

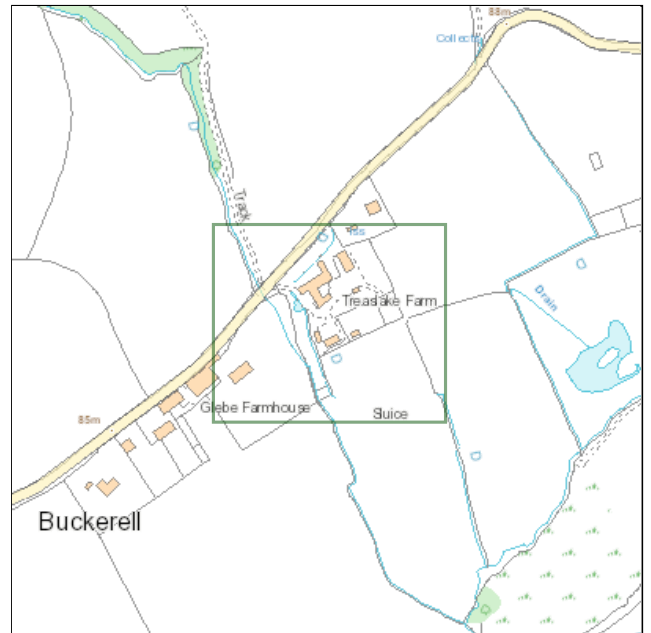
**Ward** Feniton

**Reference** 20/1807/VAR

**Applicant** Mr and Mrs Goodall

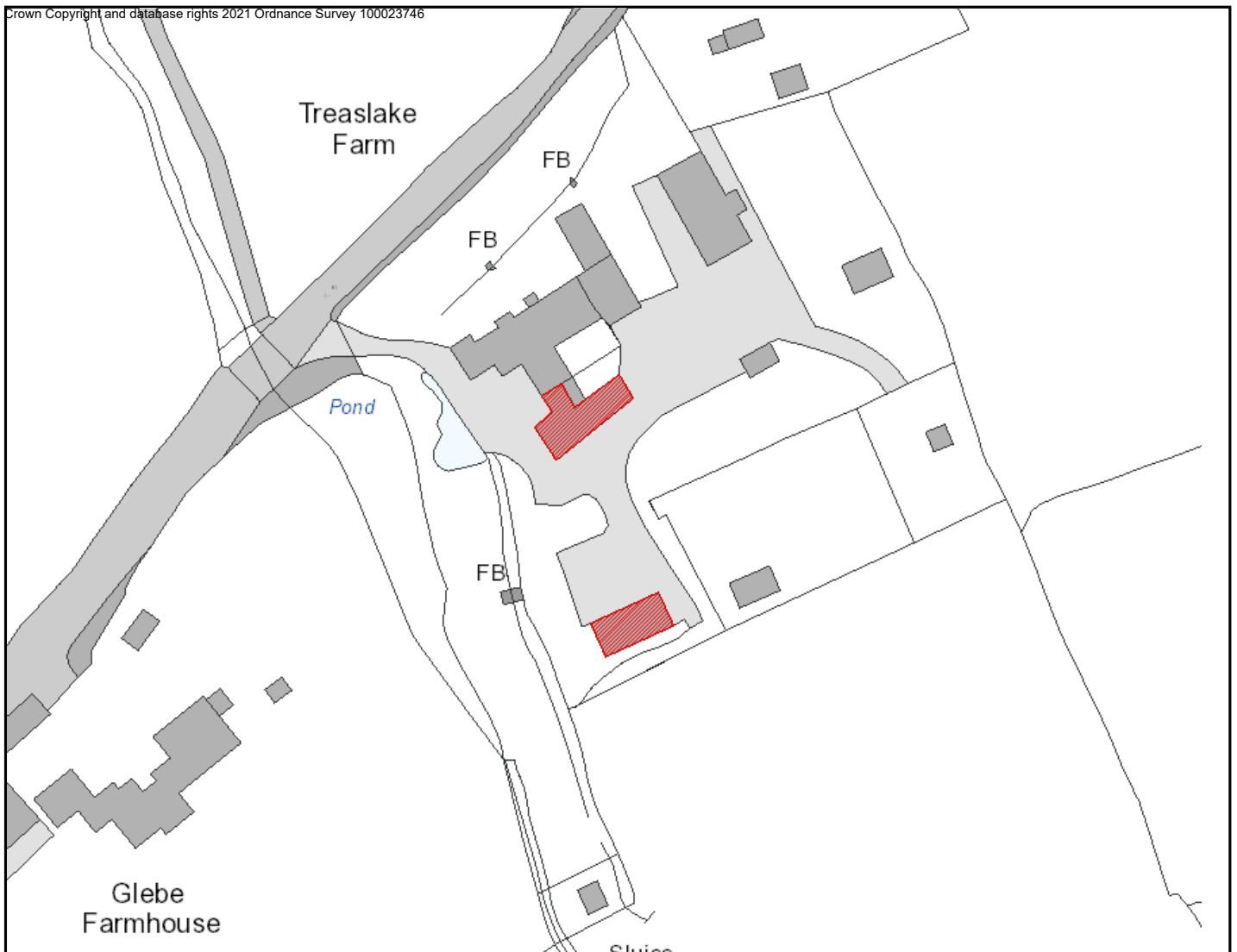
**Location** Treaslake Farm Buckerell Honiton EX14 3EP

