

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Dartington **Ward:** Dartington

Application No: 14/1424/15/VAR

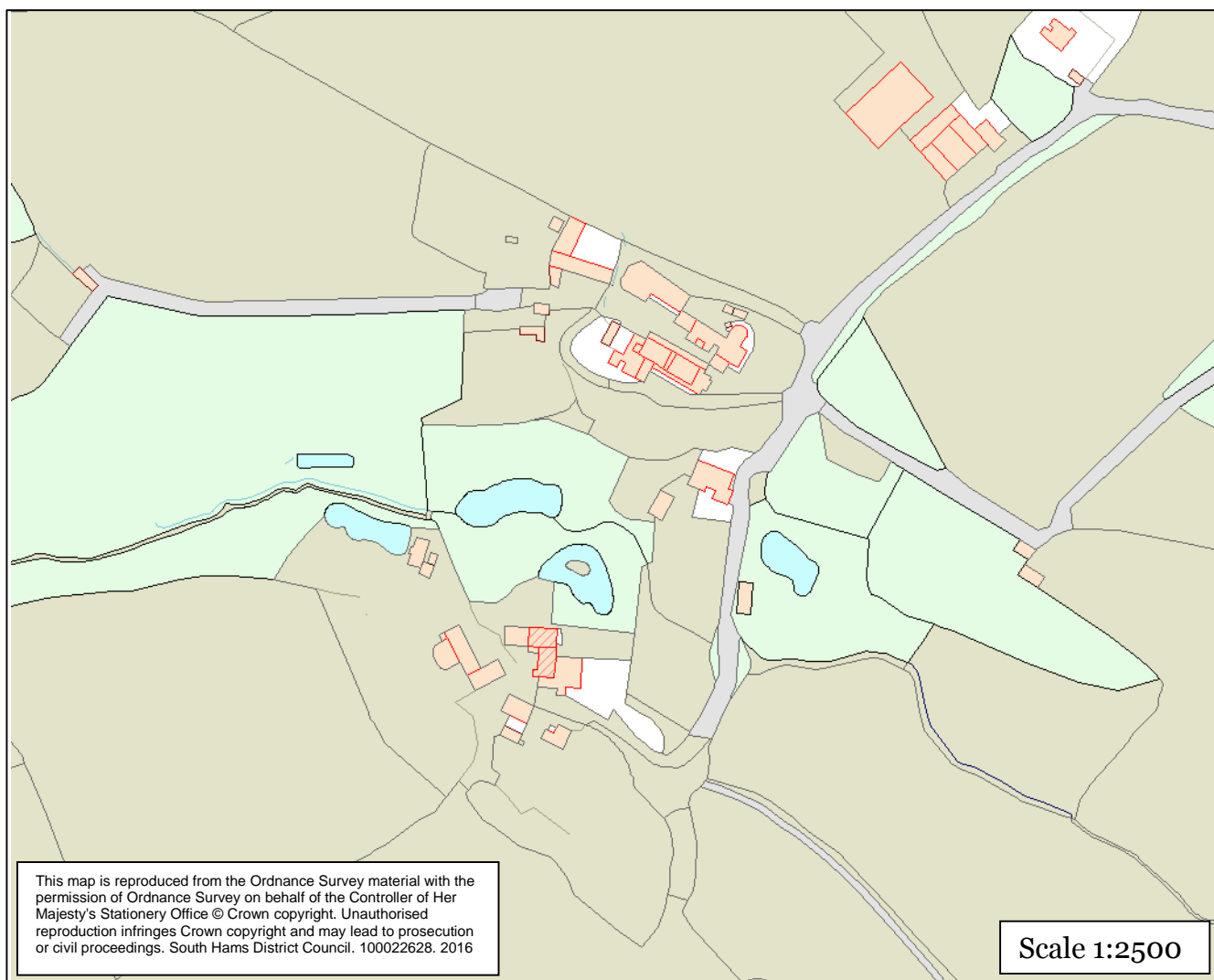
Agent/Applicant:

Dr F Benatt
Lower Allerton Farmhouse
Dartington
Totnes
TQ9 6DY

Site Address: Lower Allerton Farmhouse, Dartington, Totnes, Devon, TQ9 6DY

Development: Variation of condition 5 (parking restriction) of planning consent 14/2278/14/F

Reason item is being put before Committee: *This application has been brought before Committee by the Ward Member in view of the public interest the proposal as raised.*



Recommendation: Refusal

Reasons for refusal

1. The proposed variation would not achieve the objectives of the original condition, which seeks to ensure that access to the Roundhouse is not obstructed by parking and vehicles are able to turn around. The proposal would therefore result in harm to the amenities of the Roundhouse through disturbance and inconvenience contrary to Policy DP3 of the LDF Development Policies DPD.

