

PLANNING APPLICATION REPORT

Case Officer: Adam Williams

Parish: Ashprington **Ward:** West Dart

Application No: 3795/19/FUL

Agent/Applicant:

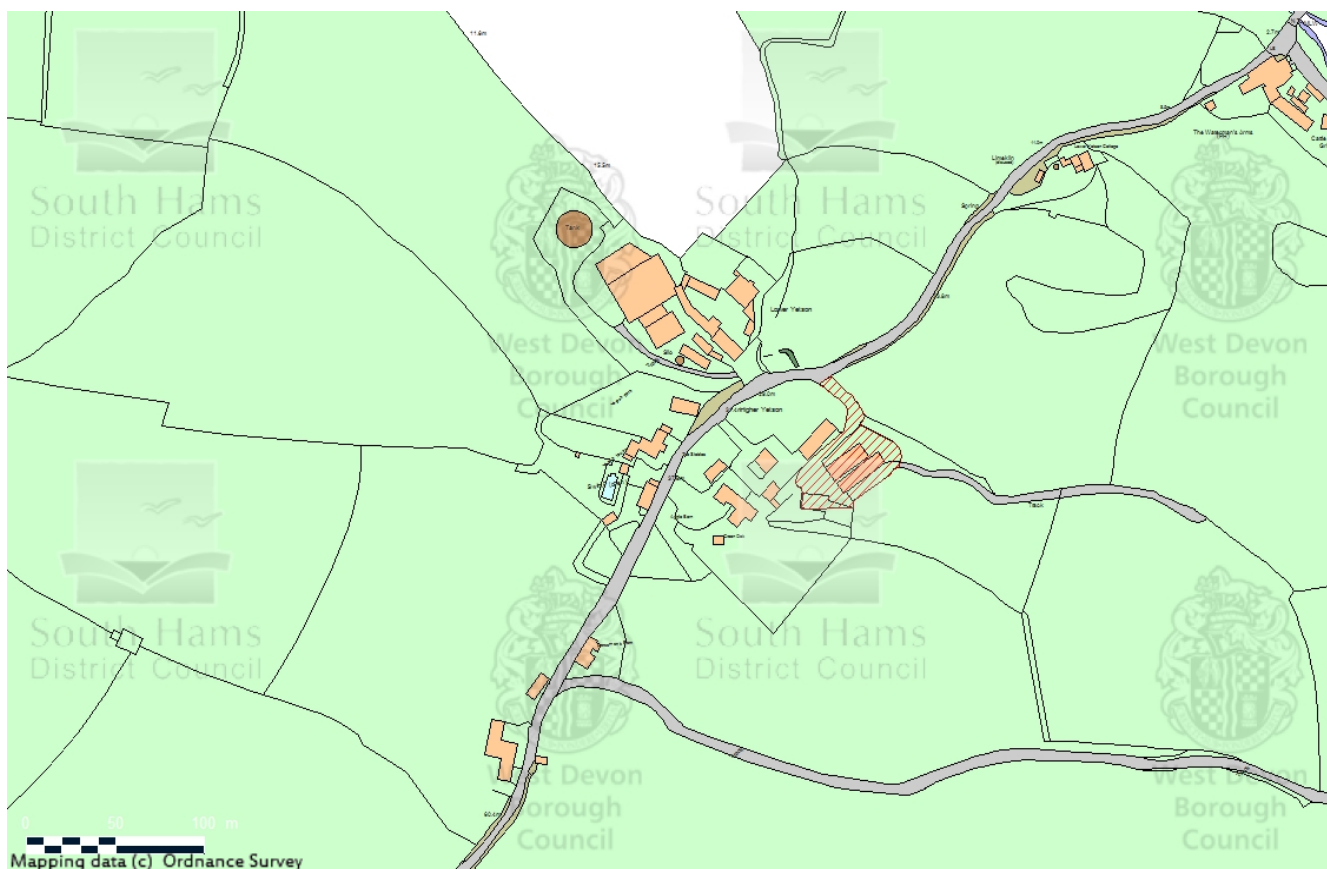
Mrs Amanda Burden - Luscombe Maye
59 Fore Street
Totnes
Devon
TQ9 5NJ

