**Delegated Report**

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| Application number: | 1/0683/2022/FUL |  |
| Registration date: | 7 July 2022 |
| Expiry date: | 1 September 2022 |
| Applicant: | Mr R Hutson |
| Agent: | Visionary Planning UK |
| Case Officer: | Laura Davies |
| Site Address: | Agricultural Building At Grid Reference 230703 104340, Derril, Devon, |
| Proposal: | Change of use of outbuilding to holiday let |
| Recommendation: | GRANT |

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| **Relevant History:** |

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| **Application No.** | **Description** | **Status** | **Closed** |

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| 1/1496/1976 | STATIONING OF CARAVAN FOR HOLIDAY LETTING, MOUNT PLEASANT, PYWORTHY | REF | 31.01.1977 |

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| 1/1128/2016/FUL | Demolition of part of extension and construction of new extension | PER | 07.02.2017 |

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| 1/1196/2017/FUL | Proposed change of use of redundant agricultural outbuilding to provide 2 holiday lets, including increase of roof height. | REF | 25.01.2018 |

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| 1/1412/2021/CPE | Certificate of existing lawful use for retention of partially rebuilt building | PER | 11.02.2022 |

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| **Site Description & Proposal** |

**Site Description:**

The application site relates to an existing agricultural building located to the north of Cob Tree Cottage and other associated land. The application site is located at Hillsborough Cross with the road to Bridgerule extending to the north of the application site and the public highway to Derril and Pyworthy extending to the eastern side of the site. The existing agricultural building is single storey in height and includes a shallow dual pitched roofline. There are existing hedgebanks to the northern and eastern boundaries.

**Proposed Development:**

This application seeks the change of use of the existing outbuilding to provide a holiday let. The proposed unit would include a three bedroom unit over one storey with minor alterations proposed to the external appearance of the existing building, including alterations to the roofline, the addition of timber cladding to the front elevation and the addition of further window and door openings.

In addition, parking provision would be made for two cars associated with the unit in addition to those associated with the main dwelling. A bike and refuse storage area would also be formed to the north-eastern side of the unit.

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| **Consultee representations:** |

**Pyworthy Parish/Town Council:**

No response received.

**Devon County Council (Highways):**

Standing advice applies.

**Environmental Protection Officer:**

In relation to the above application, the Environmental Protection Team has no objections in principle.

Due to the proximity of existing neighbouring dwellings, there is the potential for detriment to residential amenity from the construction works associated with the proposed development if control measures are not in place. Should planning consent be granted, the Environmental Protection Team recommends a condition restricting construction works and delivery times to 0700 to 1900 hours Monday to Friday and 0800 to 1300 hours on Saturdays only with no works permitted on Sundays and Bank Holidays in order to protect residential amenity.

The proposed development is to be served by an existing septic tank but no detailed information has been submitted to assess its adequacy. It is the responsibility of the applicant to ensure the existing provision has sufficient capacity to accommodate additional loading.

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| **Representations:** |

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| Number of neighbours consulted: | 2 | Number of letters of support: | 0 |
| Number of representations received: | 0 | Number of neutral representations: | 0 |
| Number of objection letters: | 0 |  | |

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| **Policy Context:** |

**North Devon and Torridge Local Plan 2011-2031:**

ST07 (Spatial Development Strategy for Northern Devon's Rural Area); ST14 (Enhancing Environmental Assets); DM01 (Amenity Considerations); DM02 (Environmental Protection); DM04 (Design Principles); DM05 (Highways); DM06 (Parking Provision); DM08 (Biodiversity and Geodiversity); DM08A (Landscape and Seascape Character); DM18 (Tourism Accommodation);

**Government Guidance:**

NPPF (National Planning Policy Framework); NPPG (National Planning Practice Guidance); NERC (Natural Environment & Rural Communities); WACA (Wildlife & Countryside Act 1981);

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| **Planning Considerations** |

