

PLANNING APPLICATION REPORT

Case Officer: Gemma Bristow

Parish: Slapton **Ward:** Allington and Strete

Application No: 2827/18/FUL

Agent/Applicant:

Mr Joe Owen
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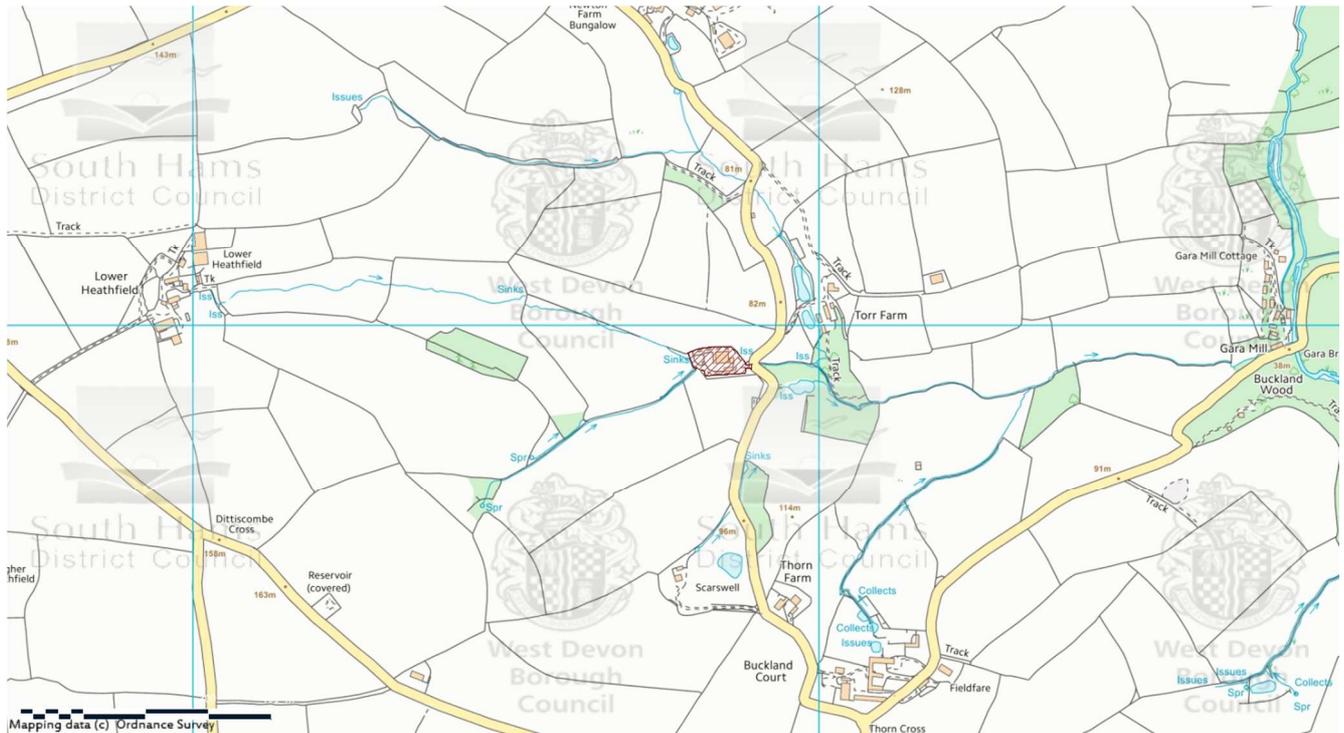
Applicant:

Mr Jeff Beer
Scarswell
Slapton
Kingsbridge
TQ7 2RD

Site Address: Scarswell, Slapton, TQ7 2RD

Development: Demolition of mono-pitched store and conversion of main livestock building to 5 bedroom detached dwelling with guest suite, integrated garage and parking/turning area

Reason being put before committee: Called to committee by Cllr Foss to consider whether the proposal would provide a visual enhancement.



Recommendation:

Refusal

Reasons for refusal

1. The proposal would result in unessential, unsustainable development in the countryside, inaccessible from local services, without demonstrable justification contrary to policies CS1, and DP16 of the South Hams Local Development Plan and paragraph 79 of the National Planning Policy Framework and policy TTV31 of the emerging Joint Local Plan.
2. The proposed conversion is located in the South Devon Area of Outstanding Natural Beauty where great weight must be applied to the designations. The conversion would introduce a domestic dwelling and associated paraphernalia into this rural setting harming the intrinsic rural quality of the landscape area and its surroundings, contrary to CS9 of the South Hams Core Strategy and DEV27 of the emerging Joint Local Plan.

