

PLANNING APPLICATION REPORT

Case Officer: Charlotte Howrihane

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

Application No: 3781/16/VAR

Applicant:

Ms L Wickham
Burnside
Avonwick
South Brent
TQ10 9EZ

Site Address: Burnside, Avonwick, Devon, TQ10 9EZ

Development: Removal of conditions 3, 4 and 6 of application 57/2943/13/VAR to allow separate residential use of ancillary building

Reason item is brought before the Committee: Cllr Holway has asked for the application to come to Committee, as the site has been used in separate occupation for the past three years without problems or road traffic collisions, and the parking provision is acceptable. He also believes the issue of sustainability to be debatable.



Recommendation: Refusal

Reasons for refusal:

1. The proposal would lead to the creation of a residential dwelling in the countryside which does not represent sustainable development. It is therefore in conflict with paragraphs 7, 14, 35, 37 and 55 of the National Planning Policy Framework, policy CS1 of the South Hams Core Strategy DPD, and policies DP15 and DP16 of the Development Policies DPD.
2. The proposed development would likely result in an increase in the volume of traffic entering and leaving the Class C County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework (NPPF)
3. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to paragraph 32 of the NPPF
4. The proposed development does not make adequate provision for the parking of vehicles within the site and would therefore be likely to encourage parking on the highway with consequent additional danger to all users of the road, contrary to paragraph 32 of the NPPF.
5. The proposed development does not make adequate provision for the manoeuvring of vehicles within the site and would therefore be likely to result in vehicles reversing onto or manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to paragraph 32 of NPPF

Key issues for consideration:

Sustainability issues linked to policy and guidance, highways safety, access and parking, residential amenity

Site Description:

Burnside is a two storey, semi-detached dwelling on the south side of an unnamed C-road which runs between Avonwick and the A3121 Ugborough Road. There is a shared drive at the far side of the adjoining semi-detached property (Wayside), which also serves a third dwelling.

Burnside has a two-storey barn to the rear, which was converted to a studio in the early 2000s (planning approval 57/0142/01/F). The site is outside of the development boundary, in the countryside, and is not within any special areas of designation.

The Proposal:

Planning permission was granted in 2013 which allowed the studio to the rear of Burnside to be used as an independent dwelling. This permission was granted on a temporary and personal basis for three years to allow the building to be used as an independent dwelling, solely by the applicant and her husband. Approval of this permission (reference 57/2943/13/VAR) included three conditions which this current application seeks to remove. These conditions are:

- 3) Personal permission allowing only the applicant and her husband to use the studio
- 4) Temporary permission requiring the building to be reverted back to an ancillary studio by 9th April 2017
- 6) Ancillary use of the studio, in connection with Burnside, after the temporary use has ceased and the building reverted to its previous use

The application seeks the removal of these conditions to allow the building to continue to be used as a dwelling, independent from Burnside, without restricted occupancy conditions.

Consultations:

- County Highways Authority- recommend refusal on the following grounds:
 1. The proposed development would likely result in an increase in the volume of traffic entering and leaving the Class C County Road through an access which does not provide adequate visibility from and of emerging vehicles, contrary to paragraph 32 of the National Planning Policy Framework (NPPF)
 2. The proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional danger to all users of the road contrary to paragraph 32 of the NPPF
 3. The proposed development does not make adequate provision for the parking of vehicles within the site and would therefore be likely to encourage parking on the highway with consequent additional danger to all users of the road, contrary to paragraph 32 of the NPPF.
 4. The proposed development does not make adequate provision for the manoeuvring of vehicles within the site and would therefore be likely to result in vehicles reversing onto or manoeuvring on the highway, with consequent risk of additional danger to all users of the road contrary to paragraph 32 of NPPF
- Parish Council- neutral

Representations:

Three letters of support have been received. The full letters can be seen on the Council's website but can be summarised as follows:

- As a cyclist, the road is much safer to use than the main Totnes-Avonwick road, as it is not busy and traffic is not fast
- Accessing the site has never been a problem and parking and turning within the site is fine
- It is inefficient to waste a dwelling which already exists
- Visitors can park in the layby opposite the site
- Neighbours who share the access and drive have much larger vehicles
- Highways comments are based on suburban standards and there should be flexibility in rural communities

One letter of objection has also been received, which points out that the previous permission was granted on compassionate grounds only. It also states that no information has been provided on the division of the site (sewers, parking, access, etc) and agrees with the Highways objection

Relevant Planning History

- 57/2943/13/VAR- Variation of condition 4 of planning approval 57/0142/01/F to allow studio building to be used as an independent dwelling on a personal and temporary basis, together with temporary parking provision- conditional approval
- 57/0142/01/F- Construction of studio over existing open-fronted garage- conditional approval

ANALYSIS

Principle of Development/Sustainability:

Having regard to the location of the building, outside of any development boundary and therefore within open countryside, there are in-principle policy concerns regarding the removal of the conditions, which would allow the permanent residential use of the dwelling, unconnected to Burnside, and would fail to accord with sustainability principles, which are aimed at locating high traffic generating uses, including residential use, close to services and amenities to reduce the need to travel.

In this regard, the proposal fails to comply with policy CS1 of the South Hams LDF Core Strategy, and policy DP16 of the LDF Development Policies Document. Policy DP15 permits development where it requires a countryside location, but this is not the case in this instance.

Sustainability is not just judged in terms of the location of a site. Paragraph 7 of the National Planning Policy Framework (NPPF) considers three key dimensions to sustainable development; economic, social, and environmental. The benefits and disadvantages of development must be considered in relation to each of these aspects, and a decision must be made after weighing up the pros and cons of each.

