

Ward Newbridges

Reference 21/2268/FUL

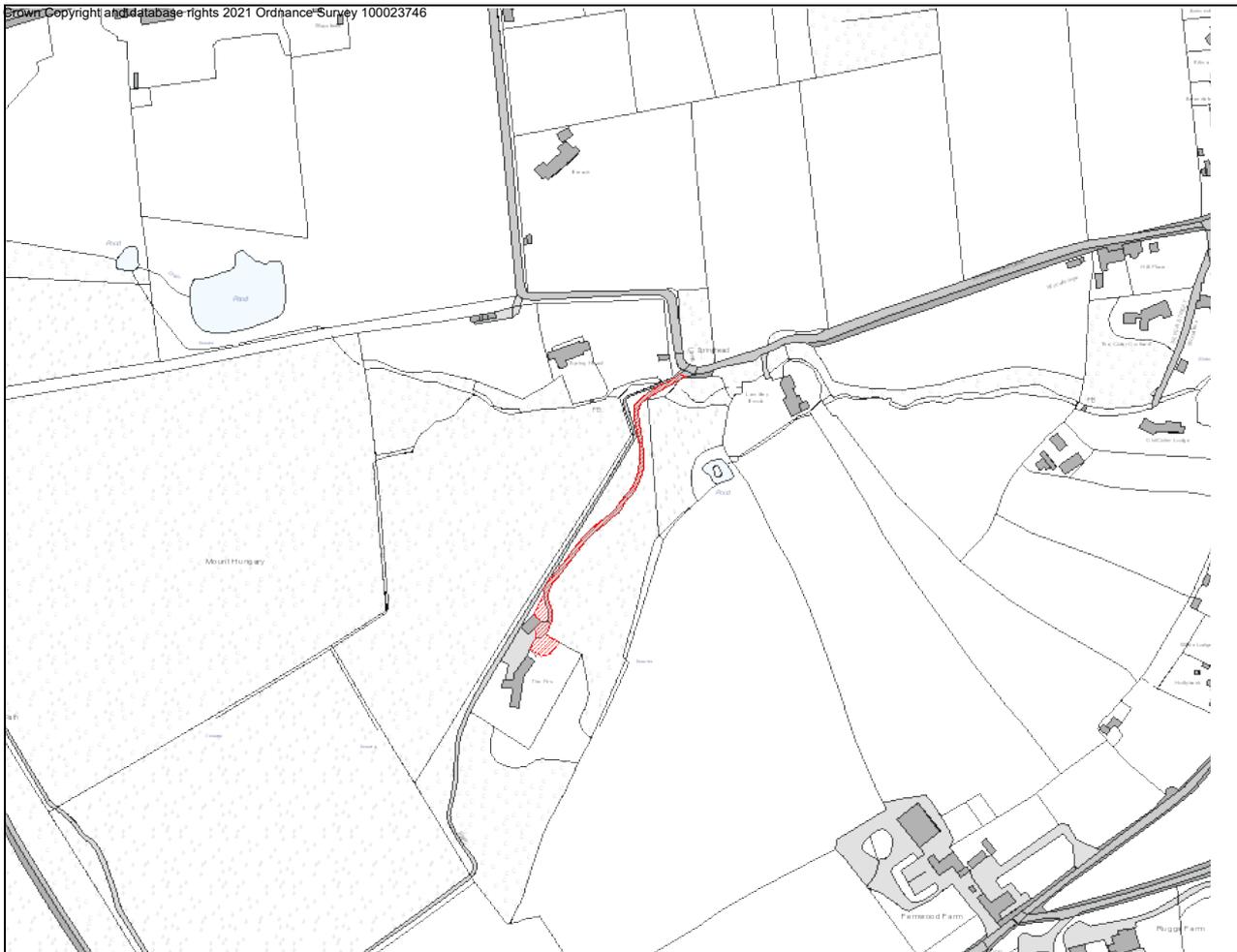
Applicant Laura and Matthew Dentry

Location The Firs Kilmington Axminster EX13 7SS

Proposal Proposed use of existing mobile home as independent holiday let unit and adjacent bell tent for associated amenity facilities.



