

PLANNING APPLICATION REPORT

Case Officer: Clare Stewart

Parish: Highampton **Ward:** Hatherleigh

Application No: 2467/19/FUL

Agent/Applicant:

Mr R Wheatley
Owls Oak
Church Road
Highampton, Beaworthy
EX21 5LF

Applicant:

Mr R Wheatley
Owls Oak
Highampton, Beaworthy
EX21 5LF

Site Address: Owls Oak, Highampton, EX21 5LF

Development: Retrospective change of use of chalet within boundary from residential use to holiday let

Reason item is being put before Committee

The Applicant is a WDBC employee.



Recommendation: Conditional approval

Conditions

- Accord with plans
- Holiday accommodation only in connection with main dwelling
- Drainage in accordance with submitted details
- Approved parking/turning to be retained in perpetuity
- No external lighting
- Removal of residential pd rights

Key issues for consideration:

Principal of the change of use of the land and building to a holiday use, landscape, neighbour amenity and highways.

Site Description:

The site lies within largely open countryside to the north east of Highampton. The site forms part of a larger holding which includes a detached residential property located to the West of the application site and open agricultural land to the north of the application site. The application site is served by an existing access to the public highway to the south. The main residential property benefits from an existing access to the highway adjacent to the dwelling. The application site is well screened from the public highway by an extensive tree line, and comprises an existing chalet building which has previously been in ancillary residential in connection with the dwelling at Owls Oak. The chalet is horizontally clad in timber boarding coloured green with white UPVC windows and doors.

The Proposal:

The proposal is a retrospective application for the change of use of the chalet from residential use (in connection with the main dwelling) to a holiday let.

Consultations:

- County Highways Authority – No highways related issues
- WDBC Drainage – Standard compliance with submitted details condition
- Tree Specialist – No objection
- Highampton Parish Council – *“Highampton Parish Council supports this application, in line with its policy of encouraging tourism in the parish.”*

Representations:

No letters of representation received.

Relevant Planning History

- 0279/19/PRE Pre-application enquiry for the proposed conversion of an existing dwelling to holiday let / B & B accommodation. Partial Support.

ANALYSIS

Principle of Development/Sustainability:

The NPPF and Policies SPT1 (Delivering sustainable development) and SPT2 (Sustainable linked neighbourhoods and sustainable communities) of the JLP sets out the principals of sustainable development. In addition, Policy TTV 2 (Delivering sustainable development in the Thriving Towns and Villages Policy Area) of the JLP states that in rural locations the

Local Planning Authority will support development proposals in the Thriving Towns and Villages Policy Area which reinforce the sustainable settlement hierarchy and which deliver prosperous and sustainable patterns of development. In addition to the provisions of Policies SPT1 (delivering sustainable development) and SPT2 (sustainable linked neighbourhoods and sustainable communities), specific objectives of rural sustainability are identified in Policy TTV2 which include:-

“3. The growth and expansion of rural business and enterprise.”

“5. The delivery of sustainable rural tourism and leisure developments that benefit rural businesses, communities and visitors and respect the character of the countryside and historic settlements.”

Policy DEV15 (Supporting the rural economy) supports development proposals in suitable locations which seek to improve the balance of jobs within rural areas and diversify the rural economy. Amongst a number of provisions it includes:

“3. Business start-ups, home working, small scale employment and the development and expansion of small business in residential and rural areas will generally be supported, subject to an assessment that demonstrates no residual adverse impacts on neighbouring uses and the environment.”

“7. The loss of tourist or leisure development will only be permitted where there is no proven demand for the facility. Camping, caravan, chalet or similar facilities that respond to an identified local need will be supported, provided the proposal is compatible with the rural road network, has no adverse environmental impact and is not located within the Undeveloped Coast policy area.”

The applicant has sought to demonstrate that there is a proven need for additional holiday accommodation in this location by virtue of a description of identified local need which is supported by documentation from a holiday accommodation letting agent. They confirm that a holiday use in this location would be viable in the current market. The highway adjacent to the site is part of the ‘Ruby Way’ cycle trail. To the north of the site the holiday accommodation facilities at Legge Farm have continued to develop, indicating there is demand in the area generally. The proposal relates to the use of an existing building which would not require any alterations to facilitate holiday use. Whilst previously used on an ancillary basis to the main unit the chalet is laid out as a self-contained unit of accommodation. Officers consider the principal of holiday use of the existing chalet can be supported having regard to the above policy framework and site history. Conditions are recommended to ensure the use remains for holiday purposes only and not as a separate dwelling which would be subject to different policy tests (including assessment against the Nationally Described Space Standards). The holiday use shall be kept within the control of the occupiers of the main dwelling by condition. It is also recommended that residential permitted development rights are removed from the chalet so that any future developments can be appropriately considered.

