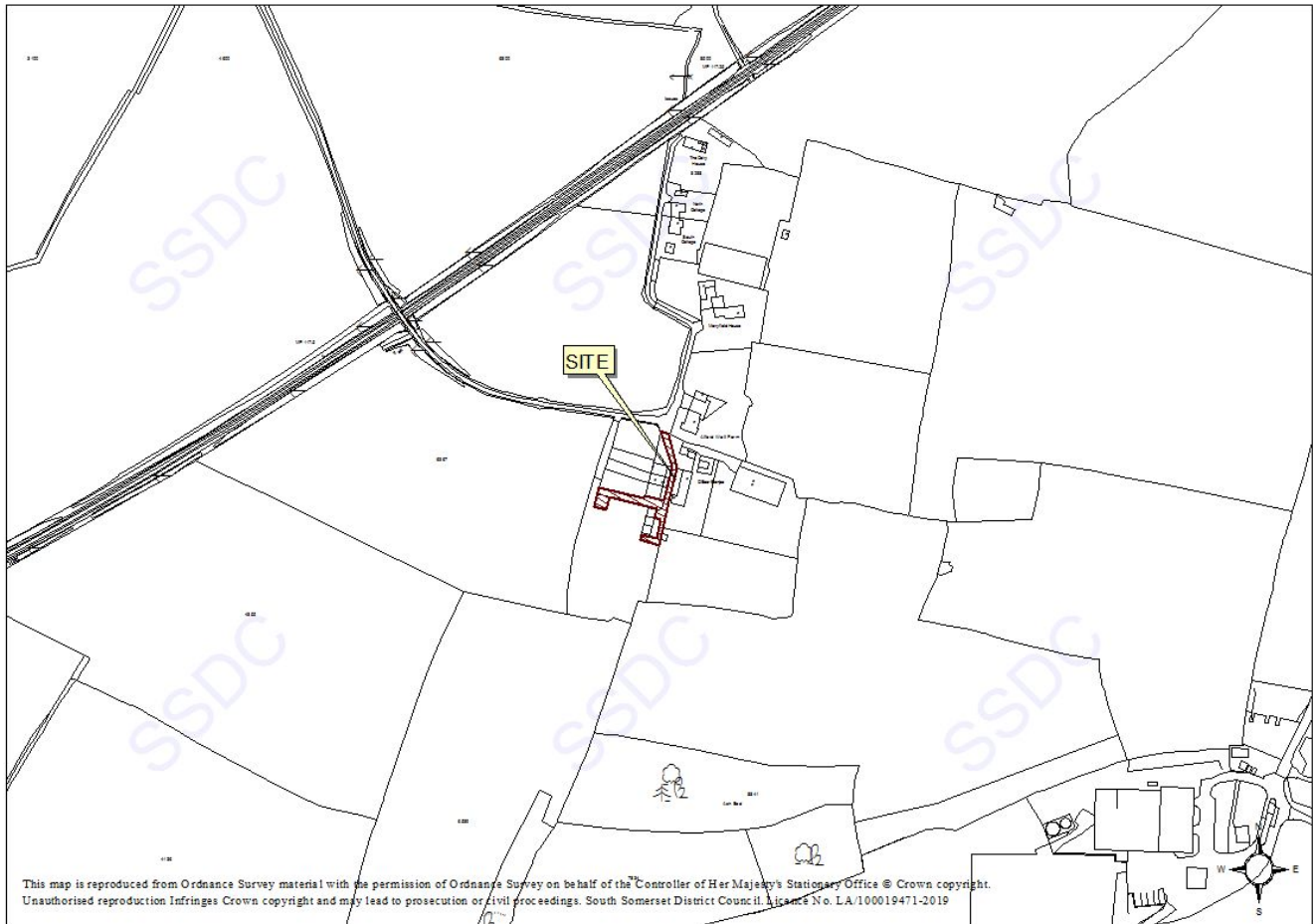
Officer Report On Planning Application: 18/02992/FUL

Proposal :	Change of use of an existing timber stable block to a boarding cattery of up to six pens.
Site Address:	The Old Cider House Alford Well Farm Lane Alford
Parish:	Alford
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Richard Hawkey Tel: 01935 462578 Email: richard.hawkey@southsomerset.gov.uk
Target date :	10th December 2018
Applicant :	Mrs Petra Hughes
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward members in order to allow the views of the parish council, local residents, and members to be heard.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks consent for the change of use of an existing timber stable block to a boarding cattery of six pens at The Old Cider House, Alford Well Farm Lane, Alford.

