

# PLANNING COMMITTEE REPORT

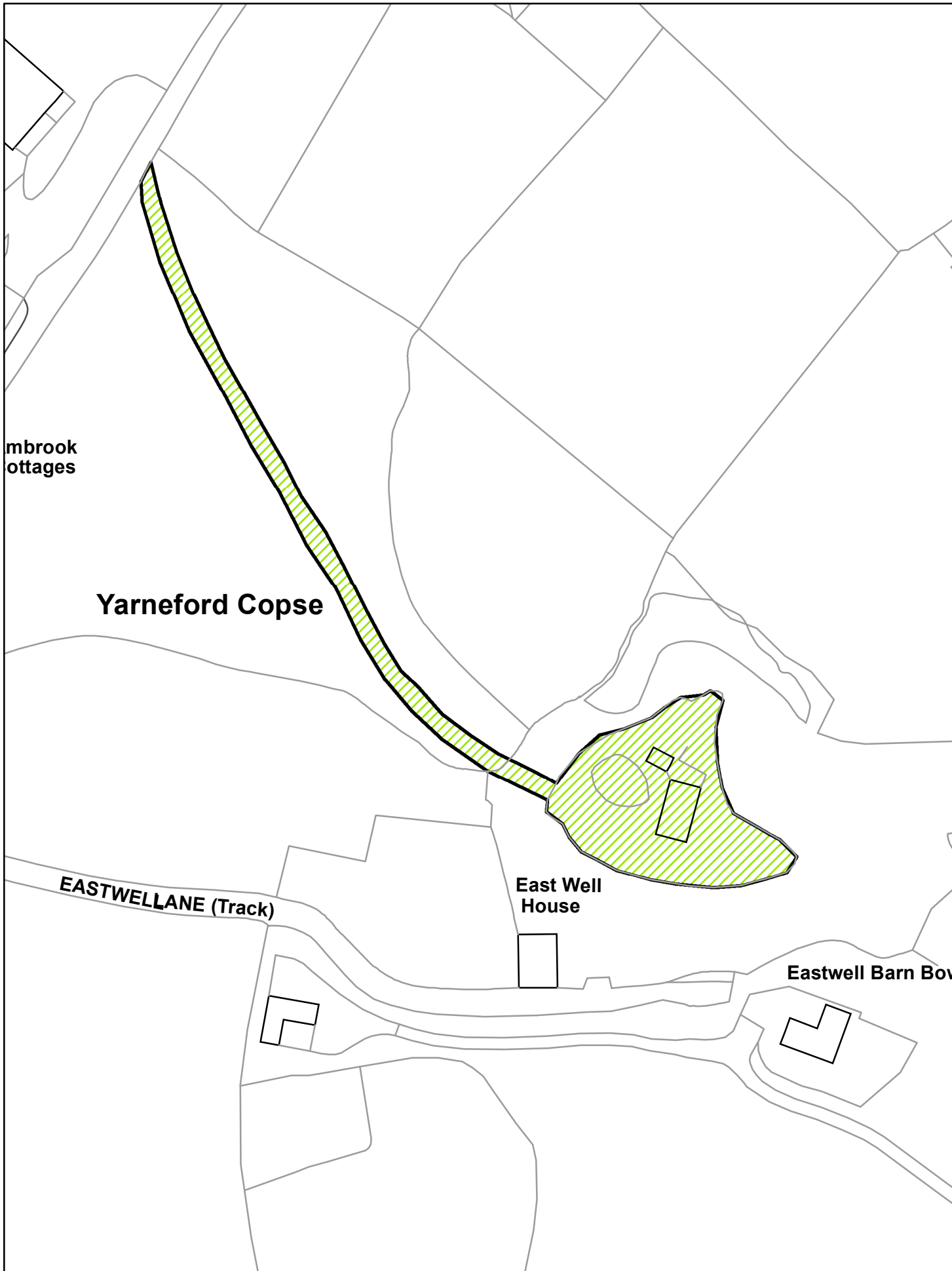
## 20 November 2018

CHAIRMAN: Cllr Dennis Smith



<b>APPLICATION FOR CONSIDERATION:</b>	<b>IPPLEPEN - 18/01226/FUL - The Shed, Yarneford Copse - Change of use of forestry building to dwelling</b>	
<b>APPLICANT:</b>	<b>Mr &amp; Mrs N Courtier</b>	
<b>CASE OFFICER</b>	<b>Eve Somerville</b>	
<b>WARD MEMBERS:</b>	<b>Councillor Dewhirst</b>	<b>Ipplepen</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planningapplication-details/?Type=Application&amp;Refval=18/01226/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planningapplication-details/?Type=Application&amp;Refval=18/01226/FUL&amp;MN</a>	