Key issues for consideration:

Principle, landscape, design, amenity

Site Description:

Site comprising two redundant agricultural buildings located on the west side of the road from Buckland Cross going north to Newton Cross. Situated at a lower point within the landscape at the confluence of two streams, within the Area of Outstanding Natural Beauty.

The Proposal:

Demolition of mono-pitched store and conversion of main livestock building to 5 bedroom detached dwelling with guest suite, integrated garage and parking/turning area.

The structure of the building would remain the same, but it would be re-roofed with dark grey metal box profile roofing, dark/black stained timber cladded elevations, and the single-storey addition would be clad in dark grey seamed zinc. Extensive glazing is proposed within all elevations, and double height glazing within the south and north elevation to provide light and outlook for the first floor accommodation. No windows are proposed within the roofslopes.

Landscaping: Open up stream through the site, culvert under drive. Coppice planting of hazel/and or willow around site entrance to road, and further planting within the site including grass and wildflower meadow planting and apple trees near to house.

Consultations:

- County Highways Authority – standing advice
- Environmental Health Section – unsuspected contamination
- Slapton Parish Council: No objection
- Arboricultural specialist: Agreement is found with the supporting tree report and accompanying protection plan which should be enacted in its entirety as an approved document if consent follows. The landscape plan (in tree terms) requires specification details for the proposed tree planting in terms of stock type, mulching, watering, staking replacement of losses, formative pruning and so on.

Representations:

16 letters of support on the following grounds:

- Remove an eyesore of a building

- Enhance AONB
- Plans are sympathetic and would improve immediate setting
- Building unsuitable for modern agriculture
- Would be positive investment within AONB
- Restricted access to use for agriculture
- Risk of cattle effluent ending up in Slapton Ley is high

Relevant Planning History

None.

ANALYSIS

Principle of Development/Sustainability:

The proposal is located in a remote location 1.8 miles to the north of the village of Slapton and 2.6 miles to the south of the village of Blackawton and so is very clearly defined as 'countryside'. Policy CS1 of the Core Strategy and DP15 of the Development Management Policy Document (DMPD) set out conditions where development in the countryside will be permitted, such as meeting the essential needs of agricultural or forestry or exceptional small scale needs which cannot be met within the settlement boundary, neither of which this proposal meets.

Policy DP16 which deals with conversion of the buildings in the countryside is now largely superseded by policies within the National Planning Policy Framework (NPPF). Para 79 of the NPPF provides exceptions whereby isolated dwellings in the countryside may be permitted, and of note to this application is (c) which states that if 'the development would re-use redundant or disused buildings and enhance its immediate setting' that would provide a justification in support of the dwelling. The critical part of this exception is that the development must enhance its immediate setting.

It is acknowledged that the applicant has proposed a landscaping scheme with coppice planting at the site entrance to screen the site, and the smaller of the two agricultural buildings would be removed, which has been commented is an eyesore in the representations for this application. Nevertheless, officers are of the view that the agricultural buildings currently sit comfortably within the landscape nestled at the bottom of the valley and set back from the road so are read very much as part of the rural landscape. While the proposal would retain the form of the larger building extensive glazing is proposed in all elevations, and the open south elevation that is visible from the adjoining road would become largely solid with double height glazing. In addition to the conversion of the agricultural building itself, the residential paraphernalia that would be associated with a dwelling is considered to further detract from the existing rural setting of this pair of buildings. It is also noted, that while an undercroft parking area is proposed within the conversion, there is likely to be pressure for additional garaging for garden storage given there is no provision for this within the house itself.

Recent appeals give further weight to resisting residential conversions where the agricultural buildings currently form part of the landscape. In appeal ref: APP/K1128/W/18/3200210 the inspector states 'the open nature of the appeal barn gives it a lightweight and unobtrusive appearance. Whilst being somewhat dilapidated it does not detract from the character and appearance of the area being a clear part of the agricultural landscape'. The Inspector goes on to state 'the design with expanses of glazing would be clearly residential and rather than enhancing its rural setting would be a fundamental, harmful change from the existing undeveloped, agricultural character'. The same is also true of the current proposal. These views are also represented in appeal ref: APP/X1118/W/18/3202063 with the Inspector stating the windows would 'introduce an uncharacteristic domestic appearance' and that the utilitarian appearance of the agricultural building are 'intrinsically perceived as part of the landscape'.

