

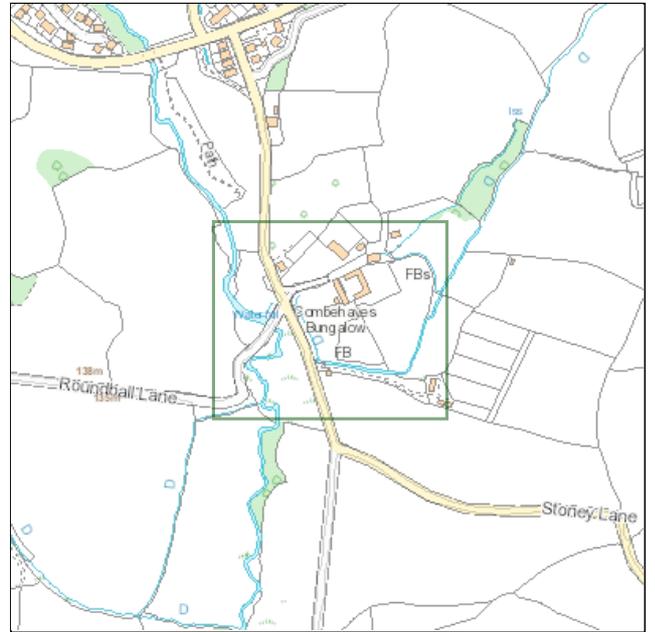
**Ward** Honiton St Michaels

**Reference** 21/0176/FUL

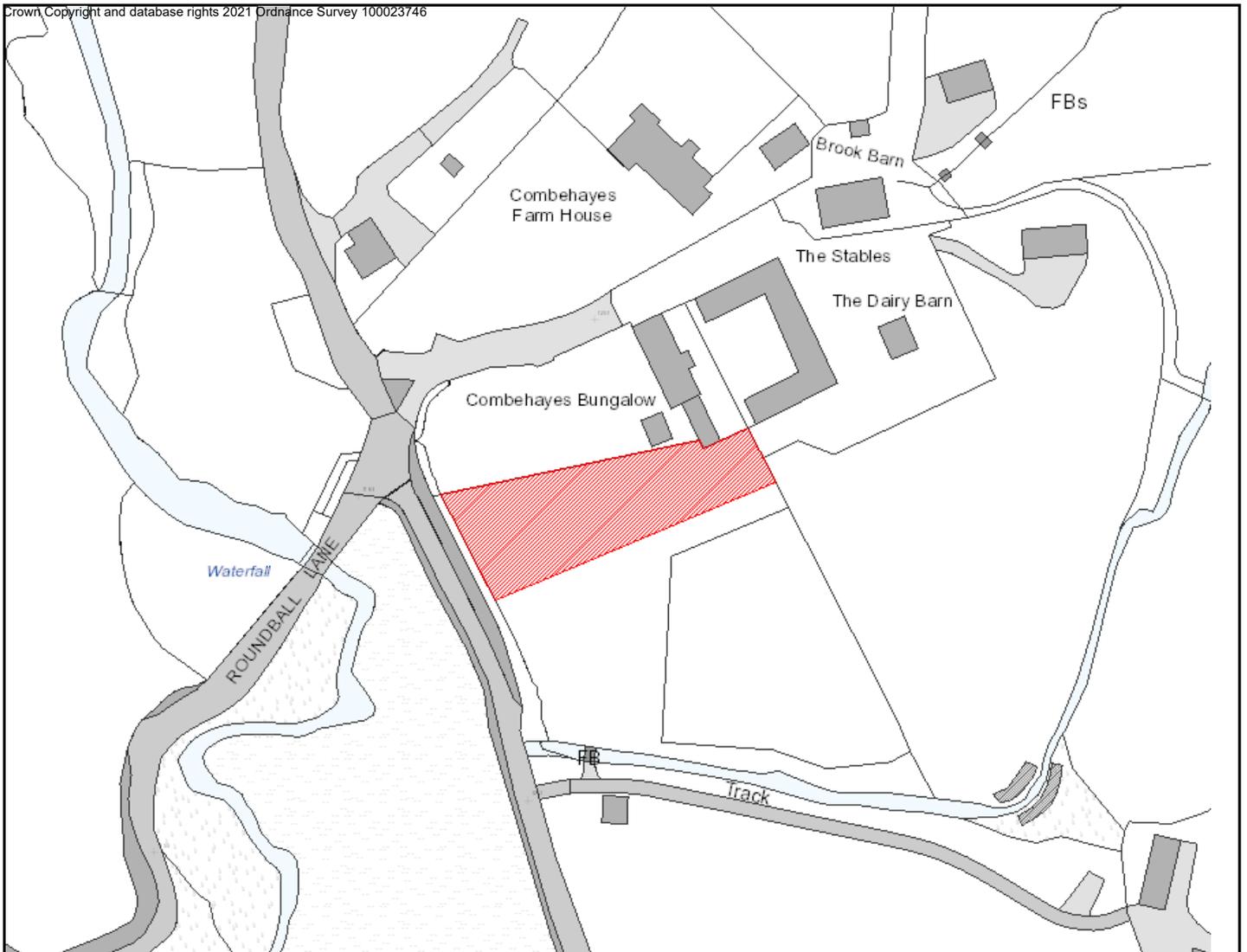
**Applicant** Mr Christopher Stevens

**Location** Combehayes Farm Bungalow Honiton EX14 9TS

**Proposal** Change of use of land from agricultural to residential garden use and retention of summerhouse.



**RECOMMENDATION: Approval with conditions**



		<b>Committee Date: 15<sup>th</sup> July 2021</b>
<b>Honiton St Michaels (Honiton)</b>	<b>21/0176/FUL</b>	<b>Target Date: 08.04.2021</b>
<b>Applicant:</b>	<b>Mr Christopher Stevens</b>	
<b>Location:</b>	<b>Combehayes Farm Bungalow, Honiton, EX14 9TS</b>	
<b>Proposal:</b>	<b>Change of use of land from agricultural to residential garden use and retention of summerhouse.</b>	

**RECOMMENDATION: Approval with conditions**

#### **EXECUTIVE SUMMARY**

The application is before the committee as the proposed development represents a departure from the Development Plan as the application site is in the countryside, and the development is not specifically supported by any Local Plan policy.

The application seeks permission retrospectively for the change of use of land from agricultural to residential use and for the retention of a summerhouse, ancillary to an existing adjacent dwelling. In addition to being located within the countryside the site is within the East Devon AONB and flood zone 2. It is also adjacent to Listed Buildings.