## 1. REASON FOR REPORT

Councillor Dewhirst has recommended that this application be referred to Committee should the Planning Department recommend refusal, for the following reason:

*Mr Courtier provides vital employment within the local area – at least 6 people work at the site. I am conscious of the fact that the business has repeatedly been targeted by thieves due to the isolated location of the property. The site is an important rural workplace and the application fully meet Policy WE9/a, b and c of the approved Local Plan 2013-2033.*

## 2. RECOMMENDATION

PERMISSION BE REFUSED for the following reason:

The proposal constitutes residential development outside any settlement limit in a countryside location where residential use is normally resisted. It has not been adequately justified that there is an essential functional need arising from the business for a worker to be housed on the site. The Council is able to demonstrate a five-year supply of housing land and the housing trajectory is realistic and can be delivered. The proposal is contrary to Policies WE9 (Rural Workers' Dwellings) and S22 (Countryside) of the Teignbridge Local Plan 2013-2033 and the National Planning Policy Framework 2018.

## 3. DESCRIPTION

### Proposal

- 3.1 The application seeks permission to use an approved forestry building as an unrestricted residential dwelling.

### Site description

- 3.2 The site is located south of the Ipplepen settlement limit, off a private access which leads from a narrow country lane, bounded by agricultural land.
- 3.3 Internally the site accommodates a number of timber outbuildings, the subject building, and paraphernalia associated with a domestic use. At the time of the site visit, the building appeared to be in residential use. More widely, the site is used for some operational aspects of the owners' log and tree surgery business.
- 3.4 Planning permission was granted for the development of a "Forestry building for storage of machinery, tools and equipment, timber and drying/restroom" in 2011. This is in situ and is the building for which the change of use is now sought.

### Principle of development

- 3.5 The application site is located within the open countryside and outside any defined settlement limit as depicted in the Teignbridge Local Plan 2013-2033. Policies S1A (Presumption in favour of Sustainable Development Criteria), S1 (Sustainable Development Criteria) and S22 (Countryside) of the Teignbridge Local Plan 2013-

2033 seek to protect open countryside and do not permit isolated residential dwellings unless they are for agricultural, forestry and other necessary rural workers (under WE 9 Rural Worker's Dwellings).

3.6 The application does not seek permission for a restricted essential rural worker's dwelling. Policy S22 is supportive of the use of land for forestry purposes and this aspect of the site's current use is clearly compatible with policy. As an active business, it is important that the right buildings and facilities are available to meet the needs of that business - which is why the development of a building on this site for storage etc purposes was supported previously.

3.7 Policy does not however support the sporadic siting of dwellings in rural areas. Affordable housing should be located adjoining settlement boundaries (see WE5) or, in accordance with Policy WE9 (Rural Worker's dwellings) on site for an agricultural, forestry or other rural business. In this respect, it is important to note that tree surgery is not itself an intrinsically rural business, although clearly forestry is. It is also of note that the proposal is not for an affordable dwelling and, whilst a permission could be conditioned as such, it is not proposed by the applicant that the building should be limited in this way or to a rural worker's dwelling.

3.8 The NPPF is also clear, as the latest statement of government policy, that:

*“Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:*

*a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside; ...*

*c) the development would re-use redundant or disused buildings and enhance its immediate setting; ...” (Paragraph 79)*

3.9 An Appeal against the Local Planning Authority's refusal of permission for a dwelling for security purposes in Exminster was dismissed in 2017. In that instance the Inspector concluded:

*“Much of the evidence submitted has been focused on the need for the manager to live on site in order provide improved security and due to their knowledge and understanding of the management of the [business]. From the evidence presented to me, both written and orally, there is a compelling case that the proposed building would provide a dwelling that would improve the security of the site and facilitate the growth of the business. However, I am not satisfied that it has been demonstrated that there is an essential need for a rural worker to live permanently on the site. As such, it fails to comply with Policy WE9 of the LP and paragraph 55 of the Framework.” (Paragraph 55 of the NPPF 2012 was the forerunner of Paragraph 79 of the NPPF 2018.)*

Our Development Plan policy is up to date and reflects this policy.

