

Ward Dunkeswell And Otterhead

Reference 22/1547/FUL

Applicant Mr Kevin Crudge

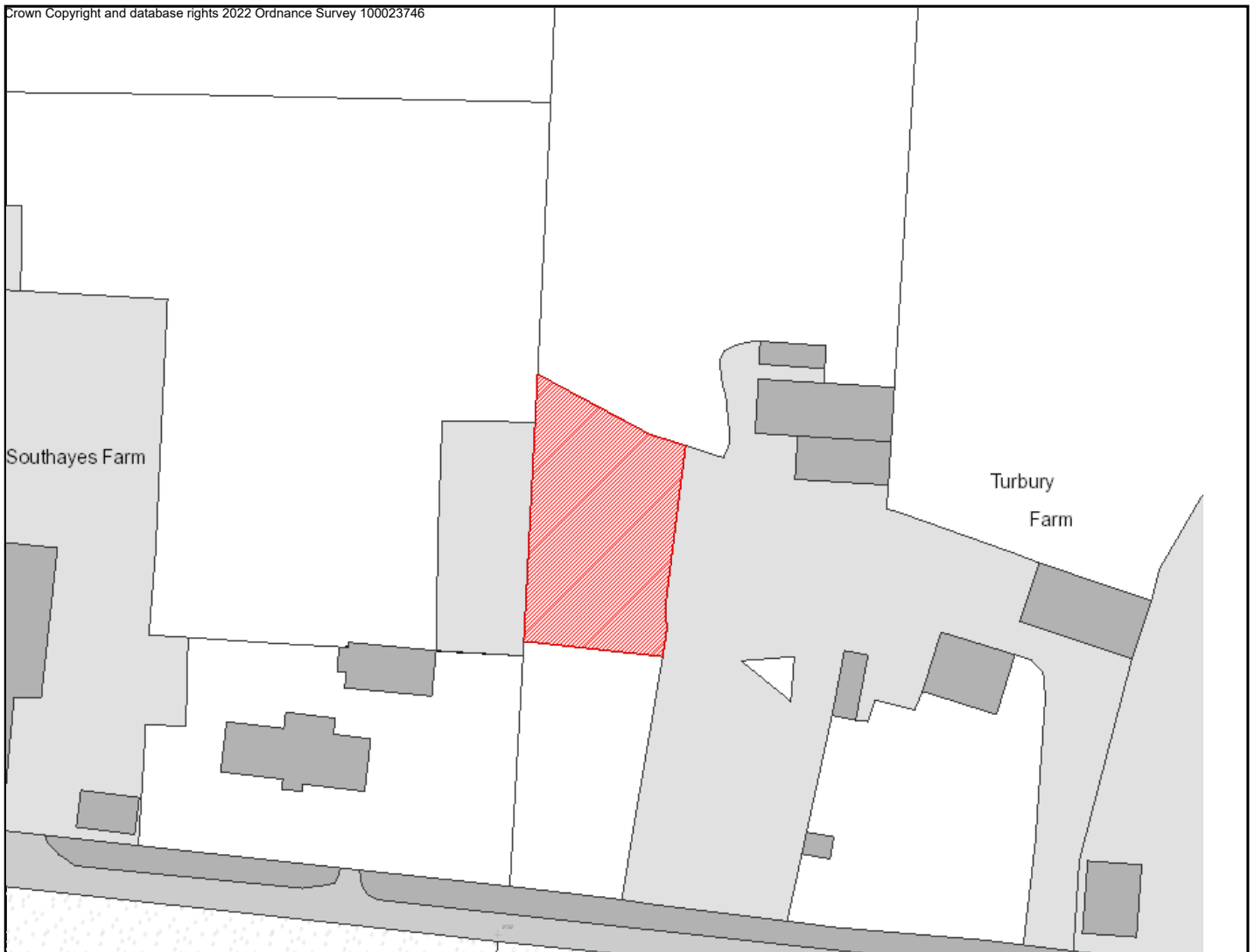
Location Turbury Farm Stamps Coaches Dunkeswell
EX14 4QN

Proposal Static Home to provide managers
accommodation.



