

PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

DATE: 24 October 2017

REPORT OF: Business Manager – Strategic Place

ITEM: 3.

CASE OFFICER Estelle Smith

APPLICATION FOR CONSIDERATION: DAWLISH – 17/02011/FUL - Branscombe Farm, Branscombe Lane - Conversion of existing building to one dwelling

APPLICANT: Mrs M Carter

WARD MEMBERS: Councillors Hockin, Mayne and Price, Dawlish Central and North East

1. REASON FOR REPORT

Councillor Price has requested Committee consideration if the Case Officer is recommending approval because this site has a long and involved planning history and also an enforcement notice. In the interests of clarity to satisfy any confusion or puzzlement about the various applications we have received he considers a Committee view would be beneficial in achieving a decision.

2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with approved plans
3. Unsuspected contamination condition
4. Permitted Development Rights removed, Classes A, B, C, D, E and G of Part 1 and Classes A, B and C of Part 2

3. DESCRIPTION

- 3.1 The application site is a field of (0.32 hectares) which lies in the open countryside to the north-east of Dawlish. It lies on the western side of a country lane (Branscombe Lane) which is lined by hedge banks that bisect a gently sloping valley of grass fields. The area does not have a landscape designation but is, nonetheless, an attractive area of open countryside. The site is accessed via a tall metal gate and is bounded on all sides by a high hedgerow. Within the site is a barn that runs parallel with the road frontage.

- 3.2 Although small the site is used for agricultural purposes, a fact established by the Part Q Change of Use approval. Branscombe Farm, has been part of an active farm holding for 10 years or more and registered with DEFRA as an agricultural holding. The Holding Number is 10/478/0011.
- 3.3 Although part of the barn is used as a dwelling there is a current Enforcement Notice requiring the cessation of its residential use. This area is shown as the “space currently occupied as a dwelling” on the submitted plans.
- 3.4 An enforcement report concerning the above was discussed at 14 March 2017 Planning Committee and it was resolved that further enforcement action was not taken at that time on the basis that the following is complied with:
- (a) Within 1 month from the date of Committee and this decision, for the owner to agree a timetable, with the Business Manager - Strategic Place, in consultation with the Chairman and Ward Members, for the following matters:*
1. *Start work on the dwelling to be created under the Prior Approval.*
 2. *Completion of the work.*
 3. *Remove the existing dwelling.*
- (b) Having agreed the timetable, in the event of the owner not complying with any of the time frames agreed, then proceedings will be issued by way of prosecution.*
- 3.5 The remainder of the structure has been subject to a successful Part Q Application for Prior Approval of a Change of Use (COU) together with operational development to enable its conversion, from an agricultural use to a residential use, reference 16/02413/NPA granted 21 December 2016.
- 3.6 Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 2015 allows for agricultural buildings to be converted into dwellings without the need for full planning permission subject to specified procedures being completed and subject to certain limiting provisions; i.e. to meet the provisions of Class Q, buildings would have needed to have been used for agriculture on 20 March 2013, or last used for agriculture before that date if un-used on 20 March 2013.
- 3.7 The provisions of this legislation allow for the creation of up to 3 dwellings by conversion of up to 450 square metres of existing floor space in an existing building on an agricultural unit and includes associated residential garden area which would be required, including the installation or replacement of windows, doors, roofs, exterior walls, water, drainage, electricity, gas and other services to the extent reasonably necessary for the building to function as a dwelling.
- 3.8 These works have not as yet been implemented, however the Applicant has until 20 December 2019 to complete the works as approved. The approved scheme would provide a single storey 2 bedroomed dwelling with open plan living space with a kitchen, a shower room and a small residential curtilage.

- 3.9 The current proposal seeks planning permission to convert the area of the barn subject to the Enforcement Notice as an extension to the dwelling approved under reference 16/02413/NPA to provide an additional en-suite bedroom and a garage and to provide a larger residential curtilage (still no greater than the overall total footprint of the barn).
- 3.10 Teignbridge Local Plan 2013 - 2033 Policy S1A (Presumption in Favour of Sustainable Development) sets the criteria against which all proposals will be expected to perform well. It advises that the Local Planning Authority should take into account whether the adverse impacts of granting permission would outweigh the benefits of the development. In this case it is considered that the principle of the development is acceptable for the following reasons:
- 3.11 The conversion of the “space currently occupied as a dwelling” would normally not be supported under Policy S22 of the Teignbridge Local Plan 2013 – 2033 as there is no justified need for a new dwelling here and it would not be eligible for another Part Q Prior Approval process as it was clearly not last used as an agricultural building.
- 3.12 However, as the proposal is to convert both sections of the barn to one single dwelling, it is considered that the Council could take a pragmatic view in as much as the resulting outcome would still amount to only one dwelling on the site, albeit a larger dwelling than the extant Part Q approval.
- 3.13 An objection has been received from the occupier of a neighbouring property. In respect of the points raised in concern and in turn:
- 3.14 The site is at least 60 metres from the nearest residential property and therefore it is considered that any overlooking and any consequent loss of privacy caused by the development is not considered to be an issue and would be no different to the impact resulting from the already approved dwelling.
- 3.15 The barn is well screened by hedgerows from public view and although the objector advises that the site is visible from her property, being single storey and flat roofed and an existing structure, it currently sits quite comfortably below the boundary hedgeline and therefore it is considered that its conversion will not have any undue or overbearing impact on the rural character and appearance of the streetscene, the locality or, to any great extent, the wider landscape.
- 3.16 The provision of the proposed windows and doors are to the north east and south west elevations only and therefore the changes will not be visible from public views even through the open front gates. In effect the design of the building is not altering and furthermore Permitted Development restrictions would control further extension or alteration.
- 3.17 The site already attracts a certain amount of traffic and, notwithstanding the current unlawful residential use, following the approved Class Q conversion the site will attract additional residential traffic as well as agricultural traffic. It is not considered that the traffic levels will be increased to any material extent as a result of this development as the number of dwellings on site will not change.