Applicant:

Mrs J Soper
C/o Agent

Site Address: Higher Yetson Farm, Ashprington, Totnes, TQ9 7EG

Development: Demolition of agricultural building and construction of new residential dwelling following Class Q approval (1021/19/PDM)



Reason item is being put before Committee *applicant is related to a council employee*

Recommendation: Conditional approval

Conditions

1. Time limit for commencement
2. Accordance with plans
3. Foul drainage details
4. Surface water details
5. Unsuspected contamination
6. Accord with ecology survey

7. Works outside bird nesting season
8. Materials
9. Compliance with dev 32 (renewables/energy efficiency)
10. Remove PD rights

Key issues for consideration:

Principle of Development/Sustainability: including the location of the site in open countryside without its own services and remote from other services and amenities, outside any settlement boundary within the countryside but taking note of its fallback position for permitted development under Part 3, Class Q of the GDPO and the comparison between what could be built under prior approval and the scale of the proposals as submitted

Design/Landscape and Highways/ Access: the visual impact of the dwelling on local character and wider landscape

Neighbour Amenity: issues surrounding neighbourliness;

Site Description:

The site is located at Higher Yetson Farm which is within the hamlet of Yetson where there are a number of dwellings, converted barns and agricultural buildings. The barn is an open fronted silage store built in the 1970s and has since been used for low key agricultural storage.

A conversion of the barn to a dwelling was permitted through a prior approval under Class Q of the General Permitted Development Order was granted in 2019

The Proposal:

Demolition of existing barn following Class Q approval and construction of new 4 bedroom dwelling across a single storey

Consultations:

- County Highways Authority - standing advice
- SHDC Drainage – no objection subject to condition
- Town/Parish Council - support

Representations:

None

Relevant Planning History

1021/19/PDM Mrs J Soper

Notification for prior approval for proposed change of use of agricultural building to dwellinghouse (Class C3) and for associated operational development (Class Q(a+b)) Prior Approval Given Barn At Higher Yetson Farm Ashprington Totnes TQ9 7EG 27 March 2019

ANALYSIS

Principle of Development/Sustainability:

The site is in open countryside where the principle of development is strongly controlled, it would otherwise be deemed a sustainable location for the provision of what is a very large house. In this

case however, the existing barn benefits from Class Q prior approval for the conversion of the barn to 3 dwellings, therefore the principle of residential use is established

The case of The Court of Appeal at Mansell v Tonbridge and Malling BC [2017] EWCA Civ 1314 is relevant here - This clarifies that with respect to Class Q and Fallback that the "real prospect" of a fall-back development being implemented does not have to be probable or likely. "A possibility will suffice". The submission and approval of a Class Q prior approval together with the applicants ownership of the site lends a level of likelihood of the fall back being implemented more than theoretical, furthermore a Full Application was approved in 2017 which sought permission for some minor variations what was permitted through Class Q (in that case, an internal car port)

What is therefore for consideration is, do the proposals amount to an improvement over what could be developed through implementation of Class Q or its subsequent full application?

Design/Landscape:

Policy DEV23 of the Joint Local Plan required development to conserve landscape character. In landscape terms, the site is within the Landscape Character Type 3G, the area generally features rounded hills and steep undulating slopes overlooking the river valleys. This was apparent on site with the site and the surrounding former farmstead on the crest of a valley with views reaching out far to the north and west. The existing building is beyond another agricultural building and some tall vegetation lending itself a screen in wider views and was observed on site using the lane to the west, given the topography which falls from the east, the sunken nature of the site behind extensive boundary hedgerow and trees and intervening structures, the site and building is largely out of public view.

The wider area shows a predominantly undulating pastoral landscape with dispersed isolated agricultural buildings or larger farmsteads such as Higher Yetson. Whilst the existing building benefits from permitted development for its conversion to a dwelling, when considering applications such as this there has to be betterment compared to what would have been possible through Class Q, and whilst this is subjective, the starting point is the context of the building itself and landscape context, there have been a number of appeals throughout the years where inspectors have concluded (not just with Mansell type applications) that agricultural buildings, whilst not wholly attractive in of themselves, are very much a feature of the rural landscape and in terms of what a visual receptor will read, largely go unnoticed, whereas a dwelling in an isolated and prominent position is much more prevalent and whilst an agricultural conversion will have a level of domestication and character change, its form is retained and visual impact lessened and in a wider context their change and alteration is less pronounced.

