

6. Erection of a new bungalow and garage as a private dwelling for subsequent disabled use (GR: 352864 / 129479) - Plot adjoining Higher Sandpits, Sandpit Lane, Charlton Mackrell

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| Proposal : | Erection of a new bungalow and garage as a private dwelling for subsequent disabled use (GR: 352864 / 129479) |
| Site Address: | Plot adjoining Higher Sandpits, Sandpit Lane, Charlton Mackrell |
| Parish: | Charlton Mackrell |
| CARY Ward (SSDC Member) | Mr J Calvert (Cllr) |
| Recommending Case Officer: | Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk |
| Target date : | 15 May 2012 |
| Applicant : | Mr & Mrs Cameron Horridge |
| Agent: (no agent if blank) | Mr Gerarld Wilcox PDM Consultancy 7 St Johns Close Millbrook Torpoint Cornwall PL10 1HF |
| Application Type : | Minor Dwellings 1-9 site less than 1ha |

Reason for Referral to Regulation Committee

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.

The Area East Committee on 13th June 2012 (Draft minute attached as Appendix A) resolved to recommend to the Regulation Committee that the application be approved subject to conditions.

The report as presented to the Area North committee is repeated below:

Reason for Referral to Area East Committee

The application is referred to the Committee at the request of the Chairman to allow the Parish Council's comments to be discussed.

Site Description and Proposal



This application is seeking full planning permission to erect a detached, single storey dwelling and associated garage for occupation by a person with disabilities.

The application site comprises agricultural land located towards the end of a very narrow track (single vehicle width) that is shared with a number of other residential properties and is detached from and outside the defined development area for Charlton Mackrell. The track gives on to Kingweston Road, a classified C road, to the west, and a public footpath runs along the first 25 metres of the track. The site is bounded by agricultural land to front and rear, a residential property to the east and a copse with a residential property beyond to the west. The site is flat and level with neighbouring development and is enclosed by hedging along the front and rear boundaries, high open metal fence along the west boundary with planting beyond on the neighbouring land and a high breeze block wall along the east boundary. There are no trees on the site that are likely to be adversely affected by the proposed development.

HISTORY

92/00521/FUL: Erection of a sectional timber building for agricultural purposes. Refused for the following reason:

"The proposal by means of its size, materials and location (and in the absence of any appropriate justification) would be significantly detrimental to the amenities of adjoining residential property holders and to the character and appearance of its rural location ..."

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 5 - Landscape Character

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

EC3 - Landscape Character

TP7 - Parking Provision in Residential Areas

National Guidance:

National Planning Policy Framework (Parts 4, 6, 7, 10 and 11)

South Somerset Sustainable Community Strategy:

Goals 7, 8, 9, 10 and 11

CONSULTATIONS

Charlton Mackrell Parish Council: No objections. The applicant assured the Parish Council that access along Sandpits Lane would not be affected during building as it was a self build and no large lorries would transit the lane. Additional drainage / utilities would be laid along the lane however disruption would be kept to a minimum and the surface repaired with the correct materials.

Technical Officer: Surface water disposal via soakaways

County Highway: Recommended refusal for sustainability reasons, due to the location of the site outside development limits, as well as for the following highway safety reasons.

The site is accessed from a private single width track and occupiers of the dwelling would require access over a public footpath located to the west before joining the adopted public highway. The width of the private access track leading the site, appear to be less than 5m in width and therefore accommodating two way traffic would be difficult. Additional traffic associated with a new development in this location will exacerbate the situation resulting in an increase in conflicting traffic movements close to a junction to the detriment of highway safety for all road users.

I have concern about the level of visibility at the junction onto the classified road, in particular to the southeast as it is restricted by the adjoining landowner's boundary wall.

The newly adopted Somerset Parking Strategy (March 2012) has just come into affect and I would draw attention to the internal measurements of a double garage which should be 6m (long) x 6m (wide). The proposed garage actually measures less than these dimensions. Provision should also be mace for bicycle storage. A 3 bedroom dwelling in this location should accommodation 2.5-3 parking spaces, and it appears that this could be easily accommodated within the site.

