

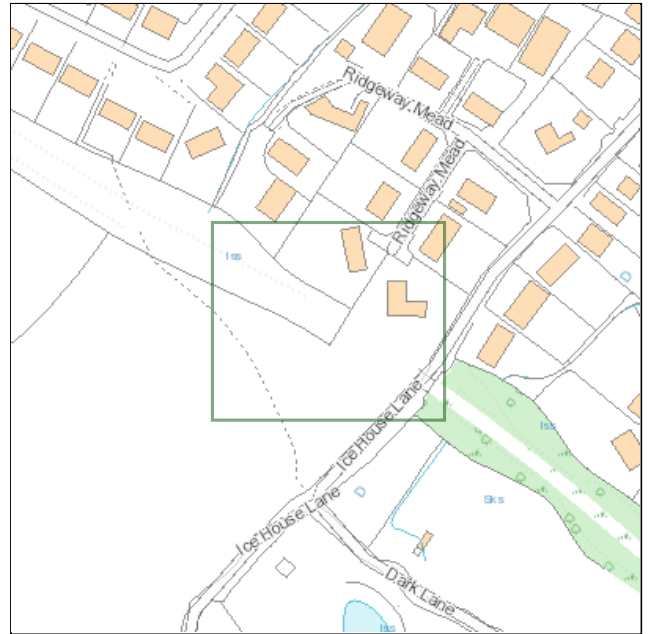
**Ward** Sidmouth Sidford

**Reference** 21/0497/FUL

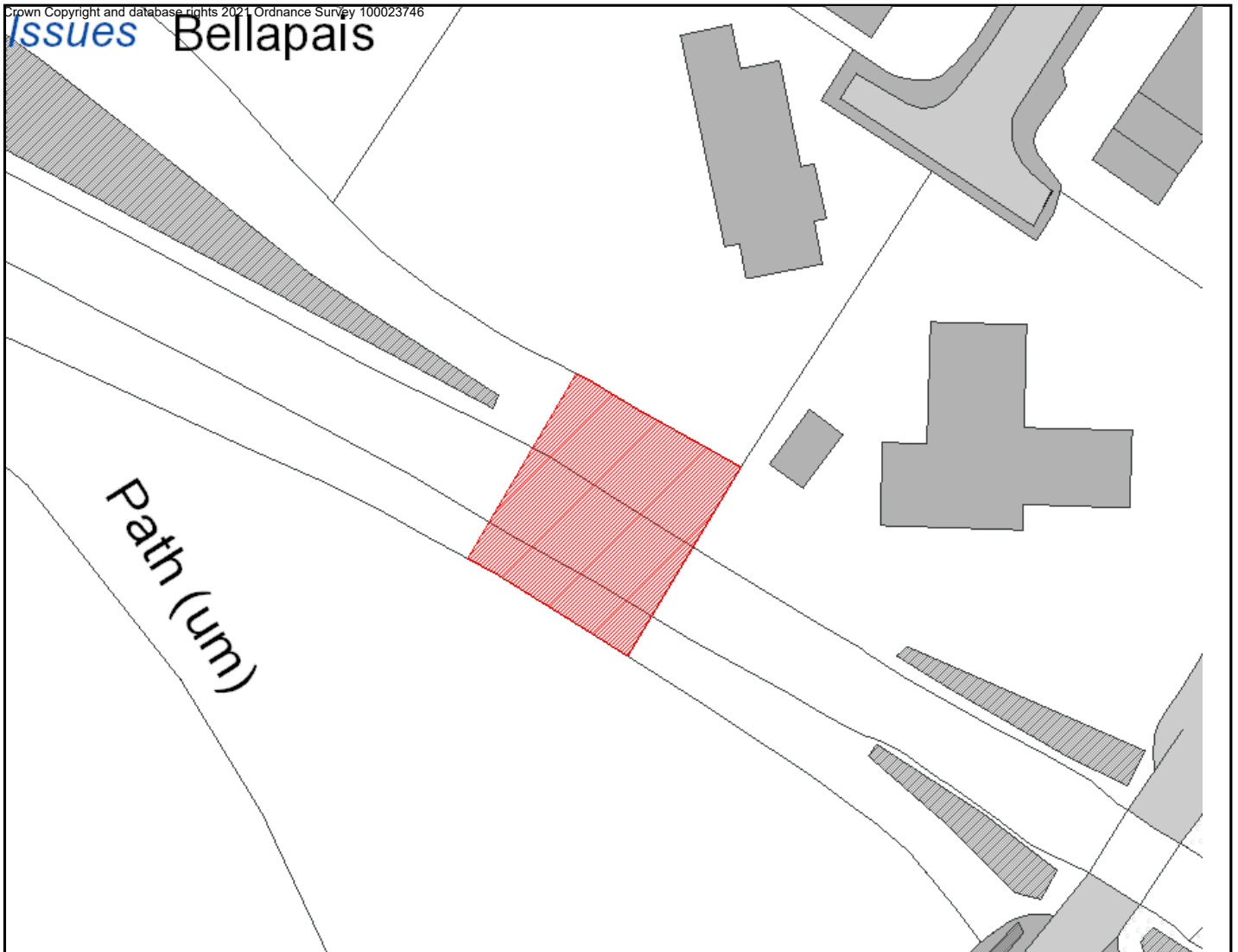
**Applicant** Mr & Mrs A Jarrett

**Location** 4 Ridgeway Mead Sidmouth EX10 9DT

**Proposal** Change of use of former railway line to residential garden area



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 14<sup>th</sup> June 2021</b>
<b>Sidmouth Sidford (Sidmouth)</b>	<b>21/0497/FUL</b>	<b>Target Date: 22.04.2021</b>
<b>Applicant:</b>	<b>Mr &amp; Mrs A Jarrett</b>	
<b>Location:</b>	<b>4 Ridgeway Mead Sidmouth</b>	
<b>Proposal:</b>	<b>Change of use of former railway line to residential garden area</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

