

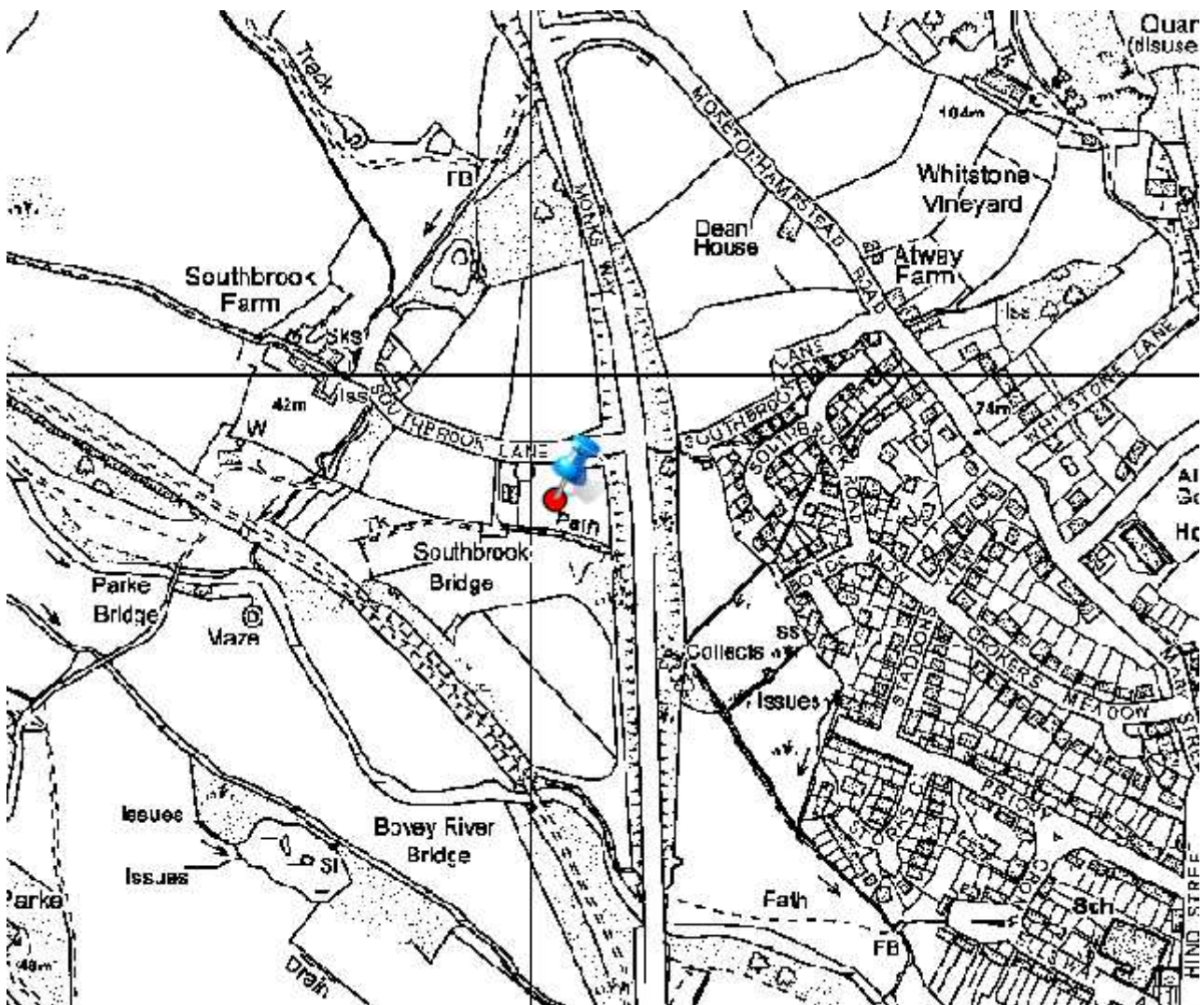
# PLANNING COMMITTEE REPORT

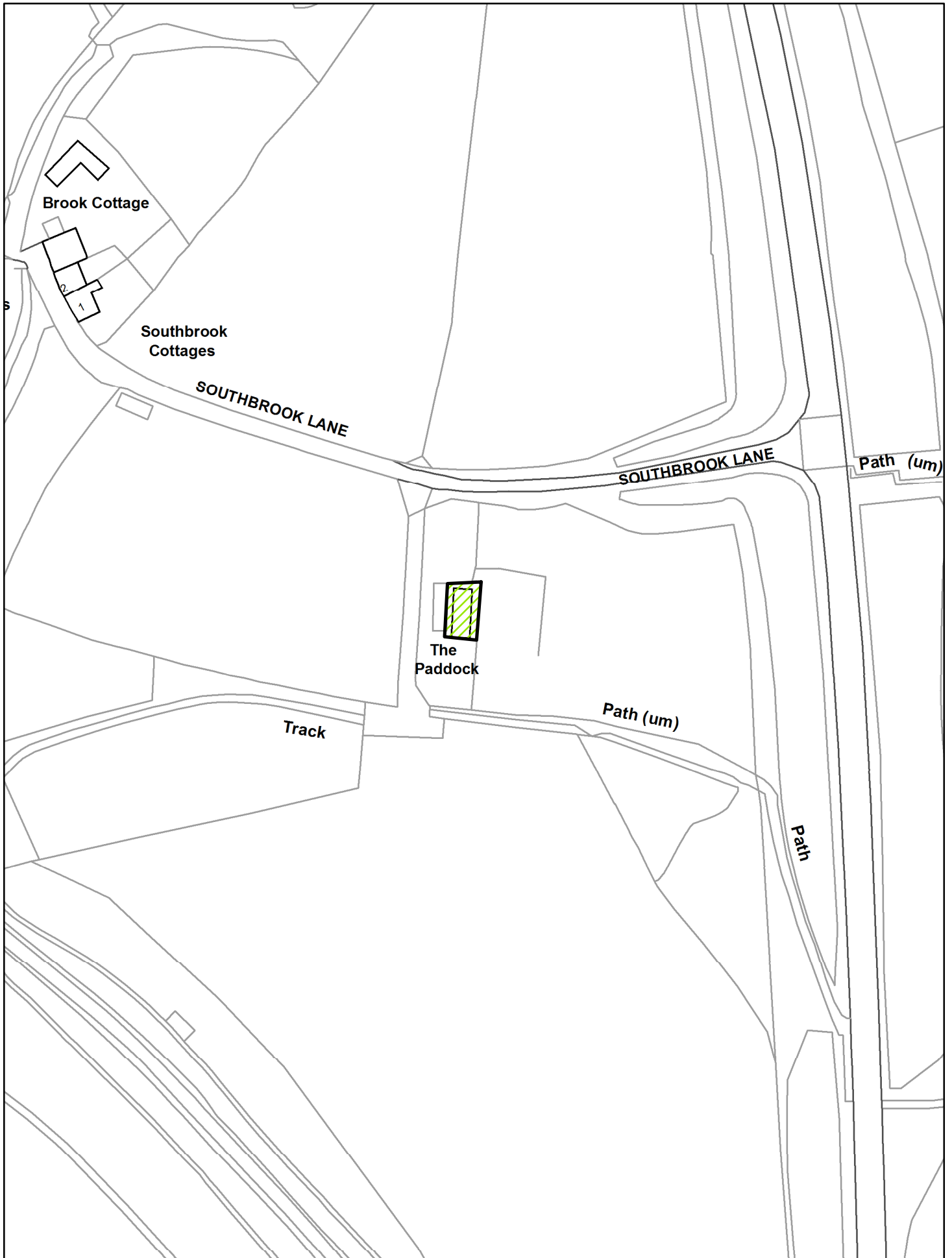
## 19 December 2017

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>BOVEY TRACEY - 17/01934/FUL - The Paddocks, Southbrook Lane - Retention of use of building as a dwelling</b>	
<b>APPLICANT:</b>	<b>Mrs J Lovett</b>	
<b>CASE OFFICER</b>	<b>Claire Boobier</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Gribble Councillor Kerswell Councillor Morgan</b>	<b>Bovey</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/01934/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=17/01934/FUL&amp;MN</a>	





## 1. REASON FOR REPORT

Councillor Morgan has requested that this application be referred to Planning Committee if the Case Officer is recommending refusal as the applicant will be made homeless.

