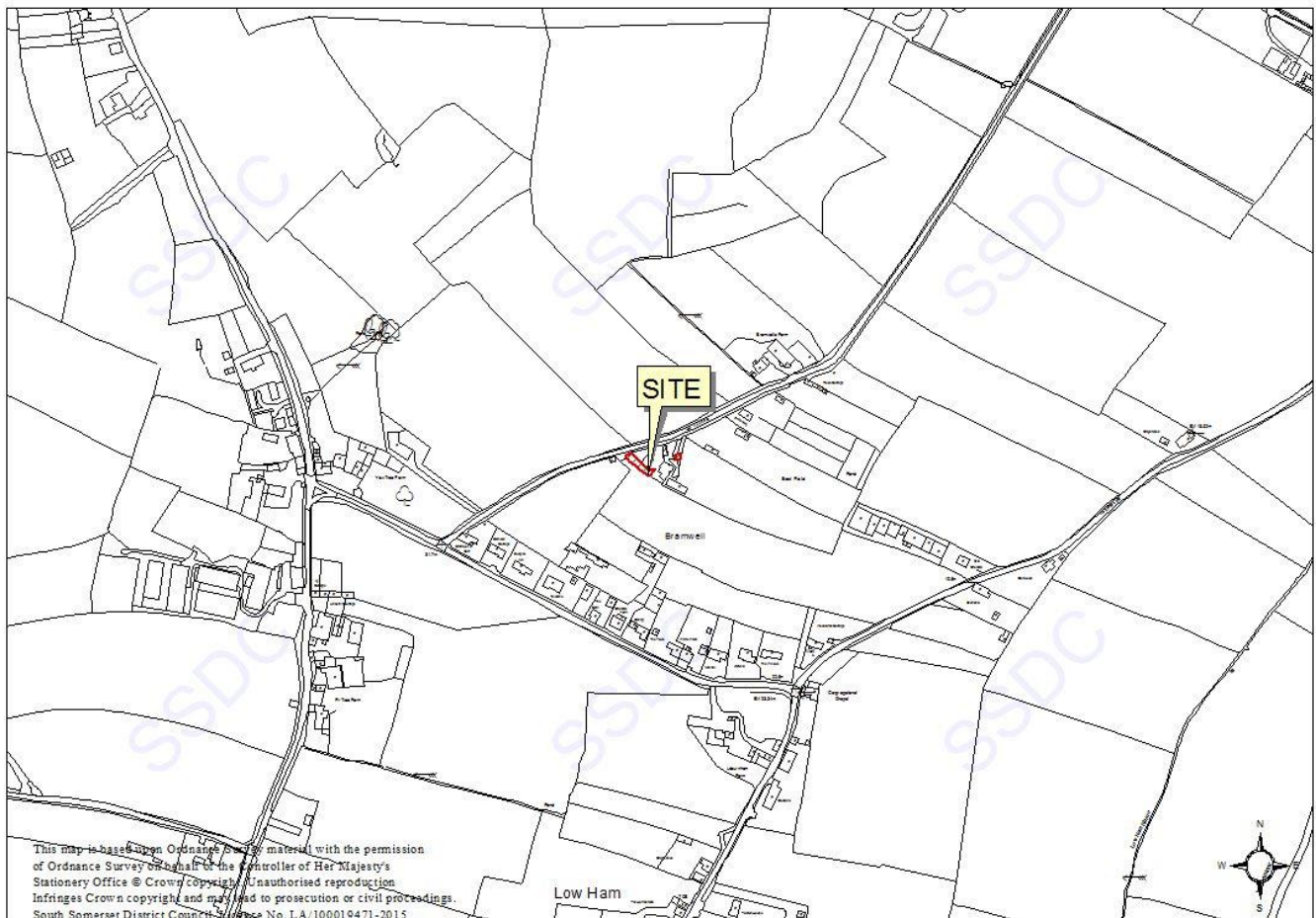


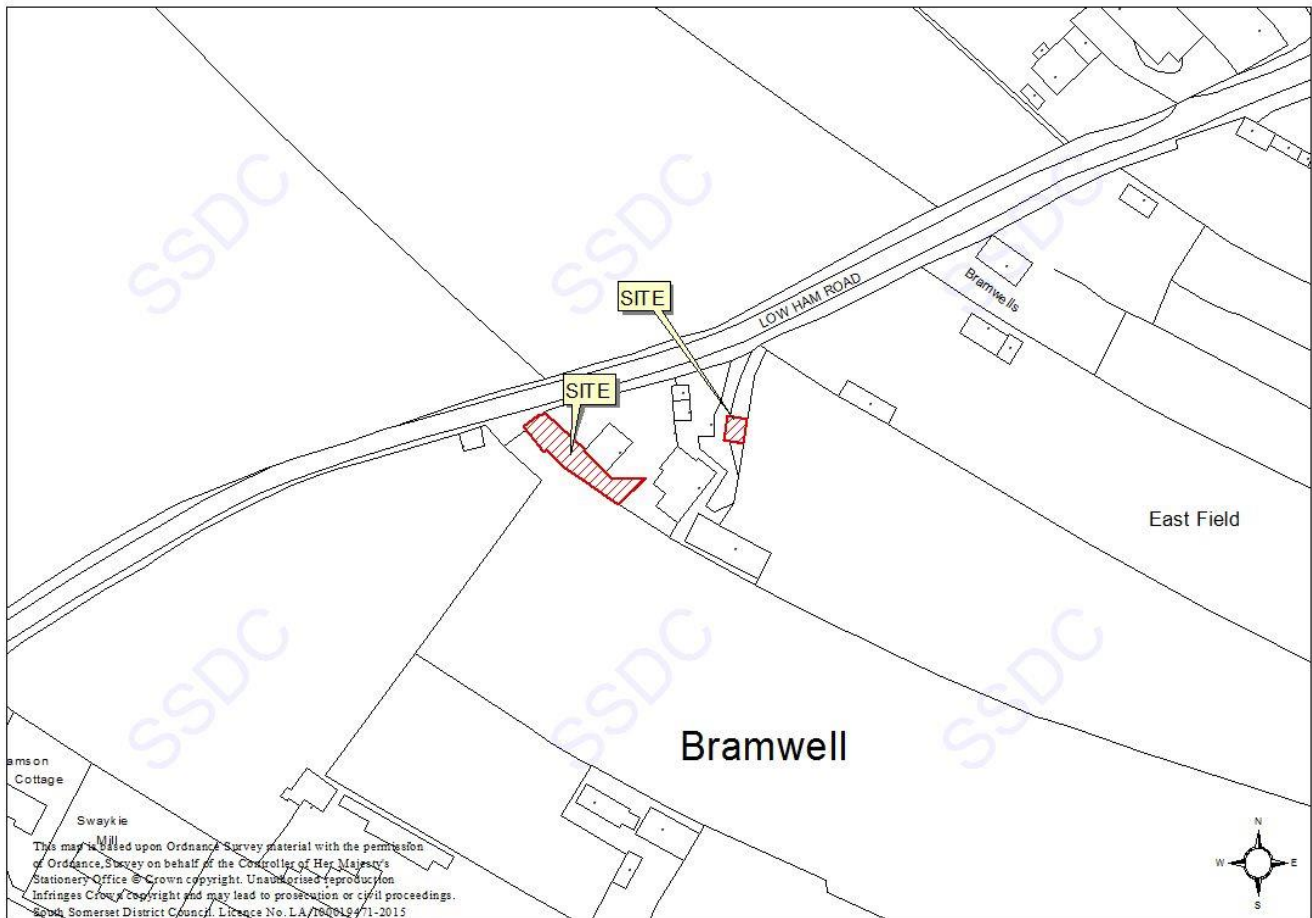
Officer Report On Planning Application: 17/01866/FUL

Proposal :	Continued use of Hillview Farm Cottage as a dwelling
Site Address:	Hill View Farm Cottage, Hill View, Low Ham Road, Low Ham.
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Cllr Gerard Tucker
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	19th June 2017
Applicant :	Miss Sarah Skeet
Agent: (no agent if blank)	Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Member with the agreement of the Area Chair to enable the issues raised to be fully debated by Members.





PROPOSAL AND HISTORY

This application is made for planning permission for the continued use of an existing building (Hill View Farm Cottage) as a dwelling.