Key issues for consideration:

Amenities of neighbouring property.

Site Description:

Lower Allerton Farmhouse dates from the late medieval period and is the principal building of a steading at the end of a lane to the north east of Tigley. Part of the property (known as 'The Link') has been granted planning consent for use as a separate dwelling (under 14/2278/14/F). A further unit to the north west of the main farmhouse known as the Pottery Barn, which is physically attached to The Link, has planning consent to be used as a permanent dwelling by the Applicant's family or as holiday accommodation ancillary to The Link (its use was previously tied to Lower Allerton Farmhouse). All three units are currently within the same land ownership which extends for a considerable distance to the north and south of the buildings. A neighbouring dwelling in separate ownership, the Roundhouse, is located immediately to the west of the shared boundary parallel with Lower Allerton Farmhouse.

The Proposal:

Condition 5 of planning permission 14/2278/14/F states:

"With the exception of loading, no parking shall be permitted on the site except in the designated parking area shown on the Site Layout Plan

Reason: in order to avoid obstruction of the entrance to the Roundhouse and to enable turning to take place in this area."

The parking area on the Site Layout Plan is located to the south east of Lower Allerton Farmhouse and shows marked spaces for 7 vehicles. No appeal against this condition was submitted at the time.

The current application seeks to amend the wording of the condition so that it reads as follows:

"Parking between the buildings shall only be permitted in the areas shaded pink on the attached site location plan.

Reason: in order to avoid obstruction of the entrance to the Roundhouse and to enable turning to take place in this area."

The site location plan provided shows areas shaded in pink located immediately to the west of The Link and south of the Pottery Barn.

A supporting statement submitted with the application considers that the current proposal would not compromise access to the Roundhouse. It further sets out why the existing condition is not considered to meet national guidance associated with the use of planning conditions.

Consultations:

- County Highways Authority – No highways related issues

- Dartington Parish Council – No comments

Representations:

Seven letters of support has been received, which in summary consider that the unnecessary restriction of vehicle parking on site would cause problems off-site as there are no opportunities for parking on the lane. It is also considered that the current condition causes problems for occupants of the Pottery Barn. A number state that they have never witnessed any vehicle congestion at the site.

Eight letters of objection have been received, with issues raised summarised as follows:

- Original condition was imposed to for necessary control of parking on site, otherwise there would have been an objection to the intensification of the residential use of the site.
- Parking in accordance with current condition works, condition should not be changed.
- Access to the Roundhouse has been blocked by vehicles parked near the entrance.
- Proposed variation would result in obstruction of access to the Roundhouse and would not allow sufficient space for parking/turning.
- Proposed condition is imprecise and would not be enforceable.
- Impact on listed building.
- Private right of way through middle of site (with references to previous legal proceedings).

The Applicant has submitted further comments in support of the application to address comments made in objections, stating that the proposal would allow sufficient space for parking and that there have never been any issues of access to the Roundhouse.

Relevant Planning History

- 14/0727/15/VAR, Variation of condition 2 of planning consent 14/1585/07/F to allow converted pottery barn to be ancillary to main dwelling house of 'The Link' rather than Lower Allerton Farmhouse, Lower Allerton Farmhouse, Dartington – conditional approval
- 14/2279/14/LB, Retrospective listed building consent for conversion of existing annexe to single new dwelling, Lower Allerton Farmhouse, Dartington – conditional approval
- 14/2278/14/F, Retrospective conversion of existing annexe to single new dwelling, Lower Allerton Farmhouse, Dartington – conditional approval
- 14/0079/14/LB, Retrospective application for Listed Building Consent works for subdivision of part of existing farmhouse to create separate dwelling and associated gardens, parking and access, Lower Allerton Farmhouse, Dartington – withdrawn
- 14/0078/14/F, Retrospective application for sub-division of part of farmhouse to create a separate dwelling. Associated gardens, parking and access, Lower Allerton Farmhouse, Dartington – withdrawn
- 14/1585/07/F, Variation of condition 3 to approval 14/2326/05/F for conversion of redundant pottery barn to holiday let (to allow domestic use ancillary to the main dwelling and holiday accommodation), Lower Allerton Farmhouse, Dartington – conditional approval
- 14/2326/05/F, Conversion of redundant pottery barn to holiday let, Lower Allerton Farmhouse, Dartington – conditional approval
- 14/2325/05/LB, Listed Building Consent For Conversion Of Redundant Pottery Building To Holiday Let, Lower Allerton Farmhouse, Dartington – conditional approval

