

Area North Committee – 22 June 2011

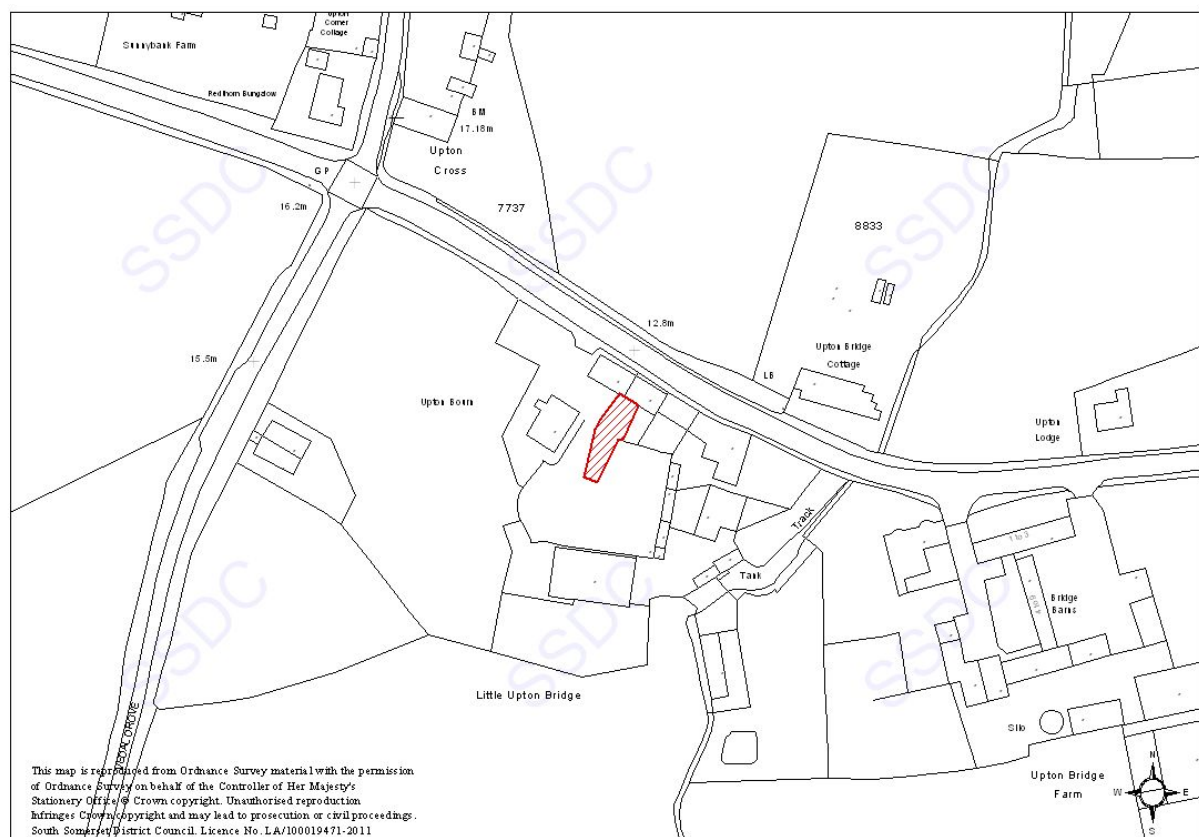
### Officer Report On Planning Application: 11/00475/FUL

<b>Proposal:</b>	Change of use of the Cider Barn to holiday let (Retrospective) ( Gr 345808/126292)
<b>Site Address:</b>	The Cider Barn, Little Upton Bridge, Hermitage Road
<b>Parish:</b>	Long Sutton
<b>TURN HILL Ward (SSDC Member)</b>	Mr S Pledger (Cllr)
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date:</b>	27th April 2011
<b>Applicant:</b>	Mrs G Rickards
<b>Agent: (no agent if blank)</b>	
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO AREA NORTH COMMITTEE

At the request of the Ward Member, supported by the Parish Council, and with the agreement of the Area Chair, the officer recommendation to approve is brought to committee for further consideration by Members that a legal obligation is sought from the applicants that ties the holiday let to one of the dwellings.