The site comprises one building (Hill View Farm Cottage) and adjoins a dwelling known as Hill View Farmhouse, both being used as separate dwellings. The latter was constructed following the grant of planning permission for the replacement of the former. This original consent in 1967 required the former building (now known as Hill View Farm Cottage) to be demolished. Further consent was then granted for the extension of Hill View Farm Cottage, before a final permission was granted for the erection of Hill View Farmhouse, without explicitly requiring the removal of the older Hill View Farm Cottage (see planning history).

Following occupation of the newer farmhouse, the original dwelling was not removed, however ceased to be occupied. The cottage, which is the subject of this application remained unoccupied until 2014, when the property was renovated and occupied as a separate dwelling by the applicant, Miss Sarah Skeet. Following the occupation of the cottage as a separate dwelling, the Local Planning Authority issued a planning enforcement notice requiring the cessation of occupation of this building as a separate dwelling, taking the view that use as a dwellinghouse in its own right had been abandoned, and that it continued thereafter to be used as an ancillary outbuilding for domestic use in relation to the main house only. This notice came into effect on 30th November 2016 and required compliance within 6 months, however it is now subject to an appeal that is due to be considered by Public Inquiry.

More recently an application for a certificate of lawful development was made, seeking to demonstrate

that the building had been used as an independent building, however this refused. An appeal has also been submitted in respect to that refusal and will be considered alongside the enforcement appeal at the upcoming Public Inquiry.

This application seeks planning permission for the change of use of the existing building to formalise the current situation, where it is being occupied as an independent dwelling. Details of proposed parking spaces are included within the submitted plans. It is expected that should the application be approved, the appeals against the enforcement notice and refusal of the certificate of lawfulness will fall away. Should the application be refused, it is likely to be added to the ongoing appeal for determination alongside these other matters.

RELEVANT BACKGROUND

78837

Permission was granted in 1967, application number 78837, for the demolition of the existing dwelling and the erection of a bungalow and private garage on land adjoining Low Ham Road at Bramwells, Low Ham, and formation of access there to. This permission relates to the replacement of the cottage known as Hill View Cottage, with condition 07 of this permission stating that the existing dwelling (Hill View Cottage) should be demolished and the materials removed from the land within six months of the occupation of the new dwelling - This permission was never implemented.

78837/A

Application 78837/A granted permission in 1967 for the erection of an extension to Bramwells (hereby referred to as Hill View Cottage), Low Ham, Langport, to provide a kitchen, bathroom, and additional bedroom. This effectively allowed the restoration of Hill View Cottage to bring it up to a habitable state. The informative on the decision notice stated that permission No.78837 will be of nil effect because condition 7. on that approval reads "The existing dwelling shall be demolished and the materials removed from the land within six months of the occupation of the new dwelling". Again this permission was not implemented.

78837/B

Application 78837/B, granted permission in 1968, for the erection of a house and private garage on land at Bramwells, Low Ham, and the formation of a vehicular access. The plan submitted shows the new dwelling within the same boundaries - planning unit - as the existing cottage (Hill View Cottage). This consent did not explicitly require the removal of Hill View Farm, however it this property did cease to be occupied following the implementation of this permission, and the erection of the approved dwelling, known as Hill View Farmhouse

16/01183/FUL

Conversion of former milking parlour to a dwelling - permitted with conditions. Relating to a disused agricultural building to the south of the application site.

16/05153/COL

Application for a lawful development certificate for the existing use of the building as an independent dwelling - Refused.

17/01163/S73

Application to vary condition 02, 05 and 07 (approved plans) of 16/01183/FUL for the addition of a garden room - Permitted with conditions.

CONSULTATIONS

Parish Council: This application met with a unanimous vote of support. This being made on the basis that the application was not for physical changes but purely regarding the principle of whether it could be occupied as a cottage by any person.

SCC Highway Authority: Standing Advice applies.

SSDC Highway Consultant: It would appear that access to the dwelling would derive from an existing entrance to the east of the building that serves other dwellings. A single parking space would be allocated to the dwelling close to the entrance. I consider the proposal is acceptable in highways terms. If not secured previously, I recommend the first 6m of the access is properly consolidated and surfaced (not loose stone or gravel). If the access falls towards the public highway, appropriate surface water drainage measures should also be installed. It would appear possible to provide an additional car parking space within the red line area to ensure that on-site car parking provision accords with the optimum standards set out in the Somerset Parking Strategy.