ANALYSIS

The current application makes reference to the existing condition contravening planning guidance. Guidance on the use of planning conditions is set out in the National Planning Policy Framework and associated Planning Practice Guidance (which reflects the content of the now cancelled Circular 11/95). Whether the existing condition meets the relevant tests is not material to the consideration of the current

application (any concerns in this regard should have been made the subject of an appeal after the original decision notice was issued). The condition was considered reasonable and necessary to control parking on the site when permission was granted for of The Link as a separate dwelling. The central issue is whether the suggested amended condition (and associated plan) would achieve the same objectives – namely to ensure that access to the Roundhouse is not obstructed, as well as whether it would meet the above tests regarding the use of conditions.

The access to the Roundhouse is in very close proximity to the Pottery Barn, and it is considered that the proposed parking plan would result in significant risk of vehicles being obstructed given the close proximity to the access. Any vehicles parked in the pink area to the south of the Pottery Barn would risk obstructing the access to the Roundhouse, and vehicles parking in both pink areas would create issues for other vehicles arriving and turning. Whilst it is acknowledged that the existing (approved) parking layout means that that occupants have to walk a short distance from the parking area, the condition makes provision for vehicles to park closer to the properties when unloading and is considered to provide a workable solution following the intensification of the residential use of the site.

The current proposal would be a retrograde step in terms of ensuring access to the Roundhouse is retained and would not therefore meet the objectives of the condition as originally intended. The suggested wording, particularly the phrase ‘parking between the buildings’ is not very precise and would need amending in order to provide a condition which met the requirements of the NPPG.

The decision to approve the use of The Link as a separate dwelling was made on the basis that parking would be provided in the designated area to the south east due to the increased pressure the separate use would create and having regard to the proximity of the property to the access serving another dwelling (the Roundhouse). In reality any permanent parking of vehicles in the courtyard area to the south of the Pottery Barn and west of The Link is likely to cause conflict with access to the Roundhouse, and the use of The Link as a separate dwelling from Lower Allerton Farmhouse would make this more likely to occur if unrestricted.

It is noted from the representations made that parking at the site is a contentious issue, and it is considered that the proposed variation would only serve to make the situation worse rather than improve it. The Applicant has sought to reach a compromise with Officers during the consideration of the current application, however they are looking to secure parking in the area of the site where it creates the greatest potential conflict with the neighbouring property which the condition as originally worded seeks to avoid. Refusal of the current application would provide a second opportunity for the Applicant to appeal.

Concern has also been raised that the parking of vehicles in close proximity to the buildings would be result in harm to the setting of Lower Allerton Farmhouse (which is Grade II listed). The condition subject of this application was imposed in relation to neighbour amenity rather than the impact of vehicle parking on the historic setting of the Farmhouse.

Reference has been made in representation to a Right of Way – this is private rather than a public way and is not therefore material to the consideration of this application.

On the basis of the above it is considered the proposed variation would not protect the amenities of the Roundhouse as originally intended, and the application is therefore recommended for refusal. A firm line was taken on the issue of parking at the site on the previous application, and Officers consider that diluting the existing condition would be a retrograde step.

There have been allegations regarding condition 5 of permission of 14/2278/14/F being breached which the Council has been investigating. Should the current application be refused then Officers will continue to monitor the situation and take enforcement action if necessary.

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

Planning Policy

NPPF

NPPG

Use of Planning Conditions

South Hams LDF Core Strategy

CS1 Location of Development

CS9 Landscape and Historic Environment

Development Policies DPD

DP1 High Quality Design

DP2 Landscape Character

DP3 Residential Amenity

DP6 Historic Environment

DP7 Transport, Access & Parking

DP15 Development 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.