

<b>Application No:</b>	<a href="#">3/04/19/001</a>
<b>Parish</b>	Brushford
<b>Application Type</b>	Variation of conditions
<b>Case Officer:</b>	Briony Waterman
<b>Grid Ref</b>	Easting: 287912      Northing: 124494
<b>Applicant</b>	Mrs Frances Nicholson
<b>Proposal</b>	Variation of Condition No. 06 (restriction of occupancy) of application 3/04/15/011
<b>Location</b>	Allshire, Allshire Lane, Brushford, EX16 9JG
<b>Reason for referral to Committee</b>	

## Recommendation

Recommended decision: Refuse

### Reasons for refusal:

- 1 Having regard to sustainability considerations, the site is not considered to be an appropriate location for an additional permanent dwelling. The development within the countryside would be contrary to the principles of sustainable development. In circumstance where the proposal would fail to contribute to wider sustainability benefits of the area, there is no identified need for a countryside location, the use would be likely to increase reliance on the car, the proposal would result in identified harm contrary to Policy OC1 of the West Somerset Local Plan to 2032 and paragraph 79 of the National Planning Policy Framework (2018).
- 2 The proposed change of use would result in the loss of an employment opportunity and the benefits of the proposal do not outweigh the loss of such an opportunity as such the proposal is considered contrary to policy EC5 of the West Somerset Local Plan (2032).
- 3 The application fails to demonstrate that any reasonable attempt has been made to secure a business use of the building has been carried out to satisfy policy H/6 of the West Somerset Local Plan (2032) and as such the proposal will result in a new dwelling in an unsustainable location.

### Informative notes to applicant

## 1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Despite the Local Planning Authority's approach to actively encourage pre-application dialogue, the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority. The proposal was considered to be unacceptable in principle because it was contrary to [the strategic policies within the Development Plan / policies within the National Planning Policy Framework] and the applicant was informed of these issues and advised that it was likely that the application would be refused. Despite this advice the applicant choose not to withdraw the application.

The application was considered not to represent sustainable development [and the development would not improve the economic, social or environmental conditions of the area].

For the reasons given above and expanded upon in the planning officer's report, the application was considered to be unacceptable and planning permission was refused.

## Proposal

Permission is sought for the variation of condition 6 (restriction on occupancy) of application 3/04/15/011.

## Site Description

The holiday let is situated within the curtilage of Allshire Farm, a Grade II listed building. The buildings are stone, rendered or constructed with red brick with slate and corrugated iron being used on the roofs. The site is approximately 0.4km away from the Dulverton-Oldways End Road and is reached via an unadopted track. The site is on land lower than the highway.

## Relevant Planning History

Applications 3/04/15/011 was granted in 2015 for the conversion of a barn to a holiday let and application 3/04/15/012 for the conversion of listed building to a dwelling, granted in 2015.

## Consultation Responses

*Brushford Parish Council* - The parish council reviewed this application at its meeting last night and unanimously approved it.

## **Representations Received**

No comments received.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

### **West Somerset Local Plan to 2032**

OC1	Open Countryside development
SC1	Hierarchy of settlements
BD/3	Conversions, Alterations and, Extensions
H/6	Conversion to Residential of Holiday Accomodation
EC5	Safeguarding existing employment uses

### **Retained saved polices of the West Somerset Local Plan (2006)**

OC1	Open Countryside development
SC1	Hierarchy of settlements
BD/3	Conversions, Alterations and, Extensions
H/6	Conversion to Residential of Holiday Accomodation
EC5	Safeguarding existing employment uses

## **Determining issues and considerations**

The main considerations in determining this application are the principle of development and the impact on residential amenity.

### Principle of development

It is considered that the principle of development, to change from a holiday let to a

residential dwelling is unacceptable in principle. It is contrary to both policies H/6 and OC1 of the West Somerset Local Plan and paragraph 79 of the National Planning Policy Framework and would constitute development within the open countryside.

Policy EC5 states that sites and premises with existing commercial activities will be safeguarded against change of use to residential unless it can be demonstrated that the activity is no longer appropriate or sustainable in that location, or that the business has been marketed for a minimum of twelve months and has generated no interest. Therefore the Council would require evidence that the property has been marketed which has not been provided and therefore fails to comply with policy EC5.

#### Residential amenity

Due to the position of the barn in relation to the main dwelling is considered to result in diminished residential amenity for both properties if it were to be used as a separate dwelling.

It is therefore recommended that planning permission be refused.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.