RECOMMENDATION: Refusal

Crown Copyright and database rights 2022 Ordnance Survey 100023746



		Committee Date: 20.12.2022
Dunkeswell And Otterhead (Dunkeswell)	22/1547/FUL	Target Date: 09.09.2022
Applicant:	Mr Kevin Crudge	
Location:	Turbury Farm Stamps Coaches	
Proposal:	Static Home to provide managers accommodation	

RECOMMENDATION: Refusal

Further Update

Members considered this application and the following update report at their meeting of the 29th November 2022. Member's resolution was:

“Deferred to allow further discussion between the applicants and officers regarding alternative ways of meeting their housing needs on the site”

Further to this a meeting was held between officers, the applicant, their agent and ward members. Further information was provided about the purported need for an additional dwelling in terms of the quick turn around of coaches that may come back late at night and then be needed for jobs the following day. It is understood that this leads to repairs being undertaken late at night which is more complicated if those involved cannot live on the site. Opportunities for these issues to be addressed by an annex within the curtilage of the existing house were also discussed. An annex would have to have a close functional relationship with the main dwelling and could not form a separate dwelling. There would appear to be potential in terms of the envisaged functional relationship between the proposed unit and the main house given the close relationship between the family members with childcare being provided by the occupants of the main house to their daughter's children who would live in the annex with the daughter and her husband. The potential to provide an annex within the curtilage of the main house is therefore a potential fall-back position in the event that the current application is refused, however the applicants preference is to proceed with the proposal as submitted.

Although these factors do not change the fact that there is no policy support for this proposal they are material considerations that weigh in favour of the application. They do not on-balance overcome officers concerns but they are factors that should be considered by Members.

Update Report

Background

This application was considered by Members at their consultative meeting of the 30th September 2022. According to the minutes of the meeting Members resolved to recommend approval of the application contrary to officer's recommendation for the following reason:

“Members considered that the coach hire business constitutes a rural enterprise under Policy H4 and should be allowed a temporary dwelling for a 3 year period to meet the needs of the business. Conditions delegated to the Service Lead – Planning Strategy and Development Management in consultation with the Chair of Planning Committee and ward members.”

The 30th September meeting was held virtually over zoom and so was held on a consultative basis. Arrangements for these meetings and the delegation of decision making to senior officers had previously been agreed at Council on the 26th July 2021 with those arrangements subsequently extended by senior officer decision on the 10th December 2021 and 4th May 2022. Under the legislation senior officer decisions have to be the decision of the senior officer making it. Regard is clearly had to the views of the committee and in so doing officers have been able to agree the vast majority of the applications presented to Planning Committee in this time in accordance with Members wishes. In this case however senior officers were unable to agree with Members recommendation. As a result no decision on this application has been issued and the matter is brought back for Members to further consider now that meetings have resumed in person such that the committee can now legally make the decision on this matter itself.

Application of Policy H4

In officers opinion the recommendation made by Members on this matter is flawed as it relies on Policy H4 of the adopted Local Plan. Policy H4 relates to dwellings for persons employed in rural businesses. The supporting text to this policy is clear as to its scope and states that “Rural workers are those people whose place of work is located in, and related to, the countryside, typically comprising farm workers, forestry workers and others involved in rural-based enterprise”.

It is accepted that Stamps Coaches is located in a rural area, however the work that they and their staff undertake is not “related to” the countryside as is required for Policy H4 to be applied. The business is not akin to a farming or forestry enterprise which relies on the countryside to operate. In this case the business could just as easily be located in an urban area. The fact that it can legally operate from this site in the countryside is not in dispute but it cannot be classed as a rural enterprise for the purposes of Policy H4 simply because it has decided to locate itself in the countryside. To apply this interpretation to Policy H4 would be clearly contrary to the NPPF and PPG and if applied consistently would leave the council open to a number of businesses located in rural areas to equally argue a need for a dwelling under Policy H4. The consequence of this could be a number of dwellings in unsustainable locations being granted without suitable justification.

Guidance within the governments Planning Practice Guidance helps to provide further clarity on this issue where it refers to considerations relevant to an application for a home for a rural worker and says that they could include:

“evidence of the necessity for a rural worker to live at, or in close proximity to, their place of work to ensure the effective operation of an agricultural, forestry or similar land-based rural enterprise (for instance, where farm animals or agricultural processes require on-site attention 24-hours a day and where otherwise there would be a risk to human or animal health or from crime, or to deal quickly with emergencies that could cause serious loss of crops or products)”

It is therefore considered to be clear that the need in this case does not relate to a land based rural-enterprise and there is not policy support within policy H4 of the Local Plan or within the government guidance related to rural workers dwellings to support this application.

Other matters

In Members consideration of this application on the 30th September reference was made to live/work units in the area and Policy LE1 – live-work workspace, of the made Dunkeswell Neighbourhood Plan. It is acknowledged that a number of live/work units have been granted in the area either as conversions of existing buildings or in some cases new builds under Policy LE1. It is not however considered that this policy is applicable in this case. The wording of the policy is clearly referring to proposals where work space and living accommodation are both proposed in the application at the same time. The proposal here is simply for a dwelling. In this case a dwelling on a site where one already exists.

Although it is understood why a further dwelling here is desired by the applicant there is not considered to be any policy support for a further dwelling at the site. Although it would be more convenient for the applicant's daughter to live at the site this does not form a sound planning reason for granting permission contrary to the policies of the development plan and government guidance.