**The application is before committee because the applicant is a member of staff and as the officer recommendation is contrary to the view of a Ward Member.**

**This is an application for change of use of land situated on the former railway line to private garden.**

**Whilst it is acknowledged that policy TC5 of the Local Plan seeks to safeguard former railway lines from development, permission was granted in 2010 for an adjoining piece to land to change to garden. In addition, feasibility studies have concluded that it is no longer possible to use this formal railway line as a cycle path with an alternative route through Sidmouth being proposed. On this basis, and given that the applicant already owns the land, there is no objection from Sustrans, Devon County or the Town Council, the change of use is considered to be acceptable.**

**It is not considered that there is an impact on visual amenity by way of the proposed change of use.**

**As such the application is therefore considered acceptable.**

#### **CONSULTATIONS**

Parish/Town Council  
Support

Sidmouth Sidford - Cllr Stuart Hughes

As one of the local District Council members I wish to make the following observations on this application.

This is part of the route required and safeguarded for the Sidmouth to Feniton Cycle/Multi Use Trail.

I therefore do not support this application

#### Other Representations

One representation has been received stating that the route of the railway line should be protected for alternative uses in the future.

### **POLICIES**

#### Adopted East Devon Local Plan 2013-2031 Policies

D1 (Design and Local Distinctiveness)  
TC5 (Safeguarding Disused Railway Lines)  
Strategy 6 (Development within Built-up Area Boundaries)

#### Sid Valley Neighbourhood Plan (Made)

#### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

### **Site Location and Description**

4 Ridgeway Mead is a detached bungalow situated at the end of a cul-de-sac within the built up area of Sidmouth. Behind the property lies the former Sidmouth to Tipton St John railway line. Part of this land was changed into the garden of this property in 2010 as part of application 09/1991/FUL.

### **Proposal**

The application is for the change of use of a further adjoining portion of land measuring some 13 metres by 15.5 metres to the north of the existing garden, from former railway line into domestic garden.

The applicant's already own the land.

### **Relevant planning history**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
09/1991/FUL	Single and two storey extension , new dormer window and retention of change of use of land as garden	APPROVED	13.01.10

### **Assessment**

The main issues for consideration are the protection of the railway line and the visual impact from the development.

### **Protection of Railway Line**

Policy TC5 of the Local Plan states that the 'Council will resist the granting of planning permission for development on undeveloped sections of disused railway lines which have potential for re-use as a transport and recreation route, if it prejudices the future ability of the route to perform this function.'

The preamble to this policy names a number of routes which are listed as having the potential for recreation routes. This includes Sidmouth to Tipton St John. This branch line was closed in 1967. No tracks remain, but in some places the cuttings and bridges are left and the route is clearly discernible. In other parts, such as Bulverton Park, houses have been built over the route.

Various studies and proposals have been undertaken in more recent years to bring part or all of the line back to use. This includes a feasibility study by Sustrans in 2014 to introduce a cycle path (Feniton to Sidmouth (Otter Valley) Trail). The study acknowledged that it is not possible to utilise the whole of the former route for that purpose, and in Sidmouth the preferred route would utilise the existing paths in The Byes before connecting to the seafront, rather than mimicking the route of the old railway, which finished at the Old Station on the corner of Alexandria Road. It is not wholly clear where the route would diverge from the old line (the study refers to ongoing landowner negotiations) but it may be possible to use or widen the existing footpath which connects Higher Woolbrook Park with Dark Lane, which would then be able to use quiet roads and connect with paths elsewhere.

Sustrans have been consulted on the proposal, and no comments have been received. After the initial comment from the ward member and contributor, further information was given by the applicant. A further consultation then took place, to which no comments were received.

It is also important to reiterate that an existing section of the garden of 4 Ridgeway Mead was previously part of the old railway line and was granted permission in 2010 under planning application 09/1991/FUL for a change of use to garden. A similar local plan policy existed at the time to TC5 (Policy TA5- Safeguarding Railway Lines).

Protection of the railway line is not referenced in the 'Made' Neighbourhood Plan for the area, Sidmouth Town Council are supporting the proposal, and the County Highway Authority are not objecting to the proposal either. This all adds weight to this part of the former railway line no longer being considered as a feasible route for protection.

In light of the above, given that part of the garden has already been developed, and given that the applicant already owns the land, it is not considered that the change of this piece of land to form a garden would prejudice the wider aims of Policy TC5.

### **Visual Impact**

The proposal would largely see the land remain as grass or garden area, with the proposed introduction of timber post and rail fencing to the north. It is considered that the visual impact of the change to garden will be minimal, providing that the installation of structures on the land is prohibited via an appropriate condition.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.  
(Reason - For the avoidance of doubt.)
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no works within the Schedule Part 1 Class E for the provision within the garden hereby permitted of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouses as such.  
(Reason - To protect the character and appearance of the area in accordance with Policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

## NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email [cil@eastdevon.gov.uk](mailto:cil@eastdevon.gov.uk).

Informative:

In accordance with the requirements of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 in determining this application, East Devon District Council has worked positively with the applicant to ensure that all relevant planning concerns have been appropriately resolved.

Plans relating to this application:

2912

Proposed Combined  
Plans

19.02.21

List of Background Papers

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