Although it has been noted the Applicants justification for a dwelling in this location is theft from his premises on Totnes Road, which is not in this location.

- 3.10 Whilst it is accepted that the site accommodates part of an established local business, it is not considered that sufficient justification has been provided to either demonstrate that the requirements of policy WE9 are met or, exceptionally, that there are material considerations that outweigh the policies in the Plan to support the use of this authorised forestry building for residential purposes.
- 3.11 The Applicant's justification for the dwelling rather relates to a perceived security threat – details of equipment thefts are included in the planning statement. It is clear from Policy S22 Countryside that open market residential development in the Countryside should be resisted. It is also considered that provision of security for a business does not constitute the special circumstances required to justify a dwelling. This is an argument that could be used in numerous cases across the district and elsewhere in Ipplepen, which is well supplied with business premises for its rural location. Alternative means of crime prevention could be adopted, but it has not been demonstrated that these security measures have been explored or considered. For example, no evidence of the consideration of alternative security measures that could be installed has been presented.
- 3.12 Furthermore, no details have been submitted to demonstrate (in accordance with WE9), insofar as may be relevant, that:
- a) There is an essential functional need for a full-time worker to be on site;
  - b) The business unit is of a sufficient size to require a full-time employee, or that the business is economically viable; and,
  - c) There are no dwellings on the holding which could meet the need.
- 3.13 The proposal is not in accordance with the adopted Teignbridge Local Plan 2013-2033. The Council is able to demonstrate a five-year supply of housing land and the housing trajectory is realistic and can be delivered.
- 3.14 There is no need to release this land for unrestricted residential development when considered against the proposal's conflict with Policy S22 (Countryside) of the Teignbridge Local Plan 2013-2033 and advice as set out within the National Planning Policy Framework. There are no material considerations that outweigh the conflict with the Development Plan and National Policy. The recommendation is one of refusal.

#### Design/visual impact

- 3.15 The site lies within the open countryside and therefore the design and visual impact of the development needs to be carefully considered. In assessing the design of the proposal, the existing character of the area and materials should be taken into consideration to ensure that the proposal harmonises with that of the existing development.
- 3.16 The subject proposal however simply seeks permission for the change of use of the permitted forestry building to a residential unit. It is considered, on balance, that the erected structure does coincide with the approved structure – albeit that there are a number of differences in elevation treatment from the approved, functional, forestry building.

- 3.17 The nearest neighbours are at such a distance that the height, design and use of the building as a dwelling would not cause any material impact on the amenity of neighbouring residents.

#### Summary and Conclusion

- 3.18 The proposal is in clear and direct conflict with the strategic policies of the Development Plan. It is not considered that the proposal constitutes sustainable development and therefore in-principle support for the development cannot be given. It is not considered that the security requirements of the applicant constitute exceptional circumstances that would justify a breach of this policy.
- 3.19 This recommendation is consistent with decisions taken by the Local Planning Authority elsewhere within the District and supported on Appeal by the Planning Inspectorate.

### **4. POLICY DOCUMENTS**

#### Teignbridge Local Plan 2013-2033

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

WE9 (Rural Workers' Dwellings)

EN2A (Landscape Protection and Enhancement)

#### National Planning Policy Framework

#### National Planning Practice Guidance

### **5. CONSULTEES**

Environmental Health - This planning application proposes a use that will be particularly vulnerable to the presence of land contamination should it be present. To make certain that this development will not be exposed to such pollution, further information in the form of a Contaminated Land Assessment is necessary.

Environmental Health - Contaminated Land Officer has no objections.

### **6. REPRESENTATIONS**

Application has been advertised by way of a site notice and neighbouring letters on 3 July 2018.

Two letters of objection have been received, and 10 letters of support.

Objection:

1. Non-compliance with local planning policy
2. Contravention of a number of national planning policies
3. Misleading argument for the justification for a dwelling
4. This is not an exceptional circumstance
5. There is little evidence of a business

6. Thefts were not from this site but Totnes Road

Support:

1. No objections
2. I often see the applicant on site
3. They have set up a successful business
4. The applicant also keeps an eye on my farm
5. No detriment to neighbouring amenity
6. Well situated and well planned

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

No objections.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The application is recommended for refusal therefore the CIL liability at this stage is zero.

## **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**