

# PLANNING APPLICATION REPORT

**Case Officer:** Lucy Hall

**Parish:** Bigbury

**Application No:** 05/1325/15/F

**Agent/Applicant:**

Derek Butler  
Derek Butler Designs Ltd  
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Brixton  
PL8 2BD

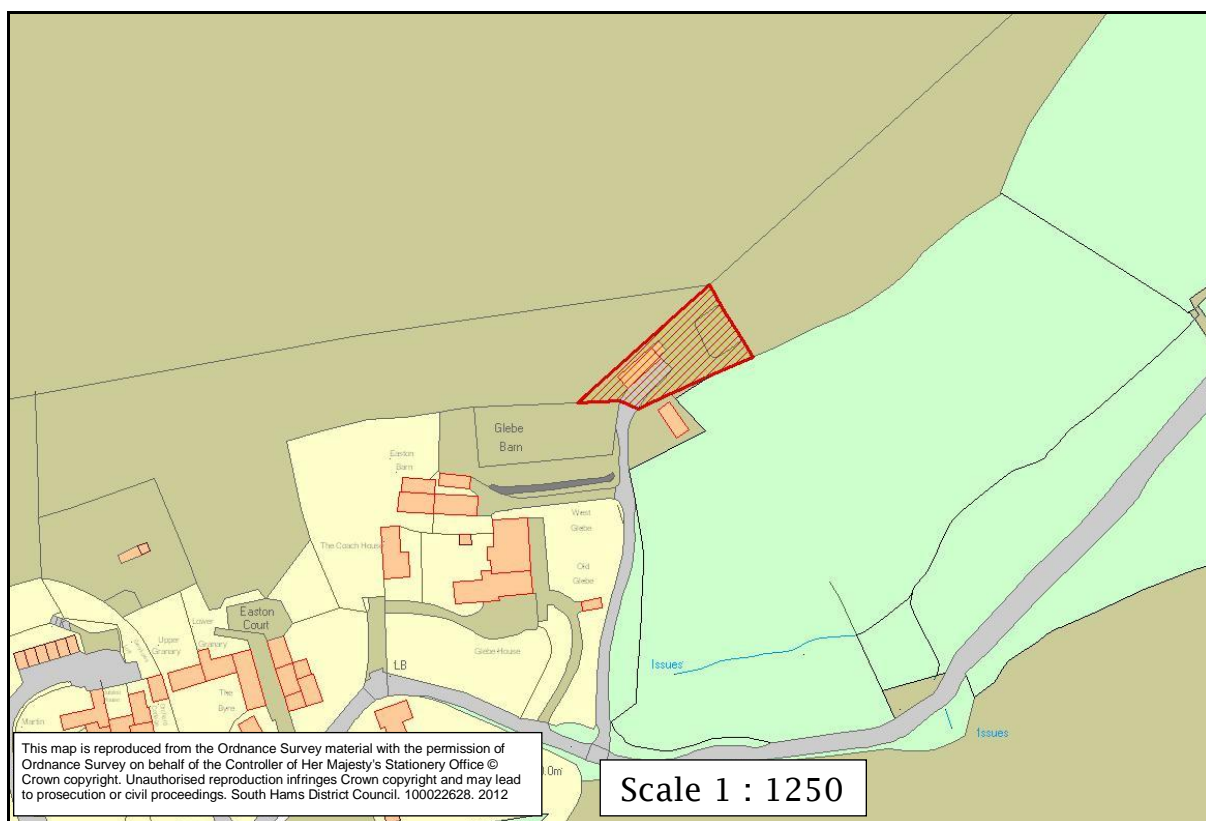
**Applicant:**

Mr & Mrs R Smith  
67 Elford Crescent  
Colbrook  
Plymouth  
PL7 4BT

**Site Address:** Development site at SX 672 471, The Old Vineyard, Easton, Kingsbridge, TQ7 4AN

**Development:** Demolition of existing commercial building and replacement with two bedroom bungalow

**Reason item is being put before Committee:** At the request of Cllr Ward, who wishes the Committee to consider making an exception to policy in this instance.



## **Recommendation:** Refusal

### **Reasons for refusal**

- The proposed development would result in unessential and unsustainable development within a remote location within the countryside, isolated from any defined settlement or local services and without demonstrable justification is contrary to policies LDF CS1, DPD DP15 and the National Planning Policy Framework.

### **Site Description:**

The application site, The Old Vineyard, is located within the historic hamlet of Eastern which lies approximately 0.7KM south east of St Anns Chapel, 0.8KM north east of Bigbury and 2KM west of Aveton Gifford. The site occupies an elevated position on the north eastern edge of the hamlet, with a number of dwellings located to the south west including the Grade II listed Glebe House.

The site itself is essentially a long narrow field. There is an existing rendered concrete block building situated on the south western side of the site. Access to the site is off a shared private driveway, which is accessed off the lane to the south of the site.

The site lies within the countryside and South Devon Area of Outstanding Natural Beauty.

### **The Proposal:**

The proposal seeks to demolish the existing single storey building and replace it with a two bedroom residential bungalow.

