

# PLANNING APPLICATION REPORT

**Case Officer:** Matthew Barks

**Parish:** Ermington **Ward:** Ermington and Ugborough

**Application No:** 1189/18/HHO

**Agent/Applicant:**

Mrs Amanda Burden  
Luscombe Maye  
59 Fore Street  
Totnes  
Devon  
TQ9 5NJ

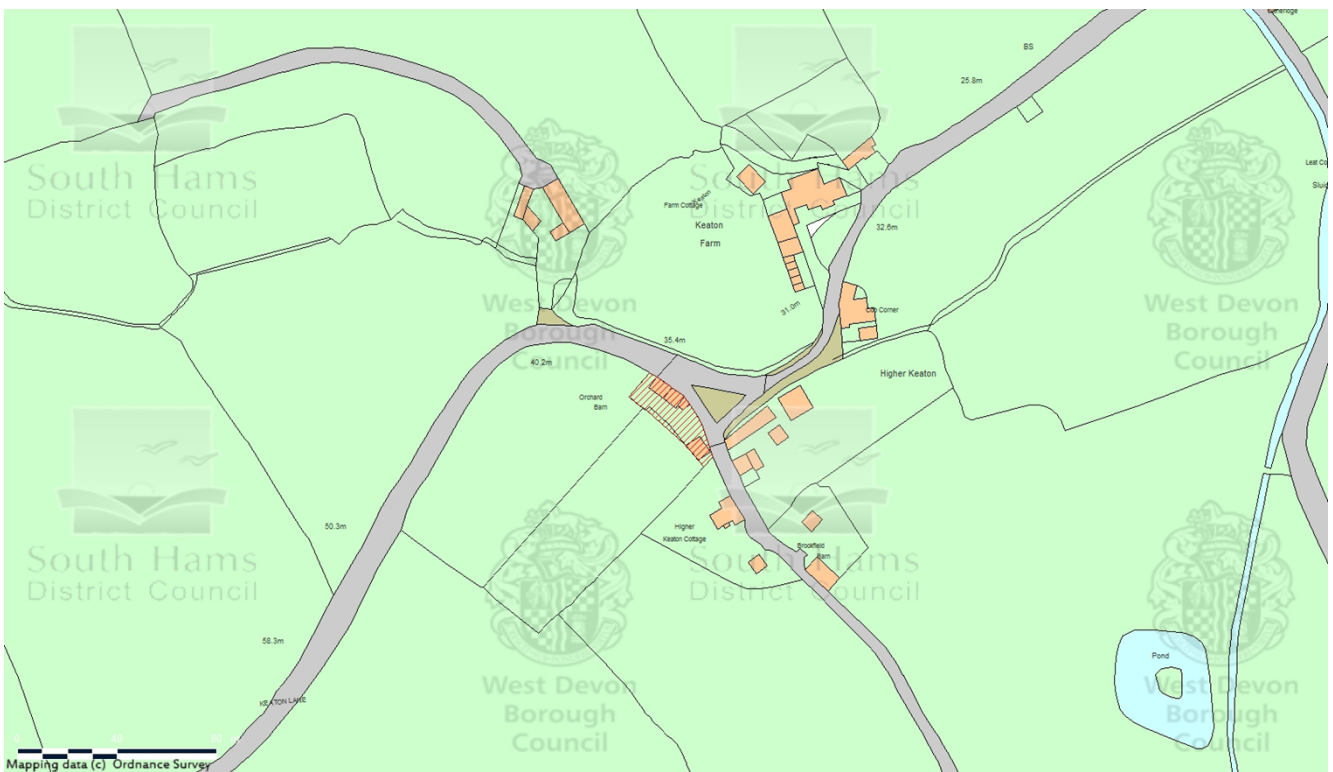
**Applicant:**

Mr And Mrs C Drew  
Orchard Barn  
Keaton  
Ermington  
PL21 0LB

**Site Address:** Orchard Barn, Ermington, Devon, PL21 0LB

**Development:** Householder application for re-location of access and extension to dwelling.

**Reason item is being put before Committee:** Cllr Tom Holway requests Committee consideration as the Member considers that the lean-to form is similar to many additions to barns and dwellings in this part of the world and that it sat well in the site.



