

Area North Committee – 27 November 2013

Officer Report On Planning Application: 13/03756/COU

Proposal :	Use of residential annexe for short term letting, including the submission of a legal undertaking to prevent the annexe being separated from the dwelling (Revised Application) (GR:340571/124875)
Site Address:	Strachey House North Street Drayton
Parish:	Drayton
CURRY RIVEL Ward (SSDC Member)	Cllr Terry Mounter
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	13th November 2013
Applicant :	Mr Stephen Legg
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to committee at the request of the ward member in the interests of a full discussion of the concerns of the Parish Council.

SITE DESCRIPTION AND PROPOSAL





The site is located on the east side of North Street within the conservation area. The site is outside of the defined development area. Development within this part of the village is of a linear form, running along the main road. The property under consideration is an annexe to the main dwellinghouse, both buildings fronting directly onto the highway. The site itself comprises little more than the footprint of this small building which has a living/kitchen area, bathroom and a bedroom, taking access directly off the pavement. The site area is approx. 48 sq. m.

HISTORY

12/04192/COU - Use of residential annexe for short term letting, including the submission of a legal undertaking to prevent the annexe being separated from the dwelling - refused, for the following reasons:

01. *The village of Drayton is part of the wider countryside setting, without development limits and recognised to be an unsustainable settlement. There is no exceptions' policy need that has been established by the application and as such the proposal constitutes the unjustified and unsustainable consolidation of development beyond the recognised limits of a designated settlement to the detriment of the character and appearance of the locality and is therefore contrary to policy STR1 and STR6 of the Structure Plan and policies EH7 and ST3 of the South Somerset Local Plan, and the NPPF.*

02. *The proposed conversion of this modest building with no private amenity space would by reason of the limited accommodation, lack of amenity space and failure to provide any off street parking fail to provide an acceptable standard of amenity for occupants and would be contrary to policies ST5 and ST3 of the South Somerset Local Plan, policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and the NPPF.*

Building Control: 04/02204/OTHR. Conversion of garage/shed to living space. Completion date 12.11.09.

Enforcement: 06/00178/USE. Following discussions with the owner it was found that the accommodation sought an extension of the living space to the main dwelling, rather than formed an annexe. In 2011 the then enforcement officer revisited the site and reminded the applicant of their earlier discussion. Application 12/04192/COU followed from that visit.

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.

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.

The policies of most relevance to the proposal are:

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

ST3 - Development Areas
 ST5 - General Principles of Development
 ST6 - The Quality of Development
 ST10 - Planning Obligations
 EH1 - Conservation Areas

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
6. Delivering a wide choice of high quality homes
12. Conserving and enhancing the historic environment

Policy-related Material Considerations

South Somerset Sustainable Community Strategy

Goal 1 - Safe and Inclusive
 Goal 2 - Healthy and Active
 Goal 3 - Healthy Environments
 Goal 7 - Distinctiveness
 Goal 8 - Quality Development
 Goal 9 - Homes
 Goal 11 - Environment

Somerset County Council Parking Strategy, March 2012.

Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: *The Parish Council recommends that this application goes before Area North Full Planning Committee, as there is a local need for this type of accommodation and it is preferable to holiday let accommodation.*

Highways Authority: The Highways Authority has reiterated its previous comments:

The proposed development is outside of any development limit, it is remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent in the immediate vicinity. As a consequence, occupiers of the new development are likely to be dependent 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.

The Highway Authority takes the view insofar that annexes are used ancillary to an existing dwelling occupied only by members of the same household/family it is considered there will be no increase in traffic over and above the existing use as a single dwelling. However a change of use to a separate independent unit of residential accommodation will lead to additional traffic movements in what is considered to be a unsustainable area and effectively tantamount to a new dwelling, given its previous restriction of use and planning status.

In addition the existing dwelling does not benefit from off street parking and no off street parking is proposed therefore it will lead to additional vehicles being parked on the adjoining highway network, causing a hazard and obstruction to road users and to the detriment of highway safety.

Since the previous application, there have been changes to the Somerset Parking Strategy where it is stated that a one bedroom dwelling in zone C, (which is applicable to Drayton), should have 2 parking spaces in addition to a sheltered and secured cycle provision within the site. This proposal does not make provision for either.

Taking the above points into consideration, the Highway Authority would recommend the application is refused in terms of sustainability and lack of parking.

REPRESENTATIONS

None received.

CONSIDERATIONS

An earlier application for the use of this building as a separate dwelling unit was refused (12/04192/COU) for the reasons set out above. As the applicant has chosen not to appeal this decision, the main consideration, therefore, is the degree to which the current application overcomes the reasons for refusal.

The application is supported by a Supporting Statement, and a draft, unsigned unilateral undertaking.

The covering letter with the application makes two points of difference from the previous application:

- consideration was not given in the previous application to the submitted unilateral undertaking preventing the fragmentation of the annexe from the house; and
- the description of the proposal incorrectly noted on the first application that building work had not been completed (this is now rectified)

Scope of this Application

This application, as with the previous refused application, seeks a change of use to permit the use of this building as a separate dwelling unit. The length of letting, and the ownership of the building do not alter the fact that its use as a separate dwelling is being sought, independently of the main dwellinghouse.

