

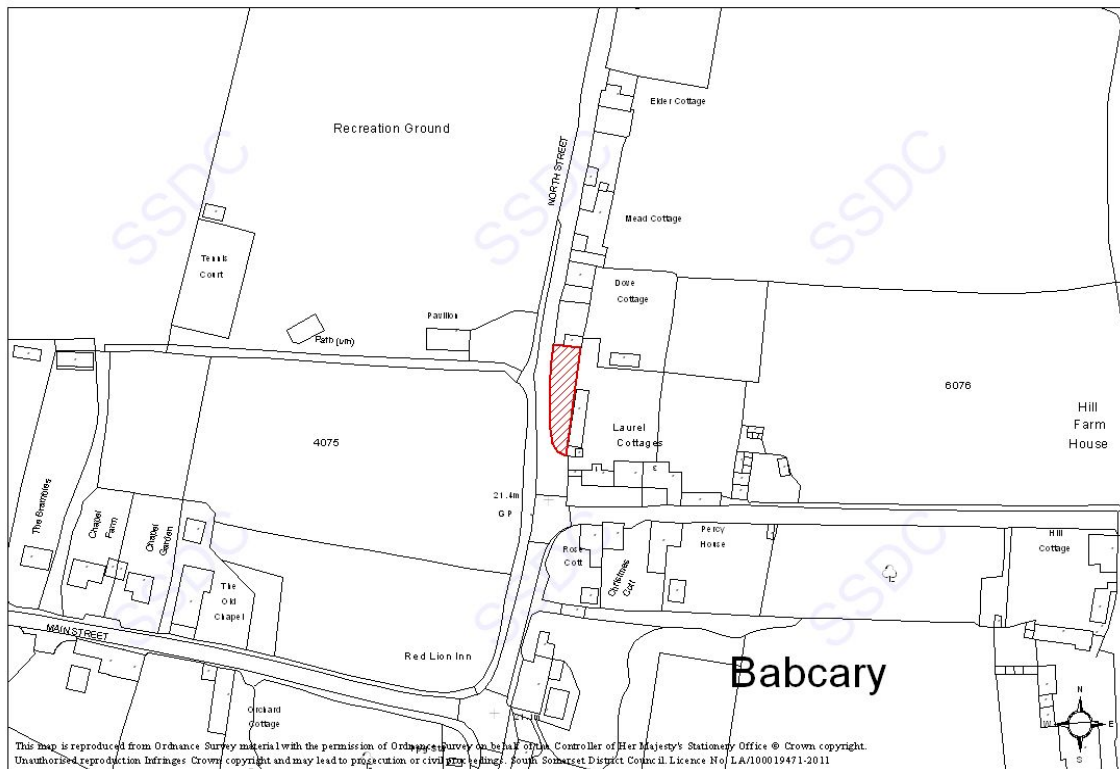
**5. The erection of a single dwelling and creation of associated access (GR:356485/128768) Land adjoining Shurlock Row North Street Babcary**

<b>Proposal :</b>	Erection of a single dwelling and creation of associated access (GR: 356485/128768)
<b>Site Address:</b>	Land Adjoining Shurlock Row North Street Babcary
<b>Parish:</b>	Babcary
<b>CARY Ward (SSDC Member)</b>	Mr H Hobhouse (Cllr) Mr J Crossley (Cllr)
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	18th January 2011
<b>Applicant :</b>	Mr Leslie Hawes
<b>Agent: (no agent if blank)</b>	Joanna Fryer Home Orchard Littleton Somerton Somerset TA11 6NR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

**Reason for Referral to Regulation Committee**

The application was considered by Area East Committee at its meeting of 9<sup>th</sup> February 2011 (draft minute attached as Appendix A). Area East Committee recommended that the application be approved, subject to condition, contrary to the officer's recommendation. The proposal seeks a new dwelling in a location that is outside any development area where there is a clear policy presumption, as set out under PPS1, PPS3, PPS7 and Policy ST3 of the South Somerset Local Plan, against such development. No exceptional justification for the new dwelling has been provided to address these policy concerns and it is considered that approval of a dwelling in these circumstances would set an unwelcome precedent that would make it difficult for this authority to resist other similar developments throughout the district.