**Material Planning Considerations:**

1. Principle of Development
2. Impact on Landscape, Character and Appearance
3. Impact on Residential Amenities
4. Access and Parking
5. Drainage
6. Ecology.
7. **Principle of Development**

The application site is located within the open countryside to the north of Derril and Pyworthy as identified on the Proposals Maps to the North Devon and Torridge Local Plan. On this basis, the provisions of Section (4) of Policy ST07 are relevant in the consideration of the application which states in the countryside, beyond Local Centres, Villages and Rural Settlement, development will be limited to that which is enabled to meet local economic and social needs, rural building reuse and development which is necessarily restricted to a countryside location.

The proposed development seeks the conversion of the existing outbuilding at Cob Tree Cottage to form a dwellinghouse and would therefore meet the requirements of Policy ST07.

Policy DM18 of the Local Plan relates to holiday accommodation provision in the District noting that in the countryside, proposals for new holiday accommodation will be supported where it would meet the following criteria:

*‘(a) is related directly to and compatible in scale with an existing tourism, visitor or leisure attraction; or*

*(b) reuses or converts existing buildings; or*

*(c) improves facilities for or diversifies the range or improves the quality of existing tourism accommodation.’*

The principle of the proposed development for the conversion of the existing building would be in keeping with the provisions of Policy DM18 (b).

The existing building is understood to be a redundant store associated with the dwelling at Cob Tree Cottage. A Structural Inspection Report has been submitted in support of the application which has been prepared by a civil and structural engineering company. This confirms that an internal and external inspection of the building has been undertaken and confirms that there are no signs of structural distress in the fabric of the building and it is considered to be serviceable for its previous use. In addition, the report confirms that which some additional structural elements will be required, the conversion of the building to provide habitable accommodation is structurally viable. The existing roofline is noted to have been replaced prior to the date of the survey (2017) however the structure will require replacement in due course. The walls are noted as including concrete blockwork.

The submitted plans propose works to the existing roofslope of the building to increase the overall pitch height (by approximately 1.4 metres) although the footprint would remain unaltered with the exception of a small porch addition to the frontage. The submitted plans would also include alterations to the window and door openings, principally to the frontage and eastern side elevation. An assessment of the landscape impact of the proposed works will be undertaken in the subsequent section.

The principle of the proposed development is therefore considered to be in keeping with the requirements of Policy DM18 of the Local Plan. The principle of the proposed conversion is considered to be acceptable.

1. **Impact on Landscape, Character and Appearance**

Policy DM08A of the Local Plan makes clear that development should be of an appropriate scale, mass and design that recognises and respects landscape character of both designated and undesignated landscapes and seascapes. Further, the policy notes that adverse landscape and seascape impacts should be avoided wherever possible.

The application site is located within Landscape Character Type 1F (Farmed Lowland Moorland) as defined by the Joint Landscape Character Assessment for North Devon and Torridge Districts (LCA). This landscape character type is identified as being characterised by distinctive Culm grassland, small field patterns enclosed by thick Devon hedgebaks and surrounded by open grazing land, as well as isolated farmsteads and high levels of tranquillity. The LCA notes that the main forces for change in this landscape character area include an increase in UK based tourism, population growth and settlement expansion, changes in woodland/trees species and increased demand for renewable energy developments.

The application site is typical of this landscape character area being located within a tranquil location surrounded by grazing land with longer distance views to the north of the application site.

Policy DM04 of the Local Plan notes that good design seeks to guide overall scale, density, massing, height, landscape, layout, materials, access and appearance of new development. Policy DM04 sets out a number of key design principles for consideration in relation to new development.