**Proposal** Variation of condition 3 of planning permission 99/P0774 (Adapt one holiday let into two lets, convert garage to office & new garage/store & holiday let) to allow Owl Cottage to be used as an unrestricted residential dwelling and to amend the holiday restriction on Squirrel Cottage and Mallard Cottage



**RECOMMENDATION: Approval with conditions**

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		<b>Committee Date: 10<sup>th</sup> February 2021</b>
<b>Feniton (Buckerell)</b>	<b>20/1807/VAR</b>	<b>Target Date: 16.10.2020</b>
<b>Applicant:</b>	<b>Mr and Mrs Goodall</b>	
<b>Location:</b>	<b>Treaslake Farm Buckerell</b>	
<b>Proposal:</b>	<b>Variation of condition 3 of planning permission 99/P0774 (Adapt one holiday let into two lets, convert garage to office &amp; new garage/store &amp; holiday let) to allow Owl Cottage to be used as an unrestricted residential dwelling and to amend the holiday restriction on Squirrel Cottage and Mallard Cottage</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**This application is before Members because the recommendation is contrary to the view of the Ward Member.**

**The application seeks to vary a condition which currently means that three cottages at Treaslake Farm may only be occupied as holiday accommodation. There are four further cottages which are covered by other permissions and, although all of them are occupied as holiday lets, three of them are not restricted by condition.**

**Permission is sought to remove the holiday condition from Owl Cottage but unlike the other unrestricted cottages, it is the intention that this one would be occupied as a permanent dwelling.**

**The location of the site in the countryside, remote from services and facilities, means that occupants of the dwelling would rely on a car for most, if not all, journeys. Consequently the proposal conflicts with local and national policies regarding the location of residential development and there is no planning policy support for the proposal.**

**In light of the lack of policy support, refusal of permission could be justified on the grounds of the creation of an open market dwelling in an unsustainable location.**

**However, financial and occupancy information indicates that Owl Cottage is the least attractive and viable unit at the site and will continue to be a detriment to the**

**viability of the business as a whole. Releasing the condition would improve the viability of the remaining business thereby increasing the chance that the wider site would continue to contribute to the local economy and to demand for tourist accommodation.**

**On balance, and given the information submitted and number of holiday units at the site, it is considered in this instance, the benefits to the wider business would offset concerns about the location and therefore approval is recommended.**

## **CONSULTATIONS**

### **Local Consultations**

Feniton - Cllr Susie Bond

My comments relate to 20/1808/FUL and 20/1807/VAR which need to be considered together.

My preliminary view on these applications is that they should be REFUSED.

East Devon has a considerable number of holiday lets which under any other guise would be considered to be development in the open countryside contrary to Strategy 7 of the current Local Plan. The Council must be consistent in its approach to applications seeking to remove the holiday let restriction.

I have looked at planning applications relating to Treaslake and am unable to find one relating to the subdivision of the main property to create a new holiday let.

However, these are my preliminary views and I look forward to the debate should this application come to committee.

Further comments:

No further comments from me, except that the issue of holiday lets and what happens to them once a business is failing (or starting to fail) or when the owners retire, needs to be urgently addressed in the Local Plan review.

Parish/Town Council

Buckerell Parish Council has no objection to this application.

Other Representations

None received.