The Old Cider House site is part of a complex of agricultural barns that were converted to live / work units granted consent granted in 2007. The structure proposed to be used as a cattery is located to the west of the converted barns and was itself granted consent in 2010. Both the dwelling and the building proposed to be used as a cattery have restrictive conditions imposed on them in terms of their usage.

The cattery will be operated by the applicant and it is proposed to create 6 pens within an existing stable building measuring 11.2m by 4.7m together with an existing concrete pad in front of it measuring 11.2m by 4.5m. It is proposed that each pen may contain a maximum of two cats from the same family. This would involve a maximum of 6 owners at any one time and the applicant has indicated that the additional flow of traffic incoming and outgoing connected to the business would be between two and three per week as the proposed minimum stay would be 3 days. The applicant has indicated that parking for 5 cars is available and that this would be marked to avoid customers parking in neighbours parking areas.

The applicant has stated that visits will be by appointment only and customers will be required to book before arrival for drop off or collection of cats during opening hours only, except in emergencies. The opening hours are given as Monday to Saturday 9am to 10.30am and 16.00 to 17.30. Sundays 9.00 to 10.30.

This is a rural location with the access to the site from the B3153 being obtained down Alford Well Farm Lane which is a narrow single track lane with limited passing spaces. From the public highway to the proposed cattery access is via a shared driveway. Notice has been served on the other owners of this.

HISTORY

07/00688/FUL - Alterations and conversion of barns to form 4 live / work units and erection of garage / office building and car port. Permitted 3rd May 2007.

10/01640/FUL Use of land as an equestrian paddock, erection of a stable block with tack room, provision of concrete pad and extension of existing track. Permitted 21st June 2010.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF (July 2018) state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

The policies of most relevance to the proposal are:

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development In Rural Settlements

Policy EQ2 - General Development

Policy EQ7 - Pollution Control

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development

Chapter 6 - Building a Strong Competitive Economy

Chapter 12 - Achieving Well Designed Places

CONSULTATIONS

Cary Moor Parish Council - "Cary Moor Parish Council objects to this application on the following grounds:

1. The proposal would be in breach and/or inconsistent with conditions imposed (set out below) when permission was granted for conversion of The Old Cider House into a live/work unit under application 07/00688/FUL and for erection of the stable block under application 10/01640/FUL respectively:

"All workspace shown on the approved plan shall be used for Class B1(a) Office Use as defined in the Town and Country Planning (Use Classes Order) 1987 (or in provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification) and for no other purpose.

Reason: In order to maintain employment on the site and reduce the need to travel in accordance with policy EH7 of The South Somerset Local Plan (Adopted April 2006)."

"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of the garages hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason: In the interests of Highway Safety to accord with policy 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000)."

"The building hereby approved shall not be used for any purpose other than for the private and domestic needs of the occupiers of The Old Cider House, Alford, and not be used for any habitable accommodation or business use whatsoever.

Reason: Due to the location of the site in open countryside and in the interests of residential amenity to accord with policies ST5 and ST6 of the South Somerset Local Plan (2006)."

2. There has been no material change in the underlying circumstances that would warrant these conditions being relaxed to permit the current proposal. In short, they remain as valid today as when they were originally imposed.

