

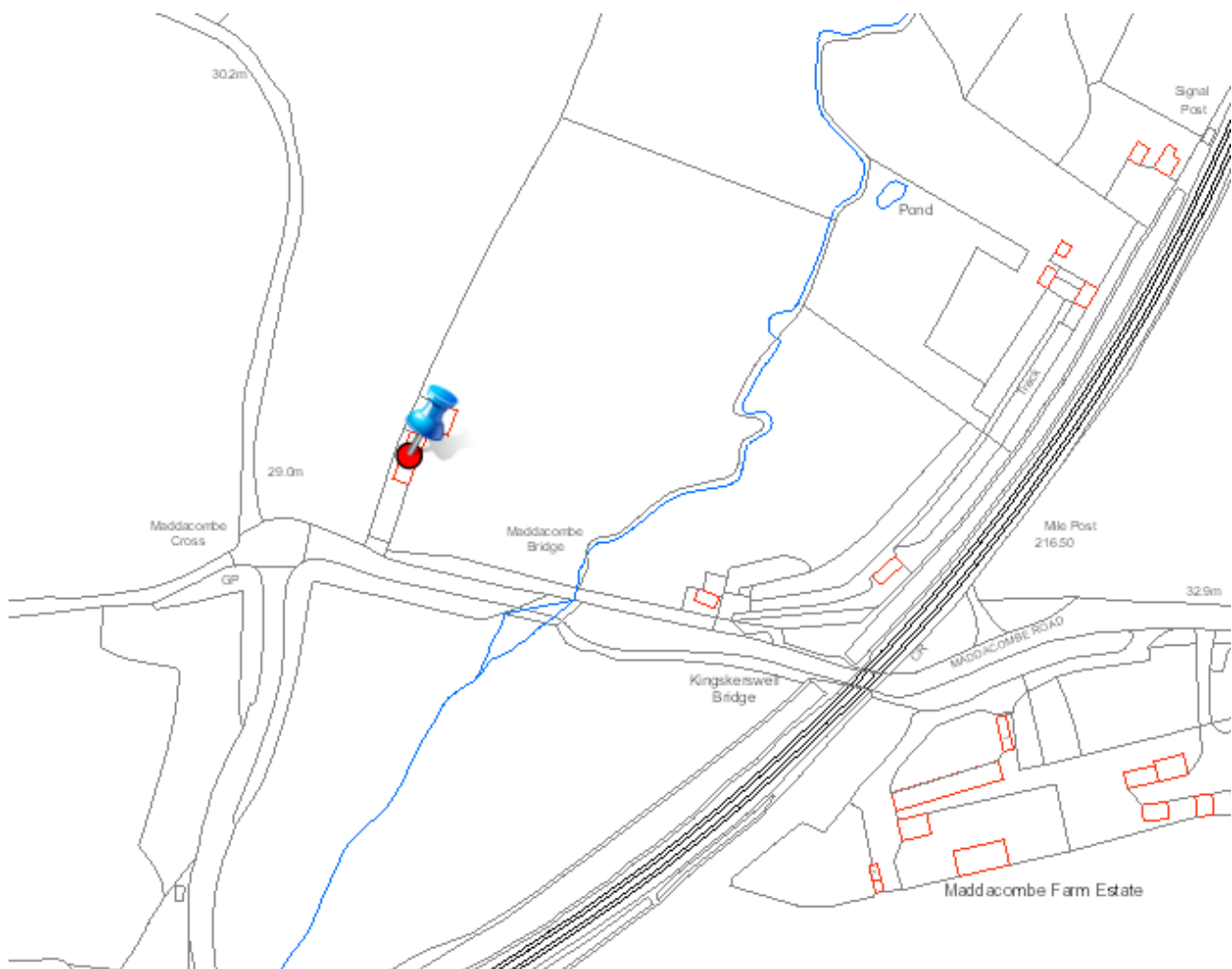
# PLANNING COMMITTEE REPORT

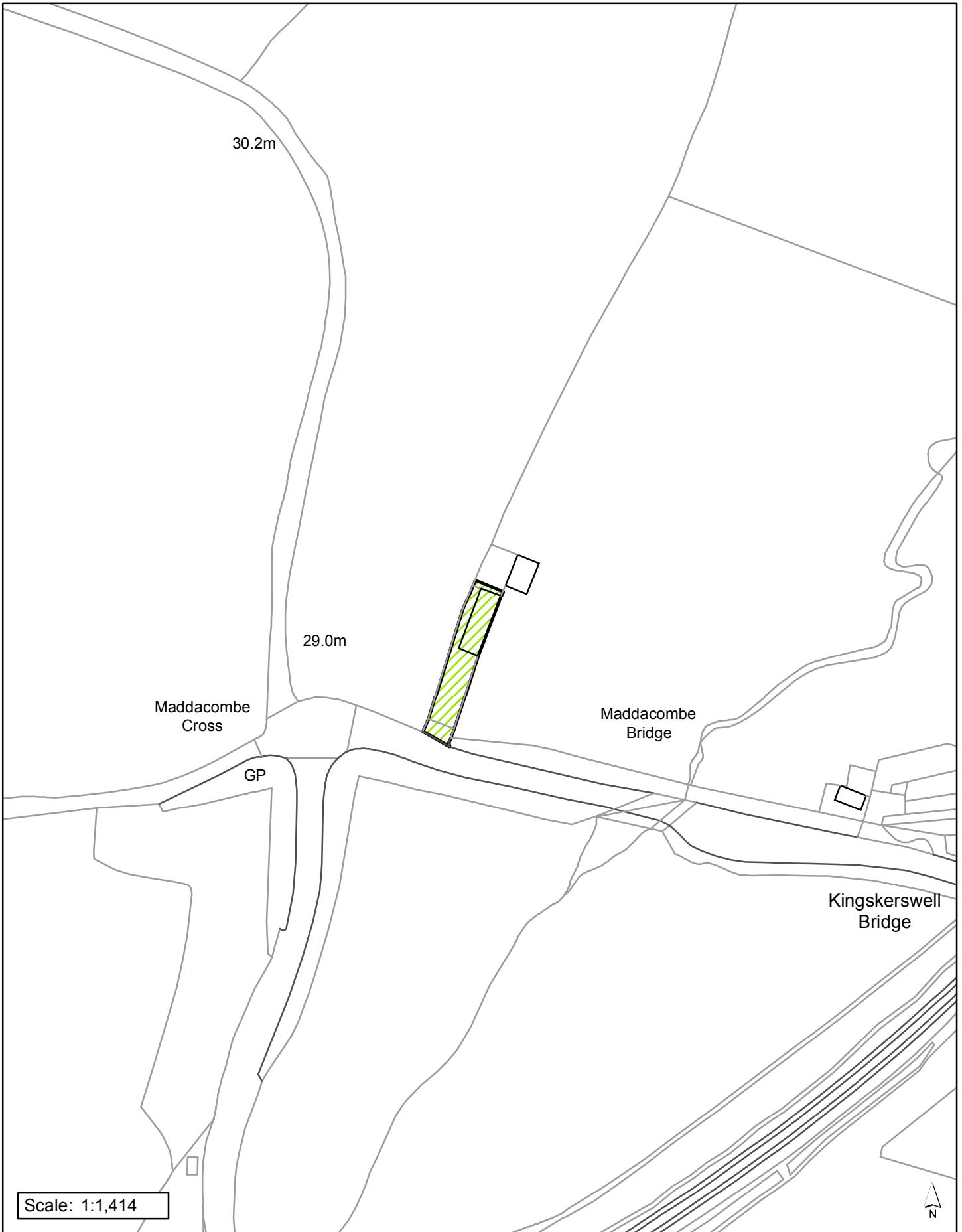
## 18 February 2020

CHAIRMAN: Cllr Mike Haines



<b>APPLICATION FOR CONSIDERATION:</b>	<b>ABBOTSKERSWELL - 19/02270/FUL - The Meadows, Maddacombe Road - Retention of new dwelling</b>	
<b>APPLICANT:</b>	<b>Mr B Gartman</b>	
<b>CASE OFFICER</b>	<b>Claire Boobier</b>	
<b>WARD MEMBERS:</b>	<b>Cllr Mary Colclough Cllr Richard Daws</b>	<b>Ambrook</b>
<b>VIEW PLANNING FILE:</b>	<a href="https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/02270/FUL&amp;MN">https://www.teignbridge.gov.uk/planning/forms/planning-application-details/?Type=Application&amp;Refval=19/02270/FUL&amp;MN</a>	





19/02270/FUL - The Meadows, Maddacombe Road,  
Kingskerswell, TQ12 5LF



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## 1. REASON FOR REPORT

Cllr Daws has requested this case be referred to Planning Committee for determination if officer recommendation is one of refusal. The reason given for this case is so planning committee can be asked to consider if the proposed replaced dwelling is similar in design and size to the permitted Class Q and if its physical impact will be no greater than Class Q. Also to consider if the proposal is appropriately scaled and designed to provide a coherent overall appearance that doesn't detract from the area and if it is in line with Local Plan policies S1 & S2.

