

Ward Dunkswell And Otterhead

Reference 21/0860/FUL

Applicant Mrs Sally Quinn

Location The Lanthorns Sheldon Honiton EX14 4QU

Proposal Change of use of ancillary accommodation to holiday let



RECOMMENDATION: Refusal



		Committee Date: 15th July 2021
Dunkeswell And Otterhead (Sheldon)	21/0860/FUL	Target Date: 18.05.2021
Applicant:	Mrs Sally Quinn	
Location:	The Lanthorns Sheldon	
Proposal:	Change of use of ancillary accommodation to holiday let	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the Committee because the recommendation is contrary to the views of one of the Ward Members.

Planning permission is sought to repurpose an annex as holiday accommodation. The annex is located at the end of the applicant's garden and is accessed from the driveway along a path adjacent to the garage.

The remote location of the development and the character of the available roads would mean that most prospective holiday-makers would rely primarily on their cars for a significant proportion of their holiday travel. For these reasons, for the majority of the time and for convenience reasons, occupiers would tend to be highly dependent on travel by the private car to access services and facilities. As such, the proposal would not be in a sustainable location.

Owing to the proximity of the proposed holiday accommodation to the boundary with the back garden of Westmead Cottage, the neighbours have raised concerns about noise disturbance. While it is accepted that there is a greater risk of this with a holiday let than an annex it is not considered that the nature of the use is so materially different in terms of likely noise and disturbance as to justify refusal on this ground.

It is appreciated that the applicant no longer has a need for an annex but that does not mean that an inappropriate use should be introduced in contravention of the Local Plan and at the expense of the neighbours' living conditions. As a result of conflicts with Strategies 5B, 7 and 33 and Policies D1, D8, E16 and TC2, the proposal is recommended for refusal.

CONSULTATIONS

Local Consultations

Dunkeswell and Otterhead – Cllr Colin Brown

Sorry for my late reply. I think this application should be approved, it will create less traffic movements being holiday accommodation. Its present use is ancillary to the main house and until now has been used by elderly parents.

If the officer's opinion is contrary to mine it should go to committee.

Other Representations

The following comments have been made by the occupants of Westmead Cottage:

"The accommodation in question sits directly alongside our garden and outside eating area. The distance from cabin to Westmead (our home) is approximately 30-40ft.

I am concerned that there will be a considerable increase in noise, associated with visiting holiday makers with their recreational use of the cabin and outside areas. This will have a direct impact on current levels of noise at Westmead. Should permission be granted I am also concerned a precedent may be set for further holiday lets in an AONB."

Technical Consultations

None.

PLANNING HISTORY

Reference	Description	Decision	Date
86/P1836	Erection Of House & Garage	Approval with conditions	06.11.1986
14/1811/FUL	Construction of cabin for use as granny annexe in rear garden.	Approval with conditions	12.09.2014

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

Strategy 33 (Promotion of Tourism in East Devon)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D8 (Re-use of Rural Buildings Outside of Settlements)

E16 (Proposals for Holiday or Overnight Accommodation and Associated Facilities)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

Site Location and Description

The Lanthorns is located in the centre of the small village of Sheldon, close to the Church and the Village Hall. It is situated on elevated ground within the AONB and the nearest village with a range of amenities is Dunkeswell on the other side of a steep sided valley.

The main dwelling is a detached two storey property and in terms of scale and position it is characteristic of many of the houses fronting the road through the village. In its rear garden is the cabin which is the subject of this application. It is situated in the south western corner of the garden, adjacent to the boundary with Westmead Cottage. Access is via a path alongside the garage and steps up to a separate garden enclosure around the cabin.

ANALYSIS

Planning permission is sought to use a detached annex in the garden as a self-contained holiday let.

The annex was granted permission in September 2014 and was occupied by an elderly family member until recently. Now having no immediate need for annex accommodation, the applicant is seeking an alternative use for the building.

