

Area North Committee – 24 July 2013

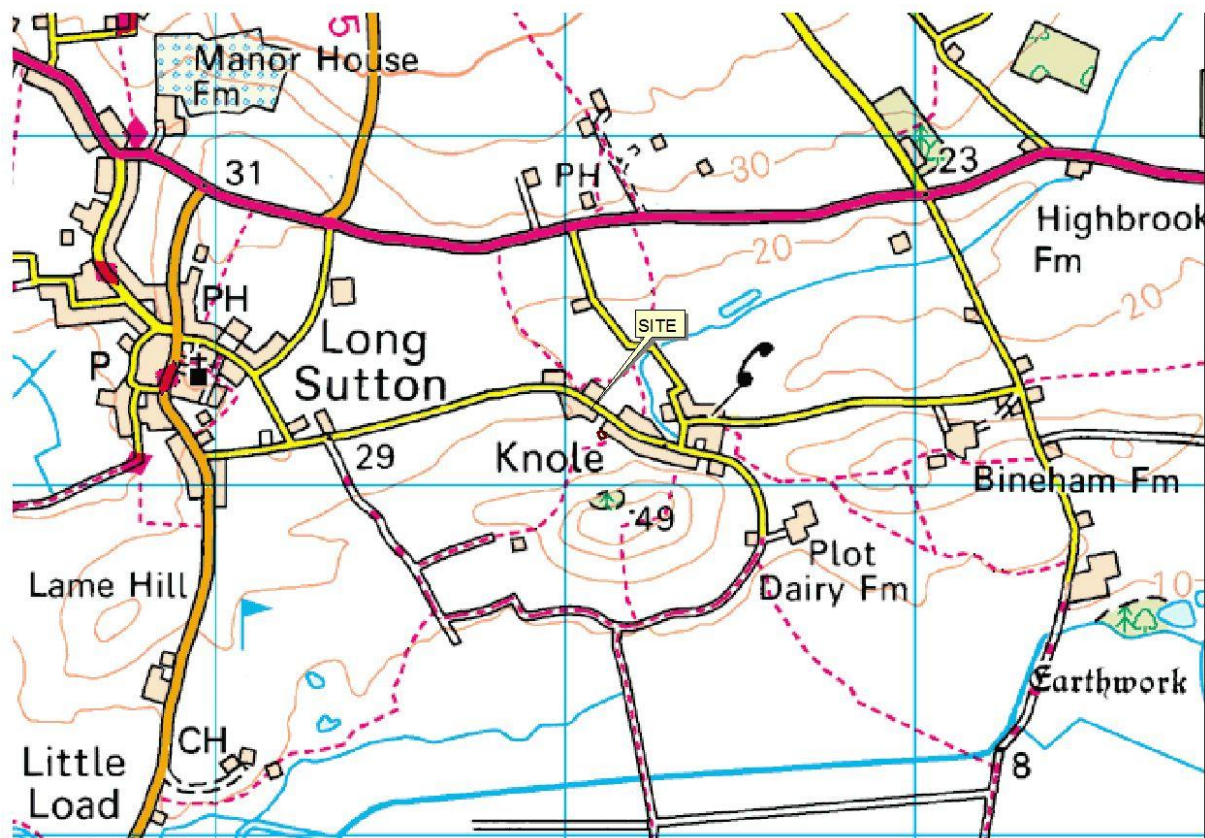
Officer Report On Planning Application: 13/01831/COU

