

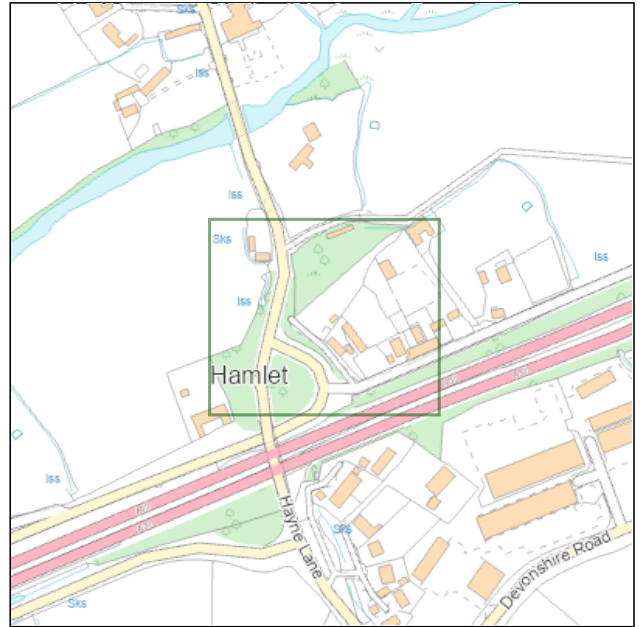
**Ward** Feniton

**Reference** 24/1197/PIP

**Applicant** Mr Graham Braddick

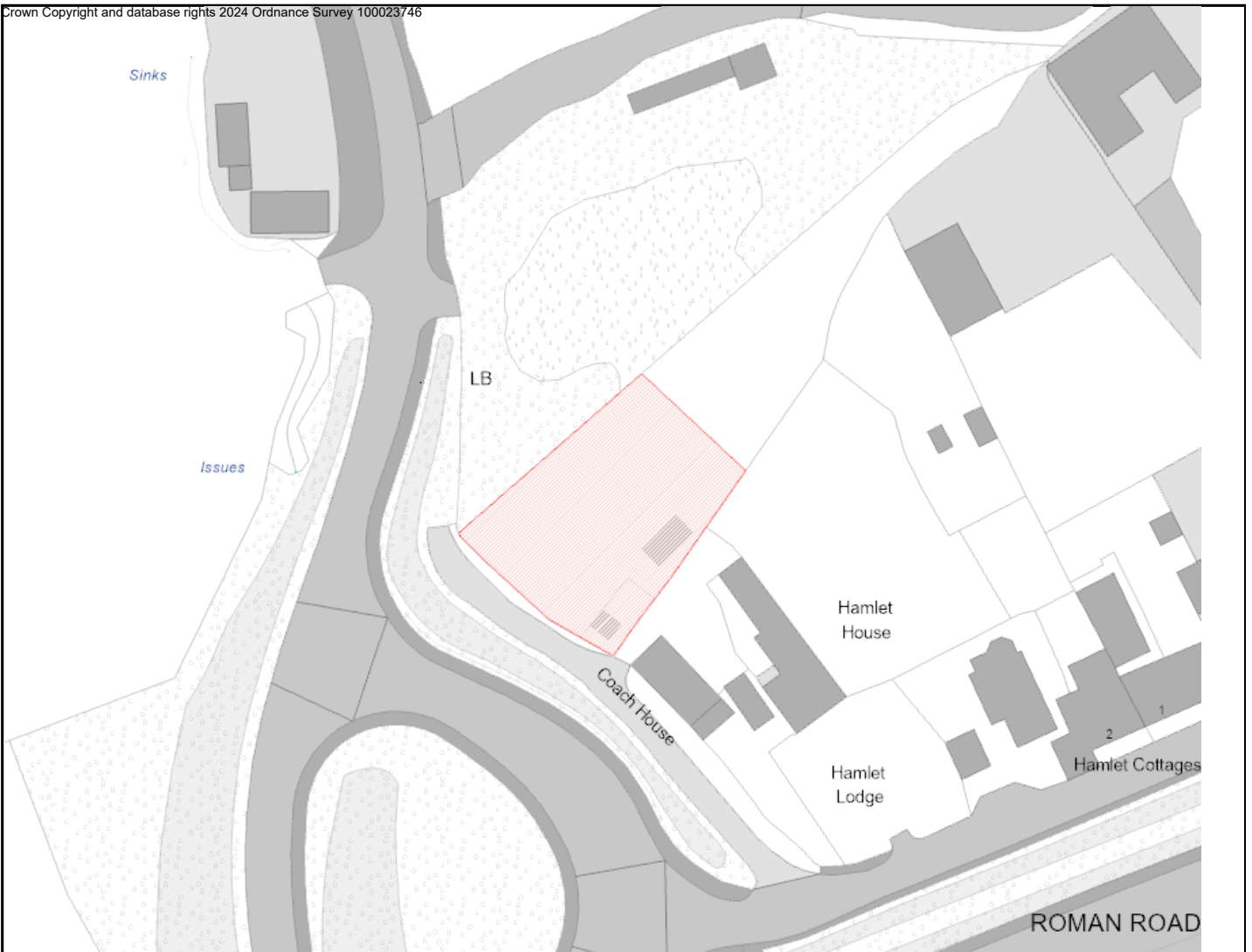
**Location** Land Adjacent To Hamlet House Nags Head Road Gittisham