The summerhouse and domestic paraphernalia placed on the land are discernible from the adjacent highway to the west through boundary hedge vegetation and these would be more visible during the winter months when hedge vegetation is thinner. They are however only glimpsed views and in the context of other views of the adjacent buildings and their gardens it is considered that the landscape character of the area is conserved albeit not enhanced which is the requirement under Strategy 46 of the Local Plan.

The residential use of the land may have become lawful due to being undertaken for a number of years which is a relevant consideration. The proposal is not considered likely to impact on the setting of the adjacent curtilage Listed Buildings or the main Listed Building further away to the north. No issues are raised in relation to neighbouring amenity or highway matters.

## **CONSULTATIONS**

### **Local Consultations**

#### **Honiton St Michaels - Cllr Phil Twiss**

Support this application which seeks to regularise use of land to produced fruit and vegetables since 2006, together with a low impact study/office within the East Devon AONB, where due to current COVID-19 restrictions I think we are likely to see Home working applications featuring more often as lifestyles change with a blend of Home/Office based working, reducing carbon footprint in some circumstances.

### **Technical Consultations**

Devon County Highways – No comment received

### **Other Representations**

One representation in support raises the following points:

- The building has very low impact on AONB and adjacent building group, blending in well.
- The land has been used as family garden for at least 7 years.