3. The Old Cider House and stable block remain in an unsustainable location situated in open countryside remote from local services and facilities with access via a long, very narrow, single track road with no pavements, which has a sloping curved alignment and passes over the Taunton to London railway line by way of a narrow bridge. It also has a substandard junction with the B3153. The additional traffic generated by the proposal would adversely affect the safety and convenience of all users of this substandard access road including pedestrians, cyclists, horse riders (the road connecting to the public bridleway to Lovington and public footpaths to Lovington, North Barrow and Dimmer) as well as those gaining access to the other residential

properties which use this road as their sole means of access.

4. The additional traffic generated by the proposal would also adversely affect the residential amenity of the occupants of the remaining three live/work units adjoining The Old Cider House.

5. The Parish Council also endorse the comments made in the 13 objection letters lodged to date by local residents. The arguments made are cogent and compelling.

SSDC Environmental Protection Unit: "I have no comments in respect of this application."

SCC Highways: "Standing Advice applies."

SSDC Highways Consultant: "No significant highways issues although the applicant may find it difficult to turn into and out of the garage given the width of the access road."

SSDC Ecologist: "Negligible risk for any significant biodiversity issues."

Forestry Commission: Standing Advice issued.

REPRESENTATIONS

Thirteen letters of objection have been received in which the following comments have been made:

- Since the conversion of the farm outbuildings of Alford Farm there have been several planning applications covering the creation of four properties. In every case there has been a statement to the effect that area must maintain a strictly residential use and not business or commercial uses.
- The one track lane is unsuitable for any increase in traffic due to reduced visibility due to bends in the road and lack of passing spaces
- The proposed cattery business would cause increased volumes of traffic
- The proposal would require advertisement hoardings adjacent to other peoples homes
- There is provision for cat boarding less than 1 mile from the site
- There is no footpath so pedestrians have to walk on the carriageway which is dangerous
- When the applicants property was initially granted permission for the garage to be used for small office based industrial use there was a condition attached that no further industrial use could occur on that property
- The applicant has failed to acknowledge that their proposal hinges on their customers using a private access way, owned by a residents Limited Company
- Increased usage of Alford Well Farm Lane is highly undesirable and will affect local amenity of residents living on the road
- The increased traffic will not only be from customers but also commercial supplies deliveries and waste removal
- As a long term resident we have seen this very minor lane serving 6 houses increase to 21...this has greatly added to the volume of traffic on the lane
- We were assured that no businesses would be conducted from these properties that would create extra traffic
- The access from the B3153 is dangerous... people who don't know the lane travel too fast and when meeting other traffic on the blind curve over the railway bridge struggle to stop on time and there have been numerous collisions at this point
- The planning consent for the stable block proposed as the new cattery was restricted to domestic stable use and all business use was excluded
- The existing planning consent restrictions were made for good reason and should not be overturned
- Details of a Technical Note produced by Moss Naylor Young traffic consultants which was submitted as part of an objection to a nearby application have been provided
- The access to Alford Lane cannot accommodate two vehicles simultaneously which results in larger vehicles turning into the lane having to stop whilst still protruding out onto the B3153
- Even minimising the hours of the cattery will result in unacceptable additional traffic along the lane. It should be noted that it is not only cat owners that will cause increased traffic but also people looking to inspect the premises.

CONSIDERATIONS

Background and principle of proposal

Consent was granted for the conversion of the barns at Alford Well Farm Lane in 2007 and as part of this consent four live / work units of accommodation were created. Whilst the planning policy at the time sought to protect existing employment buildings outside of defined settlement areas there was however an allowance in some circumstances for its conversion to residential. The officer in their report considered that a balance could be struck at this site in terms of allowing residential conversion which also incorporated an element of employment use by allowing live / work units. This would facilitate the re-use of redundant farm buildings for a residential use but also reduce the need to travel along the narrow access lane by facilitating home working. A planning condition was imposed on the consent to require that the designated workspace for each residential unit was used for a B1(a) office use with the reason for this condition being to maintain employment on the site and reduce the need to travel.

Similarly in 2010 when the consent for the stable block was considered (which is now proposed to be re-used as a boarding cattery) a similar condition restricting the use of the building for private and domestic needs was imposed. It specifically prohibited the buildings use for habitable accommodation or business use. The reason for the condition being due to the location of the site in open countryside and to protect residential amenity for the location. Neither condition was imposed due to highway safety matters but instead more to maintain sustainability and reduce the need to travel.