- 3.18 The part barn, subject to the Part Q approval, could in fact be converted to (up to) 3 separate dwellings (albeit very small ones) under that planning legislation, an act that would definitely increase the amount of traffic use here. Allowing this proposal would have the result of actually restricting the number of dwellings on the site to one.
- 3.19 As the part of the barn subject to this application is flat roofed, and currently occupied as a dwelling, it is unlikely to support bats or nesting birds.
- 3.20 It is doubtful that an enlarged dwelling would increase the noise levels in the locality, over and above that already granted with the Part Q approval. It should be noted that domestic noise control is an aspect covered by the Council's Environmental Control Team who have greater powers than the Local Planning Authority for enforcement on noise nuisance grounds.
- 3.21 Finally, as the building is in existence already, surface water flooding risk is not considered to be increasing and no objections have been raised by Teignbridge's Drainage Engineers on the use of the existing soakaway for surface water drainage. In addition, foul water drainage, to be drained to an existing septic tank, is controlled separately under the Building Regulations.
- 3.22 It is considered that the proposal is not strictly in accordance with Local Plan or government policy relating to residential development in the countryside. However the unique circumstances surrounding the proposal are a material consideration that justifies approval. The proposal would resolve the current breach of the Enforcement Notice and would not result in any more dwellings on the site than have already been approved.
- 3.23 An approval would enable the Council to continue to control future development by the imposition of a condition withdrawing Permitted Development rights to ensure the retention of the visual amenity of the area together with an Unexpected Contamination condition which would ensure the safety of future occupiers and that of occupiers of neighbouring properties.
- 3.24 Planning History
- 17/00104/FUL agricultural storage building, refused at Planning Committee 13 June 2017. Planning appeal against non-determination of this has been lodged and is undetermined. This development was similar in area to the area of agricultural building lost to the 2016 residential Prior Approval conversion (below)
- 16/02413/NPA - Application for Prior Approval under Part 3 Class Q (a) and (b) and paragraph W of the GDPO change of use of (the south western half of) agricultural building to a dwelling (approximately 72.5 m²). This was approved 21 December 2016 following 13 December 2016 Planning Committee.
- 3.25 Previous to this there were two Certificate of Lawfulness applications for use of an existing barn for residential purposes and before that three planning applications for siting a mobile home on the land.

11/00349/CLDE - Certificate of Lawfulness for existing use of part barn as residential accommodation refused due to insufficient evidence 13 April 2011, an appeal was lodged which was later withdrawn

11/02134/CLDE - Certificate of Lawfulness for existing use of part barn as residential accommodation refused due to insufficient evidence 15 August 2011 and an appeal was withdrawn

07/01777/COU - Siting of a mobile home for use as an agricultural dwelling was refused on 6 December 2007. An appeal was lodged on 12 December 2007 was also withdrawn

07/00339/COU - Siting of a mobile home for use as an agricultural dwelling was refused on 4 April 2007

06/07709/COU - Stationing of mobile home for residential use refused on 1 May 2007

4. POLICY DOCUMENTS

Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

National Planning Policy Framework

National Planning Practice Guidance

5. CONSULTEES

Drainage Engineers - No objection to the applicant's proposal to discharge surface water from the development to a soakaway within the application site.

6. REPRESENTATIONS

One letter of objection was received raising the following points:

1. Overlooking/loss of privacy.
2. Overbearing effect.
3. Design
4. Impact on appearance of the area
5. Access/traffic/road safety
6. Impact on biodiversity
7. Impact on landscape
8. Noise/disturbance
9. Flooding
10. In conflict with local or government policy

7. TOWN COUNCIL'S COMMENTS

RESOLVED by majority of Members present and voting that this Council recommends REFUSAL of this application based on the existing enforcement order.

Councillor Graham Price abstained from the vote

8. COMMUNITY INFRASTRUCTURE LEVY

The proposed gross internal area is 141.63 m². The existing gross internal area in lawful use for a continuous period of at least six months within the three years immediately preceding this grant of planning permission is 72.54 m². The CIL liability for this development is £16,535.35. This is based on 69.09 net m² at £200.00 per m² and includes an adjustment for inflation in line with the BCIS since the introduction of CIL.

9. ENVIRONMENTAL IMPACT ASSESSMENT

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