The proposed bungalow would take the form of a simple rectangular block set under a hip roof measuring approximately 14.9 metres in length by 6.6 metres deep with a height of 2.2 metres to the eaves and 4.5 metres to the ridge. External finishing materials include render, timber framed openings and natural slate roof covering. The proposal also includes solar panels to the south elevation. The building would occupy a similar footprint as the existing structure.

The proposed internal layout includes two bedrooms, bathroom, kitchen/dinning area and living area, which would offer access onto a level patio to the east.

Access into the site would remain as existing with a new driveway and parking area proposed to the south of building.

The proposed residential curtilage, has been amended at the request of officers, to exclude the agricultural shed. Revised plans have been submitted.

### **Consultations:**

- |                                |                                    |
|--------------------------------|------------------------------------|
| • County Highways Authority    | No objection                       |
| • Environmental Health Section | No comment subject to conditions   |
| • Drainage Engineer            | No objection subject to conditions |
| • Bigbury Parish Council       | No objection                       |
| • Landscape                    | No objection                       |
| • Ecology                      | No comments                        |

## **Representations:**

2 letters of objection have been received, raising the following issues: -

- Harm to landscape character and AONB;
- Light and noise pollution;
- Approval would set an undesirable precedent for similar proposals throughout the district;
- Proposal would detract from peace and solitude of the area;
- Increased traffic movements to the site
- Reduction in property values
- Contrary to policy
- Adverse impact on wildlife

1 letter registering support for the proposal has been received:-

- Consider change of use of the site from commercial to domestic would be the 'best outcome' for Easton as continuation of industrial could lead to intensification of the site, increased noise/nuisance levels and have an adverse impact on the highway network;
- Applicants are already part of the community having occupied the site for over 20 years.

## **Planning History**

- 05/0061/80/3, Winery and tractor house, The Vineyard, Conditional Approval
- 05/1340/98/1, Outline application for erection of a dwelling, Land adj to The Old Vineyard, Refusal
- 05/1016/99/F, Extension to provide office and toilet facilities for workshop, The Old Vineyard, Withdrawn
- 05/0474/00/F, Installation of sealed cesspool. Conditional approval
- 05/0200/10/AG, Agricultural determination for erection of shed, The Vineyard, Withdrawn
- 05/1243/10/F, Shed to store animal feed, tools and machinery, The Old Vineyard, Withdrawn
- 05/0104/11/F, Resubmission of planning application 05/1243/10/F for erection of agricultural shed to store animal feed, tools and machinery. Conditional approval

## **Analysis**

The application seeks full planning consent for the demolition of the existing building and its replacement with a two bedroom bungalow.

## Site History

The existing building was consented in 1980 for use as a winery in connection with the former (adjoining) 'St Ann's Vineyard'. Although there have been a number of subsequent applications on the site, the established planning use of the building remains as a winery which does not have a specific planning use but is categorised as sui generis. The surrounding land remains agricultural.

Outline planning consent was refused in 1998 for the erection of a dwelling for the following reasons: -

- (a) *The proposal constitutes an undesirable intensification of sporadic development in the countryside which, in the absence of any overriding agricultural need, is contrary to the provisions of the County Structure Plan.*
- (b) *The site is situated within the South Devon Area of Outstanding Natural Beauty and the proposed development would be detrimental to the character and appearance of this area where new development will not be permitted except where this is necessary to the economic or social well-being of the area or where it will enhance its character neither of which criteria are applicable in this case.*
- (c) *The proposal would result in increased traffic using lanes that are of inadequate width and alignment to cater satisfactorily for the additional movements that would be generated.*

A subsequent application for an extension to the existing building to provide a workshop and toilets was withdrawn in 1999. The most recent application was submitted in 2011 for an agricultural shed to provide a store for animal feed, tools and machinery and this was approved and is now in existence.

As outlined within their supporting statement, the applicants purchased the building and the associated site in 1987 and have used it for their personal use since that time including to camp in at weekends and store machinery and unused furniture. The surrounding land is used for animal grazing, in accordance with definition of agriculture. Without a lawful development certificate it would appear that the applicant's use of the building is contrary to the established planning use.

#### Planning Policy Context and Sustainability

The application site lies within the countryside, outside any settlement boundary. LDF policy CS1 sets out the strategic objectives for development and is clear that outside defined settlement boundaries development will be strictly controlled and *'only permitted where it can be delivered sustainably and in response to a demonstrable local need'*. This is consistent with the advice given in paragraph 55 of the NPPF which says *'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities'*.

DPD policy DP15 sets out the criteria for new development within the countryside and states that it must require a rural location and support the needs of agricultural or forestry interests or *'meets the essential, small scale, and exceptional local development needs of a settlement which cannot be met within the development boundaries'*. It also goes on to say that within the countryside, agricultural, forestry and other occupational dwellings *may* be permitted where there is a *'proven essential operational need'*. This criteria reflects the advice given within paragraph 55 of the Framework which advises that Local Planning Authorities should avoid new isolated homes within the countryside unless there are *'special circumstances'* which includes an occupational dwelling where essential need is demonstrated; conversion of a heritage asset or the re-use of a redundant or disused building which would lead to an enhancement of the site. Whilst there is an argument that the proposed development could enhance the visual aesthetics of the site, the applicants have failed to adequately demonstrate why the existing building is no longer viable as a winery or for agricultural use and therefore on this basis have failed to show that there are special circumstances which merit a recommendation of approval.