### **Technical Consultations**

Conservation

CONSULTATION REPLY TO CENTRAL PLANNING TEAM  
PLANNING APPLICATION AFFECTING LISTED BUILDING

ADDRESS: Treaslake Farm, Buckerell

GRADE: II APPLICATION NO: 20/1807/VAR

PROPOSAL: Variation of condition 3 of planning permission 99/P0774 (Adapt one holiday let into two lets, convert garage to office & new garage/store & holiday let) to allow Owl Cottage to be used as an unrestricted residential dwelling and to amend the holiday restriction on Squirrel Cottage and Mallard Cottage

**BRIEF DESCRIPTION OF HISTORIC CHARACTER/ ARCHITECTURAL MERIT:**

See listing description and information on file

**HOW WILL PROPOSED ALTERATIONS AFFECT HISTORIC CHARACTER OF BUILDING AND ITS SETTING:**

Treaslake Farm operates as a successful holiday letting business with 7no. holiday lets alongside the principal dwelling which is currently occupied as a permanent residential use. This application seeks to vary the holiday let condition under 99/P0774 for Owl Cottage, Squirrel Cottage and Mallard Cottage so that Owl Cottage can be used for unrestricted residential use. The other 2no. cottages remain as holiday lets.

In terms of heritage issues the variation of condition has little or no impact in itself. However, the alteration and extension of Owl Cottage is the subject of a separate application and specific comments relating to this are set out under 20/1808/FUL.

**PLANNING HISTORY**

Reference	Description	Decision	Date
99/P0774	Adapt One Holiday Let Into Two Lets, convert Garage To Office & New Garage/store & Holiday Let	Approval with conditions	03.06.1999
20/1808/FUL	New driveway, construction of single and two storey extensions to dwelling and enlargement of parking area and garden	Pending Decision	

**POLICIES**

Adopted East Devon Local Plan 2013-2031 Policies  
Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

D1 (Design and Local Distinctiveness)

EN9 (Development Affecting a Designated Heritage Asset)

EN21 (River and Coastal Flooding)

TC2 (Accessibility of New Development)

### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

### **Site Location and Description**

Treaslake Farm is located on the eastern fringe of Buckerell with open countryside to its north and south and neighbouring residential properties on both sides. The site has been developed over the years to include a number of holiday lets through conversion or new build. The host property is a grade II listed farmhouse with stone walls and a thatched roof and is where the applicants currently live. This application principally relates to one of the detached new-build properties, Owl Cottage, which is situated to the south of the main group of buildings.

In addition to Owl Cottage there are a further six cottages, all of which are currently let as holiday accommodation. However, only four out of the total of seven holiday lets are subject a planning condition restricting their use. The remainder could be occupied as independent dwellings, although the status of Badger Cottage is uncertain because neither planning permission nor listed building consent have been granted and no evidence has been provided that the use is lawful.

Owl Cottage is a detached two storey building which comprises four garages on the ground floor and a two-bed holiday let on the first floor, accessed via an external staircase. The walls are rendered and the roof is slate covered. The planning permission restricting the occupation of this cottage to holiday use also restricts Squirrel Cottage and Mallard Cottage.

There is a stream running through the grounds which gives rise to a risk of flooding at the western edge of the site.

### **Proposal**

Planning permission is sought for Owl Cottage to be occupied as an unrestricted dwelling by way of removal of the holiday use condition. It is intended by the applicant that the other two holiday lets that are subject to the same planning permission would continue to be restricted.

Currently occupation of these three holiday lets is limited by the following condition on planning permission 99/P0774:

The accommodation hereby permitted shall not be occupied by any one person, family or group for more than four successive weeks.

(Reason - To ensure that the accommodation remains available for holiday letting purposes and is not used permanently for residential purposes).

It should be noted that although the original description of the proposal would not change if this application is approved, namely "Adapt One Holiday Let Into Two Lets, convert Garage To Office & New Garage/store & Holiday Let", the reference to use as a 'Holiday let' in the description would not be binding in the absence of a condition reinforcing it.

## **ANALYSIS**

In the absence of a Neighbourhood Plan and in view of the lack of a Local Plan policy resisting the loss of holiday accommodation outside of the main resorts, the main issue in the determination of the application is whether the location of the building is consistent with the strategies and policies in the development plan regarding the location of residential development.

### **Location**

Strategy 7 of the Local Plan states that development in the countryside will only be permitted where it is in accordance with another policy of the Local Plan that explicitly permits such development.

There are policies in the Local Plan that potentially permit residential development in the countryside to meet specific needs or in specific circumstances but the proposal does not satisfy any of the requirements relating to affordable housing (Strategy 35), community led development (Strategy 27), housing for a rural worker (Policy H4) or the conversion of country houses to flats (Policy H3).