RECOMMENDATION: Approval with conditions



		Committee Date: 27th October 2021
Newbridges (Kilmington)	21/2268/FUL	Target Date: 18.10.2021
Applicant:	Laura and Matthew Dentry	
Location:	The Firs Kilmington	
Proposal:	Proposed use of existing mobile home as independent holiday let unit and adjacent bell tent for associated amenity facilities	

RECOMMENDATION: Approval with conditions

EXECUTIVE SUMMARY

The application is before committee as it represents a departure from the development plan and has been advertised as such.

The application seeks to change the use of a mobile home, already sited on the land and used for ancillary residential purposes, to allow it to also be used as an independent holiday let unit. The development also includes the siting of a bell tent, adjoining the mobile home and to be used in association with the mobile home for amenity facilities.

As the tent and mobile home are not buildings the proposal does not derive support from policies of the Local Plan that permit, subject to meeting other specified criteria, re-use of buildings for holiday accommodation purposes. Nevertheless, given that the mobile home is existing and is not considered to constitute development requiring planning permission, subject to its use remaining ancillary to that of the main dwellinghouse, it falls to be considered whether the development might be considered acceptable as a departure from the development plan despite the lack of explicit policy support.

The mobile unit and tent are visually well related to the dwelling house and the site is generally well screened such that the proposal would not give rise to any additional visual impacts.

The site is also considered to be acceptable in terms of access arrangements and highway safety and in relation to neighbouring amenity.

Whilst a small part of the site access falls within Flood Zone 3 the site of the mobile home is well away from any areas at risk of flooding and the proposal is not considered to give rise to increased flood risk off site.

The principal impact that would arise from the proposal is therefore related to any increased journeys associated with the proposed use, taking into account its location in open countryside. Whilst guests are considered likely to use private transport for at least some of their journeys, the relative proximity of the site to Kilmington and the lightly trafficked nature of the linking routes are such that alternative modes of transport, such as walking and cycling would be viable alternatives to the use of private transport for at least some journeys.

Balanced against, in this instance, the limited harm likely to arise from the site's location are the benefits that would arise to the local and wider tourism based economy and which includes businesses within the nearby village which could directly benefit. Although the scale of such benefits would also be limited in scale they are considered to outweigh the limited environmental harm that would arise on this occasion.

CONSULTATIONS

Cllr Iain Chubb – Newbridges

I note that this application is recommended for approval; I have not had any communication from residents with concerns. It also looks like the Parish Council have not objected. I therefore agree with the recommendation. I am also away around the time this might go to committee so please may I tender apologies now.

Local Consultations

None received

Technical Consultations

None received

Other Representations

None received

PLANNING HISTORY

Reference	Description	Decision	Date
17/1697/FUL	Proposed conversion of garage to holiday accommodation	Approval with conditions	28.11.2017

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies
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)

EN21 (River and Coastal Flooding)

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)

Kilmington Neighbourhood Plan (In Preparation)

Government Planning Documents

National Planning Practice Guidance

NPPF (National Planning Policy Framework 2021)

Site Location and Description

The Firs is a residential property located in open countryside to the southwest of Kilmington and within the designated East Devon Area of Outstanding Natural Beauty. The main dwellinghouse is single storey and is located to the west side of a generous plot largely laid to lawn with some shrub/tree planting. The land on site slopes down gently from north to south. The property is surrounded by woodland and is reached by a private track leading off Springhead Lane and which itself links to the village further to the east.

The application relates to an area of levelled and gravelled land to the immediate northeast of the dwellinghouse. A mobile structure (hereafter referred to as shepherds hut) is sited on the southern edge of the hardstanding.

Proposed Development

Permission is sought for the use of the existing shepherds hut as an independent holiday let unit together with an adjacent bell tent to be used for associated amenity facilities.