The property is in the countryside and therefore to comply with Strategy 7 of the Local Plan the proposal would need to gain support from at least one of the other policies in the Local Plan. There is no Neighbourhood Plan for Sheldon.

Two Local Plan policies are relevant to the proposal: D8 - Re-use of Rural Buildings Outside of Settlements, and E16 - Proposals for Holiday or Overnight Accommodation and Associated Facilities.

Policy E16 supports "Conversion or use of existing buildings in the open countryside, within close proximity to the main farm house or country house, for small-scale

holiday accommodation uses", subject to a number of conditions. Policy D8 also supports residential or holiday uses subject to a number of conditions. The proposal satisfies many of the criteria in these policies but each policy imposes a requirement in relation to location which merits further analysis.

In Policy D8 the requirement is:

c) Development is located close to a range of accessible services and facilities to meet the everyday needs of residents

In Policy E16 the requirement is:

4. The proposal is accessible on foot, by bicycle and public transport and will not impair road safety or the free flow of traffic.

These requirements are echoed by Policy TC2 - Accessibility of New Development, which states:

New development should be located so as to be accessible by pedestrians, cyclists and public transport and also well related to compatible land uses so as to minimise the need to travel by car.

Policy E16 also imposes another important requirement in clause 2:

2. The proposal does not harm the amenities enjoyed by the occupiers of neighbouring properties.

This is echoed by clause 3(d) of Policy D1 - Design and Local Distinctiveness, which states:

3(d) Do not adversely affect the amenity of occupiers of adjoining residential properties.

In light of these considerations, the two main issues in the determination of this application are (i) whether the location of the holiday accommodation is acceptable having regard to the policies in the Local Plan and (ii) whether the proposal would protect the amenity of the occupiers of adjoining residential properties.

Location

The nearest bus stop to the site is at 'Sheldon Turn' which is on the Dunkeswell side of the valley about 1.1 miles from the site. The journey from the bus stop to the site is along a steep, narrow lane with no pavements or lighting. Owing to the distance and terrain, access to the site by public transport is not a realistic option. Moreover, there are only five buses per day serving Honiton and four serving Taunton (none on Sundays) so options are very limited.

Sheldon itself is lacking in any amenities and although some countryside pursuits may be accessed on foot or by bicycle, a car would be required to access shops, pubs and tourist attractions.

The issue of accessibility for tourists was considered in an appeal decision dated 31 January 2017 in relation to holiday lodges on land about 100m south west of The Lanthorns (appeal ref. APP/U1105/W/16/3155475). In the Inspector's words:

“9. Sheldon is a very small settlement which has a church but lacks a shop, public house or bus service. I have little detailed evidence before me in relation to the nearest services and facilities. However, I noted at my site visit that Sheldon is a considerable distance from Honiton which appears to be the nearest town. Furthermore, the surrounding road network in the immediate vicinity of Sheldon consists mainly of narrow unlit country lanes.

10. As such the character of these lanes would not promote pedestrian or cyclist usage, particularly when dark. It follows that visits to shops for provisions, to restaurants/public houses for meals and to the local attractions would inevitably be by car. The occupiers may only be residing in the lodge/huts on a temporary basis but they would still need to access services and facilities.

11. Of course, some visitors may choose to arrive at their lodge/hut loaded with provisions and thereby reduce the need for subsequent car-borne travel (and also the potential spending in local businesses). And, I acknowledge that the possible provision of transport to the nearest railway station and the provision of bikes including electric ones for the visitors to use could also reduce reliance on the private car. However, taking into account the character of the lanes noted above the cycle provision might offer an occasional recreational alternative, but it would not cater for the wide variety of journeys inherent in 'holiday travel'.

12. Consequently, the remote location of the development and the character of the available roads would mean that most prospective holiday-makers would rely primarily on their cars for a significant proportion of their holiday travel. For these reasons, for the majority of the time and for convenience reasons, occupiers would tend to be highly dependent on travel by the private car to access services and facilities. As such, the proposal would not be in a sustainable location.”