As an authority, the South Hams does not currently meet the five-year housing land supply requirement as prescribed by paragraph 47 of the NPPF. As such Officers consider all proposals for residential development with due regard to the social, economic and environmental principles of sustainable development as outlined above. In instances where a development proposal has been considered to represent the NPPF definition of sustainable development, it has been recommended for approval. In this instance, the proposal is not concluded to be sustainable development for the following reasons:

Social: The proposal would provide a new dwelling within the South Hams. Whilst the proposal would add to the supply of housing stock, it would only contribute a single dwelling, and Officers do not consider this to be a substantial enough social benefit that it outweighs other considerations required. The NPPF also states that to achieve sustainable development in rural areas, *'housing should be located where it will enhance or maintain the vitality of rural communities'* and that *'Local planning authorities should avoid isolated new homes in the countryside unless there are special circumstances.'* (paragraph 55) No special circumstances, as outlined further on in p55 have been identified in this instance and so the proposal would conflict with this policy consideration.

Although the addition of one dwelling could be considered to be a social benefit, the location of the dwelling would leave occupants isolated from communities, with little access to local services without the use of a vehicle, and so in this respect, the social benefits weighed up against the disadvantages are considered to be neutral.

Economic: The building has already been constructed and converted to a dwelling as part of the previous permission. The proposal would therefore have no economic benefit in terms of job creation, in the construction industry or otherwise. Similarly, the rural location means that there are no local services or facilities within walking distance which would benefit from additional custom.

Environmental: Officers do not consider there to be any environmental benefits to the proposal, as defined by the NPPF (p7), which emphasises the need for a *'low carbon economy'* which *'minimises waste'* and *'contributes to protecting and enhancing our natural, built and historic environment'*. The proposal would create an additional dwelling in a countryside location, away from local services, and so any residents would be dependent on a vehicle. This would clearly have environmental disadvantages, and so could not be considered sustainable in this regard.

In summary, the social benefit of one dwelling to add to the Council's five-year housing land supply is not considered to outweigh disadvantages of an additional dwelling in an unsustainable location, and so the proposal is not considered to accord with the key principle of the NPPF or the Council's own local policies regarding new residential properties in the countryside.

Design/Landscape:

The building is already constructed and there are no concerns regarding the design or landscape impact. As it has been used as a dwelling since 2013, no additional works would be required or have been included in this application. The building is not visible from the public highway, and not within any special areas of designation, and the impact on the wider landscape is minimal. There would be two additional parking spaces created for Burnside (as the current spaces would be used by the

proposed dwelling), but Burnside has a large enough curtilage that sufficient green amenity space would be retained, and this area would be screened from the road by boundary hedges.

Neighbour Amenity:

There are nearby neighbours, in the semi-detached dwelling adjoining Burnside (Wayside), and the other dwelling having use of the shared drive. One letter of support and one objection have been received from Wayside; the objection relates to the lack of detail regarding the separation of the building from Burnside, and notes that the previous temporary permission was granted on compassionate grounds. The letters of support generally focus on the access to the site, and the lack of accidents and problems since the building has been used as a dwelling.

The building is positioned at an angle facing away from Wayside and Burnside, and is an acceptable distance from the existing properties that it would not overlook them, or harm their amenity. A large part of the curtilage identified for the proposed dwelling would be car parking and turning space, so there may be limited amenity space for any occupants of the property. The division of land also means that the occupants of Burnside would now have to park much further away from the entrance to the property than they do currently, which would not be ideal during darkness or bad weather. However, these issues are not so significant as to warrant refusal, and in general, the proposal would be acceptable with regard to neighbour amenity.

Highways/Access:

Access and parking are a concern and Devon Highways have objected to the proposal for highways safety reasons (reasons given in full above), due to the additional traffic to the site and its inadequate visibility, pedestrian safety and for parking and manoeuvring reasons.

The visibility splay is fixed and so cannot be improved. There have been no known accidents as a result of the use of the access over many years. However, visibility is below current standards and the introduction of an additional household and the associated additional traffic generation (particularly given the rural location as outlined earlier in the report), safety could be compromised. The Highways Authority therefore recommend refusal of the application, and the Case Officer has no reason to justify overriding this recommendation.

Other matters:

One reason for objection has been the lack of detail regard the division of Burnside and the proposed dwelling, in terms of parking/sewage, etc. A site plan has been submitted clearly outlining the proposed curtilage of each dwelling, with the two parking spaces proposed for each site clearly shown on this plan. There is no information on the division of utilities, etc, but this would not be considered a reason for refusal.

Letters of support mention that visitors can park in a layby across the road. This layby is currently used for visitor parking, but this is a current arrangement with a neighbour, and the layby is not under the control of the applicant. This area could not be relied upon as a permanent parking facility, and for the purposes of this applicant, it is considered that there are two parking spaces available for Burnside and two for the proposed dwelling, which would be required to serve all occupant and visitors.

Summary:

The previous Officer report from 2013 considered the residential use of the dwelling to be contrary to the development plan, for reasons of sustainability and highways concerns. At the time, these concerns were put aside for a temporary period due to the personal circumstances of the applicant, but when considering the approval, the report noted '*this is not to say the application would be supported on a permanent basis, but is on the temporary basis now sought.*' The report made is very

clear that in terms of material planning considerations, the proposal was unacceptable. Since then, there have been no material planning changes to the site or in policy terms, apart from the acknowledgement of a lack of five-year housing land supply within the South Hams. As discussed above, an additional dwelling is not considered to be a substantial enough benefit to outweigh the other issues, and Officers therefore conclude that the independent residential use of the site is still unacceptable. It is therefore recommended for refusal for reasons of unsustainability and highways concerns.

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

Planning Policy

NPPF paragraphs 7, 14, 35, 37 and 55

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

DP16 Conversion and Reuse of Existing Buildings in the Countryside

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.