## 2. RECOMMENDATION

PERMISSION BE REFUSED for the following reason:

The application site lies outside any settlement boundary and within designated open countryside. No overriding justification has been provided for a dwelling in this location. The retention of a dwelling in this location would therefore be contrary to Policy S22 (Countryside) of the Teignbridge Local Plan 2013-2033 and to the guidance contained in the National Planning Policy Framework.

## 3. DESCRIPTION

### The site and proposal

- 3.1 The application site is a former paddock situated to the west of the main A382 road from Bovey Tracey to Moretonhampstead. Access to the site is from Southbrook Lane to the north which leads off the main road.
- 3.2 The building the subject of this application is a former stable which has been converted without the benefit of planning consent to a dwelling. This application seeks the retention of the dwelling as constructed on the site.

### Background

- 3.3 The applicant is reported to have been resident in the dwelling the subject of this application since 2011, originally with her husband who has since passed away. Their occupation of the application building was subject of an Enforcement Notice served by Teignbridge District Council in February 2013 requiring that the residential use should cease within six months of the service of the Notice. The Notice also required removal of a static caravan from the land.
- 3.4 The notice was upheld in September 2013 following an appeal (Reference: APP/P1133/C/13/2194921).
- 3.5 In February 2015, there was an unsuccessful planning application to build an agricultural worker's dwelling on the site (as a conversion of the unauthorised dwelling) under reference: 14/03345/FUL which was refused on the grounds that the application failed to demonstrate a functional need in association with a viable agricultural enterprise.
- 3.6 Due to Mr Lovett's failing health, Teignbridge District Council agreed, on compassionate grounds, to suspend enforcement action until March 2017 when the compliance period with the Enforcement Notice was reactivated.
- 3.7 Mr Lovett has since passed away, and the current application is made by Mrs Lovett to seek to retain the dwelling.

### Principle of Development

- 3.8 The site lies outside any defined settlement boundary and is therefore located in open countryside.
- 3.9 Policy S22 of the Teignbridge Local Plan 2013-2033 is therefore applicable to considering the principle of a residential dwelling in this location. This policy strictly manages development and limits the development of new housing to affordable housing for local needs and/or dwellings for agricultural, forestry and other necessary rural workers.
- 3.10 The application submission does not make a case to demonstrate that the dwelling meets any of these exceptions and therefore there is no overriding justification which would add weight to supporting a dwelling in this location. In the absence of such justification, and with the Council having in excess of the required 5 year housing land supply, support cannot be given for the principle of the retention of the dwelling in this location.

### Sustainable Location

- 3.11 The previous equestrian use of the land would probably have generated vehicular movements to and from. However, it can generally be expected that there would be more movements associated with a residential use than visits to attend to horses.
- 3.12 Although the site is not far outside the built up edge of Bovey Tracey, the pedestrian route to the town involves crossing the main road which has fast-moving traffic. There is then a steep set of steps up into the housing estate and from there it is still a reasonable walk to the centre of the town. The nearest bus stop is between 500 metres to 650 metres from the site.
- 3.13 In this context, for convenience, the majority of journeys by the occupants to access services and facilities would be by private vehicle which is the least sustainable mode of transport.
- 3.14 Allowing a new dwelling here would be contrary to planning policies that seek to reduce the need to travel by directing development towards settlements which are considered to be sustainable locations allowing access to services and facilities without the need to rely on a private vehicle.