## Site Description and Proposal



This application is seeking full planning permission to erect a detached dwelling and form an associated access.

The application site is a fairly long thin parcel of land located within the settlement of Babcarry but remote from any development areas. The site is enclosed by natural stonewalls along the front and rear boundary and whilst it is not possible to enter the site at present due to its densely overgrown state it would appear to be relatively flat and level with the adjacent road and surrounding development. The site is surrounded by other residential properties to the side and rear, with a residential garage abutting the north boundary and long single storey outbuilding along approximately half of the east boundary, and fronts immediately on to North Street with a field and recreation ground beyond. There are a couple of small trees on the site, however, due to their small stature they offer little amenity value to the surrounding area.

A revised layout plan has been submitted to address the Highway authority's concerns relating to the on-site parking and turning provision and visibility splays.

### RELEVANT HISTORY:

09/03680/OUT: Erection of a single dwelling. Refused 2009 for the following reasons:

"01. The proposal represents an unjustified development outside of the development area which would not benefit economic activity. The proposed development site 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. 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 PPS1, PPS7, 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 Policy ST3 of the South Somerset Local Plan, 2006.

02. The proposal would result in the unavoidable loss of an open space or gap within the village context which has visual and environmental value, and would be contrary to Policy ST6 of the South Somerset Local Plan, 2006.
03. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) since the horizontal alignment of the access as proposed is likely to result in excessive manoeuvring on the highway, with consequent risk of additional hazard to all users of the highway.
04. The use of the access to the site in connection with the development proposed would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000)."

94/00072/OUT: Erection of four low cost terraced dwellings and provision of parking and communal area. Refused 1994.

## **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 development plan comprises The Somerset and Exmoor National Park Joint Structure Plan Review and the South Somerset Local Plan 2006:

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan (1991-2011):

STR1 - Sustainable Development

STR6 - Development outside Towns, Rural Centres and Villages

Policy 33 - Provision for Housing

Policy 39 - Transport and Development

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan 2006:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

TP7 - Parking Provision in Residential Areas

National Guidance:

PPS1 - Delivering Sustainable Development

PPS3 - Housing

PPS7 - Sustainable Development in Rural Areas

PPG13 - Transport

## **CONSULTATIONS**

Babcary Parish Council: The Parish council has considered this application and we are fully supportive and keen for it to go ahead. We believe that an exception should be

made to the general presumption against new dwellings in Babcary because (a) this will help meet local housing needs for smaller, less expensive houses in the village for local young families and (b) this is not an attractive green space between houses but an eyesore. It is an overgrown, run down, plot of land in the centre of the village which used to be the site of the smithy and was, until a few years ago, earmarked for development. The plot is too small to be used for anything else and, as it stands, it is detrimental to the look of the village.

Technical Officer: No comment

County Archaeology: No objections

SSDC Rights of Way: No comments received

County Highways: The following comments relate to the revised scheme submitted 03/02/2011:

“The proposed stone wall and hedge to the south of the Dove Cottage drive will be removed and the wall will be rebuilt on a new line set back from the carriageway by 1800mm providing them (Dove Cottage) with a 1.8 x 22m visibility splay in a southerly direction. This is an improvement over the existing situation, however the Highway Authority would normally expect the "X" distance to be at least 2.4 metres so that a vehicle does not have to "edge" into the road before visibility is obtainable. It is difficult to weigh up whether or not this small improvement to the Dove Cottage access visibility outweighs the concern over the substandard visibility splays proposed at the access for the proposed new dwelling. In this instance I am of the opinion that the benefit to visibility for Dove Cottage does outweigh the concern of limited visibility at the access for the new dwelling. I have considered the low speeds that vehicles are likely to pass the site approaching the junction to the south and the limited visibility that the access to Dove Cottage has.”