## **Recommendation: Refusal**

### **Reason for refusal**

1. The proposed extension by reason of its form, size, design, materials and relationship with the existing building would appear as an incongruous, alien and non-subservient addition which significantly detracts from the agricultural character of the original building and which fails to respect and respond to the South Hams character or contribute positively to its setting by enhancing the local character. It is, therefore, contrary to Policies CS7 and CS9 of the Council's adopted Local Development Framework Core Strategy, Policies DP1 and DP17 of the Council's adopted Local Development Framework, Development Policies Development Plan Document, the Design in Detail - Extensions and Additions section of the Council's adopted Supplementary Planning Guidance Barn Guide, 'Traditional Farm Buildings in the South Hams, Their Adaptation and Re-Use', Policies TTV31, TTV32 and DEV20 of the emerging Plymouth and South West Devon Joint Local Plan and the advice contained within the National Planning Policy Framework.

### **Key issues for consideration:**

The relevant material planning considerations are the impact upon residential amenity and privacy, the design, scale and materials, landscape impact and highway matters.

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### **Site Description:**

Orchard Barn comprises a detached two storey former agricultural building located on the southern side of Keaton Lane within a small cluster of development in the Higher Keaton area of Ermington. The application site lies within the countryside.

### **The Proposal:**

The erection of a single storey extension to the north-west and south west elevations to the property and the closure of the existing access to the western side of the property and the formation of a new access to the eastern side.

### **Consultations:**

- County Highways Authority – refer to standing advice
- Ermington Parish Council – support application

### **Representations:**

#### **Representations from Residents**

No third party representations have been received in respect of this application.

### **Relevant Planning History**

21/0695/97/3: Conversion of barn to dwelling. Conditional approval: 03 Jun 97

21/0089/98/3: Conversion of barn without complying with condition (c) of permission 9/21/0695/97/3 (alternative vehicular access) Conditional approval: 02 Mar 98

## ANALYSIS

### Principle of Development/Sustainability:

The site is located within the countryside where, under Policy DP17 of the South Hams Local Development Framework Development Policies Development Plan Document, the extension of residential properties can be considered acceptable and will be permitted provided that there will be no detrimental effect on the character, appearance and amenities of the site and surroundings and that any extension(s) are subordinate in scale and proportion to the original dwelling. 'Original' being so defined as a building existing on 1st July 1948, as existing on that date and, in relation to a building built on or after 1st July 1948, as so built.

In this regard, the proposal is considered to represent a form of development that is incongruous, out of character and non-subservient and which has a significant detrimental impact upon the amenities of the site.

Accordingly, and in this particular instance, it is considered that the principle of this development is not acceptable.

### Design/Landscape:

*Policy DP1 (High Quality Design) South Hams Local Development Framework Development Policies Development Plan Document states, in part, that:*

- 1. All development will display high quality design which, in particular, respects and responds to the South Hams character in terms of its settlements and landscape.**

*New development should:*

- a. be based on a good understanding of the context of the site, and contribute positively to its setting by enhancing the local character, taking account of the layout, scale, appearance, existing materials and built and natural features of the surrounding area;**

Also pertinent to the consideration of the application is the advice contained within the Council's adopted Supplementary Planning Guidance Barn Guide, 'Traditional Farm Buildings in the South Hams, Their Adaptation and Re-Use', specifically the section that considers the appropriateness, or otherwise, of extension and alterations to barns. It states that:

*'In the exceptional circumstances of an extension being acceptable, designs which mimic particular farm building types may not be appropriate as these can confuse the understanding of a farmstead's historical development. Contemporary designs which relate in a more general sense to the simple lines and robust nature of the original, as well as its scale, form and materials of construction, can provide a more relevant solution by responding in an innovative way to both the setting and the requirements of the new use. Even if well designed, however, an extension which dominates the parent building; is located on a visually prominent or important elevation, or is positioned in a way that compromises the significance of an important feature is less likely to be acceptable.'*

It is proposed to extend the property through the addition of a single storey 'wrap around' extension set to the north- west corner of the building. The extension will project some 6.5m from the existing south elevation wall, will have an approximate maximum width of 7m (narrowing to 3.2m where it extends from the side elevation) and a maximum depth of approximately 9.8m, giving an approximate overall floor area of 56.3m<sup>2</sup> (it is noted that the submitted Design and Access Statement states a figure of 49.4m<sup>2</sup>).