### SITE DESCRIPTION AND PROPOSAL



The application site is located in the countryside on the south side of the main Langport Road a little to the west of the village of Long Sutton. The wider site is owned by the

current applicants and includes three dwellings and a holiday let with an agricultural barn at the rear of the property.

The wider property is a non-working farm with a range of stone outbuildings. The structure that is the subject of this application is situated east of the dwelling known as Upton Bourne and benefits from an existing access that serves two dwellings with the proposed holiday let facing onto the shared parking area. The submission includes evidence that a holiday let has been operated from the site since the middle of 2008. Alterations were undertaken to the building that have brought the structure into use as a holiday let and a small garden area is provided to the rear of the barn

## PLANNING HISTORY

10/05156/FUL	Removal of existing conservatory and front entrance porch and construction of single storey extensions one with dormer window and first floor accommodation. Approved.
10/00938/FUL	The conversion of 2 no. barns into 1 no. dwelling and 1 no. holiday let together with associated access, parking and turning. Approved.
09/01896/FUL	Formation of a vehicular access with turning and parking area. Approved. (This approval also served the above ref: 10/00938/FUL)
882456	Reserved Matter (872219) for the erection of a bungalow. Approved. (A legal obligation limited its separate use only while the wider site remained in industrial use). This application relates to the above ref: 10/05156/FUL.

## 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 decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

The relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review, and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR 6 - Development Outside

Policy 49 - Transport

Saved policies of the South Somerset Local Plan:

ST3 Development Area

EH7 - Conversions

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

ME10 Tourism

National Guidance

PPS1 - Sustainable Development

PPS7 - Rural

South Somerset Sustainable Community Strategy

Other Relevant Documents:  
Long Sutton Village Design Statement

## CONSULTATIONS

**Parish / Town Council** - The Parish Council do not object to this application but we would like to see a robust condition added that would tie the Cider barn to the main house and stop it being sold off as a separate unit. (Officer note: A condition cannot control ownership although a holiday let condition is proposed that would help control the structure's continued use for purposes as a holiday let.)

**County Highway Authority** - No objection subject to no obstruction condition.

**Area Engineer** - No comment

## REPRESENTATIONS

2 Neighbour notification letters were issued. There have been two responses that raise objections:

The address is wrong.

A retrospective application. The actual conversion appears to have been done without planning or building regulations/control permission. Contrary to the application, the Cider Barn does NOT have direct access to the neighbouring Drovers. It only has access direct onto the A372, or possibly across the applicant's field/gateway to Vedal Drove (150m or so).

A previous Highway Authority letter did point out that the Upton Bourne entrance is not wide enough for 2 vehicles to pass and that a telegraph pole would be in the way were it to be widened. The Upton Bourne entrance is now proposed to serve two holiday properties generating traffic. Hence the Upton Bourne entrance is now being considered for comparable traffic levels to that of the earlier application when a wider entrance was thought relevant. Why do the HA now seem more content about the Upton Bourne entrance than they were before when it was considered for approximately the same level of traffic (2 lets and a large house)? The hazard of insufficient entrance width/impaired visibility remains, with exit onto a fast section of road where speeds are routinely above the 30 MPH limit and this will need to be given proper consideration.

I hope that the planning approval process used here will give due consideration to the points made about the complex nature and sequence of recent planning applications made. It is not satisfactory to consider only small sections of the site one at a time.

## CONSIDERATIONS

The main considerations relate to the principle of development, to character and appearance and highway safety.

### **Principle of Development:**

Policy ST3 (Development Areas) restricts development in the countryside but must be read in conjunction with other Local Plan policies. Policy EH6 considers the conversion of buildings in the countryside for the purpose of holiday let accommodation. Likewise policy ME10 considers tourism and the proposed conversion provides holiday let accommodation

The building's conversion took place about the middle of 2008. Local plan policy requires that the structural condition of the building is such that it is capable of conversion without any significant reconstruction and enlargement. For all practical purpose the alterations have already been undertaken on site and can now be fully appreciated. According to

neighbour responses there have been additional openings inserted into the structure. What is seen on site is considered acceptable to the structure's character and it is considered the building would have been capable of re-use at the time of its conversion. Holiday let accommodation is considered an economic benefit and the evidence submitted with the application appears to show successively let holiday accommodation.