## 2. RECOMMENDATION

PERMISSION BE REFUSED for the following reason:

- The proposed development would provide a new dwelling in designated open countryside, outside any defined settlement limit, with no overriding agricultural or forestry justification, and does not provide an affordable housing unit to meet an identified local need. The proposal is therefore contrary to policies S22 (Countryside) and S23 (Neighbourhood Plans) of the Teignbridge Local Plan 2013-2033 and the Abbotskerswell Neighbourhood Plan.

## 3. DESCRIPTION

### Site Description and Background

- 3.1 The application site relates to a hardstanding on what was the base of a former agricultural building on the site which is located off Maddacombe Road outside of any settlement limit.
- 3.2 The site has an existing vehicular access taken from Maddacombe Road.
- 3.3 A Class Q prior approval consent (application reference: 17/03027/NPA) was granted for the change of use of the agricultural building that was sited on the hardstanding to be converted to a dwelling. This however was not implemented.
- 3.4 Instead, an application was made (18/02045/FUL) to replace the barn the subject of the Class Q consent with a new dwelling. However, Officers did not support the design proposed and the application was withdrawn.
- 3.5 The original barn the subject of the Class Q consent was then demolished and without the benefit of Planning Consent, a new dwelling began being constructed on the site.
- 3.6 An application was then received, following an enforcement investigation, for the formation of a new dwelling (application reference: 19/01451/FUL) with the frame of the building having been completed. This application was refused under delegated authority on 30 September 2019 for the following reason:
  - The proposed development would provide a new dwelling in designated open countryside, outside any defined settlement limit, with no overriding agricultural or forestry justification, and does not provide an affordable housing unit to meet an identified local need. The proposal is therefore contrary to policies S22

(Countryside) and S23 (Neighbourhood Plans) of the Teignbridge Local Plan 2013-2033 and the Abbotskerswell Neighbourhood Plan.

### Proposal

- 3.7 Planning Consent is sought in this application for the retention of a new dwelling at the site.
- 3.8 The only difference between this application and the previous refused application at this site is a difference to the design of the roof proposed. The previous application proposed a pitched roof whereas the roof proposed in this application is curved.

### Principle of Development

- 3.9 The application site is located outside of a defined settlement limit and is classified as being within the open countryside in the Teignbridge Local Plan 2013-2033.
- 3.10 In a countryside location, which this site is classed as being within as it is located outside of any designated settlement, Policy S22 (Countryside) of the Local Plan only supports new dwellings where they are required for agricultural or forestry worker or provide affordable housing for local need or are a replacement dwelling.
- 3.11 In this case, no overriding agricultural or forestry justification has been provided and no indication has been provided that the proposal would provide affordable housing for local need.
- 3.12 Whilst there was a former barn on the site that was removed to accommodate the dwelling (the frame of which had been constructed at the time of the case officer's site visit) and this barn benefitted from a Class Q consent for conversion from an agricultural building to a dwelling (application reference: 17/03027/NPA) no part of the barn other than the hardstanding it stood on remains on site and the barn was never converted into a dwelling. This history cannot therefore be taken into account to justify a replacement dwelling at this site and whilst the permitted development legislation under Class Q allows for conversion of agricultural buildings to dwellings it does not permit replacement buildings. This planning history given that the building no longer remains on site should not therefore form a material planning consideration in the determination of this application as it is not a realistic fall-back position given that the barn is no longer in situ.
- 3.13 The applicant in the Planning, Design and Access Statement submitted with the application refers to another barn on the site as potentially being able to be converted under Class Q permitted development allowances which they refer to as Building 2 and suggests that this should be used as a fall-back position for the consideration of this application. This barn is not in the location of the proposed dwelling but elsewhere on the site. No application has been submitted to demonstrate that this building can be converted under Class Q and Officers do not consider therefore that this barn represents a realistic fall-back position at this stage. Furthermore, even if this other barn could be converted under Class Q to create a very modest dwelling of less than 50 sq m, that does not present a fall-back position to justify the proposed dwelling in another location on the site.
- 3.14 The current application must be considered under Local Policy and not the Permitted Development Legislation and the development of a new dwelling in the

open countryside, outside of any defined settlement, where no overriding agricultural or forestry justification has been provided and the proposal does not provide affordable housing for local need or a replacement dwelling would therefore under Local Policy fail to accord with Policy S22 of the Local Plan. As such, the principle of a new dwelling in this location is unacceptable.

