

PLANNING APPLICATION REPORT

Case Officer: Adam Williams
Littlehempston

Parish: Marldon **Ward:** Marldon and

Application No: 0750/19/FUL

Agent/Applicant:

Mr Steve Bryan
Ashfield Gables
Ashfield Road
Torquay
TQ2 6HE

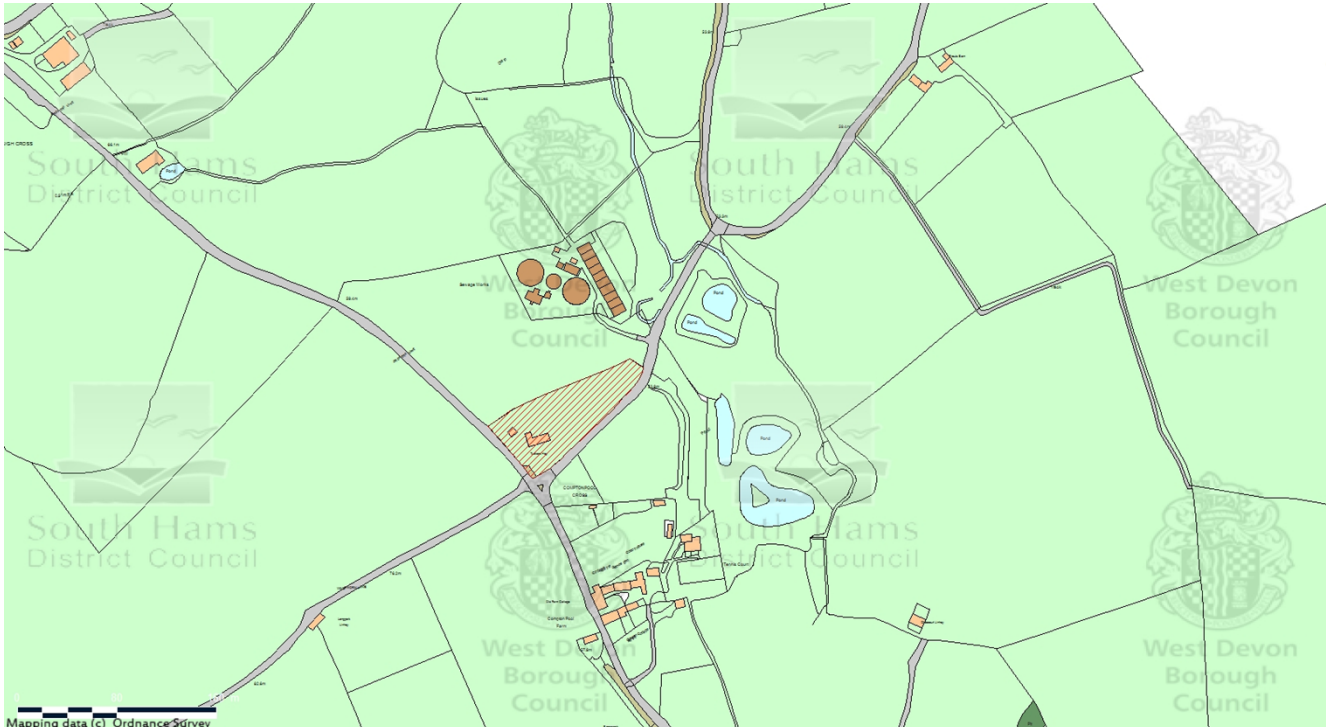
Applicant:

Mr B Sanderson
Tuckers Hay
Compton
Marldon
Devon
TQ3 1TB

Site Address: Tuckers Hay, Compton Pool Cross, Compton, Marldon, TQ3 1TB

Development: Demolition of existing outbuilding; Erection of detached building to provide 2 bed annexe unit and closure of existing vehicular access of provision of new vehicular access.

Reason item is being put before Committee *Cllr Pennington considers that there are specific personal circumstances that provide sufficient justification for the proposals that need to be considered by committee*



Recommendation: Refusal

Reasons for refusal

1. The unit of accommodation, having regard to its size and various habitable rooms would result in a unit of accommodation capable of self-containment and would otherwise result in a separate unit of accommodation in an otherwise unsustainable location divorced from nearby services and facilities, this is contrary to Joint Local Plan Policies SPT1, SPT2, TTV1, TTV2 and DEV10 and the National Planning Policy Framework.

Key issues for consideration:

Principle, amenity, access, whether the unit of accommodation in ancillary

Site Description:

The site is located north of Marldon and comprises a large two storey dwelling accessed of Gropers Lane. The site has spacious grounds and a single story outbuilding adjacent to the driveway. A collection of converted building are located 127m to the south, some dwelling and some holiday accommodation (Compton Pool Farm)

The Proposal:

Demolition of existing outbuilding; Erection of detached building to provide 2 bed annexe unit and closure of existing vehicular access of provision of new vehicular access.

Consultations:

- County Highways Authority – standing advice
- Town/Parish Council – recommend approval
- SHDC Drainage - Based on the information provided we would support the current proposal. Sufficient information has been provided to demonstrate a workable scheme, the final design will need to be agreed with the LPA. Therefore if permission is granted please include the following conditions to finalise the drainage design.
Observations and comments
Full details of the foul drainage have been submitted and includes written consent from SWW. Sufficient surface drainage details have been provided to confirm an 'in principle' scheme can be accommodated on site. Testing and calculations have not been provided to support the scheme so this information will be required by condition.