The structure is considered to be of limited scale and there has been no enlargement of the building which is considered appropriate. Seen in context the holiday let shares access and parking arrangements with the other dwelling(s) on site and forms part of a coherent built form within a defined area of the site alongside the roadside.

**Character and Appearance:**

The adaptation of the former outhouse to form a holiday let is complete and we have to consider how the structure currently looks. Building Control have been notified of the proposal and whether it is appropriate for them to seek an application for building regulations. The internal alterations are not a matter for planning.

There is a private area of garden to the rear of the holiday let with access from the building considered to have been inserted as part of the previous remodelling.

**Visual Amenity:**

The holiday let overlooks the gravelled courtyard area shared by the other two dwellings both currently part of the wider site owned by the applicants. It is considered that there is no harm that arises for any future occupants of the adjacent dwellings.

**Highway Safety:**

The Highways Officer has no objection to the proposed use and increased use of the access. Further enquiry was made following receipt of a neighbour letter concerned with the difference between the current Highway response and earlier letters. The Highways Officer stands by their formal consultation response. The current standard of the access is not such that it warrants an objection that could be sustained at appeal. The increase in traffic generation associated with a holiday let is quite small and the trips generated do not coincide with the peak movements on the highway network. The previous concerns expressed by the Highway Authority were just that, concerns, as well as relating to an additional self contained dwelling. The approach is considered to have been consistent with their previous responses, given that the current proposal is for a holiday let.

**Neighbour Responses:**

All the comments that have been received are noted. The actual address is identified by the grid reference that is given as part of the validation process. Although a retrospective application, the actual alterations and current appearance are readily appreciated and access is shared with the other existing dwellings on site. The Highways Officer has given further comment on their reasons to support the current application without the need for alteration to the existing access.

The current application is the fourth made by the current applicants. At the time of the second application received the whole site was reviewed in the company of Parish Council representatives. It was at this time that the holiday let came to the Council's notice. The third application sought a household type extension of an existing dwelling. The first application sought a new access and closure of a substandard and far more dangerous access immediately to the west of Little Upton Bridge.

In considering the different applications made there is a need to consider the individual merits of each application received. Nevertheless there has from the second application made onwards been an awareness of whether there should not be an overall approach

to the site. To permit the holiday let in association with the other permissions result in the addition of one dwelling and two holiday lets that is considered acceptable in this location. There remain an assortment of outbuildings most, if not all, of which are appropriate as outbuildings associated with the residential dwellings on site.

The completion of the access and boundary walls permitted under reference 10/00938/FUL is a separate matter, one for enforcement that must be pursued separately and does not influence the outcome of the current application. At the time of drafting this report the applicant advises that in the coming weeks with the return of their stone mason they do anticipate completion of the access and boundary arrangements.

**Legal Agreement:**

The recommendation seeks to impose a planning condition that the holiday let is maintained as such into the future. The condition controls the use of the site and unlawful use would need to be ongoing for more than 10 years during which time it is expected that any breach would be reported or come to the attention of the Local Planning Authority capable of enforcing matters. Whether a legal agreement or a condition the Planning Inspectorate favour the use of conditions rather than the use of legal obligations that are considered to fulfil the same objectives although more heavy handed.

**RECOMMENDATION**

APPROVE

01. The proposal, by reason of its substantial construction without the need for extensions and alterations, represents a building suitable for conversion in accordance with the aims and objectives of policies ST4 and EH6/7 of the South Somerset Local Plan.

**SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 2 March 2011.

Reason: To comply with Section 73A of the Act.

02. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety further to policy 49 of the Somerset and Exmoor National Park Joint Structure Plan

03. The development hereby permitted shall be carried out in accordance with the following approved plans: 01 date stamped 2 March 2011 and floorplans date stamped 3 February 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

04. The occupation of the holiday accommodation hereby permitted shall be restricted to bona fide holidaymakers 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 provided is unsuitable for use as a permanent dwelling because of its limited size and inadequate facilities on site and the Local Planning Authority wish to ensure the accommodation is available for tourism.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extension of the holiday let building without the prior express grant of planning permission.

Reason: The proposal was considered under the barn conversion policy and further enlargement should be controlled further to policies EH6/7, and ST6 of the South Somerset Local Plan

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