- 3.15 Furthermore, the Abbotskerswell Neighbourhood Plan accords with policy S22 of the Teignbridge Local Plan and would not support a dwelling in the open countryside, the proposal would therefore also be contrary to the Abbotskerswell Neighbourhood Plan and policy S23 (Neighbourhood Plans) in the Teignbridge Local Plan.
- 3.16 The site is also located within a Strategic Open Break where policy EN1 seeks to maintain the physical separation of Kingskerswell and Abbotskerswell by limiting development to that which retains their open character and contribute to the settlements' setting and to development that would not harm the openness or landscape character of the area including local views. In this case, whilst the proposal would result in the addition of a new dwelling to the site it is single storey and would be located on the site of a former single storey agricultural building and would be grouped with the remaining agricultural building on the site such that it would have a negligible impact on the Strategic Open Break. It is not therefore considered that a refusal on the impact on the open character of the settlement could be justified in this case.

#### Impact upon the character and visual amenity of the area/open countryside

- 3.18 Policy S2 (Quality Development) of the Local Plan details that new development should integrate with and, where possible, enhancing the character of the adjoining built and natural environment.

Whilst of little architectural merit, the building is simple in design and material palette and would not appear incompatible with its setting. It is not considered that a refusal on design or visual amenity grounds could be justified.

#### Impact on residential amenity of surrounding properties

- 3.19 The new dwelling is separated from neighbouring dwellings. The nearest neighbours being Maddacombe Farm (approx. 200 meters to the south east) and Maddacombe Terrace (approx. 204 meters to the south west).

Due to the separation distance between the proposed new dwelling and the nearest residential properties, it is deemed that the proposal would not result in any detrimental harmful overbearing or loss of light impacts to neighbouring properties nor would it raise overlooking/loss of privacy concerns.

It is considered that the proposed development would provide adequate amount of internal and external space for future occupiers of the proposed new dwelling.

#### Impact on ecology/biodiversity

- 3.20 Although no ecological survey report has been submitted, the proposed development is relatively limited in size and would be located on the hard surfaced base of the former barn. Furthermore, the area to the front of the dwelling which

would provide parking/amenity space is already hard surfaced. The proposal would therefore not result in any loss of biodiversity.

#### Flood Risk

- 3.21 The site is not located in a high risk flood zone (i.e. flood zone 2 or 3) and therefore in flood control terms is an appropriate site for residential development.

#### Highway Safety

- 3.22 There would be sufficient parking within the proposed curtilage of the property to serve the dwelling using the existing access off Maddacombe Road which was deemed adequate to serve 1 dwelling under the previous consent for Class Q on the site for conversion of the now removed barn to a dwelling. No highway safety concerns are therefore raised.

#### Conclusion

- 3.23 Officer recommendation is one of refusal as set out above.

### **4. POLICY DOCUMENTS**

#### Teignbridge Local Plan 2013-2033

S1A Presumption in favour of Sustainable Development

S1 Sustainable Development Criteria

S2 Quality Development

S22 Countryside

S23 Neighbourhood Plans

EN1 Strategic Open Breaks

Abbotskerswell Neighbourhood Plan

National Planning Policy Framework

National Planning Practice Guidance

### **5. CONSULTEES**

#### Drainage Engineers:

I have no objections to this planning application.

#### Devon Mineral Authority:

While the application site lies within a Mineral Consultation Area, it is not considered that the proposed dwelling will place any increased constraint on the nearby mineral resource. Devon County Council therefore has no objection in its role as mineral planning authority.

### **6. REPRESENTATIONS**

None received.

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

Abbotskerswell Parish Council:

The Parish Council comments on the last application still stand as being applicable.

This application should be refused as it is a new dwelling in the open countryside and so would contradict the Abbotskerswell Neighbourhood Plan and TDC Local Plan being outside the development boundary.

If this application is going to be approved then the Parish Council would like it to be decided by Committee.

**8. COMMUNITY INFRASTRUCTURE LEVY**

The proposed gross internal area is 95.34. 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 £25,394.76. This is based on 95.34 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.

**10. HUMAN RIGHTS ACT**

The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

**Business Manager – Strategic Place**