

Area North Committee – 27 June 2012

Officer Report On Planning Application: 12/00875/OUT **

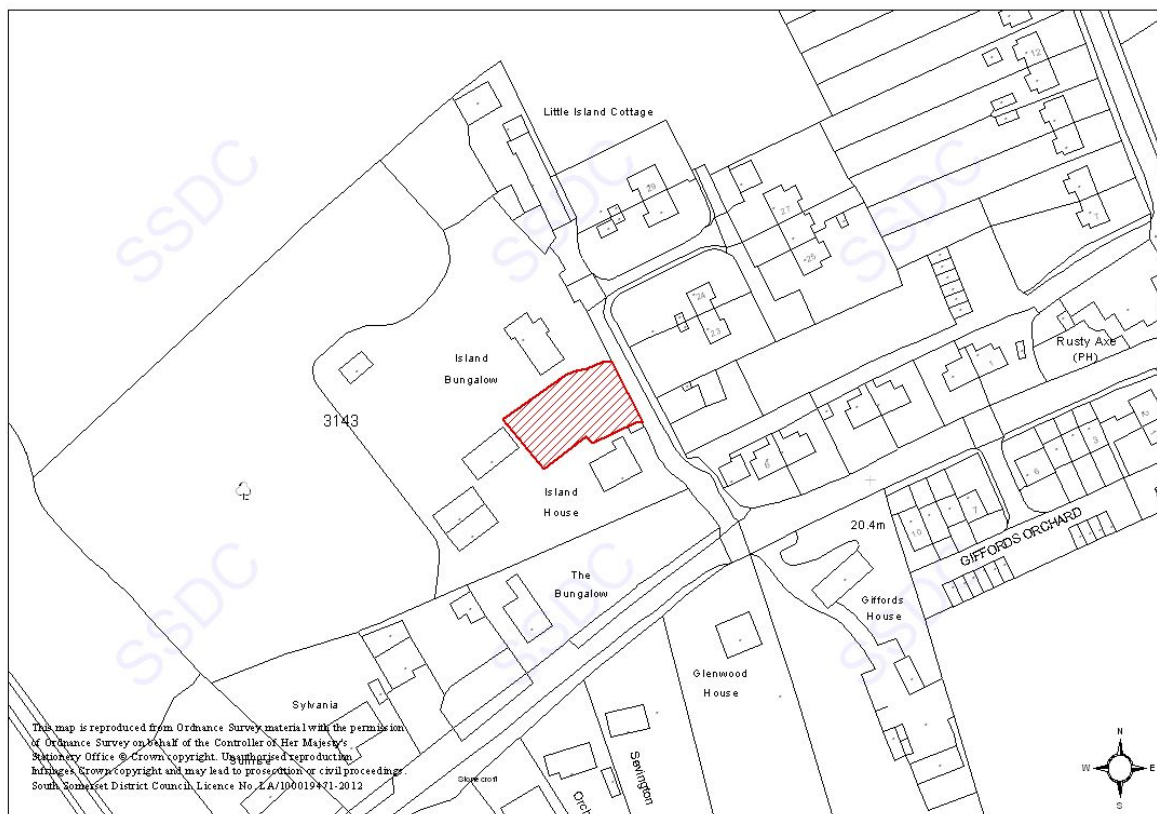
Proposal :	Outline application for the erection of a dwellinghouse (GR: 342381/120419)
Site Address:	Island House, Stembridge, Martock
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date :	2nd May 2012
Applicant :	Mr Brian Stuckey
Agent: (no agent if blank)	Clive Miller And Associates Ltd Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

The application is 2-starred' (**) as the proposal for a new dwelling in this rural location, for which no reasonable justification has been put forward, is contrary to policy and, if approved, could have district-wide implications. Accordingly, should Area North wish to support the proposal contrary to the officer recommendation then members are advised that the application would need to be referred to the Council's Regulation Committee for consideration.

REASON FOR REFERRAL TO AREA NORTH COMMITTEE

This application is referred to the Committee with the agreement of the Chair so that the Ward Member's opinions can be considered further. The Ward Member considers that while the site is outside the development area, the site is between two existing dwellings and will cause no demonstrable harm to the bungalow or the access.

SITE DESCRIPTION AND PROPOSAL



The site is located on the outskirts of Stembridge, a small village which does not have a defined development area, and currently forms part of the garden area of Island House.