Appendix 1: Committee report from 30th September 2022

		Committee Date: 30.09.2022
Dunkeswell And Otterhead (Dunkeswell)	22/1547/FUL	Target Date: 09.09.2022
Applicant:	Mr Kevin Crudge	
Location:	Turbury Farm Stamps Coaches	
Proposal:	Static Home to provide managers accommodation	

RECOMMENDATION: Refusal

EXECUTIVE SUMMARY

This application is before the committee as the view of the officer recommendation differs from that of a ward member.

The site refers to an area of land to the west of Turbury Farm. The site is used for the storage of coaches as part of a business and seeks planning permission for the construction of a dwelling to be used in connection with the business. The current owners are looking to retire and the new dwelling would be for the new managers of the business.

The site is located outside of any built up area boundary, in the open countryside and is not a strategic allocation. Residential development in the countryside is resisted in the Local Plan. Due to its remote and unsustainable location and it is considered that occupiers would not be able to access essential services and facilities required for daily living by any other method of transport other than private motor vehicles. This would be contrary to Strategy 5B, Strategy 7 and Policy TC2 of the East Devon Local Plan.

It is not considered that the dwelling would have a detrimental impact upon the character of the area, residential amenity of neighbouring residents or highways. However, due to the lack of support within the Local Plan it is considered that the caravan is unacceptable in principle and this does not outweigh the relative lack of harm of the dwelling.

Therefore a recommendation of refusal is made.

CONSULTATIONS

Parish/Town Council

There were no objections to this application

Dunkeswell And Otterhead - Cllr David Key

I have no objection to the application and so support.

Blackdown Hills AONB Project Partnership

Static Home to provide managers accommodation

Thank you for seeking observations from the Blackdown Hills AONB Partnership on this application.

I can confirm that we do not wish to comment on this occasion in respect of the AONB; we are content for the planning authority to apply national planning policy and its own development plan policies, including the Dunkeswell Neighbourhood Plan, to this proposal.

Other Representations

No third party representations have been received.

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 5B (Sustainable Transport)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

TC2 (Accessibility of New Development)

TC7 (Adequacy of Road Network and Site Access)

TC9 (Parking Provision in New Development)

Dunkeswell Neighbourhood Plan (Made)

Policy NE1 – Retaining, Conserving and Enhancing the Natural Beauty of our Parish

Policy TA3 – Off-road Parking

Policy TA4 - Vehicular Access and Egress Arrangements

Policy LE1 – Live-work Workspace

Government Planning Documents

NPPF (National Planning Policy Framework 2021)

National Planning Practice Guidance

ANALYSIS

Relevant Planning History

No planning history is relevant to the determination of this application.

Site Location and Description

The site refers to a parcel of land to the west of Turbury Farm. Turbury Farm was previously a farmhouse, however, the site is no longer used for farming. The site is currently used by a coach business which has been at the site since 2004.

The site is located approx. 1 km to the south west of the Highfield estate of Dunkeswell, outside of any built up area boundary. The site is within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) and opposite a County Wildlife Site. The adjacent road, Long Lane, is a classified C road.

Proposed Development

This application seeks planning permission for the change of use of the land for the placement of a static caravan to be used as an independent dwelling. The structure would be single storey and would have three bedrooms, a bathroom, living room and kitchen/diner.

With the proposed covered entrance the structure would be wider than the legal definition of a caravan allowed under the various caravan acts.

The current owners of the business (Mr and Mrs Crudge) plan to reduce their involvement in the running of the business and let their daughter take on a larger role within the company. Therefore, the dwelling is said to be needed as people to remain on site for security purposes and to reduce travelling times between their current residence and the site.

Consideration and Assessment

The main issues for consideration are considered to be:

- Principle of Development
- Impact to the Character and Appearance of the Area including AONB.
- Residential Amenity
- Access and Highways

Principle of Development

The strategic approach set out within the East Devon Local Plan is to direct the majority of new residential development to existing settlements within the district that are considered sustainable. Each town which is considered sustainable is named within the Local Plan whilst other smaller towns and larger villages are also included within Strategy 27 and the adopted Villages Plan DPD. Each sustainable settlement has a designated built up area boundary whereby it is considered that there is a sufficient range of services and facilities needed to meet the everyday needs of residents and reasonable transport connections.

This site is not located within any of these settlements and is considered to be in the open countryside in planning terms. As a result, Strategy 7 applies. This strategy states that only development which accords with a specific local or neighbourhood

Plan Policy shall be permitted and where it does not harm the area's distinctive landscape, amenity and environmental qualities.