The supporting statement at paras.6.1 to 6.2 goes into some detail regarding whether the proposal should be considered a building or a caravan. It concludes that the shepherds hut falls within the statutory definition of a caravan. The statement then goes on (paras. 6.3 to 6.4) to consider whether the siting of 'the hut' for purposes ancillary to the residential use of the main dwellinghouse would constitute development, again the conclusion drawn is that such siting would not constitute development. There is no reason to come to a different view on these matters.

Site History

There are various applications relating the construction and extension of the main house and garage. Permission was also granted under application 17/1697/FUL for the conversion of an existing garage to form a holiday accommodation unit, this permission however has not been implemented and appears to have lapsed.

ANALYSIS

The main issues in the determination of the application are:

- The principle and policy compliance
- Impact on the character and appearance of the area
- Accessibility of development
- Economic Benefits
- Other Issues

Principle and policy compliance

The site lies in a rural location outside of any designated built up area boundary and is therefore considered to fall within open countryside. Strategy 7 of the East Devon Local Plan 2013-2031 (EDLP), strictly controls development in such locations, unless explicitly permitted by another policy of the Local (or where relevant) Neighbourhood Plan. In this case the site falls within the parish of Kilmington and for which there is a neighbourhood plan in preparation and a pre-submission draft has been produced, some limited weight can be given to this.

In terms of the EDLP, Policy D8 (re-use of redundant rural buildings) offer some potential support for alternative use of such buildings subject to a number of listed criteria being met. However, this application relates to a mobile home/shepherd's hut and a tent neither of which are buildings, as such no support is derived from this policy.

Policy E16 of the Local Plan similarly supports the principle of conversion of existing buildings in the open countryside, within close proximity to the main farmhouse or country house for small scale holiday accommodation use subject to meeting a number of listed criteria. As it has been established that the proposals do not relate to 'buildings' this policy does not apply. However, the criteria of this policy provide a useful framework against which to assess other elements of the proposal (see below).

Policy E4 supports proposals for rural diversification subject to listed criteria being met which includes that any development is on a farm and operated as part of an overall holding. This does not appear to be relevant in this instance.

Policy E5 relates to Small Scale Economic Development in Rural Areas and offers support in principle to such developments where they are designed to provide jobs for local people and utilise existing buildings; are on previously developed land or where on greenfield sites are well related in scale and sustainability terms to the villages and surrounding areas.

Given that the proposals relate to temporary/mobile structures as opposed to buildings and do not appear to provide jobs for local people it is not considered that the proposals find any direct support under those policies.

In terms of the draft Kilmington Neighbourhood Plan (KNP), policy EB2 seeks to support:

‘Local Tourism and Leisure Opportunities’ subject to meeting criteria relating to: them being small scale and appropriate to their landscape setting; serving a local rather than strategic tourism needs / demand; having no adverse impact on highway safety or traffic flow on the local road network; not increasing fluvial or surface water flood risk; having no adverse impact on landscape or built character or such impacts can be satisfactorily mitigated; having no adverse impact on biodiversity or impacts can be satisfactorily mitigated to ensure net gains in biodiversity, and; not adversely impacting upon local amenity. Whilst the proposals are considered to fair well against these criteria given the stage of the neighbourhood plan only limited weight can be attributed to such support.

Overall, there are not considered to be any policies of the development plan that offer the explicit support for the development required by Strategy 7, as such the proposal has been advertised as a departure from the development plan. Nevertheless it is necessary to consider whether there are any other material considerations that weigh in favour of the scheme and indicate that the proposal should otherwise be considered acceptable.

In terms of the National Planning Policy Framework (NPPF), para. 84 advises that planning decisions should enable, ‘*sustainable rural tourism and leisure developments which respect the character of the countryside*’ and para. 85 states that, ‘...*decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements*’. However in such circumstances the relationship with and access to existing settlements will be important to ensure such developments are sustainable.

Impact on the character and appearance of the area and wider landscape

The application site is located where it is surrounded on 3 sides by dense woodland planting and as a result wider views of the site are screened from these directions.