## **PLANNING HISTORY**

(Only relevant planning history is listed below)

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
87/P2103	Conversion Of Barn To Single Storey Dwelling (outline)	Approve	09.06.1988
88/P1098	Convert Redundant Barn To Single Dwelling (reserved matters)	Approve	07.09.1988
88/P1099	Convert & Extend Redundant Stone & Tile Outbuilding To A Single Dwelling (listed building consent)	Approve	25.8.1988

## **POLICIES**

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

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

EN21 (River and Coastal Flooding)

EN8 (Significance of Heritage Assets and their setting)

EN9 (Development Affecting a Designated Heritage Asset)

No draft Neighbourhood Plan is available for Honiton

#### Government Planning Documents

NPPF (National Planning Policy Framework 2019)

National Planning Practice Guidance

#### Other Documents

East Devon AONB Management Plan 2019-2024

#### **Site Location and Description**

The site is an area of land to the southwest of Combehayes Farm Bungalow, a converted former agricultural building. To the south of the Bungalow lies its hedged and planted garden. The site is a grassed area of land roughly rectangular in shape which is bounded to the west by Honiton Bottom Road (an unclassified road) with a hedgebank along its western boundary. To the south and east of the site lies agricultural land whilst to the northeast lie 3 neighbouring dwellings, the garden of the closest adjoins the site diagonally. The land within the site slopes down gently towards the west. The site is located in the countryside and the East Devon AONB. Most of the site, including the location of the summerhouse subject to the application, lies within Flood Zone 2. Approximately 52m to the north of the site, beyond Combehayes Farm Bungalow and the private access road serving several properties, lies the Grade II Listed Coombhayes Farmhouse. Combehayes Farm Bungalow and the other agricultural buildings converted to dwellings immediately to the north of it are curtilage listed in connection with the Farmhouse.

#### Proposal

Permission is sought retrospectively for the change of use of an area of former agricultural land to ancillary residential garden and for the erection of a summer house within this area.

#### **ANALYSIS**

The main issues for consideration include the principle of the development, visual impact, impact on heritage assets, flood risk and travel and highway safety.

#### Principle

There is no local plan policy which specifically supports the change of use of agricultural land to residential use in the countryside, or the erection of an ancillary

residential building on land not within lawful residential use. Such proposals are contrary to the Development Plan and represent a departure from its policies, however they may be considered acceptable where no harm would arise from them.

In assessing the planning history of the site it is noted that historic aerial photographs show items placed on the land comprising the site in various positions since 2010. Whilst the items cannot always be clearly discerned they appear to include a swimming pool and trampoline, which are domestic in nature. Small flower or vegetable beds also appear to be present and a caravan appears to have been placed on the land in 2016. Given the length of time which domestic equipment/garden beds appear to have been on the site it is considered that there is a reasonable likelihood that its use as ancillary residential land has become lawful due to the passage of time and although a certificate of lawfulness has not been applied for, the above point is a material consideration which is taken into account in assessing this application.

The assessment of harm in relation to various potential impacts is discussed under the headings below.

#### Visual Impact

The roadside hedge bank and hedge on top of it provide a reasonable degree of screening but glimpsed views of the application building can be obtained from the adjacent highway to the west, despite it being constructed of reasonably visually recessive materials. The building however sits close to the main bungalow and other outbuildings and nearly 40m from the road. In this context it is considered that the summerhouse conserves the landscape character of the area albeit it could not be said to enhance it as required by Strategy 46 of the Local Plan. The retention of the boundary hedge will be important to ensuring that this area does not harm the landscape quality of the area, however the same could be said to many other hedgerows in the area that screen residential garden areas. The permanent retention of hedgerows at a particular height is not something the planning system can seek to control, but it is likely that the owners will wish to retain their privacy in any extended garden area and so retention of the hedgerow is the most likely means to achieve this.

There is concern that further domestic buildings and other structures in the proposed extended curtilage could cumulatively harm the landscape quality of the area and so it is recommended that permitted development rights be withdrawn for other outbuildings in this area should Members be minded to support the application.