Draft Unilateral Undertaking

The submitted unsigned, draft undertaking refers to an attached plan which has not been supplied. It is assumed that the 'area edged red' would include the whole planning unit, including both the house and the annexe with their curtilage, as the area edged red on the planning application plan is only the annexe. Such an undertaking would only prevent the separate sale of the building; it would in no way prevent its use as a separate dwellinghouse. Indeed, as set out in the paragraph above, the purpose of this application is to allow the use of the building as a separate dwelling.

It is not considered that the signing of an undertaking would overcome the concerns raised by the creation of a separate dwellinghouse on this site, which was the primary reason for refusal of the application.

Previous Assessment of the Proposal

It is not considered that anything submitted by the applicant in this re-submission alters the original assessment of the proposal, which was assessed by the case officer as follows:

The main considerations concern:

Principle of Development

Drayton is without development limits and is distant from adequate services and facilities, with limited public transport services that are infrequent with occupants dependent on private vehicles for most of their daily needs fostering growth in the need to travel, considered contrary to government advice and policy ST3 that seeks to control new housing in unsustainable rural locations.

Visual Impact

The change of use does not involve any operational development. The roadside character remains the same.

Impact upon Amenity

With regard to the actual occupants of this property, while the modest scale and physical constraints of the site might be suitable for a holiday property in terms of its permanent occupancy for short term rental the site's physical limitations are considered not to make for an acceptable level of accommodation, for occupation as someone's home.

Highway Safety

The Highway Authority considers the proposal leads to additional traffic movements in what is considered an unsustainable location. Without off street parking additional

vehicles are being parked on the adjoining highway network, causing hazard and obstruction to road users to the detriment of highway safety. There is no mitigating support from sustainable economic benefit or tourism use, contributing towards sustainable development.

Other Matters

The application follows enforcement enquiries into the conversion works that were originally told to be for ancillary accommodation for family members although subsequently the unit has been used for rental purposes on short-term rental, effectively establishing a new dwelling.

There is no special circumstance present, as in the case of a non-dependent relative occupying the annexe supported by a legal obligation requiring reversion of the accommodation to remain ancillary to the main dwelling.

Policy ST3 of the Local Plan

Since the previous determination, appeal decisions have placed the Local Authority in a position where it cannot demonstrate a five year land supply in terms of meeting its housing needs. Under these circumstances Policy ST3 of the SSLP cannot be applied, and development should instead be assessed under the provisions of the NPPF (and other relevant local plan policies) to determine whether the proposal meets the requirements of sustainable development.

The NPPF identifies the three dimensions of sustainable development - it is expected to perform an economic, a social and an environmental role, paragraph 8 is clear that sustainable development consists of a combination of all three elements. These are considered as follows:-

- From an economic perspective this proposal because of its scale brings limited benefit to those employed in the construction of the new dwellings.
- In terms of a social role the development might help meet the shortfall in housing, but is not in the right place with sustainable accessible local services, employment, education, shops, healthcare etc.
- From an environmental perspective the proposal's location would not minimise the impacts of climate change. Future occupants would have to travel considerable distances to access even the most basic services and facilities. Public transport is limited and whilst some might occasionally cycle walking is unlikely to be an option, given the distances involved.

The location is not considered to meet the requirements set out in the NPPF for sustainable development.

The Somerset and Exmoor National Park Joint Structure Plan, Review, 2000

Since the previous application was considered, the Structure Plan has been rescinded, and is no longer a policy consideration.

Parking

The proposal provides no off-street parking, and a provision of two parking bays applies. The proposal does not accord with the requirements of this strategy.

Conclusion

The applicant has expressed a view that the issue of his unilateral undertaking had not been taken into account in assessing the previous application. As set out above, it is not considered that ownership of the building would in any way alter the concern that the creation of a separate dwellinghouse in this locality would represent unsustainable development. An undertaking relating to the ownership of the site and building is not considered to make any relevant impact on the consideration of the use of this property as a separate unit of residential accommodation.

The concerns relating to amenity and parking remain as previously. The application is accordingly recommended for refusal, for the same reasons as in the previous application.

S.106 AGREEMENT

The submitted draft unilateral undertaking has been considered in assessing this application. As noted, it does not include the plan referred to.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASONS:

01. The proposed conversion of this modest building with no private amenity space would by reason of the limited accommodation, lack of amenity space and failure to provide any off street parking fail to provide an acceptable standard of amenity for occupants and would be contrary to the aims and objectives of the NPPF, Policies ST5 and ST6 of the South Somerset Local Plan, 2006, and the provisions of the Somerset County Council Parking Strategy, March 2012.
 02. The proposal represents unsustainable development located outside of the defined development area where it is remote from adequate services, employment, educational and other facilities, and public transport. It would foster growth in the need to travel by private vehicles and is contrary to the aims and objectives of the NPPF and Policies ST2 and ST5 of the South Somerset Local Plan, 2006.
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