A public right of way, Kilmington Bridleway 17, runs along the access track to the site and then along the western boundary of the property passing the site and dwellinghouse before continuing on to the southwest. As a result of the woodland planting the site is not visible on approach and only becomes so in close range views. The shepherds hut and bell tent would be clearly visible in these views but would be seen in the residential context of the site and other buildings on it.

To the east there is some screening to the boundary of the property but beyond this are open agricultural fields, which slope gently down towards Kilmington, There are no footpaths or other rights of way in close proximity in this direction and any views from local roads would be over some distance, filtered by screening on the eastern

boundary and seen in conjunction with existing buildings on site and against the backdrop of rising land.

As the shepherds hut is already sited and where such siting is not considered to represent development, subject to its use for ancillary residential purposes, the change of use proposed is not considered to result in any increased visual impact. In terms of character change there may be some increased activity associated with the proposed change of use but given the small scale nature of the proposal and the potential for existing residential use of the site (albeit ancillary) it is not considered the proposal would result in any harm to the immediate site and surroundings and would conserve the character and appearance of the wider AONB. The proposal would therefore be acceptable in relation to Strategy 46 of the EDLP and in terms of criteria 1 of policy E16 is considered appropriate in scale, level and intensity and compatibility with the character of the area.

Accessibility of development

The submitted Design and Access statement recognises at para. 6.5.3 that the site lies beyond any defined built-up area boundary, however it points out that permission has previously been granted for holiday let accommodation at the site (17/1697/FUL) and where the site was found to be acceptable in accessibility terms. Whilst it is understood that this permission has lapsed without implementation it is important to note that it was assessed, in sustainability terms, under the same Local Plan policies.

The location of the site is approximately 500 metres from the edge of the village (as defined by the built-up area boundary) with the nearest bus stops being approximately double that distance on the A35. The draft neighbourhood plan describes the village as having a range of facilities and amenities including, “ ... a parish church, a Baptist church (*The Beacon*), village hall, cricket pavilion on the playing field (which doubles as a meeting place), village primary school, 2 pubs, a filling station with a shop, motel and café attached, and a large farm shop.” The bus routes along the A35 provide an hourly bus service in each direction to Honiton in one direction and Axminster in the other.

Access to the village and bus stops is via the access track serving the site and then via Springhead Road and on through the network of roads and lanes within the village. Although the route lacks lighting and dedicated footways, the initial section, via Springhead lane, appears lightly trafficked and provides a viable alternative means of accessing the village for at least some journeys, the same is true for access by cycle.

In this instance it is considered that the site is accessible by alternative modes of transport and whilst use of private transport is likely to be favoured those alternatives would be viable for at least some journeys, as such the proposal could be considered to meet the requirements of criteria 4 of policy E16, criteria c) were this to apply.

Economic Benefits

The proposal would result in the creation of 1 no. new holiday unit and where it is recognised that the Covid-19 pandemic has, at least in the short term, significantly suppressed the international tourism market and led to a growth in demand for holiday

stays within the UK.

The proposal would therefore be likely to give rise to some economic benefits to the wider rural economy through increased visitor spend on tourism related businesses in the local area and beyond. In addition, given the location in relation to the relative proximity to Kilmington the proposal has the potential to provide some benefits to existing businesses within the village.

Other Issues

The site is located where the nearest neighbouring residential property is located approximately 175 metres away. Given this separation distance, the presence of intervening woodland and the small scale of the proposal it is not considered that it would give rise to any adverse amenity impacts.

The application site includes the access track to the point where it joins the public highway (Springhead Lane). A small section of this track immediately adjoining the junction falls within Flood Zone 3 and as such is considered to have a high probability of flooding. The site of the mobile home itself and the associated bell tent are however situated well outside such areas and within Flood Zone 1. The use of the mobile home for holiday let purposes would represent the same use (and vulnerability classification) as the existing use for ancillary residential purposes. The proposal does not involve any operational development and as such would not be likely to give rise to increased flood risk off-site. Were the access to flood this may impede access/egress to the site for a period but it is advised that there is an alternative egress route via the bridleway to the south if required. As a result the proposal is considered to be acceptable in flood risk terms.