Whilst it is confirmed that the detail of the development is now acceptable, the Highway Authority still have a policy objection given the location of the site:

- The proposed development 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. As a consequence occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs contrary to policy.

## **REPRESENTATIONS**

Written representatives have been received from three neighbours objecting to the application for the following reasons:

- The previous outline application was rejected for four reasons including being contrary to the local plan for Babcary. The concerns expressed by highways in the previous application regarding access still apply.
- Building works are likely to obstruct the highway and access to the recreation ground as could future maintenance works
- Where are the builders stores to be kept.
- The new access is dangerous, it is not right to say that most local drivers will know the road and so this does not matter. Children use those playing fields and the existing plans put them at risk.

- Two cars will not be able to get in and out without reversing.
- The design statement states that the majority of drivers will be used to the road etc. This is disingenuous in the extreme by extension of the logic that drivers resident in Babcary should be excused from signalling their intentions on the grounds that 'everybody knows I turn left here'.
- Heavy farm vehicles make frequent use of this road.

## **CONSIDERATIONS**

This application is seeking full planning permission to erect a two-storey detached dwelling house with associated vehicle access.

This application is seeking full planning permission to erect a two-storey detached dwelling house with associated vehicle access and follows a previously unsuccessful application submitted in 2009 for outline permission for a dwelling on this site. The previous application was refused for several reasons including due to its unsustainable location outside any development boundaries remote from day-to-day services and facilities. Other reasons for refusal included loss of valuable open space and being prejudicial to highway safety.

It is noted that the Parish Council have expressed support for this application but that three near neighbours have objected.

### Principle:

The site is located outside of the development area as identified in the Local Plan and is therefore subject to a number of policy constraints, chiefly summarised in Policy ST3 of the Local Plan (in line with the requirements of PPS1, PPS3 and PPS7). Policy ST3 of the Local Plan clearly states that "Outside the defined development areas of towns, rural centres and villages, development will be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster the growth in the need to travel".

The village of Babcary has no development area and has only a pub by way of a village facility being remote from all other day-to-day needs such as education, employment and shops and has poor public transport links, the application site can therefore only be described as being in an unsustainable location where the proposed new dwelling will foster the growth in the need to travel. It is noted that the proposal incorporates the use of solar panels and rainwater harvesting and although these are positive feature of the application they do not overcome the more fundamental sustainability issues in respect of the sites location.

The proposed dwelling is not required to meet the established functional need of a business in the locality and as such offers no benefit to economic activity and nor can the argument that the proposal will enhance the environment be accepted as a reason to justify the proposal. Whilst the site is currently overgrown, and the Parish Council have suggested this as a reason to support the application, the present owner has allowed it to get into this state and it is within their control to easily rectify this. Further to this, it would appear that alternative and more suitable low-key uses have not been given consideration, such as use as an allotment by local residents or as a community garden, which could also address the current maintenance concerns.

Within the Design and Access Statement the agent has stated that the proposal will enable "a Babcary bred person to return to his home village contributing a cottage at the lower end of the affordability scale to the village housing stock". This claim is disputed, the application has not been submitted as a scheme for an affordable house rather the

resulting dwelling will be an open market property, marketed at open market prices and available to any interested parties regardless of whether they have any personal connection to the village. For a scheme for affordable housing, as a rural exception, to be accepted it must meet the requirements of Policy HG9 of the Local Plan which clearly states that a local need for such housing must be proven and an appropriate mechanism imposed to ensure its long-term availability as affordable housing. No evidence, as set out in HG9, has been provided that demonstrates a genuine need for affordable housing in the village and nor is there any suggestion that the dwelling should be restricted only to local residents. As such the application is contrary to Policy HG9 of the Local Plan and cannot be supported as an exception to the normal sustainability objections raised above.