This application seeks outline permission for the erection of a detached, two-storey dwelling and detached, two-bay garage. Indicative plans of the proposal have been submitted showing a three bedroom dwelling, although all matters have been reserved.

The applicant has provided additional supporting information in the form of a list of local services and facilities that serve the parish of Kingsbury Episcopi, and responses to the letters of objection received in relation to the application.

HISTORY

761193 - Reserved matters: Erection of bungalow and garage on land adjacent to Island House. Granted conditional approval on 11/08/1976.

751938 - Outline: Erection of bungalow and garage on land adjacent to Island House. Granted conditional approval on 02/04/1976.

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.

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

Policy STR1 - Sustainable Development

Policy STR6 - Development Outside Towns, Rural Centres and Villages

Policy 33 - Provision of Housing

Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan:

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy TP7 - Residential Parking Provision

Policy HG1 and HG2 - Provision for New Housing Development

National Guidance

National Planning Policy Framework - March 2012

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

CONSULTATIONS

Parish Council - No objection

County Highway Authority - Notes that the site is located outside of any development limit and within an area that is considered to be unsustainable in transport terms given the lack of adequate services and facilities, together with limited public transport services within the immediate vicinity, and such fostering of growth in the need to travel would be contrary to government advice. Also notes that there does not appear to be any over-riding agricultural support to satisfy a genuine local need. The proposed development drives access onto/from Island Lane, which is a private road with a right of way running along it. Recommends the application is refused on sustainability grounds and supplies a recommended refusal reason.

Area Engineer - No comment

Landscape Architect - No landscape issues

SSDC Rights of Way Officer - No objection

County Rights of Way Officer - Standard response regarding public right of way that runs along access.

REPRESENTATIONS

FIVE LETTERS OF OBJECTION - Have been received, raising concern over the following issues:

- Site is located outside of defined development area
- Application 08/01669/FUL is cited in the Design and Access Statement as setting a precedent, however the planning officer recommended refusal of the application and the only reason it was granted permission was due to the close proximity of the site to the development area of Kingsbury Episcopi
- This site is in a completely different location and therefore cannot be compared to the

- site at Kingsbury Episcopi
- Many applications for new dwellings in Stembridge have been refused and this application should be treated in the same way
 - Emerging policy SS2 is referred to, however the proposal does not meet the criteria of this policy as it does not provide employment opportunities
 - Does not enhance or contribute towards community facilities or services, and does not meet an identified need or provide affordable housing
 - Discrepancy on the plans relating to historical boundary of Island Bungalow on the adjacent site
 - Safety issue relating to the proposed altered access due to a telegraph pole and steel cable partially obstructing the entrance
 - The proposed access to the orchard restricts access, such that it will force vehicles to make a wide sweep causing damage to the opposite kerb, pavement and hedges
 - Question over the ownership of the lane accessing the property and the right to create further accesses onto it
 - Increased traffic created by the dwelling will cause danger to users of the PROW
 - Proposed development will block views across the orchard to Burrow Hill from the PROW and properties on the other side of the lane, constituting a loss of amenity
 - Loss of light to adjacent Island Bungalow by proposed dwelling
 - Increased disturbance to Island Bungalow from noise
 - Overlooking and loss of privacy to Island Bungalow
 - Overbearing/overshadowing of Island Bungalow and its rear garden
 - Proposed access to the site is at the narrowest part of Island Lane, which raises safety concerns for vehicles and pedestrians
 - Who will be responsible for making good further damage to the surface of Island Lane?

CONSIDERATIONS

Principle

The site is located outside of any defined development area, where the principle of new development is resisted. While the application site is located within Stembridge, the small village benefits from the same degree of protection as the open countryside, due to the lack of a development limit. Accordingly the proposal is contrary to planning policy.

No over-riding benefit has been offered by the dwelling in terms of eco-credentials or affordability, and hence there is no reason to reject established planning policy in this circumstance.

While the agent has referred to a site in Kingsbury Episcopi that was granted permission for a new dwelling outside of the defined development area, the Local Planning Authority does not consider this site to be comparable for the following reasons. That dwelling was located on Folly Road, very close to the development area of Kingsbury. The site was within a built up area and was a logical infill plot. Furthermore, being so close to the centre of Kingsbury Episcopi, the site had good access to a range of local services and facilities.