REPRESENTATIONS

4 letters of objection have been received from local residents and 1 letter of support has been submitted.

The objections are made on the following grounds:

- Low Ham is a small hamlet unsuitable for this type of development, especially in this case, so far from the road and so close to other houses.
- This retrospective planning application should not be approved, as the council has made its decisions regarding this building, and there is no reason that this should change. Low Ham remains an unsustainable location for development.
- The submitted statement exaggerates the number of houses in Low Ham and highlights the points within Local Plan policy EQ2, which this development without permission has seemingly contravened.
- The main house (Hill View Farmhouse) is empty and should be occupied by the applicant.
- The refurbishment of the building may have caused harm to any resident wildlife.

The letter of support raises the following points:

- The restoration is sympathetic and preserves the original character of the cottage.
- The continued use as a dwelling provides an essential, small and affordable dwelling that has allowed the applicant to move back to the area to raise her son in the local community.
- The property has been part of Low Ham for over a century and it is disproportionate to be questioning its use.

CONSIDERATIONS

Principle of Development

The proposal involves the continued use of an existing building as an independent residential dwelling. In terms of principle, the site is located in a rural location, distant from key services, where residential development is normally strictly controlled by local and national planning policies. Notwithstanding the comments made within the applicant's statement, it is fundamentally disagreed that Low Ham is a sustainable location by virtue of access to essential local services or contribution to nearby settlements.

As such, this is a location where residential development is considered to be unacceptable unless there is appropriate justification. Paragraph 55 of the National Planning Policy Framework (NPPF) states that *"Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances."* These circumstances include:

- *Where the development would re-use redundant or disused buildings and lead to an enhancement of the immediate setting.*

The South Somerset Local Plan (2006-2028) does not include a specific barn conversion policy, therefore it is appropriate to assess this policy in respect to the advice contained within the NPPF (paragraph 55). In this case, the history of the building has been briefly outlined in the earlier 'proposal and history' section, with the Local Planning Authority thus far contending that since being unoccupied in the 1970's, the building was abandoned as an independent dwellinghouse, and continued to be used as an ancillary outbuilding in domestic use connected to the occupation of the then main dwellinghouse, Hill View Farmhouse. This use continued up until renovation works were carried out by the applicant, preceding its occupation as a dwelling. As such, it is argued that the building was not disused or redundant, and would have, and still could, continue to serve a useful purpose as an ancillary domestic outbuilding, whether that is as ancillary accommodation, for storage purposes, or as a workshop, etc. In this case, it is questionable whether this building complies with the aims and objectives of paragraph 55 of the NPPF, as the proposal is not strictly for the re-use of a redundant or disused building.

Scale and Appearance

The building has already been refurbished so no further alterations are proposed as part of this application. It is argued that the building was in a more dilapidated state prior to the works taking place so it is suggested that the improvements to the property should be considered retrospectively as an enhancement that may satisfy paragraph 55 of the NPPF. While this is noted, it is not considered to be sufficiently acceptable to outweigh concerns in respect to the inappropriateness of the development. It has previously been questioned whether the development does constitute reuse of a redundant and disused building in the first place. Notwithstanding this consideration, the works were carried out without the benefit of formal planning permission. Taking the Local Planning Authority's view up to now that the building is in fact an ancillary domestic outbuilding, works to maintain, alter and improve it would not have required planning permission, in which case the improvement works would not have been reliant on the grant of planning permission. As such, it is not considered that the improvement works carried out already, provide adequate justification for the provision of additional residential development in this unsuitable location, notwithstanding the current shortage of housing within the district.

Overall, despite the view that the proposal does not comprise development that can be considered under paragraph 55, the scheme does not bring forward the necessary enhancement to the local setting that would outweigh the harm associated with new residential development remote from key local services.

Residential Amenity

Local Plan policy EQ2 states, among other things, that *"development proposals should protect the residential amenity of neighbouring properties."* Likewise, the Core Planning Principles of the NPPF (paragraph 17) states that *"planning should always seek to secure high quality design and a good standard of amenity to all existing and future occupants of land and buildings."*

The building is sited perpendicular to and forward of Hill View Farmhouse, with the front windows looking towards the front garden of the adjoining property, although not directly into the property itself. This is not considered to cause unacceptable harm to residential amenity as this does not constitute private amenity space, and this area is highly visible from public views. Similarly, the other windows in the building look out onto open countryside.