It is therefore considered that whilst the application is commended for its landscaping scheme and an acknowledgment of the local support of the conversion, there would not be an enhancement of the immediate setting as the introduction of extensive glazing and residential paraphernalia would harm the rural appearance of the site which is afforded the highest level of protection within the Area of

Outstanding Natural Beauty. Although removal of permitted development rights for certain domestic buildings could limit residential paraphernalia, there is only so much that planning can do in terms of controlling domestication that in the Council's experience inevitably accompanies residential conversion of agricultural buildings.

Design/Landscape:

The site falls within an Area of Outstanding Natural Beauty and so is afforded the highest level of protection. While the materials proposed would retain the dark appearance of the building and no windows are proposed within the roof slope, the extensive glazing within the elevations would negatively impact on the landscape setting of this site. Rural tranquillity and dark skies are part of the vision (4.2) for the AONB as outlined within the Management Plan 2014-2019, and so the inevitable light spill would harm the existing dark landscape.

Neighbour Amenity:

Due to the separation to surrounding residents no amenity issues are raised.

Highways/Access:

The proposal would allow vehicles to enter and exit in forward gear and there would be ample room for parking, in accordance with County standing advice.

Conclusion

At present the Council cannot rely upon a five year housing supply and so in line with the NPPF decisions must be made with a presumption in favour of sustainable development unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*

The first point applies in this case as the site is within the AONB which is defined as an 'area of particular importance'. The relevant policy of the NPPF is para 172 which states that great weight should be given to conserving and enhancing landscape within the AONB. In this respect, given the harm set out above in terms of the impact of the residential conversion, the presumption in favour of sustainable development would not apply.

The proposal would create an isolated dwelling in the countryside in an unsustainable location, without justification. While the proposal would result in the removal of an agricultural building and introduce new planting on the site, the conversion and associated works would harm the rural setting of the site within the AONB. Irrespective of whether the Council is able to show a five year land supply (noting the progress made in this respect at examination), officers maintain that the benefit of one dwelling in terms of housing supply would not merit allowing the proposal given the conflict with the NPPF.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, with Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

The relevant development plan policies are set out below:

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

Development Policies DPD

DP1 High Quality Design
DP2 Landscape Character
DP3 Residential Amenity
DP4 Sustainable Construction
DP5 Conservation and Wildlife
DP6 Historic Environment
DP7 Transport, Access & Parking
DP15 Development in the Countryside
DP16 Conversion and Reuse of Existing Buildings in the Countryside

Emerging Joint Local Plan

The Plymouth and South West Devon Joint Local Plan (the JLP) will replace the above as the statutory development plan once it is formally adopted.

Annex 1 of the National Planning Policy Framework (the Framework) provides guidance on determining the weight in relation to existing and emerging development plan policies.

- For current development plan documents, due weight should be given to relevant policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- For the JLP, which is an emerging development plan, the weight is to be determined by the stage of its preparation, the extent to which there are unresolved objections, and its degree of consistency with the Framework.

The JLP is at a relatively advanced stage of preparation. The precise weight to be given to policies within the JLP will need to be determined on a case by case basis, having regard to all of the material considerations as set out on the analysis above.

**PLYMOUTH AND SOUTH WEST DEVON JOINT LOCAL PLAN -: PUBLICATION
(as considered by the Full Councils end Feb/Early March 2017)**

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
SPT3 Provision for new homes
TTV31 Development in the Countryside
DEV1 Protecting amenity and the environment
DEV2 Air, water, soil, noise and land
DEV3 Sport and recreation
DEV8 Meeting local housing need in the Thriving Towns and Villages Policy Area
DEV9 Accessible housing
DEV10 Delivering high quality housing
DEV15 Supporting the rural economy

DEV20 Place shaping and the quality of the built environment
DEV24 Landscape character
DEV27 Nationally protected landscapes
DEV28 Protecting and enhancing biodiversity and geological conservation
DEV30 Trees, woodlands and hedgerows
DEV31 Specific provisions relating to transport
DEV32 Meeting the community infrastructure needs of new homes
DEV33 Waste management
DEV34 Delivering low carbon development
DEV35 Renewable and low carbon energy (including heat)
DEV36 Community energy
DEV37 Managing flood risk and Water Quality Impacts

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.