The same cannot be said for this site in Stembridge, which is in a different village entirely, not located close to a development limit and not close to local services and facilities. The agent has supplied additional information to demonstrate that there are a number of local facilities available through the number of small local businesses within the Parish, however the majority of these facilities are distant from the site and would not serve the everyday needs of a dwelling in this location.

There is an extensive planning history within Stembridge where residential development has been resisted by the Local Planning Authority, and several of these decisions have been defended at appeal by the Planning Inspectorate. Of particular note are the following applications:

- 09/03070/OUT - Residential development was refused and then dismissed at appeal due to the proposal failing to justify an exception to planning policies restricting development in the countryside location.
- 05/02336/OUT - Residential development was refused and then dismissed at appeal due to the conflict of the proposal with policies that resist development in the countryside and also due to a lack of local facilities.
- 02/02917/OUT - Residential development was refused and then dismissed at appeal due to a lack of local facilities and the countryside location being contrary to policy.
- 02/00989/OUT - Residential development was refused as no proven essential need was established to override policies restricting development in countryside locations.

This planning history demonstrates a clear precedent has been established of refusals and dismissed appeals of new dwellings in Stembridge. These decisions show a consistent approach to residential development in such a location, outside the development area and with limited local facilities and services available, and the Local Planning Authority sees no justification put forward with this application to override the consistent precedent that has been established.

Highways

The Highway Authority has objected to the proposal on the basis that the site is located outside of any development limit and within an area that is considered to be unsustainable in transport terms given the lack of adequate services and facilities, together with limited public transport services within the immediate vicinity, and such fostering of growth in the need to travel would be contrary to government advice. The Highway Authority also notes that there does not appear to be any over-riding need, such as for an agricultural worker dwelling, to satisfy a genuine local need in the area.

Other Issues

A number of objections have been raised in relation to the proposal, some of which are relevant to the proposal and some which are not.

Reference is made of the proposal's failure to meet the requirements of emerging Core Strategy policy SS2. While the Local Plan provides the current policies, the emerging policy SS2 is gaining more weight. The LPA concurs the development fails to meet this emerging policy as the proposal fails to contribute towards community facilities or services, does not meet an identified need/affordable housing and does not provide employment opportunities.

Much concern is raised in letters of objection about the ownership and maintenance of the lane accessing the property, and harm to pedestrians using this lane. The lane is a private right of way and is not adopted by the Highway Authority. Accordingly, maintenance of the lane relates to a civil matter, which is not a material planning consideration in this instance. The Right of Way Officers have not raised an objection to the use of the lane and the Highway Authority is not concerned with the access off the lane, given that the lane is not adopted.

Concern has also been raised regarding the impact of the proposal upon Island Bungalow, directly to the north of the site and the historical boundary between the two properties. However it is considered a dwelling could be accommodated upon the

application site, without harming the residential amenity of Island Bungalow, and the historical boundary line is not relevant to the determination of this application.

Conclusion

While the Parish Council has not raised an objection to the proposal, several letters of objection have been received and the Highway Authority has also objected to the principle of the development of the site. The site is outside of any defined development area, and accordingly in planning policy terms Stembridge benefits from the same degree of protection as the open countryside. No evidence has been submitted to demonstrate that there is a need for the proposal in this local area, and Stembridge as a village has almost no local services or facilities and is therefore considered to be an unsustainable location. Comparisons with the site in Kingsbury Episcopi where a dwelling was approved in 2008 are very weak, and are not considered to aid the arguments in favour of this proposal. No exceptional justification has been forward by the applicant to warrant the over-riding of planning policy and therefore the proposal is considered to be unacceptable.

RECOMMENDATION

Permission be refused

REASON:

The site is outside of any defined development area, and in planning policy terms Stembridge benefits from the same degree of protection as the open countryside. No evidence has been submitted to demonstrate that there is a need for the proposed dwelling in this local area, and Stembridge has very limited local services and facilities and is therefore considered to be an unsustainable location for new residential development of this type. No exceptional justification has been forward by the applicant to warrant the over-riding of planning policy and therefore the proposal is considered to be unacceptable and contrary to policies ST3 of the South Somerset Local Plan, STR6 of the Somerset and Exmoor National Park Joint Structure Plan and the policies set out in Chapters 4 and 6 of the National Planning Policy Framework.
