

PLANNING APPLICATION REPORT

Case Officer: Mr Alex Sebbinger

Parish: Newton and Noss

Application No: 37/2181/15/VAR

Agent/Applicant:

Mr A Coughlan
6 Church Park Road
Newton Ferrers
Plymouth
PL8 1AZ

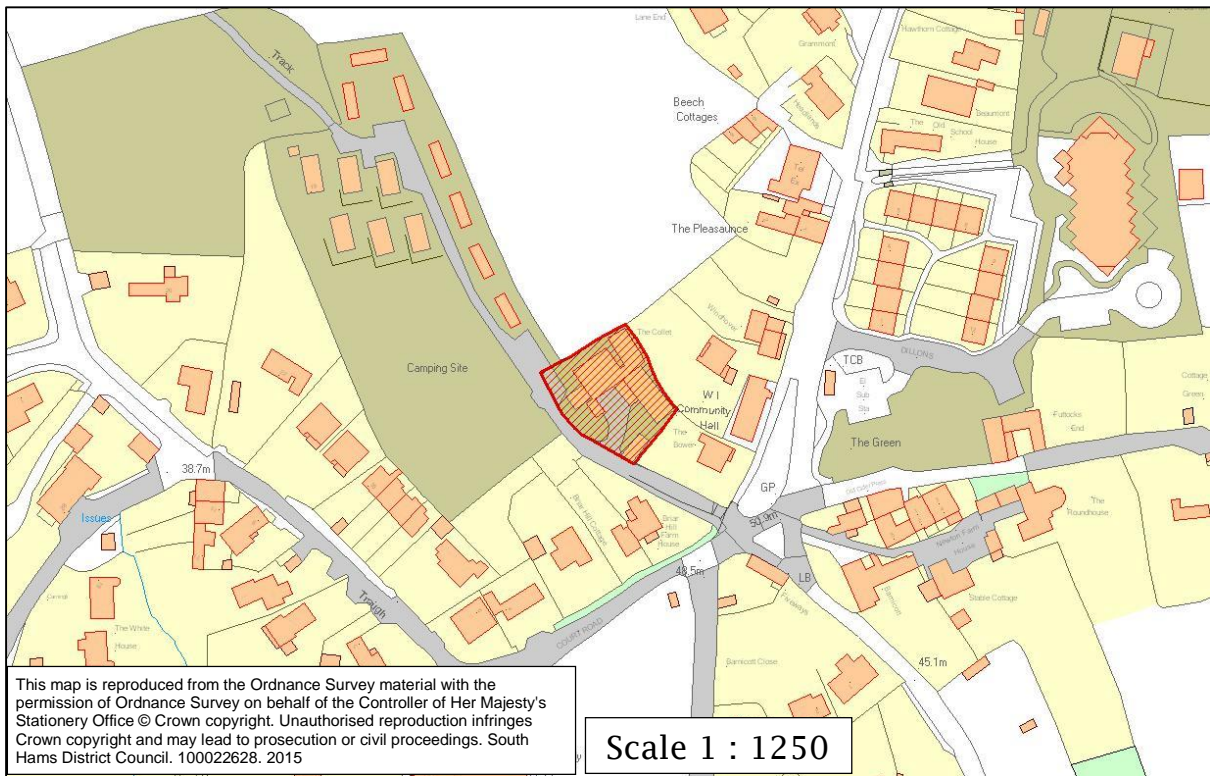
Applicant:

Mr S McCreedy
Briar Hill Farm Camp Site
Parsonage Road
Newton Ferrers
PL8 1AR

Site Address: Briar Hill Farm, Court Road, Newton Ferrers, Plymouth, PL8 1AR

Development: Removal of condition 6 of planning consent 37/0518/15/F (to allow owner's accommodation to be stand alone property and not tied to the site)

Reason item is being put before Committee *This application is before Committee at the request of Councillor Baldry, who considers there was a sound reason for the imposition of the condition.*



Recommendation:

Conditional approval

Conditions:

Time limit for commencement

In accordance with plans

Materials

Permitted development restrictions

Holiday use conditions

Percolation tests

Permitted development restrictions

North facing first floor windows on owners' dwelling to be obscure glazed

No further windows to be installed.

Key issues for consideration:

The main issue with this application is the acceptability of removing the condition that secures the owners accommodation as being tied to the site, to become an open-market dwelling.

Site Description:

The application site comprises land to the west of the Newton Ferrers Development Boundary, currently occupied by barns as part of Briar Hill Farm. The site lies immediately adjacent to dwellings and buildings within the centre of Newton Ferrers, and essentially marks the boundary where built development ends. The surrounding site is used as a camping site.

The Proposal:

This application is for the removal of condition 6 from planning permission ref 37/0518/15/F which ties the owners accommodation to being linked with the development of holiday units.

Consultations:

- Parish Council – Object: The Parish Council wish Condition 6 to remain in place being an integral part of the site.

Representations:

One letter of objection making the following broad comments, shown here in no particular order:

- Outside the village development boundary
- Removal of condition would remove special circumstances
- Nothing has changed since original submission

Relevant Planning History

37/3031/11/F – Replacement of existing barns with two holiday homes and a dwelling with office and storage facilities and proposed change of use for the siting of two static units.
Withdrawn on 6/1/2012.

37/0518/15/F – Replacement of existing barns with two holiday homes and owners dwelling with storage space.

Granted permission on 11/06/2015.

ANALYSIS

The application site is located outside of the Newton Ferrers Development Boundary, the boundary of which lies to the south-east of the site. At the time of considering the previous application, the development was considered acceptable as the site is located adjoining the existing settlement boundary and lies immediately adjacent to other properties and buildings.

Condition 6 of the approval states:

The owner's dwelling shall be occupied solely by the manager and their spouse (including any dependents) of the approved holiday units development and shall not be separated from the holiday development or otherwise used as a person's sole or main residence in any manner unconnected from that of managing the approved holiday use.

Reason: To ensure the owner's dwelling is not occupied in a residential manner or is subsequently separated from the holiday unit development.

At the time of considering that application, it was considered necessary to impose the condition to ensure that the unit of accommodation was tied in with the approved holiday units, to ensure a cohesive development.

What must be noted is that this site lies directly adjoining the development boundary. Given the advice contained within the NPPF, the site enjoys the same levels of sustainability as the body of the village that lies within the development boundary.

On further reflection, due to the proximity of this site with the development boundary there does not exist any specific planning requirement for the owners' dwelling to be intrinsically tied to the development of holiday units. Indeed, the applicant has also advised that the Council gave pre-application advice prior to the submission of the application stating that there would not be any planning justification to do so. Given the position of the Council with the lack of a demonstrable five year housing and land supply, it is considered that resisting this application and continued imposition of this condition would be very difficult to defend on appeal.

An open market dwelling in this location is considered to represent sustainable development and it is therefore considered that the condition can be removed.

Conclusion:

The application is considered to be acceptable and is therefore recommended for APPROVAL.

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

Planning Policy
NPPF

South Hams LDF Core Strategy

CS1 Location of Development
CS7 Design
CS9 Landscape and Historic Environment
CS10 Nature Conservation
CS11 Climate Change

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

South Hams Local Plan

SHDC 1 Development Boundaries

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.