In reaching this conclusion the Inspector had regard to Strategy 33 - Promotion of Tourism in East Devon, the preamble to which states:

"The Local Plan will support tourism throughout the District with the onus on encouraging high quality attractions, facilities and tourist accommodation."

However, the Strategy itself states that "Tourism growth should be sustainable" and therefore this strategy, in line with Strategy 5B and Policies D8, E16 and TC2, indicates that not all rural locations within East Devon will be regarded as sustainable.

In view of the very limited alternatives to car travel and the Inspector's comments in this regard, the site is not considered to be appropriately located for tourist accommodation and the development would be contrary Strategies 5B, 7 and 33 and Policies D8, E16 and TC2.

Amenity

The annex is located adjacent to the rear garden of Westmead Cottage and at each end of the building there is an outdoor amenity space, also adjacent to the boundary, which would be available to the holiday makers.

Dividing the site from Westmead Cottage is a beech hedge which is supplemented by a row of laurel hedging at the southern end and a second row of beech hedge at the northern end. Although there are essentially two layers of hedging, they create a less than substantial boundary which provides some privacy between the site and the garden of Westmead Cottage.

It is recognised that the proposed use as a holiday let means that there could be many different unfamiliar occupants of the former annex who may or may not be considerate to their immediate neighbours. However the outdoor spaces are not likely to be used in a materially different way to the existing garden space while any disturbance is likely to be equally harmful to the owners of the holiday let whom have an element of control over its use. While the concerns of the residents of Westmead Cottage are understood it is not considered that the proposed use would be so harmful to their amenity as to justify refusal of the application. In the event that Members are minded to grant permission it is however recommended that the boundary between the two properties be reinforced via a condition to further secure the privacy of Westmead Cottage and provide some further protection from noise disturbance.

Other Matters

As the proposal relates to an existing building and a single unit of accommodation it would not give rise to harm to the landscape and scenic beauty or the tranquillity of the AONB.

There is adequate parking and turning space within the driveway for the occupants of The Lanthorns and the proposed holiday accommodation.

There would be a degree of intrusion on the applicant's own privacy but given that the occupation of the holiday accommodation would be within the applicant's control this would not give rise to an unacceptable relationship. In contrast, the neighbours would not have control over occupation of the accommodation.

CONCLUSION

Although the Local Plan acknowledges the importance of tourism to the local economy, it stresses that tourism development must take place in a sustainable manner. An appeal for holiday lodges near to the application site was dismissed in 2017 owing to the unsustainable location and there has been no change in policy that would justify reaching a different conclusion. Attention has been drawn to a planning permission for the conversion of Sheldon Chapel to holiday accommodation but in that case the disadvantages of the location were outweighed by the benefits of the much needed restoration of a non-designated heritage asset.

It is appreciated that the applicant no longer has a need for an annex but that does not mean that an inappropriate use should be introduced in contravention of the Local Plan and at the expense of the neighbours' living conditions. As a result of conflicts with Strategies 5B, 7 and 33 and Policies D1, D8, E16 and TC2, the proposal is recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The proposed development is located in the countryside outside of any designated settlement boundary where development is strictly controlled. Occupants of the proposed holiday accommodation would be highly car dependent and as such the proposal would represent an unsustainable form of development. Consequently the proposal would be contrary to Strategies 5B - Sustainable Transport and 7 - Development in the Countryside and Policies D8 - Re-use of Rural Buildings Outside of Settlements, E16 - Proposals for Holiday or Overnight Accommodation and Associated Facilities and TC2 - Accessibility of New Development of the East Devon Local Plan 2013-2031 and policy contained within the National Planning Policy Framework.

NOTE FOR APPLICANT

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council seeks to work positively with applicants to try and ensure that all relevant planning concerns have been appropriately resolved; however, in this case the development is considered to be fundamentally unacceptable such that the Council's concerns could not be overcome through negotiation.

Plans relating to this application:

	Location Plan	23.03.21
21/1001/01 REV A	Existing Combined Plans	23.03.21

List of Background Papers

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