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APPL.NO: 08/04204/FUL APPLICATION TYPE: Full Application

PARISH: Norton Sub Hamdon WARD: HAMDON

DESCRIPTION: The conversion of premises from a shop to a holiday unit. (GR 346968/115914)

LOCATION: Greenhams Great Street Norton Sub Hamdon Stoke Sub Hamdon Somerset TA14 6SQ

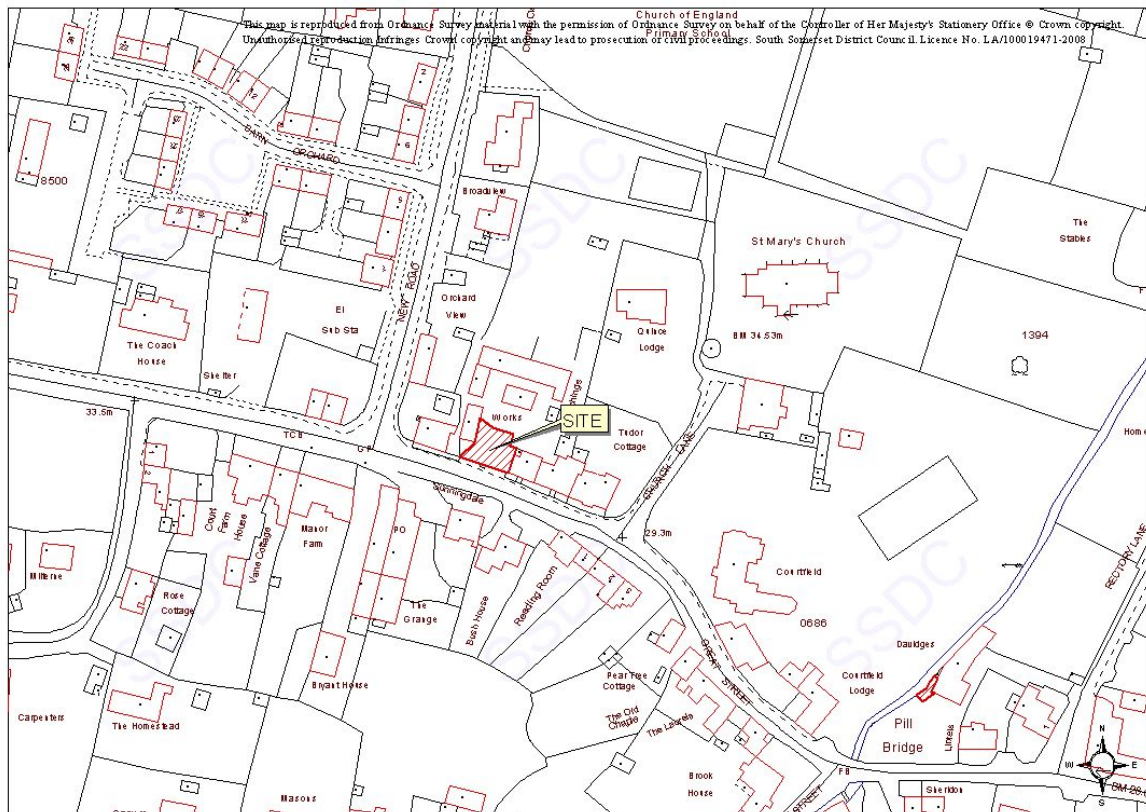
APPLICANT: Mrs M Greenham

AGENT: Paul Dance Foxgloves 11 North Street Stoke Sub Hamdon Somerset TA14 6QR

DATE ACCEPTED: 19 September 2008

The application is to be considered by the Committee at the request of the Local Member in agreement with the Chairman due to the concerns of Norton sub Hamdon Parish Council.

Site Description and Proposal



The application relates to a shop unit that is no longer in use (closed April 2007), it was previously an electrical shop (Class A1) with storage and office space on the first floor. The agent advises that the shop was built in 1968/9 as a bespoke shop for the sale of electrical goods and as an office to administer the business including electrical repairs and installation that was located on the first floor.

The property fronts onto Great Street with a yard at the rear. To one side is a residential property to the other side an access and showroom.

The application proposes the change of use of the whole property to a holiday cottage, with an open plan lounge and kitchen on the ground floor and three bedrooms and a

bathroom on the first floor. No external changes are proposed. As the premises has no garden a small area of hardstanding in the rear yard is proposed as a 'sitting out' area.

The site is within both the defined development area and conservation area of Norton sub Hamdon.

History

There is a lengthy planning history for this site and the adjoining yard, cottage and showroom that can be viewed in full on the planning file.

Of particular note are:-

829/A/1 - Erection of a shop with living accommodation. Approved 1963.

829/* - Outline application for the erection of a shop with living accommodation. Approved 1960.

Policy

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents
Regional Spatial Strategy September 2001:
VIS1 Expressing the Vision
VIS2 Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policies:-

STR1 - Sustainable Development

STR5 - Development in rural centres and villages

South Somerset Local Plan (Adopted April 2006):

Policies:-

ST2 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

MS1 - Local Shopping and Services

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those that relate directly to historic buildings. There was much debate about the interpretation of Section 72 during the 1980's and 1990's, however, the House of Lord's defined what is now the accepted position in 1992 in a judgement known as the South Lakeland case. The Lord's expressed the opinion that where a particular development would not have any adverse effect on the character or appearance of the area and was otherwise unobjectionable on planning grounds, one might ask rhetorically what possible planning reason could there be for refusing permission. The judgment, therefore, confirms that the desirability to preserve or enhance is fulfilled if a development only preserves the character or appearance of a conservation area in the sense that it does not do harm to it.