The application is therefore recommended for refusal for the following highway safety reasons:

1. The use of the access to the site in connection with the development proposed would be likely to increase conflicting vehicle/pedestrian 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).
2. The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) since the increase in the use made of the sub-standard junction where the public right of way meets Kingweston Road such as would be generated by the proposed development, would be prejudicial to highway safety.

Rights of Way (Somerset County Council): Raised no objections but asked that the health and safety of walkers be taken into consideration whilst works are being carried out. They also noted that the applicant will be responsible for putting right any damage to the surface of the footpath resulting from the development and that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority to do so.

Should the proposal result in a right of way becoming less convenient for public use, become obstructed or its physical condition be adversely affected in anyway then separate permission from the Somerset County Council Rights of Way Group may be needed (01823) 483069.

Rights of Way (SSDC): No comments received.

Landscape Officer: Objects, noting that “this quarter of Charlton Mackrell is characterised by linear residential development, which aligns the Kingweston Road, and is primarily a single plot depth. To the north of the site, the land is open countryside, and open in character.

This application site is clearly at the fringe of the village. Whilst the field boundary that runs across the north boundary of this site is a strong landscape boundary between the village periphery and the open farmland, this section of the periphery is primarily characterised by small pasture plots. Noting that adjacent residential form is primarily concentrated on the Kingweston Road, to the west of this site, then I consider that development of the proposal site is contrary to local settlement character, and thus could be rejected on those grounds (policy ST5 para 4).”

Should this proposal be approved a landscape and boundary treatment condition are requested.

REPRESENTATIONS

None.

APPLICANT'S CASE

The applicants state that they require a bungalow with disabled access for health reasons but that it has become impossible to find an acceptable property as bungalows are more expensive than houses and are in short supply in the area. They have also stated that they were both born and raised in Charlton Mackrell and that they are hoping to move back to the village. They currently reside in Charlton Adam.

CONSIDERATIONS

This application is seeking full planning permission to erect a permanent detached bungalow and associated garage for occupation by a person with disabilities.

Principle:

Whilst the applicant has stated that the application site is not agricultural land there is no planning history to support this view and the land is considered to be agricultural, in any case, regardless of whether the land is agricultural or residential garden land the site would still be considered to be greenfield land.

As a greenfield site located beyond any development boundaries, as defined by the South Somerset Local Plan (SSLP), there is a presumption against new development in this location unless it will be beneficial to economic activity, will maintain or enhance the environment and will not foster the growth in the need to travel. The proposed dwelling is not sought as an occupational workers dwelling, such as an agricultural workers dwelling, and as such offers no benefit to economic activity. Given that the proposal would result in new built development being constructed on greenfield land it will neither maintain nor enhance the environment and due to its location remote from every day services such as health care, shops, employment etc, and where there is poor access to public transport, it is considered to foster the growth in the need to travel.

The applicant submitted the application on the grounds that there is a shortage of bungalows within Charlton Mackrell, that he and his wife have lived in the locality all their lives and that they now require a single storey dwelling for health reasons. Whilst every sympathy is extended to the applicants for their present situation unfortunately the reasons given for requiring a dwelling outside development limits is not considered adequate justification to overcome the strong policy objections set out above. Further to this, it should be noted that it would not possible to restrict the occupation of the dwelling to a disabled person and their dependents as such a condition would not be enforceable, as such this permanent dwelling has to be treated as an unrestricted open market dwelling. There is no evidence that the applicants have considered whether there are any potential sites for their development within the defined development area for Charlton Mackrell and given the poor access arrangements (see comments on access below) the suitability of the site for a disabled persons dwelling is questionable.

For these reasons there is no planning policy support for the proposed development and the application is therefore recommended for refusal.