Design/Landscape:

The application is merely for the change of use of the existing chalet and land and does not propose any additional works. The existing chalet consists of a modern single storey timber boarded building measuring approximately 10m in length by 6m in width. The chalet is

surrounded by an existing concrete hardstanding and gravelled area. The main issue to be considered is whether or not the impact of the proposed use will have an unacceptable impact upon the wider landscape. Given the limited size restrictions of the chalet and the total number of guests it would be able to accommodate at any one point, it is considered that the impact of the proposed use would be negligible upon the surrounding landscape. Conditions are recommended to ensure the existing parking/turning area (as shown on the submitted site plan) is kept permanently available for this use and also in relation to external lighting to restrict additional environmental impacts.

Neighbour Amenity:

Policy DEV 1 (protecting health and amenity) states that development proposals will be required to safeguard the health and the amenity of local communities. There are a limited number of residential properties surrounding the site. Two residential properties appear to lie to the South of the application site (Glebe Farm), one to the East (North Glebe) and one to the North of the application site (Legge Farm), all in excess of 100m from the application site. Given the separation distances the use of the chalet for holiday purposes would have a negligible impact upon the amenities of nearby properties.

The use of the chalet for holiday purposes in connection with Owls Oak would provide for an acceptable relationship with this dwelling.

Highways/Access:

The application site is served by an existing access from the public highway which is a single rack country road, with good visibility in both directions. This access appears to be a secondary access to the site which has historically been used by both the residents of Owls Oak and in connection with the use of the chalet. The existing hardstanding around the chalet provides space for a number of vehicles in addition to the space adjacent to Owls Oak itself. Given the limited size of the chalet, the limited number of users of the existing residential property known as Owls Oak and the holiday chalet at any one time, it is considered that additional vehicular movements to and from the site would not have a detrimental impact upon the surrounding highway network.

Other Matters:

The Drainage Specialist has agreed suitable drainage details and ongoing maintenance can be secured by condition.

There is a TPO in place at some distance to the north of the application site at Legge Farm. The Tree Specialist has reviewed the application and raises no objection.

The Planning Balance:

The current proposal for a holiday use is considered to provide an acceptable use, and subject to the above conditions it is considered impacts on the surrounding landscape, adjoining highway and neighbour amenity would not be so unacceptable as to warrant refusal. The application is recommended for approval on this basis.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act.

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
SPT2 Sustainable linked neighbourhoods and sustainable rural communities
TTV1 Prioritising growth through a hierarchy of sustainable settlements
TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area
TTV26 Development in the Countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV15 Supporting the rural economy
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape character
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport
DEV31 Waste management
DEV32 Delivering low carbon development
DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 8 and 11 and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Neighbourhood Plan

Highampton Neighbourhood Plan at early stages of development.

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Recommended conditions in full:

1. The development hereby approved shall in all respects accord strictly with drawing numbers A-2023-01 and Site Location Plan received by the Local Planning Authority on 14th August 2019; 'Treatment Plant Discharge into Water Course' plan and Tricel Certificate received by the Local Planning Authority on 19th September 2019.

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

2. The holiday let hereby permitted shall be used solely for holiday accommodation only and shall not be occupied as any person's sole or main place of residence. The owners/operators shall maintain an up- to-date register of the names and main home addresses of all owners/occupiers of the holiday let, and shall make this information available at all reasonable times to the Local Planning Authority. The holiday let shall be operated/managed by the occupiers of the main dwelling known as Owls Oak (as shown edged in blue on the approved Site Location Plan).

Reason: The use of the holiday let in connection with the occupation of the main dwelling is considered acceptable. Any proposal for an alternative use would need to be made the subject of a separate application to be considered on its own merits.

3. The development shall be maintained in accordance with the approved foul drainage details ('Treatment Plant Discharge into Water Course' plan and Tricel Certificate) for the lifetime of the development.

Reason: In the interests of the prevention of pollution.

4. The parking & turning area shown on the approved plans to the north of the holiday let shall be kept permanently available for the parking and manoeuvring of motor vehicles by the occupiers of the holiday let.

Reason: To ensure that adequate and satisfactory provision is made for the parking and manoeuvring of vehicles clear of all carriageways in the interests of road safety and amenity.

5. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority. Reason: To protect the countryside from intrusive development

6. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (and any Order revoking and re enacting this Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express consent in writing of the Local Planning Authority other than those expressly authorised by this permission:

(a) Part 1, Class A (extensions and alterations)

(b) Part 1, Classes B and C (roof addition or alteration)

(c) Part 1, Class D (porch)

(d) Part 1, Class E (a) swimming pools and buildings incidental to the enjoyment of the dwellinghouse and; (b) container used for domestic heating purposes/oil or liquid petroleum gas)

(e) Part 2, Class A (means of enclosure).

Reason: To enable the Local Planning Authority to exercise control over development which could materially harm the character and visual amenities of the development and locality.