There is one area of concern however, relating to the area of garden that has been sub-divided from the wider Hill View Farmhouse land to provide amenity space for the proposed dwelling. This runs alongside the adjoining dwelling, where large ground floor windows in the south west elevation of Hill View Farmhouse completely overlook the entire garden area. These windows, which are directly on the site boundary will afford no private amenity space for the occupiers of the application building, with views of the conservatory also available. Due to the position of the windows in question, it is also noted that the occupiers of Hill View Farm Cottage would have similar harmful views directly into the adjacent house when using the garden. This relationship therefore results in serious harm to the residential amenity of the occupiers of both properties, should planning permission be granted. It is noted that the two dwellings would be within the same family ownership, if not actually under the same personal ownership. Despite the suggestions of the applicant, that "in the historic tradition of the family", it is highly unlikely ever to be sold, it is not possible to control this. It is noted that Hill View Farmhouse has recently been tenanted, which already introduces an uncomfortable relationship between non-family members, by way of the identified mutual overlooking.

For the above reasons, the continued use of the building as an independent dwellinghouse is considered to be unacceptable and contrary to the aims and objectives of Local Plan policy EQ2, and to conflict with the Core Planning Principles at paragraph 17 of the National Planning Policy Framework.

Highway Safety

The County Highway Authority have noted that standing advice should be taken into account, which usually includes the provision of appropriate visibility splays, provision of properly consolidated access, provision of adequate levels of parking space within the site and the ability to ensure that surface water is adequately controlled to avoid discharge onto the highway. In this case, it is proposed to provide parking within an adjoining area of land within the applicant's ownership, for which there is existing parking for Hill View Farmhouse, and a recently approved barn conversion. As part of this latter consent, a space was identified for the building in question. Following advice from the Council's Highway Consultant that there is a need to provide two spaces to comply with Highway Parking Standards, the scheme was amended to provide an additional space, which is now considered acceptable. Otherwise there is good visibility in each direction at the site access and hard surfacing is required as part of the barn conversion consent. Due to the topography of the site, the access slopes gently away from the public highway, therefore there are no concerns about surface water runoff discharging onto the highway.

Overall, it is considered that the proposed development generally accords with Standing Advice and is acceptable from a highway safety point of view.

Ecology

It has been suggested that the works may have damaged local ecology, however as these works have already been carried out, there are no ecology constraints to consider at this stage.

Other Issues

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). The appropriate Form 0 will need to be completed and returned by the applicant, prior to the grant of any planning permission.

Conclusion

Overall, the proposal comprises unacceptable residential development in a location that is remote from

key local services. The proposal is not considered to comply with the reuse of redundant and disused buildings criteria of paragraph 55 of the NPPF, which is one of the few identified special circumstances which offers some justification to outweigh the otherwise strict planning policy considerations relating to the provision of new residential development in the open countryside. Furthermore, the separation of the application building, and its associated garden area, from the original house and land will have an unacceptable impact due to mutual overlooking between the garden and windows of the building and the adjoining main property Hill View Farmhouse. As such, it is considered appropriate to recommend refusal on these grounds.

RECOMMENDATION

Refuse planning permission

For the following reasons:

01. The continued use of this ancillary domestic outbuilding as an independent dwellinghouse constitutes new residential development in open countryside remote from local services, for which an overriding essential need has not been justified. The proposal fails to provide an enhancement to the immediate setting, as required by paragraph 55 of the NPPF, and therefore constitutes unsustainable development that is contrary to policies SD1, SS1, SS2 and EQ2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
 02. The use of this ancillary domestic outbuilding as an independent dwellinghouse is unacceptable due to the presence of existing windows in the east elevation of the adjoining main dwellinghouse, Hill View Farmhouse, which directly overlook the entire garden, and private amenity space, associated with the building hereby referred to as Hill View Farm Cottage. This will result in mutual overlooking between the two properties thereby failing to maintain a good standard of amenity for the occupiers of both dwellings, should planning permission be granted. As such, the proposed development will result in unacceptable harm to residential amenity, contrary to policy EQ2 of the South Somerset Local Plan (2006-2028) and the core planning principles of the National Planning Policy Framework.
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