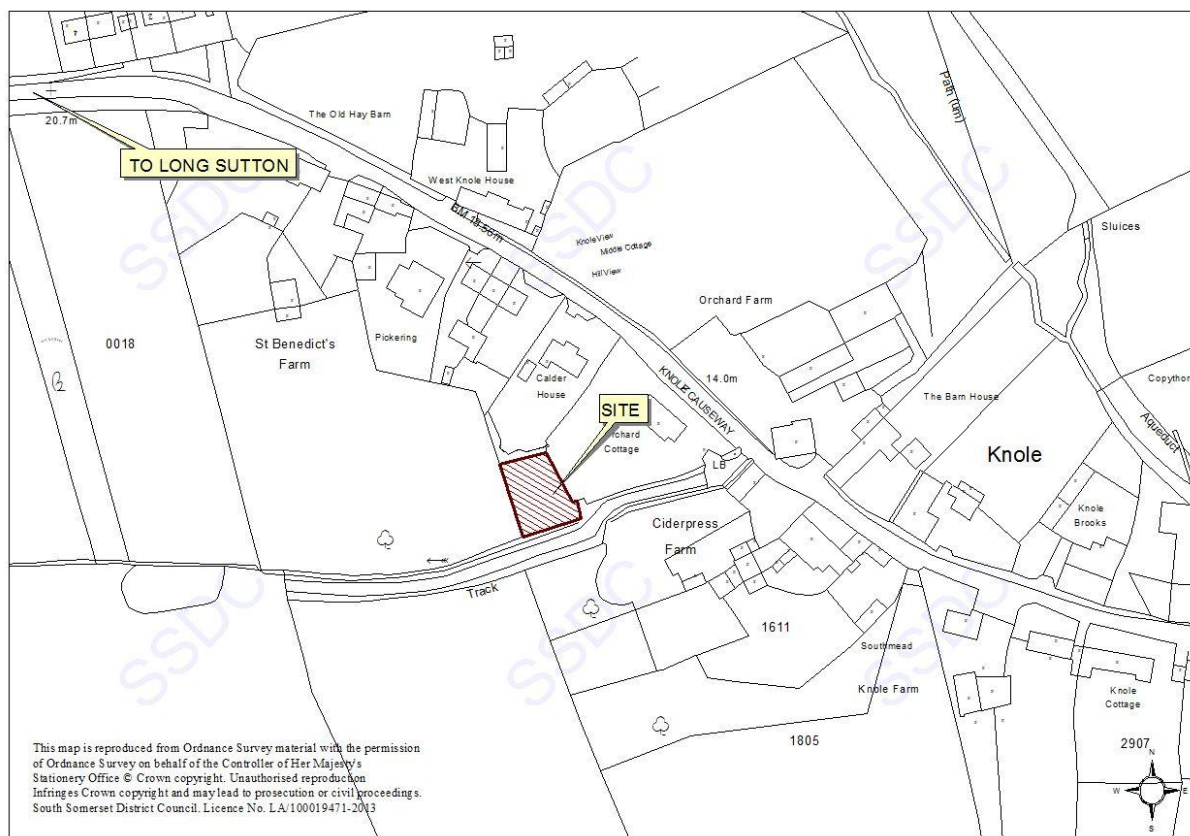
Proposal :	Change of use of redundant agricultural land to garden (retrospective) (GR 348142/125161)
Site Address:	Orchard Cottage, Knole, Long Sutton
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr S Pledger
Recommending Case Officer:	Anuska Gilbert Tel: 01935 462159 Email: anuska.gilbert@southsomerset.gov.uk
Target date :	10th July 2013
Applicant :	Mr And Mrs S Pledger
Agent: (no agent if blank)	Smith Planning & Design Limited, Wayside, Fivehead Taunton TA3 6PQ
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The application is referred to the Area North Committee as the applicant is a District Councillor.

SITE DESCRIPTION AND PROPOSAL





The parcel of land subject to the application is located to the rear of the garden area serving the main property, Orchard Cottage. Both the main dwelling and the parcel of land subject to this application are located outside the development area as defined by the South Somerset Local Plan. The main property is located on the southern side of Knole Causeway, Knole's main thoroughfare, within the conservation area and forming part of a residential streetscene comprised of two storey dwellings, most of which are detached, some of which are listed buildings and most of which include generous rear gardens. The existing residential curtilage belonging to the dwelling wraps round the property from south to north, with a driveway and detached garage to the east.

The piece of land itself adjoins the western end of the existing garden area, measures approximately 0.036 hectares in area and is bounded to the north, south and west by timber fencing and mature planting. According to the application, it is redundant agricultural land acquired by the applicant in 2008. The application advises that since then it has been cleared, levelled, landscaped and fenced and is now used as part of Orchard Cottage's domestic garden. This retrospective application seeks the change of use of the land to garden. There is no landscaping scheme proposed.

HISTORY

13/01788/FUL - Installation of a chimney on north west elevation - withdrawn - June 2013

04/00071/FUL - Erection of a single storey extension - permitted with conditions - March 2004

03/02090/FUL - Erection of a detached garage and alterations to existing vehicular access - permitted with conditions - September 2003

03/01634/FUL - Erection of detached garage and formation of new vehicular access - withdrawn - July 2003

03/00200/FUL - Alterations and extension to dwelling (amended scheme) - permitted with conditions - March 2003

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.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (April 2006)

ST3 - Outside Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EH1 - Conservation Areas

EC3 - Landscape Character

National Planning Policy Framework - March 2012

Chapter 11 - Conserving and enhancing the natural environment

South Somerset Sustainable Community Strategy

Goal 11 - Environment

Other Material Considerations

The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 - An Environmental Impact Assessment is not required.