The proposals seeks a more traditionally designed property with hips and gable roofing an comprising a single storey, in comparison with what could be provided through class Q, the mass of the building in terms of its floor space is less than what could be delivered through Class Q, most importantly, the replacement will be smaller in terms of height compared to the existing silage barn and its here where there is felt to be betterment, rather than having the conversion of an ill proportioned silage barn, the proposed bungalow will result in a better dwelling to sit on site and also alongside a nearby listed building.

Whilst the form and design is appropriate, the proposal featured non vernacular materials such as render and timber cladding at submission. The surrounding houses nearby are all constructed from stone, most being former barn or stable conversions, there are two listed buildings nearby to the west and given the age of them and the other buildings around them, officers would consider that nearby buildings would benefit from curtilage listing, the closet dwelling in particular appears on 1888 county maps which comprised a historic farm holding, Higher Yetson. The construction of a timber and render house would appear at odds with the surrounding character and I consider that a similarly stone construction would fit best here.

After raising this with the agent, some discussion around the costs of a full stone construction were raised, the plans were subsequently amended to bring some stone elements into the construction alongside the render. Although the proposed dwelling would have a less vernacular appearance compared to nearby buildings, the site is not particularly exposed within the rural landscape given surrounding vegetation and so the dwelling would not appear especially conspicuous when seen from a distance given its low scale. Given the changes to materials that occurred during the life of the application, and taking account of what can already occur through conversion, the development is not considered to adversely impact the setting of nearby listed buildings. The proposals are considered to accord with policies DEV21 and DEV24 of the Joint Local Plan for the reasons outline above.

Neighbour Amenity:

Given what can be carried out through Class Q the level of fenestration changes will not impact the amenity of a nearby resident to the south west. The distance between the two buildings is sufficient, coupled with the principle of converting the existing barn, the potential for additional harm is not considered to be demonstrable harmful in comparison and in accordance with policy DEV1 of the Joint Local Plan where amenity is to be judged against the level of amenity generally in the area. Officers have considered the available amenity currently and also what could be impacted through the conversion under Class Q.

Highways/Access:

The proposal features ample space for the parking of vehicles off the highway and its principle access will be from an existing driveway to a road east of the site and is considered suitable noting existing constraints and the approved prior approval for the conversion

Other Matters:

Conversions under Class Q do not benefit from domestic permitted development rights after conversion, given that the principle of this proposals rests on a fall-back position provided through Class Q, officers consider that the removal of domestic permitted development rights is justified

Furthermore, Policy DEV32 required development to reduce energy usage, here a condition is considered appropriate for details to be submitted to show how the development will reduce energy usage over its lifetime.

Planning Balance

Although the provision of dwellings in the countryside is strictly controlled and resisted in all but the most justified circumstances, the building in question benefits from permitted development and a subsequent full planning permission to convert into a single dwelling. Having this issue in mind, officers have considered the landscape impact based on the specific site context and having regard to this, the proposal represents a neutral impact on the landscape given its mostly obscured nature. The site is close to other dwellings which are more exposed, the proposal in massing terms is less than that permitted through Class Q Permitted Development. The proposals are considered acceptable and recommended for approval subject to conditions.

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. 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
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV21 Development affecting the historic environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV29 Specific provisions relating to transport
DEV32 Delivering low carbon development

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.

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development hereby approved shall in all respects accord strictly with drawing number(s)

Proposed Plans - Drwg: 1062/19/10 – received by the Local Planning Authority on 15/01/2020

Proposed Elevations - South East and South West - Drwg: 1062/19/11A - received by the Local Planning Authority on 15/01/2020

Proposed Elevations - North East and North West - Drwg: 1062/19/12A - received by the Local Planning Authority on 15/01/2020

Proposed Site Plan Layout 1062/19/13 - received by the Local Planning Authority on 21/11/2019

Site Location Plan - received by the Local Planning Authority on 21/11/2019

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an investigation and risk assessment and, where necessary, a remediation strategy and verification plan detailing how this unsuspected contamination shall be dealt with. Following completion of measures identified in the approved remediation strategy and verification plan and prior to occupation of any part of the permitted development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority.