Pattern of development and visual amenity:

The site is located along a narrow, unmade track off the Kingweston Road to the north of the village core and where residential development is primarily single plot depth, linear to the highway. To the north of the site the land is open countryside and open in character. The site is at the very fringe of the village and whilst the field boundary along it's north boundary is a strong landscape boundary between the village periphery and open farmland this section of the periphery is characterised by small pasture plots. Given that residential development in the locality is primarily concentrated on the Kingweston Road to the west of the site the Landscape Officer considers the proposal to be contrary to the established pattern of development in the area and therefore contrary to Policy ST5 of the SSLP.

In terms of the detailed design, the proposal is seeking a bungalow of a fairly standard design to be finished predominantly in render but with a modest stone faced gable wing to the front. There is sufficient space within the site to accommodate a dwelling of this scale without it resulting in an unduly cramped layout. Whilst development along this

private track is primarily characterised by traditional, stone built dwellings there are a number of rendered bungalows along Kingweston Road to the south of the site, as such it is difficult to argue that the use of render in this area would be out of keeping with the locality.

For the above reasons, whilst the detailed design of the bungalow raises no significant concerns, a new dwelling in this position is considered to be contrary to the established pattern of development of the locality, contrary to Policy ST5 of the SLLP.

Residential amenity

Due to the single storey scale of the proposed dwelling, its position well away from the neighbour to the west and set away from the east boundary, along which in any case is a high solid boundary treatment (breeze block wall), the proposal is not considered to cause any significant harm to the residential amenity.

Access, parking and highway safety:

Access to the site is approximately 150m along a very narrow single width unmade track, shared with six other residential properties, along which there are few passing opportunities. The proposed dwelling will add significantly to the level of traffic using this track and increase conflicting traffic movements close to the junction with the public highway to the detriment of highway safety. The highway authority has identified the access on to the public highway as being substandard due to the poor visibility to the southeast for emerging vehicles and its increased use is therefore also considered to be detrimental to highway safety.

In terms of parking provision, it is accepted by County Highways that there is sufficient space to meet the Somerset Parking Strategy, i.e. 2.5 - 3 parking spaces.

Public footpath:

A public footpath passes along the first 25m of the access track from the public highway. Whilst the proposal will result in an increase in traffic passing over the footpath there is no reason to expect the development to adversely affect the amenities of users of the footpath.

Conclusion:

For the reasons set out above, it is considered that there is insufficient justification to support a new dwelling on this greenfield site within the open countryside and that due to its siting, the proposed development will be at odds with the established pattern of development in the area contrary to Policies ST3 and ST5 of the SLLP. Additionally, the proposal will result in the increased use of the narrow access track resulting in increased conflicting traffic movements and the increased use of a substandard junction to the detriment of highway safety and contrary to Policy ST5 of the SLLP and is therefore recommended for refusal.

RECOMMENDATION

Refuse permission for the following reasons:

01. The proposal seeks a new build residential dwelling on a greenfield site located in the open countryside which offers no benefit to economic activity, will neither maintain or enhance the environment and, due to its location remote from most day to day services, is likely to foster the growth in the need to travel. Insufficient justification has been provided to overcome these sustainability concerns and the proposal is therefore considered to be contrary to the aims and objectives of the National Planning Policy Framework (Parts 4, 6 and 10), Policy STR1 and STR6 of

the Somerset and Exmoor National Park Joint Structure Plan (1991-2011) and Policies ST3 and ST5 of the South Somerset Local Plan 2006.

02. The proposed development will generate a significant number of additional vehicular movements and result in the intensification in use of the existing substandard access on to Kingweston Road, which has restricted visibility for emerging vehicles, and an increase in conflicting traffic movements along this very narrow access track where there are few passing opportunities, to the detriment of highway safety and contrary to the aims and objectives of the National Planning Policy Framework (Part 4), Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (April 2000) and Policy ST5 of the South Somerset Local Plan 2006.
 03. The proposal is contrary to the single plot linear settlement pattern that predominates in the immediate vicinity and is therefore considered to be at variance with the established pattern and character of built development in the area and contrary to the aims and objectives of National Planning Policy Framework (Part 7) and Policy ST5 of the South Somerset Local Plan 2006.
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