



# JOINT AREA COMMITTEES IN SOUTH SOMERSET

## Officer Report on Planning Application

**09/03027/S73**

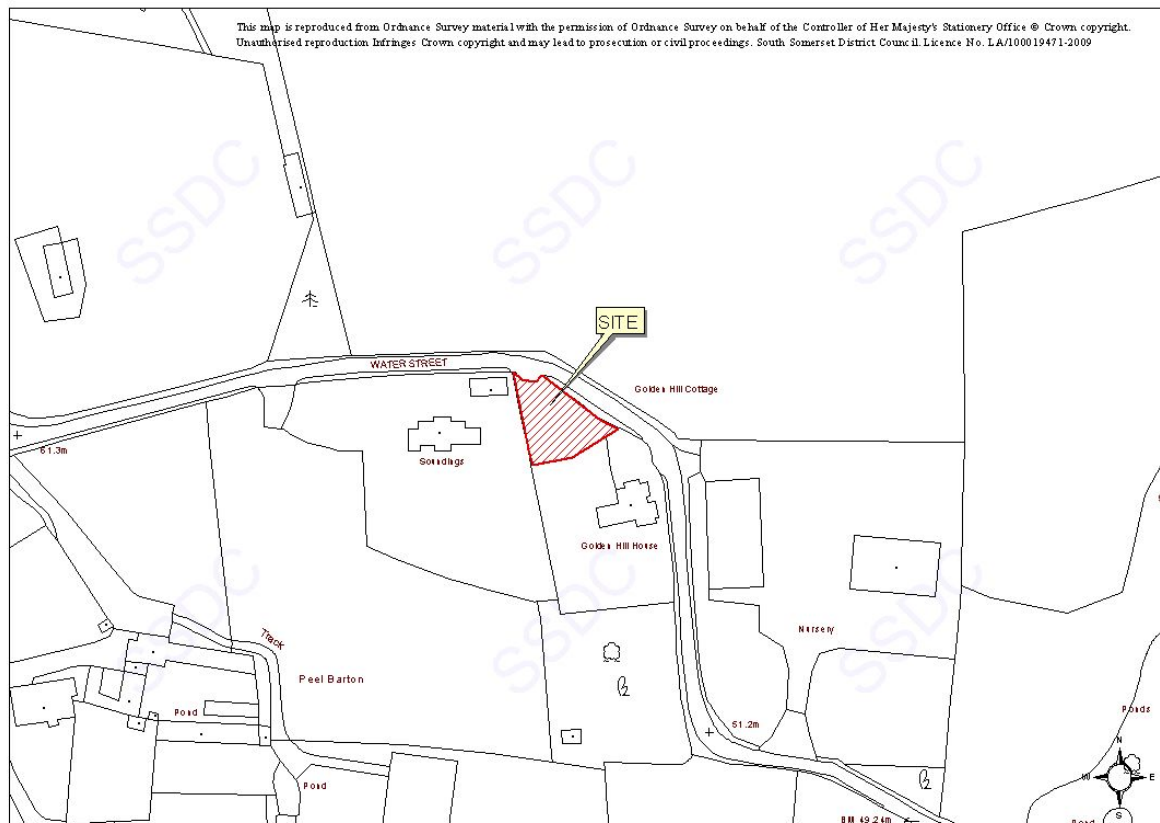


<b>Proposal :</b>	Application to vary condition 3 of planning approval 880932 dated 28.06.88 to allow non-members of the household to occupy the cottage but to keep it ancillary to the main dwelling (GR 338791/125480)
<b>Site Address:</b>	Golden Hill Cottage Water Street Curry Rivel
<b>Parish:</b>	Curry Rivel
<b>CURRY RIVEL Ward (SSDC Member)</b>	Mr Derek Nelson (Cllr)
<b>Division (SCC Member)</b>	Mr Derek Nelson (Cllr)
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	15th October 2009
<b>Applicant :</b>	Mrs J Louise Davies
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

That members are given the opportunity to discuss the matters arising, with the agreement of the Area Chair.

### SITE DESCRIPTION AND PROPOSAL



The application site is in the countryside several hundred metres north of Curry Rivel, approached by narrow rural lanes.

Golden Hill Cottage is an annexe to Golden Hill House and was converted from a stables block. A legal agreement ensures that it cannot be sold separately from Golden Hill House. The annexe in every way has the character and appearance of a separate dwelling house with its own vehicular access off the lane.

The proposal is not to seek a separate dwelling but to permit an income from letting the annexe. The application does not seek holiday-let accommodation, but proposes that the accommodation be rented as a dwelling.

## **HISTORY**

880932 - Conversion of stable block to living accommodation (annexe to main house) Approved 28th June 1988.

782411 - Conversion of outbuildings to a dwelling house. Approved.

781198 - Conversion of outbuildings to form a two bedroom cottage. Refused.