Policy D8 of the Local Plan supports the conversion of redundant buildings outside of settlements to dwellings provided that certain criteria are satisfied, including that the building is no longer required for agriculture or diversification purposes; that the proposal will enhance its setting; and that accessible services and facilities for residents are located close by.

In this case, the building was originally constructed as a holiday let (and garages) and has never been used or required for agricultural or agricultural diversification purposes. The building and its setting would be unaltered by the proposal, albeit a more permanent residential use might give rise to more impact on its immediate setting through domestic paraphernalia associated with such use. Although some redecoration and repair to the exterior of the building is required, this is routine maintenance which would be necessary regardless of the outcome of this application.

With regard to the facilities and services for future occupants, the site is just over 1 mile from Weston and 2-3 miles from Honiton, Awliscombe and Feniton. Between them these settlements provide a full range of amenities but to reach them most journeys would be undertaken by car owing to the distance and the lack of safe walking routes or a regular bus service. Consequently the site is not considered to be located close to a range of accessible services and facilities to meet the everyday needs of residents, as required by Policy D8.

Owing to the lack of any enhancement to the setting of the building and because the occupants would be car dependent, the use of the building as an unrestricted dwelling

conflicts with Policy D8, as well as Policy TC2 which requires development to be located where it would minimise the need to travel by car. This conclusion is consistent with paragraph 103 of the NPPF which says that opportunities to maximise sustainable transport solutions vary between urban and rural areas.

Notwithstanding this, it is acknowledged that there are already vehicle movements associated with the holiday use. However, the impacts of vehicle movements by tourists are to some degree offset by the substantial benefits to the local economy they bring. The same benefits do not arise from permanent residents and approving dwellings in car-dependent locations denies occupants the opportunity to live their daily lives in a sustainable and healthy manner where they can benefit from active travel.

In view of these considerations the application is considered to be contrary to the policies of the development plan and does not find support in the NPPF.

#### Other material considerations

The applicant's arguments in support of the application are mainly focussed on two areas. The first is the viability of the business and the second is the wording of the extant condition.

Dealing first with viability, the applicant has provided the following information:

- Owl Cottage is redundant and in no way contributes to the tourism use of Treaslake Farm and, instead, harms the overall viability of the business.
- It consistently attracts lower bookings compared with the other holiday cottages. [See occupancy data below.]
- It is poorly located near the car park/ site traffic
- It has challenging access due to steep external stairs up to the front door. [These are described as "wide and safe" on the applicant's website.]
- It is in need of substantial building investment. [The applicants estimate this would cost £90,650 for a comprehensive package of internal and external works.]
- Its removal would support the on-going viability of the tourism business.
- The loss of Owl Cottage as a holiday let would have a negligible impact on the supply of tourist accommodation in East Devon.
- Sufficient privacy will continue to be provided for residents of the dwelling and visitors to the holiday accommodation.
- No external alterations are being proposed to the building or its curtilage. [There is a concurrent application for alterations and extensions to the building, reference 20/1808/FUL.]

It is understood that the first units of holiday accommodation were provided by former owners of the site in the 1970s and units were added in the 1980s and 1990s. The business went bankrupt in around 2012 and it was bought from the receivers by the current applicants in 2014. Since then they have invested heavily in refurbishing the units, rebranding and promoting the accommodation. This has resulted in year on year growth but the applicants consider that the market saturation of holiday units has made this very challenging as competition is multiplying. In their view, in today's competitive marketplace Treaslake Farm cannot sustain seven cottages on an economic basis. It is their view that with a reduction from seven holiday cottages to six, the business would still continue double digit growth without reaching full occupancy because there is minimal demand from guests for 2 bed/4 guest accommodation.

In support of their case the following occupancy data has been provided:

	2019	2018	2017	2016	2015
<b>Occupancy of Owl Cottage</b>	23%	25%	26%	16%	6%
<b>Occupancy of the other 6 cottages</b>	38%	35%	35%	18%	8%
<b>DIFFERENCE</b>	-16%	-10%	-9%	-2%	-2%

Financial information has also been provided which shows that the business has been loss making for the last five years, although losses are reducing. In part the improving situation is owing to growth in bookings and reduced ongoing maintenance costs following the initial investment. An attempt has also been made to assess the profitability of Owl Cottage as a standalone unit. If this assessment is accurate then an increasing proportion of the losses made in the overall business can be attributed to Owl Cottage - as much as 95% in 2019.