There is adequate space available within the site to provide parking provision to serve the proposed holiday let unit and this is indicated on the site plan and would accord with policy TC9 of the Local Plan. In relation to site access this would be via the private access track which is lightly trafficked and where turning provision is afforded within the site so that vehicles joining the public highway to the northeast could do so in forward gear. In terms of access by emergency vehicles the access track appears wide enough to accommodate these. Visibility at the junction of the access track with Springhead Lane is suitable in relation to traffic levels and speeds passed the site. The proposal is unlikely to result in an unacceptable impact on highway safety and the requirements of policy TC7 of the Local Plan would be met.

In terms of foul drainage this would be unchanged and where it is indicated too be dealt with by an existing private system serving the dwelling.

Refuse and recycling storage could be provided on site and collected alongside those for the main dwelling.

CONCLUSION

The proposal would involve the change of use of an existing mobile home, currently sited and used for ancillary residential purposes, to use as a holiday let unit. Whilst the

Local Plan has policies that cover and in principle permit the conversions of redundant rural buildings to such uses, the proposal does not involve the conversion of a 'building' and as such no support is derived from these policies. Notwithstanding the lack of explicit policy support for the proposal, as required by Strategy 7 of the Local Plan, there are strategy policies in the Local Plan that seek to support sustainable tourism developments, such support is also found in the NPPF. Similarly, policies in the emerging Local Plan are supportive of small scale tourism developments of this nature. It therefore needs to be determined whether there are other material considerations that weigh in favour of the proposal and what, if any, harm would arise from it.

In consideration of the three strands of sustainable development the proposal is considered to result in no additional visual or landscape harm but may give rise to some increased car journeys. Nevertheless, the site is located relatively close to Kilmington and the facilities available therein such that it could be accessed by alternative modes of transport including cycling and walking. Given this and the scale of the development the harm arising is considered to be limited. Against this limited harm the economic benefits of the local and wider rural economy would need to be balanced. Although such benefits would also be limited in scale they are, on balance, considered to outweigh the limited environmental harm that would arise such that the proposal is recommended for approval, subject to the conditions set out below.

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. The use of the mobile home hereby approved shall be restricted to either occupation for holiday purposes, or for purposes ancillary to the residential use of the adjoining dwelling, known as 'the Firs'. When in use for holiday accommodation purposes the following restrictions shall apply:
 - (i) shall not be occupied as a person's sole, or main place of residence;
 - (ii) occupation of the unit for holiday accommodation purposes must not exceed 60 consecutive days and there must be a minimum gap of 30 days before the unit can be re-occupied by the same visitors;
 - (iii) the owners/operators shall maintain an up-to-date register of the names of all occupiers of the unit of holiday accommodation and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

(Reason - To ensure that the accommodation hereby permitted may not be used as a separate dwelling due to its countryside location, where new development is restricted in accordance with Strategy 7 - Development in the Countryside and Policies TC2 Accessibility of Development of the East Devon Local Plan 2013-2031.)

4. The use of the land for the siting of a bell tent, as indicated on the approved site plan, shall be for purposes ancillary to the use of the adjacent mobile home, or the residential dwellinghouse, known as 'The Firs' and shall at no time be used for independent holiday accommodation purposes.

(Reason - In order to define the permission, in the interests of amenity and to control the use of the site and prevent an over-intensive use of it, in accordance with policy D1 - Design and Local Distinctiveness of the Adopted East Devon Local Plan 2013-2031.)

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 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:

	Location Plan	23.08.21
	Proposed Site Plan	23.08.21
DENTRY_BT_E X_E	Existing Elevation	23.08.21
DENTRY_EX_E	Existing Elevation	23.08.21

List of Background Papers

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