The current proposal to establish a boarding cattery consisting of 6 cat pens will introduce a small scale sui generis use onto the site. In considering the principle of the acceptability of this it is important to assess this in terms of the adopted Local Plan. Policy SS1 defines the hierarchy of settlements and those that it does not specifically define are considered to be within open countryside and are classified in generic terms as rural settlements. The local plan makes it clear that this does not preclude development in such locations, and in fact the National Planning Policy Framework promotes sustainable development in rural areas. It is policy SS2 which sets out the specific criteria for development within rural settlements. Development proposals are required to be commensurate with the scale and character of the settlement. They should also create or enhance community facilities and services to serve the settlement. It is considered that the small scale of the proposal and what is being proposed would satisfy both of these criteria. Although other criteria are listed by the policy it does not require all of them to be satisfied but instead specifies that at least one must be.

Residential amenity

The building to be converted to cattery use has an internal floor area of approximately 50m² and it is not proposed to increase this as part of the proposal. The building is located within a paddock area to the south west of The Old Cider House and is approximately 32m distant from that dwelling. It is a distance of approximately 25m to the nearest point of the garden of the adjoining residential dwelling and approximately 39m from the nearest adjoining residential dwelling. It is considered that given the modest scale and nature of the business, combined with the distance between the proposed cattery building and other residential dwellings, that the residential amenity of the location will not be adversely affected. The Environmental Protection Officer has confirmed that they do not have any comments to make in terms of the proposals being put forward.

Visual Amenity

The proposed cattery will re-use an existing structure and so there will be no additional built form as part of this proposal.

Highways

The applicant has indicated the availability of 5 car parking spaces to serve both the business and the residential use of the site. The additional vehicles generated by the cattery are likely to require parking spaces for a relatively short period of time, given the nature of the business. It is therefore considered that there is sufficient on-site parking. The Highway Authority have not raised concern regarding the proposal on this basis.

Significant concern has been raised by both local residents and the Parish Council regarding the additional usage of Alford Well Farm Lane which is a single track lane running from the B3153 to the application site (a distance of approximately 0.67km (670m)). Part way along its course there is a narrow bridge combined with a curve in the direction of the lane. There are no footpaths along the laneway at any point and only very limited passing places - none of which are located along the stretch of the lane in the vicinity of the railway bridge or curved part of the lane. Whilst the concerns raised are acknowledged, neither the Somerset County Council Highways Officer nor the Highways Consultant used by the Council have raised objection to the proposal. I consider that it would be unreasonable to raise objection to the proposal on this basis.

Contributions

This application proposal would be exempt from CIL contributions.

Conclusion

The proposed change of use of an existing stable building to a boarding cattery would represent a sustainable form of development in keeping with the character and scale of the rural settlement of Alford. The boarding cattery use is considered acceptable in this location by reason of its modest scale and that it causes no demonstrable harm to residential amenity or highway safety. As such it is in accordance with policies SD1, SS1, SS2, EQ2, EQ7, TA5, and TA6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

RECOMMENDATION

Approve for the following reason:

01. The proposed change of use of an existing stable building to a boarding cattery would represent a sustainable form of development in keeping with the character and scale of the rural settlement of Alford. The boarding cattery use is considered acceptable in this location by reason of both its modest scale and that it causes no demonstrable harm to residential amenity or highway safety. As such it is in accordance with policies SD1, SS1, SS2, EQ2, EQ7, TA5, and TA6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: cat pen layout drawing received 20th September 2018 and Location Plan showing access and parking areas and a general Local Plan received 16th October 2018.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The opening hours of the cattery for drop offs and pick ups of cats shall be limited to be between Monday to Saturday 9.00hrs to 10.00hrs and 16.00hrs to 17.30hrs and Sundays between 9.00hrs and 10.30hrs except in emergencies.

Reason: To accord with the terms of the submitted application and satisfactorily comply with Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028).