The proposed development would include the addition of glazed doors to the southern elevation which would be recessed within the footprint of the building, as well as windows associated with the proposed porch addition. The proposed porch addition would be set within the existing footprint of the building, partially infilling an existing recessed area to the frontage. In addition, an extra window is proposed to the eastern side elevation to provide a secondary light source to the main bedroom. The proposed alterations to the roofslope would result in a more modern design to the existing building and would increase the ridge height, with the addition of a high level window to the western side of the raised roof. The submitted plans propose the addition of cladding to part of the frontage of the building and to the raised roof height to the northern (rear) roofslope. The remainder of the elevations would be retained as render and the roofslope would retain the existing slate.

The proposed development is considered to result in a minimal landscape impact, with the appearance of the existing outbuilding being largely retained with similar materials to the elevations as existing. The alterations to the existing barn are considered to be in keeping with the scale, character and appearance of the existing building and surrounding landscape. The provisions of Policy DM27 also require proposals for conversions to have a positive impact on the immediate setting of the building and ensure the wider rural character is retained. The proposed development is considered to meet these requirements and the proposed alterations to the roof are not considered to result in a significant external alteration. The proposed development is considered to be in keeping with the provisions of Policies ST07, DM04, DM08A and DM27 in this regard.

1. **Impact on Residential Amenities**

Policy DM01 of the Local Plan states that development proposals will be supported where these would not significantly harm the amenities of neighbouring occupiers or uses or the future occupants of the proposed development. Policy DM02 relates to environmental protection and noted that development will be supported where it does not result in unacceptable impacts in terms of noise and vibration.

The application site is located at a distance of over 65 metres from the boundary of neighbouring Mulberry Fell to the west. The application site is at a significantly greater distance to other neighbouring properties.

As a result of these distances, the proposed development is not considered to result in an adverse impact on the amenities of existing neighbouring occupiers.

The proposed Site Plan includes the provision of an amenity space associated with the new dwelling which would be separated from the amenity space associated with Cob Tree Cottage by a further outbuilding which is located to the south. This would ensure a reasonably private and usable amenity space for the new dwelling.

The Council’s Environmental Protection Officer has commented on the submitted scheme raising no in principle objections subject to the inclusion of a condition restricting the construction working and delivery hours.

On this basis, the proposed development is considered to be in keeping with the provisions of Policies DM01 and DM02 and would not result in an adverse impact on the amenities of neighbouring occupiers.

1. **Access and Parking**

Policy DM05 of the Local Plan states that all development must ensure safe and well designed vehicular access and egress, adequate parking and layouts which consider the needs and accessibility of all highway users. Policy DM06 relates more specifically to parking provision noting that development proposals will be expected to provide an appropriate scale and range of parking provision to meet anticipated needs.

The proposed development would use the existing access point from the public highway to the east into the site, which also serves the main dwelling at Cob Tree Cottage. The proposed Site Plan proposes the provision of two parking spaces along with adequate turning space within the site for use by future occupants of the dwelling. In addition a bike storage area is proposed to the eastern side of the building.

The County Council’s Highways Officer has raised no objection to the proposed development making reference to standing advice. It is considered reasonable to add a condition to any planning permission granted to ensure that the visibility splay and parking spaces are provided prior to the occupation of the proposed dwelling to ensure that additional vehicles are not required to park on the public highway, to the detriment of highway safety.

On this basis, it is considered that acceptable access and parking arrangements would be provided.

1. **Drainage**

Policy DM02 of the Local Plan relates to pollution and at Section (2) states that development will be supported where it does not result in an unacceptable impacts to:

*‘(b) pollution of surface or ground water (fresh and salt) including rivers, canals, other watercourses, water bodies, wetlands, water gathering grounds including catchment areas, aquifers, groundwater protection areas, harbours, estuaries or the sea’*.

In addition, part (n) of Policy DM04 notes that development proposals should provide effective water management including Sustainable Drainage Systems, water efficiency measures and the reuse of rainwater.

The submitted application form confirms that a sustainable drainage system will be provided for surface water drainage and a package treatment plant for foul drainage.

The proposed Site Plan indicates that the new holiday unit would be connected to the existing septic tank which serves the main dwelling at Cob Tree Cottage and is located to the south of the application site on land within the applicant’s ownership.

