

Application Number	2024/0800/FUL
Case Officer	Kirsty Black
Site	South Hayes Bristol Road Ston Easton Radstock Somerset
Date Validated	1 May 2024
Applicant/	N Brown
Organisation	
Application Type	Full Application
Proposal	Change of use & conversion of existing garage into 2-bedroom holiday let (retrospective).
Division	Mendip Hills Division
Parish	Ston Easton Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

**What 3 Words for this site: both.lushly.bowls.**

### **Planning Committee**

This application was is being presented to the Planning Committee after it was referred to the Vice Chair and Chair of the Planning Committee as the recommendation of the planning officer is contrary to that of the Parish Council.

### **Description of Site, Proposal and Constraints:**

This application concerns the residential property of South Hayes, Bristol Road in Ston Easton. It is a two-storey detached dwelling house located on the eastern side of Bristol Road with an ancillary garage and workshop situated to the rear. The garage, focus of this application, stands as a two-storey building, finished with natural stone and timber cladding set beneath a tiled, pitched roof. There is an existing vehicular access off the A37.

South Hayes lies outside the development boundary and is therefore considered to have a countryside location

This application is seeking retrospective consent for the conversion of an existing garage into a holiday let that provides accommodation for up to 4 guests. The existing vehicular access off Bristol Road is shared between holiday let customers and the residents of the host property. There are 2 parking spaces provided for the occupants of the holiday let.

**Relevant History:**

2022. 2022/0315/NMA. Non-material amendment to permission to 2018/1590/HSE (Erection of new single bay garage). Approved.

2018. 2018/1590/HSE. Erection of new single bay garage. Approved.

2012. 2011/1953. Two storey extension. Approved with conditions.

**Summary of Division Members comments,/Parish Council comments, representations and consultee comments:**

Division Member: No comments made.

Parish Council: Supports the application.

Somerset Highways: Standing Advice Applies.

Environmental Protection: Raise no objection to the proposal.

Local Representations: None received.

**Summary of all planning policies and legislation relevant to the proposal:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations strongly indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (Post JR version)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP3 (Supporting Business Development and Growth)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)

**Other possible Relevant Considerations (without limitation):**

- National Planning Policy Framework (NPPF)

- National Planning Practice Guidance (NPPG)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

### **Assessment of relevant issues:**

### **Principle of the Use:**

It can be seen from the planning history of the site that the established use of the garage under 2018/1590/HSE was as a residential garage. This planning application seeks retrospective consent for conversion of this detached garage building into holiday let accommodation.

The application site is situated outside any defined settlement limits, within a location isolated from services and facilities, where development is strictly controlled.

Policies CP1 and CP2 seek to direct new residential development towards the principal settlements and within defined development limits, which is consistent with the aims of creating

sustainable development and protecting the countryside as described in the NPPF.

Policy CP3 says economic development proposals will be supported where they accord with the spatial strategy CP1 and, in rural areas, the principles set out in CP4. CP3 also supports sustainable rural tourism and leisure developments which respect the character of the

countryside.

The Local Planning Authority (LPA) cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the policies within the Local Plan, which seek to prevent new housing outside the development limits of settlements

(CP1, CP2 and CP4) can not be given full weight in the assessment process for this application. . Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the

NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted. The provisions as set out at Paragraph 11(d) of the NPPF will be considered in completing the overall planning balance.

The application site is located within an unsustainable location where new dwellings should not be encouraged as there will be a reliance on the use of the private vehicle to access the development and to access services and facilities whilst holidaying here.

### **Assessment of Highway Issues**

The existing vehicular access is situated along the southern half of the western site boundary, with access of Bristol Road. There is a small parking area to the rear of the site but it is considered to be too small to accommodate vehicles belonging to both the residents and friends of the host property and the tourists of the holiday let and provides insufficient space for the safe turning of vehicles. In addition the current access is considered insufficiently wide enough to serve two properties. For these reasons the pattern of use is considered unacceptable in terms of the impact on the general locality and safety of users of the highway adjacent.

DP9 of the local plan and the NPPF seek to promote sustainable transport options, such as walking, cycling or public transport. The site is remote from shops, services and facilities. Public transport options are very limited and walking or cycling journeys to meet everyday needs would generally be impractical. In the absence of realistic sustainable transport options, the proposal would unjustifiably foster the growth in the need to travel by private car. As such the proposal does not represent sustainable development and is therefore also contrary to Policy DP 9 for that reason.

### **Design of the Development and Impact on the Street Scene and Surrounding Area:**

DP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. DP7 states that the LPA will support high quality development that is appropriate to the local context.

Currently the residential site accommodates a host property, rear garden, garage building, driveway and a small area of parking. Although the application does not seek to increase

the footprint of the garage building, given the concerns as set out above (parking, access and highway safety concerns) the use of the converted garage building as a holiday let represents over development of the residential site, and the increased intensification of the use of this site is considered unacceptable in terms of how it affects the general amenities of the locality.

In summary the cumulative impact of the development application on the setting of the locality is contrary to policies DP1 and DP7 Mendip District Local Plan Part I: Strategy and Policies (December 2014)

### **Impact on Residential Amenity:**

As concluded above, the commercial use of the domestic garage represents an unacceptable intensification in the use of the existing residential site. On this basis the development is considered harmful to the residential amenity of future occupants and existing nearby occupants.

Given the above, while the site would not be considered suitable for an unfettered market dwelling. The development is considered unacceptable in amenity terms and is contrary to DP7 of the Local Plan Part 1.

### **Impact on Ecology**

The conversion of a modern garage is not considered to pose harm to local ecology. It therefore accords with Policies DP5 and DP6 of the Mendip District Council Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

### **Environmental Impact Assessment**

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Equalities Act**

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## **Recommendation & planning balance**

It is considered that the proposed use of the existing garage building within the rear garden curtilage of the application site represents an unacceptable pattern of use given the constraints of the application site. Furthermore the proposal does not represent sustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities.

Any limited economic benefits that could be attributed to the pattern of use of the lawful garage building as tourist accommodation associated with this development do not outweigh the harm identified.

For these reasons it is recommended that planning permission is refused.

## **Recommendation**

### **Refusal**

1. The continued use of the garage building as a separate unit of accommodation for holiday letting purposes is considered by the local planning authority to represent an unacceptable pattern of use for the garage building given the site context and its restrictive nature. Given the limitations and constraints of the site, the proposal would result in a lack of space to ensure adequate amenity space and parking /circulation space for vehicles that serve both the host property and holiday let unit. For these reasons the application scheme is considered to be to the detriment of the general amenity of the locality and the safety of other users of the adjacent highway and is therefore considered to be contrary to DP1, DP7 and DP9 and DP10 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014).

2. The proposed development lies in the countryside outside defined development limits where development is strictly controlled. The site's distance and poor accessibility and connectivity to local services and facilities would foster growth in the need to travel by private vehicle and is therefore unacceptable in principle. The limited economic benefits do not outweigh the harm identified. The proposal is therefore contrary to the provisions of Policies CP1, CP2, CP3, CP4 and DP9 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), the National Planning Policy Framework and Planning Practice Guidance.

## **Informatives**

1. In determining this application, the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.

2. This decision relates to drawings H6865/001A LOCATION PLAN/SITE PLAN/PRE-EXISTING ELEVATIONS/FLOOR PLAN/ ROOF PLAN and H6865/100 LOCATION PLAN/SITE PLAN/RETROSPECTIVE ELEVATIONS/FLOOR PLAN received on 30th April 2024.