Having regard to all of this information it is not clear whether the continued operation of Owl Cottage as a holiday let would prevent the business from being profitable. However, the applicants have made a reasonable case for rationalising the business and focussing on the most profitable elements. Commercially this is a sensible decision but from a planning perspective it also increases the likelihood that the other holiday units will continue to be available, thereby meeting demand for holiday accommodation in the area and contributing to the tourism economy. Overall this weighs in favour of the proposal.

Moving onto the second aspect of the applicant's case, the wording of the extant condition, they argue that it does not meet all of the six tests set out in the NPPF and therefore it should be removed. Its main weakness, it is argued, is its enforceability. As a reminder, the condition says:

"The accommodation hereby approved shall not be occupied by any one person, family or group for more than four successive weeks."

The ordinary meaning of 'occupied' is that the building is being used by someone. Arguably, if the building is being used as a permanent dwelling then it is occupied



regardless of whether or not the occupant is inside the building. Consequently a person occupying the building but staying away every four weeks would still be in breach of the condition. Moreover this would be simple to detect by making repeated visits. For this reason the condition is considered to be enforceable. Nevertheless, a stay of up to 60 days is now considered reasonable to allow for extended summer holidays, for example, and this would be incorporated in any revised condition.

### Other matters

Owl Cottage, by virtue of its separation from the other accommodation is capable of being occupied independently while maintaining the privacy of all occupants. Although there is a shared access, this is a common arrangement where farm buildings have been converted to dwellings and does not give rise to privacy concerns.

The building is not at risk of flooding but the access crosses the flood zone. However, as this is an existing arrangement and the building is already occupied, it is not a reason to refuse permission. Moreover, a permanent resident is likely to be more aware of the risk and better able to respond to it.

The proposal would have a neutral impact on the setting of the listed farmhouse.

The planning condition in question also controls the occupation of Squirrel and Mallard Cottages, which are attached to the main farmhouse. The applicant is not seeking to remove the condition from these cottages and has not provided any information that would justify that outcome. Furthermore, these cottages are less suited to independent occupation owing to their close proximity to the farmhouse, their limited privacy and limited amenity space. Consequently it is reasonable to continue to restrict the occupation of these cottages and to do so using the modern form of condition, ensuring that the owners or occupiers of Treaslake Farm manage the accommodation in the interests of their own privacy and amenity.

### **CONCLUSION**

The authority regularly considers applications of this type but the circumstances are different in each case. A number of applications have been refused in the local area because of a lack of any material considerations that offset the location in the countryside. Like those applications, this site is not in a location where the occupants would benefit from opportunities for active travel when meeting their everyday needs. Even taking account of the fact that "opportunities to maximise sustainable transport solutions will vary between urban and rural areas" (para. 103 of the NPPF), this site has little to commend it in terms of accessibility. Unless there are material considerations that indicate otherwise, this conflict with the Local Plan means that planning permission should be refused.

Much like other applications, this application has been made on the basis that there are economic reasons for supporting the proposal which offset the conflict with the Local Plan. In this case the applicant has engaged positively with the Local Planning Authority to answer all queries and has provided comprehensive responses. It may be possible, in light of this information, to argue that the business is unlikely to fail if the application is refused but the applicant has made a convincing argument that it will be

better able to prosper if it is approved. This is a finely balanced judgement but the support in the Local Plan for tourism-related economic development tips the balance in favour of approval. No planning permission provides a guarantee of success but the improved chance created by approving this application offsets concerns about the location.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The land to which this planning permission relates is outlined in red on the site location plan (drawing number 1925VAR-slp) received on 21 August 2020.  
(Reason - For the avoidance of doubt.)
2. The dwellings known as Squirrel Cottage and Mallard Cottage (identified on drawing number 1925-05) shall be used as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. Neither dwelling shall be occupied by the same person or persons for more than 60 consecutive days. These dwellings shall be managed by the owners or occupants of Treaslake Farm who shall maintain an up-to-date register of the names of all owners/occupiers of the these dwellings, and of their main home address, and shall make this information available at all reasonable times to the Local Planning Authority.  
(Reason - To accord with development plan policies under which permanent residential accommodation would not normally be permitted on the site and to ensure that the owners or occupants of Treaslake Farm have control over the occupation of the holiday accommodation in the interests of privacy and amenity in accordance with Strategy 7 - Development in the Countryside and Policy D1 - Design and Local Distinctiveness of the East Devon Local Plan 2013-2031 and the National Planning Policy Framework.)

### **Plans relating to this application:**

1925-05	Existing Site Plan	21.08.20
1925VAR-SLP	Location Plan	21.08.20

### **List of Background Papers**

Application file, consultations and policy documents referred to in the report.