Representations:

None

Relevant Planning History

3628/18/HHO Mr B Sanderson

Householder application for proposed ground/first floor extension Conditional Approval
Tuckers Hay Compton Pool Cross Compton Marldon TQ3 1TB 13 November 2018

34/0990/79/4 Unknown

Change of use of self-contained wing to holiday accommodation Conditional Approval
Tuckers Hay Compton Marldon Unknown/historic

ANALYSIS

Principle of Development/Sustainability:

Policy DEV10 concerns high quality housing, point 4 specifically reference annexes stating

4. Residential annexes will be supported where they are within the same curtilage and ownership as the principal dwelling. Annexes should be clearly ancillary to the principal dwelling via a functional link, with no separate demarcation or boundary.

In this instance the proposals will result in a separate building (albeit linked by a small covered space) with 2 bedrooms (one labelled as 'guest'), kitchen facilities, bathroom and garage, although within the same ownership, the proposals will result in what is essentially a self-contained dwelling with all the facilities necessary to allow someone to occupy it as a separate unit of accommodation.

The site is outside of a settlement boundary with Marlton its closest settlement, Torquay is beyond this but outside of the district's administrative area.

For a new dwelling, in terms of Policy Hierarchy, the Joint Local Plan seeks to direct development to main towns and sustainable settlements which re-enforce its settlement hierarchy in order to provide sustainable development in rural areas. Policy TTV27 is concerned with housing in rural areas relating to proposals for residential development on sites adjoining or very near to an existing settlement. Given the distance to Marlton the site cannot be said to be adjoining or very near to an existing settlement, it then turns to Policy 26 which concerns more remote development, it reads;

Policy TTV26

Development in the countryside

The LPAs will protect the special characteristics and role of the countryside. The following provisions will apply to the consideration of development proposals:

1. Isolated development in the countryside will be avoided and only permitted in exceptional circumstances, such as where it would:

i. Meet an essential need for a rural worker to live permanently at or near their place of work in the countryside and maintain that role for the development in perpetuity; or

ii. Secure the long term future and viable use of a significant heritage asset; or

iii. Secure the re-use of redundant or disused buildings and brownfield sites for an appropriate use; or

iv. Secure a development of truly outstanding or innovative sustainability and design, which helps to raise standards of design more generally in the rural area, significantly enhances its immediate setting, and is sensitive to the defining characteristics of the local area; or

v. Protect or enhance the character of historic assets and their settings.

2. Development proposals should, where appropriate:

i. Protect and improve public rights of way and bridleways.

ii. Re-use traditional buildings that are structurally sound enough for renovation without significant enhancement or alteration.

iii. Be complementary to and not prejudice any viable agricultural operations on a farm and other existing viable uses.

iv. Respond to a proven agricultural, forestry and other occupational need

that requires a countryside location.

v. Avoid the use of Best and Most Versatile Agricultural Land.

vi. Help enhance the immediate setting of the site and include a management plan and exit strategy that demonstrates how long term degradation of the landscape and natural environment will be avoided.

In the absence of justification of exception the proposals are not sustainable development. Officers are aware this has been proposed as an annexe and are understanding of the personal circumstances of the applicants, but in land use terms, this unit is not a functional annexe for the reasons outlined so far. The LPA cannot support what is a self-contained two bedroom bungalow which is in no way a functional annexe as it has everything inside to be self-contained, conditions or unilateral undertaking have been proposed by the applicants, however officers are mindful that conditions and S106's related to a proposal like this can be easily lifted at a later stage and do not offer sufficient protection to retain the building as an annexe in perpetuity nor would the authority be able to adequately monitor if the unit is being occupied as ancillary accommodation only.

Design/Landscape:

The proposals seek to demolish and existing outbuilding and construct a new annexe upon its footprint. The single storey nature of the design is unassuming in its form, utilising traditional materials and features such as render and slate and pitch and gable roofing. Given the existing poor quality outbuildings and enclosed nature of the site the proposals will not cause a detrimental impact upon the landscape or the setting of the house and its grounds.

Neighbour Amenity:

Although the proposals are presented as an annexe to the Tuckers Hay, the proposal does amount to a new dwelling. The two buildings are related around an existing hardstand, Tuckers Hay has ample amenity space with its spacious grounds and the new unit would have access to discrete amenity space to its rear which is largely out of view from Tuckers Hay. There are no other residential dwellings nearby and as such the impacts to amenity are considered to be negligible.

Highways/Access:

The proposals feature the closure of the existing vehicular access and provision of new vehicular access to the north west, the location of the access point is pre-existing, some fencing and overgrowth will be removed to facilitate a wider visibility splay.

The new proposed access point as a difficulty with visibility to the right hand side as you would leave it due to the bend and some protruding hedge, the other side has suitable visibility.

The existing access is considered to be dangerous by the applicant, having visited the site traffic speeds are quite high and visibility of emerging traffic from users existing the nearby junction is poor. Although the proposed access has a small visibility issue it would result in a better situation than they have now. Officers discussed this with DCC highways and it was concluded that if there is betterment, this is a judgement that can be made on balance despite the proposed access not being fully compliant with standing advice.

Planning Balance

Although the access features of the proposals are acceptable, the annexe by virtue of its size and numerous habitable rooms would result in a unit of accommodation that is capable of

self-containment and cannot be said to be truly ancillary in accordance with Joint Local Plan Policy DEV10.

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. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV10 Delivering high quality housing
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Neighbourhood Plan

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.