Also relevant are the requirements of PPG15 Historic Environment 1994 which advises:-
'Whilst the character and appearance of conservation areas should always be given full weight in planning decisions, the objective of preservation can be achieved either by development which makes a positive contribution to an area's character or appearance or by development which leaves character and appearance unharmed.'

Consultations

County Highway Authority comment:-

'I refer to the above-mentioned planning application received on 6th October 2008 and would advise you that as the conversion of the existing shop to a holiday unit is likely to result in a reduction in the use made of the substandard access and the potential for on street parking in this location it may be unreasonable for the Highway Authority to raise an objection.'

Area Engineer, Technical Services Department:-

No comments.

Norton sub Hamdon Parish Council comment:-

'My Council is concerned that the sequential test to determine viability as a business may not have been carried out. My Council had thought that a Change of Use application would have been required. The property was built in the style and materials prevalent in the late 1950's and early 1960's. The proposal envisages no alterations to the front elevation of the building which, while supportable as a business premises, would not be fit for purpose as a residential (holiday) unit. The current frontage design, as retained in the application for a holiday (residential) unit, is unsuitable for the street scene in the heart of the Conservation Area and adjacent to Listed Buildings.

My Council was unanimous in its strong condemnation of this application.'

Economic Development Officer:-

Originally objected to the application and posed a series of questions that needed to be addressed. The agent has now submitted further information and this has been considered by the Economic Development Officer who now comments:-

'The applicant has provided additional information which has helped me to understand better that this proposal is part of a serious business proposition. I am comfortable that consideration has been given to the type of client it is hoped to attract and the marketing required to assist with this.

From a purely economic perspective, I have no objections to this application now that the proposal is better understood.'

Representations

A local resident objects to the proposal, their comments are summarised as follows:-

- 1) The applicant is not making any effort to transform this shop into a home in keeping with the street scene.
- 2) Would such a design be allowed today in a conservation area?
- 3) Question whether anyone would want to rent accommodation with a concrete garden and whether this would enhance South Somerset as a holiday location.
- 4) Hope is that by rejecting this application the applicant might make a better effort to alter the façade to be more in keeping with the village.

Considerations

There are two main issues to take into account when considering this application:-

- 1) The loss of a shop unit within a village
- 2) The appearance of the building and its impact upon the conservation area.

- 1) The loss of a shop unit within a village

Policy MS1 is relevant in this instance, it advises:-

'Proposals which would result in the loss of shops or other local services will not be permitted where this would result in a significant or total loss of such services to the community, except where the applicant has made every reasonable attempt to secure suitable business or local community re-use.'

In this instance, the change of use would be to a holiday let which is considered a business use. As such, the property would still provide employment for the local community and bring visitors to the village. The agent has submitted information in reference to the concerns of the Economic Development Officer that indicates that there is a need for such accommodation in the village. In the circumstances, it is considered that the proposal complies with Policy MS1.

- 2) The appearance of the building and its impact upon the conservation area.

It is accepted that this building is relatively utilitarian in appearance having been built as a shop unit in the 1960's. This application does not propose any alterations to the external appearance of the building being a straightforward conversion of the existing unit to a holiday let. Whilst the views of the Parish Council are noted this application has to be determined on its own individual merits and it is not within the remit of the Local Planning Authority to require improvements to an existing building that has been part of the street scene for more than 40 years. As such, it would not be appropriate to refuse this application on the grounds that no improvements are to be made to the external appearance of the building. The requirements of the 1990 Act state that Local Planning Authorities have a duty to preserve or enhance conservation areas, this duty was further defined by the House of Lords' judgment in the South Lakeland case as set out in the Policy section above. It is considered that this proposal would preserve the conservation area as there are no changes proposed to the external appearance of the building and as such it could not be argued the application will have an adverse impact upon the conservation area.

Overall, it is considered that this is an appropriate change of use of an existing unused premises into a holiday let that should still provide an employment and resource generating use for the village. The proposal would not result in any significant adverse impacts upon neighbouring amenity. As no external changes are proposed to the building it will preserve the character and appearance of the conservation area. As such, it accords with all the relevant local plan policies and approval is therefore recommended.

RECOMMENDATION

Approve

JUSTIFICATION

01. The proposed change of use will not result in a significant or total loss of a community service and as such accords with Policies MS1 of the South Somerset Local Plan 2006.

02. The proposed change of use will not have any impact upon the conservation area or adjoining listed building as no external changes are proposed. It, therefore, accords with the requirements of the Planning (Listed Buildings and Conservation) Areas Act 1990, PPG15 Historic Environment and Policies EH1 and EH5 of the South Somerset Local Plan 2006.

Application Permitted with Conditions

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The occupation of the holiday accommodation hereby permitted shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any period of twelve weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.

Reason: The accommodation provides an appropriate business use within the village and the Local Planning Authority wish to ensure the accommodation is available for tourism as it is unsuitable for use as a permanent dwelling.