The existing hamlet of Easton is made up of about 20 residential units. It lies in a fairly remote location, around 0.7KM from St Anns Chapel, the nearest settlement, 2KM from Aveton Gifford and 3KM from Bigbury on Sea.

There are no facilities or services within the hamlet so the occupants would need to travel to access these. The applicants indicate that the local village (St Anns Chapel) which has a pub and shop is within walking distance of the site. However, the journey would be either across agricultural fields or along narrow, unlit country lanes with no pavements. It is therefore reasonable to assume that the occupiers of the dwelling would choose to travel by car for the majority of their journeys.

The applicants have argued that the range of services available within the neighbouring settlements is limited and therefore it is also reasonable to assume that the majority of trips made by occupants residing within the village will also be by car. Although historically St Anns Chapel did not have a defined boundary development, it is outlined within CS1 as a village where further development is acceptable in principle. Therefore on this basis the Council have accepted that it is a sustainable settlement. Locating new isolated housing developments where there is no immediate access to these provisions, outside of the established settlements is not considered to be a sustainable approach to development and results in unnecessary and inappropriate development within the countryside, contrary to the established planning policies. .

The applicants have also argued that proposed use of the site as residential would actually result in a net reduction in potential vehicular trips to the site when compared with the current, established planning use, and on this basis Devon County Highways Officers have not raised any objections with the proposal. However, reusing the building in accordance with its established planning use would bring clear economic benefits. From looking at the original planning consent for the winery it would appear that was only approved having regard to its association with the existing vineyard. This use is fairly restrictive as a winery does not fall into a specific planning use class and is categorised as having a sui generis use. Therefore, notwithstanding the fact that there is an existing business use on the site, it is very specific and any change of use would require a further planning application.

Officers' note that a number of approvals have recently been given for new residential units within the neighbouring settlements, suggesting that the development needs of the neighbouring settlements can be met within its boundaries. As it stands without a clear justification setting out why there a demonstrable need for new houses within Easton or why there are special circumstances as to why this site should come forward for residential development, the proposal would conflict with the objectives of LDF policy CS1, DPD policy DP15 and the NPPF all of which are intended to ensure development is delivered sustainably and protect the countryside from harm.

It should be noted that the applicants have stated that the building has been used on what appears to have been an ad hoc basis for occasional habitable use for the past 25 years. Whilst this is noted, insufficient evidence has been provided to conclusively demonstrate that this has been continuous, nor is it clear the length of time that this has taken place. It is open to the applicant to submit a lawful development certificate with appropriate evidence, however, as matters stand this application has to be determined on the basis on what has been provided.

For the reasons discussed the proposed development is clearly contrary to the provisions of the development plan and inconsistent with the objectives of the NPPF, and therefore should be refused unless there are other material considerations sufficient to outweigh that conflict. The Council is unable to demonstrate a five year land supply and therefore the question arises of whether the benefit of providing the dwelling would outweigh the harm. Although small windfall sites can offer a positive contribution towards meeting housing targets, it is

fundamental that these sites are delivered within sustainable locations. Ad-hoc, piecemeal development within unsustainable locations is not considered an appropriate long term solution to addressing the districts housing shortfall and in reality the proposal would offer a negligible impact.

### Landscape

Officers are satisfied that this modest building would not cause adverse harm to the character of the surrounding landscape which lies within the South Devon Area of Outstanding Natural Beauty. The existing building is rather unsightly and arguably its replacement with a simple, well designed bungalow could enhance the visual aesthetics of the site and its surroundings. Public views of the site are limited, and from a distance the unit would be read in association with the existing cluster of residential development within Easton.

### Neighbour Amenity

The separation distance between the site and the nearest neighbour is considered to be acceptable and therefore on this basis officers are satisfied that the proposed use of the site as residential would not cause any harm to the neighbours living conditions.

### Ecology

A preliminary ecological appraisal has been submitted in support of the application and no evidence of protected species was found within the building. A bat licence is therefore not required for the demolition.

### Conclusions

The proposed development would be located on the edge of Easton, a remote hamlet, situated almost 700m from the nearest defined settlement. It represents unsustainable development within an inappropriate location. The proposal would conflict with the provisions of the local development plan and would be inconsistent with the objectives of the NPPF. The Council's absence of a five year housing supply, in this instance, is not considered to be sufficient to outweigh the harm caused and therefore on this basis the officer recommendation is refusal.

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

## **Planning Policy**

### **NPPF**

#### **South Hams Local Plan**

SHDC1 Development Boundaries

#### ***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

DP4 Sustainable Construction  
DP5 Conservation and Wildlife  
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.