CONSULTATIONS

Long Sutton Parish Council - No objection subject to -

- That the land edged red, whilst deemed to be 'garden' should have its permitted development rights withdrawn. The Council discussed in some detail as to why the applicant could not just have their own garden and then a subsequent area of adjacent agricultural land/ small paddock as exists with so many other dwellings in the Parish.

The Parish were keen to not see this area of land developed by use of any householder permitted development rights due to encroachment into what the Parish felt was the countryside, and that any future development should be contained within the original curtilage of the dwellinghouse. Therefore the removal of such rights from the land would be an appropriate step.

Area Engineer - No comment

SCC Highways - No observations

Conservations Officer - I defer to the Landscape Officer's comments

Landscape Officer -

In most instances I am not supportive of curtilage extensions within a rural context, for national planning guidance seeks to protect the countryside, and our local plan policy ST3 seeks to strictly control the extent of development, unless environmental benefits can be gained.

By definition, the proposal will clearly result in erosion of the countryside; by virtue of domestic expansion into agricultural land. Also there is no intrinsic environmental enhancement in supplanting farmland with a domestic use.

Having said that, the proposal does not impact upon existing landscape features, nor does it extend disproportionately into the land to its rear. I also note adjacent properties to either side of Orchard Cottage with a comparable length of rear garden extending to the west. Consequently, providing there is some form of environmental benefit as is required by policy ST3 sought by condition in relation to any consent that you might be minded to approve here, such as hedgerow planting along the site's western boundary to better define and contain the curtilage, or tree planting within the plot, I will have no landscape issues to raise.

REPRESENTATIONS

9 neighbours notified and site notice (conservation area) erected - no representations received.

CONSIDERATIONS

Principle of Development

The land in question is outside of the defined development area, as is the whole of Knole. As such, the land subject to application is located in an area where development is to be strictly controlled, in the interests of sustainable development and to protect the environment. In this case, in line with the comments of the Landscape Officer, whilst the proposal by definition will result in an erosion of the countryside, it is considered that in terms of landscape character, the proposal does not impact upon existing landscape features or extend disproportionately into the land to its rear. Under the circumstances, and provided no harm to the setting can be identified, it is considered that the proposal to use this land for domestic gardening is acceptable in principle.

Impact on Landscape and Setting

The parcel of land in question relates well to the extent of adjacent gardens to the north east and south east in terms of footprint. According to the application, the land has been used as garden since 2008 and appears well contained by a boundary treatment of timber fencing and mature planting. The existing planting around the boundary of the land is comprised of shrubs, trees and hedging. Given the amount of planting already in situ around the north, south and west of the land, the condition suggested by the landscape officer requiring hedgerow or tree planting is not considered necessary and such planting already exists. The visual impact of the scheme is not extensive, or considered incongruous and as such is not considered that any landscape or visual harm to the surrounding conservation area or countryside is represented by the proposal.

Control of Future Development

Due regard must be given to the effect of the granting of a change of use permission on this piece of land. In the interests of protecting the open agricultural character of this land, the Parish Council's suggestion that permitted development rights for the erection of structures on the land be withdrawn, is considered wholly appropriate.

In Policy terms, the area of land lies outside development limits and there is as such a strong presumption against new development in this location. Therefore, whilst this application can allow the area of land to be adopted as garden area, it is not considered that this should allow it to gain the householder permitted development rights that garden areas usually benefit from for it is still, in essence, agricultural land outside the development boundary.

Conclusion

In the absence of any demonstrable visual or residential amenity harm, and subject to the withdrawal of any permitted development rights, the proposal is considered acceptable and is as such recommended for approval.

RECOMMENDATION

Grant permission

01. The proposal, by reason of its scale and siting respects the characteristic pattern, features and appearance of the local landscape and causes no demonstrable harm to residential and visual amenity in accordance with the aims and objectives of Policies ST3, ST5, ST6 EH1 and EC3 of the South Somerset Local Plan 2006.

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 15th May 2013.

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing number 13/01328/01 received 23 April 2013

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

03. 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), no sheds, outbuildings or any other structures shall be erected on the subject land without the express grant of planning permission.

Reason: To safeguard the character and appearance of the area and the amenity of neighbouring occupants, in accordance with the aims and objectives of Policies ST3, ST6 and EC3 of the South Somerset Local Plan (2006).