Policy H4 of the East Devon Local Plan makes allowances for dwellings for people that work in agricultural, forestry or people employed in rural enterprises or activities. The business is a coach business that provides vehicles for schools and other private hire groups. Although the provision of coach facilities is beneficial for rural communities, it is not considered to be an agricultural, forestry or other rural enterprise or activity as required by policy H4. Therefore, it is considered that the dwelling could not be justified with this policy.

Policy LE1 of the Dunkeswell Neighbourhood Plan allows for the provision of live-work units subject to a number of criteria. This policy is aimed primarily at the industrial estate adjacent to the airfield, although, the policy is not restrictive to the industrial estate. Although the site is not within the industrial estate, it is considered to be in a very separate and remote location which would not relate well to the surrounding area as required by the first criteria. Therefore, it is not considered that this policy would support the proposal.

The mobile home is not considered to be supported by policy H4 and there are no other specific policies within the East Devon Local Plan or the Dunkeswell Neighbourhood Plan which would support additional independent living accommodation outside of a built up area boundary.

Additionally, as the dwelling is located outside of a built up area boundary it is not considered that it would be located in an area that provides the services that meet the needs for everyday living. It is important to note that although the site is only approximately 1km from the Highfield estate this development does not in itself have a BUAB and nor does the main village at Dunkeswell as they were considered not to have a sufficient range of services and facilities to be deemed sustainable and justify a boundary. It is considered that any occupiers of the dwelling would be dependent on private modes of transport in order to access day to day services and facilities. There are no nearby services which can be accessed by walking and there is little public transport within the proximity of the dwelling. This would be contrary to Strategy 5B and Policy TC2 of the East Devon Local Plan.

Therefore it is considered that the principle of residential accommodation is unacceptable and would be contrary to Strategy 5B & 7 and Policy TC2 of the East Devon Local Plan.

Impact to Character and Appearance of the Area

The proposed dwelling is located to the west of the site in an area of land which has its own boundary treatment. The land is adjacent to the existing yard which is used for the storage of vehicles. The main view of the dwelling would be from Long Lane which is approx. 50 metres to the south of the site. From this point of view the dwelling would not be readily visible and would be read alongside the other development nearby. There are no other wider views and subsequently it is considered that the landscape character of the Blackdown Hills AONB would be conserved.

The proposal is therefore considered to comply with Strategy 46 and Policy D1 of the East Devon Local Plan and Policy NE1 of the Dunkeswell Neighbourhood Plan.

Residential Amenity

In regards to residential amenity, the dwelling is located away from any existing dwellings and does not overlook any properties. Therefore the dwelling would not result in a loss of residential amenity in accordance with Policy D1 of the East Devon Local Plan.

Access and Highways

It is shown on the plans that there are two accesses to the site. The first is the existing arrangement which provides access off Long Lane to the south eastern corner of the site. The second access is to the south west of the site. However, historic google streetview images show that this access has been in use for some time and there is no existing hardstanding which would enable this access to be utilised as existing.

In any case the access is considered to provide sufficient visibility splay and space to turn vehicles within the site so that they can re-enter the highway in a forward gear. As a result it is considered that there would not be any highway safety concerns as a result of the proposal in accordance with Policy TC7 of the East Devon Local Plan and Policy TA4 of the Dunkeswell Neighbourhood Plan.

In regards to parking, the site would have two parking spaces, which for a three bedroomed dwelling is considered to comply with Policy TC9 of the East Devon Local Plan and Policy TA3 of the Dunkeswell Neighbourhood Plan.

Conclusion

The dwelling would be located outside of any built up area boundary as defined within the East Devon Local Plan or the Villages DPD. There is no justification for the dwelling that complies with policy within the East Devon Local Plan or the Dunkeswell Neighbourhood Plan and it is considered to be an isolated form of accommodation within the AONB which is not within easy reach of the services and facilities needed for everyday living by other forms of transport other than a private motor vehicle. Therefore the site is in an unsustainable location and is therefore recommended for refusal.

RECOMMENDATION

REFUSE for the following reasons:

1. The application site lies in open countryside outside of any designated Built up Area Boundary or Strategic allocation within the Adopted East Devon Local Plan or Villages Plan and where there are no other Local or Neighbourhood Plan policies that would support the development. Residential development in this location would be unsustainable due to the distance and pedestrian route to access essential services and facilities required for daily living and where, as a

result, future occupiers are likely to rely on the use of private transport for the majority of journeys. As such, and as no essential need has been demonstrated for a residential unit to be located at the site in connection with a rural business, or other justification demonstrated, the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside) and Policies TC2 (Accessibility of New Development) of the East Devon Local Plan 2013- 2031 and the guidance within the National Planning Policy Framework and accompanying Planning Practice Guidance.

Plans relating to this application:

046/001	Location Plan	12.07.22
046/003	Proposed Site Plan	12.07.22
046/004	Proposed Combined Plans	12.07.22

List of Background Papers

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