

11/18/0015

MR D MIDDLETON

Variation of Condition No. 02 of 11/08/0007 to enable holiday let to be used as a permanent dwelling on land to the east of Yarde Farm, Combe Florey

Location: LAND TO THE EAST OF YARDE FARM, COMBE FLOREY

Grid Reference: Removal or Variation of Condition(s)

Recommendation

Recommended decision: Refusal

- 1 Having regard to sustainability considerations, the site is not considered to be an appropriate location for use as a permanent dwelling. In such circumstances, the proposal to vary the condition to allow a permanent residential dwelling (Class C3) within the countryside would be contrary to the principles of sustainable development, adopted development plan policies and Guidance which seek to avoid the development of 'isolated' homes in the countryside and to reduce reliance on the car. In circumstances where the proposal would fail to enhance the vitality of rural communities, there is no identified need for a countryside location, the permanent use would be likely to increase reliance on the car, the proposal for use as permanent residential accommodation would result in identified harm contrary to Policies CP1, CP8, DM1, DM2, SD1, SP1 and CP6 of the Taunton Deane Core Strategy 2012 and Policies SB1 and A5 of the Taunton Site Allocations and Development Management Plan 2016 and paragraphs 78,79, 103 and 108 of the Framework.

Recommended Conditions (if applicable)

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

Permission has been granted under reference 11/05/0009 for the erection of a

holiday let unit. A subsequent permission 11/08/0007 amended the wording of the holiday use condition to read:

02 The chalet shall be occupied for tourism purposes only and shall not be occupied as a person's sole or main residence. The site operator and owners shall maintain an up-to-date register of the names of all owners/occupiers, including their guests, of the individual chalet on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

This application seeks permission to vary this condition to use the unit as residential accommodation.

The building that has planning permission is a timber log cabin measuring 13 m x 10 m with an overhanging roof, the ridge of which is 6 m high. The accommodation therein comprises two bedrooms, kitchen, dining/lounge room, sauna, bathroom, laundry room and storage room at ground floor and a third bedroom and additional lounge in the roofspace. The design of the log cabin is typical for this form of development, incorporating feather-edged timber walls with roof materials to be roman tiles.

The building has not been fully erected and the site currently comprised the foundation. As the development has been implemented through the construction of the foundation, the planning consent is extant.

Site Description

The site is located off the A 358 just north of the village of Combe Florey. Combe Florey is located immediately west of the A358 Taunton to Minehead road and West Somerset Railway, 3km north of Bishops Lydeard. Apart from foundations for the above building, the site is vacant but has the benefit of permission for the erection of a building to be used as a holiday unit. There are eight residential properties to the west and east and a block of garages opposite the site. A no through road serves these properties including the application site which is elevated from it. The A358 has no pavement.

Relevant Planning History

11/05/0009 - Erection of holiday let - Approved 8/7/2005. This permission would expire on 7/7/2010.

11/08/0007 - Amendment to wording of condition 04 (holiday occupancy) of permission 11/05/0009 holiday letting unit - Approved (11/9/2008). This amended wording of the holiday condition effectively change the wording to be in line with Government policy. This permission imposed the previous conditions attached to permission 11/05/0009

Permission 11/05/0009 was subject to the following pre-commencement conditions, which were submitted on 11.3.2010.

02 Materials - This was discharged on 6.10.2010

03 Landscaping - This was discharged on 6.10.2010

05 - Contamination - This was discharged on 24.3.2010

10 - Access and parking - This was discharged on 8.12.2010

A further condition (11) states: The finished floor level (FFL) of the unit shall be as indicated on the approved plan. A meeting was held with the Environment Agency on 22.7.2010 where a reduced FFL was agreed. The Environment Agency subsequently wrote on 13.8.2010 agreeing the new FFL, however the question was raised by them as to whether a formal application to vary the condition was required. It should be noted that an application would be required to vary condition 11 if the reduced FFL is implemented.

A Building Regulations inspection of the foundations was made on 14.6.2010 and a certificate issued on 15.6.2010. (Case reference 47833)

Given the above inspection and the discharge of pre-commencement conditions it is considered that the permission has been implemented and remains extant.

Consultation Responses

COMBE FLOREY PARISH COUNCIL - Support the application and consider that a permanent home would be of greater benefit than a holiday let

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice

ECONOMIC DEVELOPMENT - No response

PLANNING POLICY - No response

SCC - RIGHTS OF WAY - No response

Representations Received

12 letters of support including a Ward councillor on the following grounds:

- Holiday let may result in disturbance to existing neighbours through extra traffic and noise and disruption.
- Private owner more beneficial than numerous people coming and going.
- Consideration for others regarding parking, noise and waste recycling is important. Holidaymakers may park inconsiderately.
- All the barns have been converted to residential accommodation
- Existing community of 8 properties and adding to this would support the local

amenities in the area.