The Council’s Environmental Protection Officer has noted that the proposed development is to be served by an existing septic tank but no detailed information has been submitted to assess its adequacy. It is however noted that it is the responsibility of the applicant to ensure the existing provision has sufficient capacity to accommodate additional loading. The applicant notes on the submitted Foul Drainage Assessment form that the existing drainage field from the septic tank would be increased as required by the additional discharge from the new dwelling.

In relation to surface water, the footprint of the existing outbuilding would not be increased as a result of the proposed development and therefore no additional surface water drainage requirement would be needed.

On this basis, suitable drainage provision is considered to have been made.

1. **Ecology**

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations 2010). This is further reinforced within the Torridge District Local Plan through Policies ST14 and DM08 of the Local Plan, which require development to maintain or where possible enhance biodiversity and mitigate against the potential loss of habitats.

An Ecological Assessment has been submitted in support of the proposed development and confirms that the existing building has a negligible suitability for roosting bats and no evidence of their presence was found. No other protected or notable species were identified on the site or potential habitats. The Assessment include a Conservation Action Statement which includes proposals for ecological enhancements to the site including the provision of a bird box and bat box on the existing building.

On this basis, the proposed development is considered to be acceptable in terms of its impact on ecology.

**Conclusion**

The proposed development is considered to result in an acceptable landscape impact and would not result in a harmful impact on residential amenities or protected species. In addition, a suitable provision for access, parking and drainage would be provided.

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| **Human rights** |

Consideration has been given to the Human Rights Act 1998.

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| **Recommendation** |

GRANT subject to the following conditions:

1. The development to which this permission relates must be begun no later than the expiration of three years beginning with the date on which this permission is granted.

Reason: The time limit condition is imposed in order to comply with the time requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

1. The development hereby permitted shall be carried out in accordance with the approved plans listed in the Plans Schedule.

Reason: To ensure the development is carried out in accordance with the approved plans.

3 Construction works shall not take place other than between 0700hrs and 1900hrs on Mondays to Fridays, Saturdays between 0800hrs and 1300hrs and at no time on Sundays and Bank Holidays.

Reason: To protect the amenities of neighbouring properties.

4 Before the development hereby permitted is brought into use, the vehicular access, parking and manoeuvring facilities indicated on the approved plans shall be provided surfaced and drained and shall, thereafter, be permanently set aside and reserved for such purposes.

Reason: To ensure that adequate facilities are available for the traffic attracted to the site.

5 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended), (or any Order revoking and re-enacting that Order) no development of the types described in Part 1 (classes A, B, C and E) of Schedule 2, other than that hereby permitted shall be carried out without the further grant of planning permission.

Reason: In the interests of the character and appearance of the locality as uncontrolled development would be contrary to Policies ST04, ST07 and DM04 of the North Devon and Torridge Local Plan.

6 The premises shall be used for holiday accommodation only and for no other purposes (including any purpose in Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), (or in any provision equivalent to that Class in any Statutory Instrument for revoking and re-enacting that Order). Upon commencement of the use hereby approved the owner/site operator shall keep a record of all persons who have occupied the lodges for holiday purposes including details of the duration of their stay. Such records shall be kept, and made available for inspection by the Local Planning Authority upon prior written request.

Reason: Any other use within C3 in the open countryside would be contrary to Policy ST07 of the North Devon and Torridge Local Plan.

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| **Plans Schedule** |

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| Reference | Received |

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| HU/21-02.5 | 07.07.2022 |

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| **Statement of Engagement** |

The National Planning Policy Framework (paragraphs 38) requires local planning authorities to work positively and proactively with applicants to achieve sustainable development. Throughout the application process guidance has been given to the applicants and all outstanding issues have been identified.

In this instance the Council required additional information following the consultation process. The need for additional information was addressed with the applicant and submitted for further consideration.

The Council has therefore demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.