#### Heritage Assets

Special regard is had to the setting of the adjacent curtilage listed Coombehayes Farm Bungalow, the curtilage listed building to the northeast of this and the main Grade II Listed Combehayes Farmhouse to the north. Whilst the summerhouse and proposed extended garden area is inter-visible with the curtilage listed buildings to the north and northeast they are more distant from Combehayes Farmhouse and separated from it by intervening vegetation, an access road and buildings. It is therefore not considered the extended garden or summerhouse have any impact on the setting of that building. The summerhouse is set apart from and down slope of the bungalow and other adjacent curtilage listed buildings and due to this and its small scale, it appears separate and subservient to those buildings. Whilst the

extended garden area and summerhouse subject to the application potentially have a minor domesticating impact on the original rural setting of the adjacent curtilage listed buildings a significant domesticating impact already exists in closer proximity to each of these buildings, due to the existing established domestic gardens immediately adjacent to them. Those gardens do not appear to follow any original enclosure pattern associated with the agricultural buildings prior to their conversion. It is therefore not considered that the proposal would generate any harm to the setting of the curtilage buildings.

#### Flood Risk

As minor development within flood zone 2 the Environment Agency (EA) have not been consulted on the application and neither is it necessary to apply the sequential test in this case. The submitted flood risk assessment has been assessed against EA standing advice and it is noted that it covers the management of surface water and floor levels. Whilst no specific details are provided regarding evacuation or resilience of the building to flooding, given its simple plan form and easy external access to higher ground outside of flood zone 2, it is considered that evacuation and drainage from the building would be straightforward. Details have not been provided of how the applicant would obtain flood warnings and it is recommended that a condition be imposed to require the applicant to sign up to a flood warning service. With the recommended condition in place it is not considered that the building would be subject to undue harm to flooding during its lifetime or that it would contribute to a risk of flooding elsewhere.

#### Travel and highway Safety

The summerhouse and extended garden would be close to the dwelling with which they would be associated. No new access point is proposed and it is not considered that the scale and nature of the proposal would significantly increase the use of the existing access, need to travel or the traffic volumes using the local highway network. No objection has been raised by the Local Highway Authority. Overall the proposal is considered to be acceptable in relation to travel and highway safety issues and in accordance with the relevant Local Plan policies listed above.

#### Other issues

It is not considered that the proposal would be likely to generate new impacts on neighbouring residential amenity.

#### Conclusion

The proposal would be of personal benefit to the applicant and with the recommended conditions imposed, it is not considered that it would cause undue harm in relation to visual impact, impact on heritage assets, flood risk, travel demand or highway safety. Overall the proposal is considered to represent sustainable development.

### **RECOMMENDATION**

APPROVE subject to the following conditions:

1. 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.)
2. The building hereby approved shall be retained with timber external walls stained dark brown and red-brown bitumen shingles on the roof. (Reason – To reflect the proposal and the materials on the building as erected and in the interests of good design and the protection of the surrounding landscape, in accordance with Strategies 7- Development in the Countryside and 46- Landscape Conservation and AONBs and Policy D1 Design and Local Distinctiveness of the East Devon Local Plan).
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 shall be undertaken within Schedule Part 1 Class E for the provision within the hereby permitted extended curtilage of the dwelling house of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house 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 and in the interests of the conservation and enhancement of the AONB landscape in accordance with Strategies 7 Development in the Countryside and 46 Landscape Conservation and Enhancement and AONBs and Policy D2 Landscape requirements of the Adopted East Devon Local Plan 2013-2031).
4. Within 2 months of the date of this permission the applicant shall have signed up to the government flood warning service to receive flood warnings relating to the area occupied by the summerhouse, hereby permitted. (Reason: In the interests of the protection of the occupiers of the building hereby permitted from flood risk and in accordance with Policy EN21 River and Coastal Flooding of the East Devon Local Plan).

#### 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 aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

	Block Plan	10.02.21
	Proposed Floor Plans	10.02.21
	Location Plan	10.02.21
	Proposed Site Plan	10.02.21
North facade 4-1	Proposed Elevation	10.02.21
South facade 1-4	Proposed Elevation	10.02.21
East facade A-B	Proposed Elevation	10.02.21
West facade B-A	Proposed Elevation	10.02.21

List of Background Papers

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