

# PLANNING COMMITTEE

CHAIRMAN: Cllr Dennis Smith

**DATE:** 9 May 2017

**REPORT OF:** Business Manager – Strategic Place

**ITEM:** 6.

**CASE OFFICER** Estelle Smith

**APPLICATION FOR CONSIDERATION:** DAWLISH - 17/00104/FUL - Branscombe Farm, Branscombe Lane - Agricultural storage building

**APPLICANT:** Mrs M Carter

**WARD MEMBERS:** Councillors Hockin, Mayne and Price, Dawlish Central and North East

## 1. REASON FOR REPORT

Councillor Price requested Committee consideration if the Case Officer is recommending approval because this applicant has just used paragraph W GDPO to gain permission to develop an under-used agricultural build to a residential use. If that building was defined as under-used where is the business case to allow another build?

## 2. RECOMMENDATION

PERMISSION BE GRANTED subject to the following conditions:

1. Standard 3 year time limit for commencement
2. Development to be carried out in accordance with the approved plans (notwithstanding details in Planning Statement)

## 3. DESCRIPTION

3.1 The application site (0.32 hectares) lies in the open countryside to the north-east of Dawlish. It lies on the western side of a country lane (Branscombe Lane) lined by hedge banks that bisect a gently sloping valley of grass fields. The area does not have a landscape designation but is, nonetheless, an attractive area of open countryside. The site is accessed via a tall metal gate

### History

3.2 Members may recall this site from 13 December 2016 Committee

3.3 The Committee item was reference 16/02413/NPA - Application for Prior Approval under Part 3 Class Q (a) and (b) and paragraph W of the GDPO change of use of

(the south western half of) agricultural building to a dwelling (approximately 72.5m<sup>2</sup>). This was approved 21 December 2016.

3.4 Previous to this there have been two Certificate of Lawfulness applications for use of an existing barn for residential and before that three planning applications for siting a mobile home on the land.

- 11/00349/CLDE - Certificate of lawfulness for existing use of part barn as residential accommodation refused due to insufficient evidence 13 April 2011, an appeal was lodged which was later withdrawn
- 11/02134/CLDE - Certificate of lawfulness for existing use of part barn as residential accommodation refused due to insufficient evidence 15 August 2011 and an appeal was withdrawn

- 07/01777/COU - Siting of a mobile home for use as an agricultural dwelling refused 6 December 2007 appeal lodged 12 December 2007 was also withdrawn

- 07/00339/COU - Siting of a mobile home for use as an agricultural dwelling refused 4 April 2007

- 06/07709/COU - Stationing of mobile home for residential use refused 1 May 2007

#### Enforcement

3.5 The north-eastern half of the existing agricultural building is subject to an enforcement notice requiring the cessation of its residential use.

3.6 It should be noted that the Class Q Prior Approval legislation (agricultural buildings to dwellinghouses) does not stipulate that the building/s to be converted should be dis-used or redundant, merely that it should be being used or last used for agricultural purposes. The legislation also currently allows for three dwellings to be created.

#### Proposal

3.7 The applicant, in submitting this application, seeks to continue his agricultural business and therefore seeks planning permission to erect a new agricultural building on the site to replace the barn, lost to the Part Q residential conversion. It is claimed that the move of the residential unit from one half of the barn to the other will make the site temporarily unsupported by agricultural buildings, and this proposal in part seeks to provide shelter for the applicant's livestock and agricultural storage during that conversion and in part to replace the amount of "original" agricultural buildings on the site.

3.8 The proposed structure has been reduced in size during the processing of the application from length 20 metres to 12 metres, from depth 7.5 metres to 6.5 metres and the heights reduced from 4.5 metres front and 3.75 metres rear to 3.66 metres front and 3 metres rear. Its area now totals 78m<sup>2</sup> and this is similar to the area of agricultural buildings lost to the 2016 residential Prior Approval conversion.

- 3.9 The site is in the Countryside wherein agricultural development is considered acceptable in principle and it is considered acceptable in its location within the site and its design and materials are suitable for agricultural purposes. Furthermore, due to heavy screening around the site, it will not be readily visible in the wider landscape.
- 3.10 The site is within an existing agricultural unit, and it is at least 35 metres from the nearest residential property so overlooking/loss of privacy would not be an issue. Environmental Control have made no objections, the use of the site for agriculture is not a more vulnerable use in flood risk terms.
- 3.11 We await the consultation reply from Western Power about the proximity to the overhead power line, however, it is not immediately adjacent to the site of the proposed barn. There is no considered detriment to highway safety, nor to biodiversity, or the landscape character of the area.

#### **4. POLICY DOCUMENTS**

##### Teignbridge Local Plan

S1A (Presumption in favour of Sustainable Development)

S1 (Sustainable Development Criteria)

S2 (Quality Development)

S22 (Countryside)

National Planning Policy Framework

National Planning Practice Guidance

#### **5. CONSULTEES**

Environment and Safety Services - No objections to this proposal on noise grounds subject to the building only being used for storage or housing livestock. I would have concerns regarding noise if machinery or workshop facilities were included in the application as this would have an impact on the residential amenity of the neighbourhood.

If you are minded to approve the application consideration should be given to a condition that controls the use of the proposed building.

Western Power - Awaited

#### **6. REPRESENTATIONS**

To this date there has been one representation, objecting and raising the following points:

1. Barn too large
2. Overlooking
3. Overbearing
4. Loss of privacy

5. Flood risk of site 25 yards from watercourse
6. Site in a Nitrate Vulnerable Zone – concentration of livestock would infringe this
7. Site not large enough for livestock
8. Appropriateness of materials used to raise level of site
9. Too close to overhead cables
10. Design
11. Effect on appearance of the area/detrimental to area
12. Access, traffic, road safety – poor road network
13. Biodiversity, bird buntings, and other wildlife
14. Landscape
15. Noise/disturbance
16. No economic benefits to be built here
17. Refers to existing status of occupation

## **7. TOWN COUNCIL'S COMMENTS**

Comment: RESOLVED by majority of Members present and voting that this Council recommends REFUSAL of this application as the barn is clearly not justified since the previous building as a barn was declared redundant.

## **8. COMMUNITY INFRASTRUCTURE LEVY**

The CIL liability for this development is Nil as the CIL rate for this type of development is Nil and therefore no CIL is payable.

## **9. ENVIRONMENTAL IMPACT ASSESSMENT**

Due to its scale, nature and location this development will not have significant effects on the environment and therefore is not considered to be EIA Development.