- There is a local bus route between Taunton/Minehead.
- Already a local touring park nearby
- Holiday let may compromise security
- Permanent resident would enhance Yarde Farm community

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 Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

CP1 - Climate change,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,
SB1 - Settlement Boundaries,
SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
A5 - Accessibility of development,
CP6 - Transport and accessibility,

Local finance considerations

Community Infrastructure Levy

N/A

New Homes Bonus

N/A

Determining issues and considerations

The site lies outside any recognised settlement limits therefore Policy SB1 would apply. This states that in order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in Core Strategy policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:

- A. It accords with a specific development plan policy or proposal; or
 - B. Is necessary to meet a requirement of environmental or other legislation;
- and

In all cases, is designed and sited to minimise landscape and other impacts.

The justification for this policy is that the Framework recognises the importance of protecting and enhancing the natural environment. The policy also assists in meeting other core principles such as shaping patterns of development to reduce the need to travel, reducing pollution and CO2 emissions.

Core Strategy policies SP1 (Sustainable Development Locations) and DM2 (Development in the countryside) seek to apply strict control over development in the countryside to contribute towards meeting the wider aims of sustainability. The designation of settlement limits or boundaries provide clarity for the application of these policies.

The principle considerations in relation to this application surround policies and guidance relating to sustainability and countryside protection and whether this unit of accommodation is suitable in isolation, on the individual merits of the case, to be used for permanent residential occupancy, such that it would be unreasonable not to remove the condition. Factors to consider include the level of reliance on the car.

Paragraphs 78, 79 83, 103, 108 and 110 of the Framework which refers to sustainable development, the avoidance of isolated homes, limiting the need to travel and promoting sustainable transport are considered to be of particular relevance.

Having regard to sustainability considerations, a key issue is whether the site is in an appropriate location for use as a permanent dwelling having regard to planning policies and guidance surrounding the accessibility of services. The site is outside of any settlement containing basic services required to meet day to day needs. The characteristics of the nearby roads required to reach those destinations are likely to discourage pedestrians and cyclists resulting in a reliance on the private car. There is a bus service (Taunton to Minehead) which runs along the A358. However the nearby bus stops (the nearest being approximately 400m distance) would have to be reached via the A358 which has no pavement and therefore the walking conditions to the bus stop and waiting conditions when reached are not attractive contrary to Policy A5 of the SADMP. This policy states that " It has been well established that bus ridership falls off substantially where distance to walk to bus stops exceeds 300-400m. Given that bus frequencies in Taunton Deane are relatively low compared with larger urban centres, it is important that walking distances to bus stops are short, and walking and waiting conditions attractive to potential bus users".

Even if the site is not considered to be 'isolated' in one interpretation of the sense expressed by Framework paragraph 79, (there being residential properties adjacent), there is nothing to suggest that a permanent dwelling as opposed to holiday accommodation in this location would offer particular support to rural services in any rural settlement given distances involved and detachment from them. While it is appreciated that opportunities to maximise transport solutions other than use of the private car are likely to be less in rural areas, conflicts do arise with

paragraph 103 of the Framework which promotes limiting the need to travel and offering a genuine choice of transport modes. This is not the case here where public transport is limited and walking and cycling opportunities limited by factors such as the nature of the rural lanes and distances involved. The proposal is not considered to comply with the Framework when considered as a whole.

Policy DM2 (Development in the Countryside) specifies a range of acceptable uses in the countryside together with associated criteria which must be met. The justification for Policy DM2 states "In line with Government policy, Policy DM2 therefore seeks to control development outside of settlements to protect and enhance the quality of the local landscapes whilst promoting sustainable patterns of development and allowing for economic growth and diversification." These acceptable uses would only include a residential use in exceptional circumstances for the conversion/re-use of existing buildings and having followed the sequential approach below:

- i. Community uses;
- ii. Class B business uses;
- iii. Other employment generating uses;
- iv. Holiday and tourism;
- v. Affordable, farm or forestry dwellings;
- vi. Community housing;
- vii. In exceptional circumstances, conversion to other residential use;

One of the criteria that must be met under the Policy is that development must "be of a scale, design and layout compatible with the rural character of the area" Whilst the design of the building is not under consideration, it should be noted that the design was approved 13 years ago and took the form of a timber log cabin, the appearance of which is more consistent with holiday accommodation rather than permanent residential use.

Marketing

With any consideration for a change of use from holiday to residential, the application should be supported by evidence regarding the marketing of the business which would show the demand for holiday use in this location. Given the fact that the permission has not been fully implemented and completed, no evidence can be submitted to show its marketing and use of the holiday unit. In the absence of this evidence or justification the application cannot be supported.

Car parking and amenity space

Details of the layout for access and car parking have previously been submitted and discharged. With this in place there would be sufficient garden area left for occupiers of a three-bedroom unit.

Other issues

Support for the proposal has been received for the above reasons. However, the use as a holiday let, which is a residential use is not considered to result in any loss of amenity for neighbouring residential occupiers. Support for a permanent use rather than holiday use is cited as it is considered this would support the Yarde farm

community. This consideration, however, would not override the policy objections raised in this report.

The applicant has sent a photograph and an old ordnance survey plan. He states that the area was the site of the former farmhouse which was burnt down years ago and that the walls on the photograph were part of the farmhouse walls. The ordnance survey does show a former structure and the photograph shows a small section of wall two brick courses high. However any previous residential use of the site would now be abandoned, due to their being no structure on the site and the passage of time and these submissions do not therefore, change any considerations and issues raised above.

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

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