Reason: No site investigation can completely characterise a site. This condition is required to ensure that any unexpected contamination that is uncovered during remediation or other site works is dealt with appropriately.

4 Notwithstanding the submitted details, prior to the installation of any part of the foul drainage scheme or before development continues above slab level, whichever is the sooner, full details of the works for the disposal of sewage shall be submitted to and approved in writing by the Local Planning Authority (LPA), and the dwelling shall not be occupied until the approved works have been completed to the satisfaction of the Local Planning Authority. Please note that a treatment plant should be used rather than a septic tank.

Reason: In the interests of the prevention of pollution.

5 Notwithstanding the submitted details, prior to the installation of any part of the surface water management scheme or before development continues above slab level, whichever is the sooner, full details of the most sustainable drainage option shall be submitted to and approved in writing by the Local Planning Authority (LPA). Design steps as below:

- a) Soakaway testing to DG 365 to confirm the use of soakaways or to support an alternative option. Three full tests must be carried out and the depth must be representative of the proposed soakaway. Test results and the infiltration rate to be included in the report.
- b) If infiltration is suitable then the soakaway should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
- c) If infiltration is not suitable then an offsite discharge can be considered. Attenuation should be designed for a 1:100 year return period plus an allowance for Climate change (currently 40%).
- d) The offsite discharge will need to be limited to the Greenfield runoff rate. This must be calculated in accordance with CIRIA C753. The discharge must meet each of the critical return periods. Full details of the flow control device will be required.
- e) The drainage details of the car park and access will be required. If it is proposed to be permeable then it should be designed in accordance with CIRIA C753. Full design details and sectional drawing showing the specification and make up will be required.
- f) A scaled plan showing full drainage scheme, including design dimensions and invert/cover levels of the soakaways/attenuation features, within the private ownership. The soakaways should be sited 5m away from all buildings and highways to accord with Building Regulations and 2.5m from all other site boundaries for best practice.
- g) The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

6. The recommendations, mitigation and enhancement measures of the Ecological Report, by Butler Ecology on 18th October 2019 shall be fully implemented prior to the commencement of the use

hereby approved and adhered to at all times. In the event that it is not possible to do so all work shall immediately cease and not recommence until such time as an alternative strategy has been agreed in writing with the local planning authority.

Reason: To safeguard the interests of protected species

7. All works (excluding finishes and internal fit out works) must take place outside the winter bird nesting season to reflect the recommendations of the submitted Bat & Protected Species Survey by Ecologic dated 13/04/2018 (March to September inclusive) to avoid potential disturbance.

Reason: To safeguard the interests of protected species

8. No development shall commence above slab level until a full schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including windows, guttering, downpipes, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the details so approved.

Reason: To enable the Local Planning Authority to consider the details of the materials.

9. Notwithstanding the submitted details, the development hereby permitted shall not proceed above slab level until details of how the development will meet with the objectives of Policy DEV32 of the Plymouth and South West Devon Joint Local Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained in perpetuity thereafter.

Reason: To demonstrate that the development can deliver low carbon development in accordance with Policy DEV32 of the Plymouth and South West Devon Joint Local Plan.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (Amendment)

(No. 2) Order, 2015 (and any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

(a) Part 1, Class A (extensions and alterations)

(b) Part 1, Classes B and C (roof addition or alteration)

(c) Part 1, Class D (porch)

(d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(e) Part 1, Class F (hardsurfaces)

(f) Part 1, Class G (chimney, flue or soil and vent pipe)

(g) Part 40 ,class A & B (Installation of domestic Microgeneration Equipment)

(h) Part 1, (h) Including those classes described in Schedule 2 Part 2 of the Town and Country Planning (General Permitted Development) Order 1995 (and any Order revoking and re enacting this Order)

(i) Part 2, Class A (means of enclosure)

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.