As an adequate case to justify a need for this dwelling has not been demonstrated and the proposed development is in every other sense contrary to the requirements of Policy ST3 and therefore also in direct conflict with the national policies PPS1, PPS3 and PPS7 the principle of the proposal can only be strongly resisted.

Further to the above, it is noted that the agent has described the circumstances of this site as unique in that the site lies within the built up part of the village and not in the open countryside, this is not the case. In planning policy terms if the site does not fall within a development area it is considered to be in an area afforded the same degree of protection from development as the open countryside regardless of whether there are other properties surrounding it. Such circumstances are far from unique with many small settlements across the district lacking development areas but containing areas of open space physically capable of accommodating new dwellings without causing harm to visual amenity. Therefore, given that the circumstances are not dissimilar to many other sites across the district if the application were to be approved it must be seen to be setting a dangerous precedent that would make it difficult for this authority to resist other similar developments throughout the district.

#### Highway Safety:

The proposed scheme seeks to form a new vehicular access into the site and the submitted plans set out the provision of two on-site parking spaces with turning area. County Highways initially raised highway safety objections to this scheme due to the constrained parking and turning space and poor visibility splays however following receipt of a slightly revised scheme, which moved the dwelling approximately 1 metre to the south within the site and reconfigured the access and parking area slightly, these concerns are considered to have been adequately addressed and the objections have been dropped.

It should be noted that the Highways authority still maintain their policy objection due to the location of the site, which is distant from day-to-day services and facilities with infrequent public transport services, and will therefore foster the growth in the need to travel.

#### Visual amenity:

It is accepted that the proposed development would be generally in keeping with the pattern of development in the area given the irregular spacing of the properties along North Street, varied plot sizes but relatively close proximity to the lane and mixed orientation, with some dwellings spanning the entire length (depth) of the plot. Further to this the site is capable of accommodating the dwelling without appearing unduly cramped and the design and choice of materials generally accord with the local vernacular, albeit the scale of the openings within the principle north and south elevations have a busy



appearance. Overall however the proposal does not raise any significant visual amenity concerns.

Further to the above, it is noted that one of the refusal reasons for the previous unsuccessful application related to the loss of valuable open space that would be harmful to the village context. The last application only sought outline permission and contained little information to demonstrate how a dwelling might be successfully accommodated on the site without being detrimental to the streetscene. The details contained within this full proposal are considered to have overcome this concern.

#### Residential amenity:

The central position of the dwelling within the plot means that it is well away from the two nearest houses and as such cannot be described as causing any significant loss of light or overbearing concerns to these properties. Whilst there are first floor windows within the north elevation facing towards Dove Cottage due to the neighbour's intervening garage and distance of approximately 30m these do not cause any significant loss of privacy. No first floor windows are proposed within the east elevation and any views from the upper windows within the south elevation of the neighbour (1 Laurel Cottages) to the east are oblique and result in no direct window-to-window relationships. As such the proposed development is not considered to result in any demonstrable harm to the residential amenities of neighbouring properties.

#### Conclusion:

Whilst the proposed development raises no significant visual or residential amenity or highway safety concerns, the location of the application site outside any development boundaries and remote from all day-to-day services, with poor public transport links is unsustainable and will foster the growth in the need to travel. Furthermore there is no local plan policy that supports 'infill' development in small settlements without development boundaries. No case has been demonstrated to justify an exception to these fundamental objections and as such the proposal is in direct conflict with PPS1, PPS3, PPS7 and PPG13, Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan and Policies ST3, ST5 and HG9 of the South Somerset Local Plan. For this reason the application is recommended for refusal.

## **RECOMMENDATION**

Refuse permission for the following reasons:

01. The proposal represents an unjustified development outside of the development area which would not benefit economic activity. The proposed development site 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. 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 PPS1, PPS7 and PPG13, and to the provisions of Policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (1991-2011) as well as Policies ST3, ST5 and HG9 of the South Somerset Local Plan 2006.