It is submitted by the applicant that the additional accommodation will,

*'Provide much needed additional kitchen and bedroom space for the family of the (sic) Mr and Mrs Drew. The additional ground floor bedroom will help future prof (sic) their property should any family member fall ill or lose their mobility, in that they will have a ground floor bedroom with level access and direct access to a bathroom.'*

In addition, it is also stated that,

*'[The applicant] feel that their needs and circumstances have now changed and plan to do something about it. They both enjoy living in the barn, but wish to be able to have a space which does not necessarily have the same characteristics of barn like dwelling. They seek an extension which provides openness, a greater sense of space, an abundance of daylight and ground floor living.'*

Whilst the intentions and wishes of the applicant are noted and duly considered, it is to be noted that the existing building represents a traditional barn conversion laid out in a linear form. The introduction of the proposed extension to the north-west elevation in a 'wrap around' style significantly and adversely harms the intrinsic character and quality of the existing building through the breakage of this traditional form, creating an overcomplicated form of development which fails to respect the proportions of the original building so significantly as to result in a loss of character which, in turn, contributes to the rural character of the area. Moreover, it is also considered that the proposed extension is unacceptably large, representing (using the applicant's base figure for the extension) an approximate 72% increase in the ground floor area of the property. For balance, it is noted that the overall gross floor area increase amounts to approximately 40%. Notwithstanding the mathematical proportions, its scale, form and design would, it is considered, render it an incongruous, alien and non-subservient addition that would significantly and harmfully detract from the agricultural character of the original building.

Furthermore, whilst also noting the circumstances of the applicant and the stated potential for 'future proofing' the property for the applicants, there would, on the basis of the available information, appear to be no overriding reason for the provision of the extension at this juncture.

It is, therefore, concluded that by reason of its form, size design and siting it would appear as an incongruous, alien and non-subservient addition which would detract from the agricultural character of the original building and thus is not acceptable in design terms.

#### **Neighbour Amenity:**

The proposal does not give rise to any harmful impacts in relation to neighbour amenity and privacy and thus it is considered to be acceptable in this regard.

#### **Highways/Access:**

The closure of the existing access at the western end of the building and the formation of a new vehicular access at the eastern end is not considered to give rise to any unacceptable impact in terms of highway safety. There remains sufficient space to enable access and egress in forward gear and appropriate visibility is considered to be available. It is also to be noted that the position of the new access is the same as that which was originally approved.

***This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.***

## **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

### ***Development Policies DPD***

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP7 Transport, Access & Parking

DP15 Development in the Countryside

DP17 Residential Extensions and Replacement Dwellings in the Countryside

### ***South Hams Local Plan (please delete as necessary)***

SHDC 1 Development Boundaries

## **Emerging Joint Local Plan**

The Plymouth & South West Devon Joint Local Plan is currently undergoing a main modifications consultation (22 Oct – 03 Dec 2018) as part of the examination in public to determine the soundness of the plan. The National Planning Policy Framework provides guidance on the weight that can be given to policies in emerging local plans in paragraph 48:

*48. Local planning authorities may give weight to relevant policies in emerging plans according to:*

*a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

*b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

*c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)*

The JLP is nearing the conclusion of the examination process, and can be considered to be at an advanced stage of preparation.

Whilst technically all objections are unresolved until the Inspectors' issue their Final Report, some policies which did not receive objections at the Reg 19 stage could be given very significant weight. The nature and scope of objections made regarding each policy have been taken into account when determining the weight to be apportioned to each emerging policy.

The Council consider that the emerging policies are all compliant with the NPPF. It should be noted that the JLP is being examined against the provisions of the 2012 NPPF, and therefore for the purposes of paragraph 48 of the NPPF policies should also be assessed for their conformity against the 2012 NPPF.

In considering the merits of this proposal, case officer recommendations are informed by the weight that can be attributed to emerging JLP policies and adopted development plan policies, as well as the degree of conformity with the new NPPF.

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

TTV31 Development in the Countryside

TTV32 Residential extensions and replacement dwellings in the countryside

DEV1 Protecting amenity and the environment

DEV2 Air, water, soil, noise and land

DEV20 Place shaping and the quality of the built environment

DEV24 Landscape character

### **Neighbourhood Plan**

The site is not located within a designated Neighbourhood Plan Area.

### **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.

### **Reason for refusal:**

1. The proposed extension by reason of its form, size, design, materials and relationship with the existing building would appear as an incongruous, alien and non-subservient addition which significantly detracts from the agricultural character of the original building and which fails to respect and respond to the South Hams character or contribute positively to its setting by enhancing the local character. It is, therefore, contrary to Policies CS7 and CS9 of the Council's adopted Local Development Framework Core Strategy, Policies DP1 and DP17 of the Council's adopted Local Development Framework, Development Policies Development Plan Document, the Design in Detail - Extensions and Additions section of the Council's adopted Supplementary Planning Guidance Barn Guide, 'Traditional Farm Buildings in the South Hams, Their Adaptation and Re-Use', Policies TTV31, TTV32 and DEV20 of the emerging Plymouth and South West Devon Joint Local Plan and the advice contained within the National Planning Policy Framework.