### Design

- 3.15 The NPPF sets out in sections 7 and 11 that the design of development needs to be sympathetic to and respectful of the site and its surroundings. This is echoed in development plan policies which seek to ensure that the scale of the development and its siting, layout and appearance are given appropriate consideration as set out in Policy S2 of the Teignbridge Local Plan.
- 3.16 The unauthorised change of use which has taken place to the former stable building to convert it into the dwelling has resulted in the building taking on a household appearance. This, combined with the residential paraphernalia around the building, has resulted in a fundamental change of the building from a stable one would

expect to see in a rural landscape to a domestic character that jars with the rural landscape setting beyond the built limits of Bovey Tracey.

- 3.19 At the site entrance the domestic changes are very apparent.
- 3.20 It is acknowledged that the site was not devoid of development before the building was converted into a dwelling due to the presence of the stables and a training ring. However, stables and horse-related activities are commonly accepted developments in the countryside associated with rural pastimes.
- 3.21 It is considered that the domestication of the former stable building has resulted in a development which has a character that is at odds with its surrounding rural landscape.

#### Residential Amenity

- 3.22 The position of the dwelling and distance to residential neighbours ensures that no harm is caused to any neighbouring amenity in terms of the dwelling resulting in an overbearing impact, loss of light or raising overlooking/loss of privacy concerns.

#### Summary and Conclusion

- 3.23 The site is not designated for development in the Teignbridge Local Plan 2013-2033.
- 3.24 The site is located outside any settlement limit in the Teignbridge Local Plan 2013-2033 and is designated as being in the open countryside. Policy S22 strictly manages development in the open countryside to affordable housing for local needs and dwellings for agricultural, forestry or other necessary rural workers. In this case no evidence has been provided to demonstrate that the applicant would meet these exceptions and therefore there is no overriding justification to support the development.
- 3.25 Refusal is therefore recommended as the retention of the dwelling on this site would be contrary to Local Plan Policy S22.

## **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**

Devon County Council (Highways) - Recommend that the Standing Advice issued to Teignbridge District Council is used to assess the highway impacts.

## **6. REPRESENTATIONS**

Five representations received. One in objection and four in support.

The representation in objection raises the following summarised objections (see case file for full representation):

1. To allow an individual to completely disregard planning laws sets precedent;
2. The Council were over-generous in delaying the eviction notice due to the applicant's husband's ill health.
3. The applicant claims that she will be made homeless if the eviction notice is granted but the applicant should never have resided in the property from the day it was purchased;
4. The application states that there is no detriment visually on the local area. The site was originally a typical countryside stable and paddock since the applicant took up illegal residence, the site has been an eyesore;
5. To gain access to the property, the applicant blocks the lane on a blind corner, whilst she opens the gate. This is an accident waiting to happen;
6. We have been informed that the applicant is not living at the property, she rents it out to another person.

The representations in support raise the following summarised comments (see case file for full representations):

1. Feel that if someone was living on site it would be safer for the livestock and security, also feel the location is perfect for a dwelling;
2. The free range eggs the applicant supplies from her property are good for the community;
3. Support continued stay at the property, so long as it remains non-disruptive as is currently the case though preferably with a more aesthetic appearance/discrete-visual-hedging and so long as they do not use any planning permissions to create new housing in the form of a modern two-storey dwelling;
4. Provides affordable housing for the applicant;
5. Would support their stay with the caveat that if they leave the site the site cannot be sold for development/inhabited thereafter;
6. Concern that if she leaves the site could be used for housing development;

## **7. TOWN COUNCIL'S COMMENTS**

Bovey Tracey Town Council does not support the application based on a consistent approach to the application in that the Town Council supported the enforcement action in July 2013 and did not support the application for an agricultural dwelling in February 2015.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 39.35. 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 0. The CIL liability for this development is £9,417.66. This is based on 39.35 net m<sup>2</sup> at £200 per m<sup>2</sup> 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.

**Business Manager – Strategic Place**