771774 - Conversion of Stables Block to granny annexe. Outline status is referred to in the legal agreement. Approved.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under 54A 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

VIS1 - Expressing the Vision

VIS2 - Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan 2000

STR1 - Sustainable Development

STR6 - Development Outside Towns

South Somerset Local Plan 2006

ST3 - Development Areas

ST5 - Principle of Development

ST6 - Quality of Development

Sustainable Community Strategy

Goals 7& 8

## **CONSULTATIONS AND REPRESENTATIONS**

Statutory Consultees

**Town/ Parish Council** - No objections

**County Highway Authority** - The proposal is seeking to vary condition 03 of a previous planning decision so as to enable non-members of the main dwelling to occupy the existing outbuilding. As a consequence, it could be argued that this development is tantamount to the creation of new residential unit in this location.

The proposed development site lies outside the Development Boundary Limits for Curry Rivel and is distant from adequate services and facilities, such as, employment, health, retail and leisure. Whilst it is acknowledged that a regular bus service passes through the settlement the nearest stop is a considerable distance from the site. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000), and Policies ST3 and ST5 of the South Somerset District Council Local Plan. In detail, the Highway Authority has concerns regarding the standard of the access and the nature of the approach road, Water Street. The level of visibility achieved at the existing access is restricted in both directions due to the presence of vegetation that fronts the highway. Whilst it is acknowledged that the speed and volume of passing traffic at this point is minimal the use of this access is a highway safety concern. It is noted from the submitted plan that the applicant has control over adjoining land to the east of the access to enable improvements to be made. However, this is not the case with the land to the west. As a consequence, the Highway Authority is concerned that sufficient improvements cannot be made.

Water Street is restricted in width to such an extent that along the majority of its length there is an inability for two vehicles to pass. The road also suffers from poor alignment and at certain points forward visibility is restricted.

As a result of the above the Highway Authority would not wish to see a proposal that is likely to result in an increase in the use made of the access or approach road. The proposal to convert the existing outbuilding to enable non-members to occupy is likely to result in this increase. As a result I would recommend that the application be refused on highway grounds for the following reasons:

1. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and ST5 of the South Somerset District Council Local Plan since the increased use of the existing access such as would result from the proposed development would be prejudicial to highway safety.
2. The approach roads by reason of their restricted width and poor alignment are considered unsuitable to serve as a means of access for the type of traffic likely to be generated by the proposed development. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and ST5 of the South Somerset District Council Local Plan.

Others

**SSDC Technical Services** - No comment

1 neighbour notification was issued. There has been two responses, one seeking clarification as to what is proposed, the second objects: It would be illogical to vary the conditions of the original planning permission; increased traffic and narrow rural lane would be detrimental and disadvantageous for all residents using the lane.

## CONSIDERATIONS

The main considerations relate to whether the location is considered an unsustainable location, highways safety and to character and appearance. The proposal seeks a letting arrangement, rather than a holiday let to provide an income, to put the building to some use.

### Character and Appearance:

The annexe is in character and appearance a dwelling house with its own vehicular access off the lane. Its occupation as a separate dwelling is considered would bring about a different type and form of use in contrast to its use as an extension to the family home or else as a holiday let (matters given further considered below). In terms of the character and appearance of the site and its immediate area the change of use is considered would not affect the character and appearance of the locality some weight is given in favour of the proposal.

### Unsustainable Location:

The site is away from the built form and notwithstanding the presence of the building the use to which it will be put will be different to its use as an annexe whose use as extended accommodation to a main dwelling will provide for shared journeys and pooled resources. The use for letting purposes in effect provides an additional dwelling in the countryside, and without an economic benefit (holiday let accommodation) policy is generally not supportive. However, conversions and infill are given further consideration and it is noted that the building's character and appearance is representative of a dwelling, while an economic benefit is normally sought as holiday let use would fit this purpose the site's relationship to nearby built form with no alterations proposed means some weight is given in favour of the proposal.

### Highway Safety:

Access to the site is not regarded as good and is achieved along a narrow, twisting country lane a couple of hundred metres out from Curry Rivel. The County Highway officer recommends refusal based on the highway safety concerns. Their full response is given within the consultation section of this report.

The Highway officer's recommendation notes the differences between use of the site as an annexe, holiday let or new dwelling (which is, in effect, what this application seeks to achieve).

An annexe provides additional habitable floor space for the occupants of the main dwelling and this indicates a much less intense and intrusive use of a site, with the potential for shared travel arrangements, shopping and the general use made of the wider curtilage, whereas a new dwelling will inevitably double up the activities and lead to increased journeys, in this case raising highway safety concerns. A holiday let use in contrast although occupied by a separate household will normally result in a less intrusive and intensive use, and while highway safety issues might still be a reason to object, an annexe invariably will not give cause for concern provided controls are put in place that seek non-fragmentation.

### Concluding Remarks

Mindful of the Highway officer's concerns on balance the officer's recommendation is to support the Highway officer's recommendation to refuse.

## RECOMMENDATION

REFUSE

**SUBJECT TO THE FOLLOWING:**

01. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and ST5 of the South Somerset District Council Local Plan since the increased use of the existing access such as would result from the proposed development would be prejudicial to highway safety.
02. The approach roads by reason of their restricted width and poor alignment are considered unsuitable to serve as a means of access for the type of traffic likely to be generated by the proposed development. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and ST5 of the South Somerset District Council Local Plan.