**Proposal** Permission in principle application for the conversion of an existing building into a single dwelling



**RECOMMENDATION: Refusal**

Crown Copyright and database rights 2024 Ordnance Survey 100023746



		<b>Committee Date: 20.08.2024</b>
<b>Feniton (Gittisham)</b>	<b>24/1197/PIP</b>	<b>Target Date: 18.07.2024</b>
<b>Applicant:</b>	<b>Mr Graham Braddick</b>	
<b>Location:</b>	<b>Land Adjacent To Hamlet House Nags Head Road</b>	
<b>Proposal:</b>	<b>Permission in principle application for the conversion of an existing building into a single dwelling</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is brought before the Planning Committee owing to the officer recommendation being in conflict with comments received from the Ward Councillor.**

**The application site is just to the north of the A30, opposite Heathfield Industrial Park, and outside of any built-up area boundary (BUAB). The site comprises a field which contains a building with a footprint of just under 24 square metres in area. Both the field and building are located within flood zone 2.**

**The application is a 'Permission in Principal' which is a two stage process. At this stage the relevant considerations are limited to an assessment of the land use, the location and the amount of development proposed. All other matters are reserved for consideration at the second 'Technical Details Consideration' Stage.**

**The proposal involves the extension of the existing outbuilding to provide a one bedroom one person dwelling. The creation of a new dwelling within flood zone 2 would require the application of the sequential test. On the basis that EDDC can demonstrate a 4.5 year housing land supply it is considered that there would be land and buildings available for a single dwelling to be provided which would not be in the flood zone. The Council considers that the search area for the sequential test for an additional dwelling should be District wide. The fact that the applicant owns this site is not sufficient to overcome local and national planning policy in respect of flooding.**

**The proposed development is located in planning terms within the countryside, where there are no development plan policies which explicitly permit this form of development. The proposed development would be divorced from necessary services and facilities and would lead residents to rely on travel by car.**

**In addition, the proposal would require a substantial extension in order for the proposed dwelling to comply with the Nationally Described Minimum Space Standards for a one person dwelling. The proposal would therefore be contrary to the provisions of Strategy 7 - Development in the Countryside and Policy D8 - Re-use of Rural Buildings Outside of Settlements.**

**On this basis the scheme is recommended for refusal.**

## **CONSULTATIONS**

### **Local Consultations**

#### Parish/Town Council

Gittisham parish councillors resolved to have no objections to this application. Members had however possible concerns over potential flooding as the property is described as in a flood risk zone.

#### Ward Councillor: Councillor Bruce

As I understand it this building has been in the ownership of the applicant for many years, and the main driver for him converting it to a dwelling is a desire to return to the village he was brought up in. I note the reasons for objection, one being the arbitrary statement that there are less flood prone areas nearby. He owns this land already. I believe the dwelling size is to accommodate one person. In terms of size I wonder how this equates to a single occupancy flat?

We have seen developments allowed in recent past that have been 'just' outside the development boundary. This application is very close indeed to the boundary.

Finally, as ward member I support this application and regard it as a small sympathetic development which will do no harm to the area and buildings around it.

### **Technical Consultations**

#### EDDC Trees

I have no objection but a potential future planning application may require submission of arboricultural information, to comply with BS5837.

#### Other Representations

No third party representations have been received.

## **PLANNING HISTORY**

**20/1380/PDQ** - Conversion of agricultural building to dwelling. Refused 27.08.2020

APP/U1105/W/21/3267702 - Appeal dismissed 10.06.2021

**22/1600/FUL** - Extension of an existing commercial building on the land north of Hamlet House. Refused 18.10.2022

## **POLICIES**

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

Strategy 3 (Sustainable Development)

Strategy 5 (Environment)

Strategy 7 (Development in the Countryside)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

D3 (Trees and Development Sites)

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

EN5 (Wildlife Habitats and Features)

EN8 (Significance of Heritage Assets and their setting)

EN19 (Adequacy of Foul Sewers and Adequacy of Sewage Treatment System)

EN21 (River and Coastal Flooding)

EN22 (Surface Run-Off Implications of New Development)

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 2023)

## **ANALYSIS**

### Site Location and Description

The application site sits to the west of Hayne Lane, and to the north of the A30, opposite Heathfield Industrial Park. The site is accessed off a small private lane running parallel and just to the north of the A30, off which are a number of dwellings, which include the Grade II listed Hamlet House.

The application site comprises a small single storey building, located within an elongated field to the north of Hamlet House. The field is accessed off a section of the former Hayne Lane, which is now a cul de sac, that previously extended north towards Weston.

The building, which has a footprint of just under 24 square metres in area, has part rendered and part horizontal timber boarded external walls, with a gabled clay pantile pitched roof, oriented north east/south west. The field and building are located within flood zone 2.

## Proposed Development

Permission in principle is sought for the conversion of an existing building into a single dwelling. The proposed development would include the extension of the existing building to provide a single storey dwelling.

The proposal does not envisage any alterations to the existing vehicular or pedestrian access to the site, which is accessed via a private drive off Hayne Lane.

## Procedure

The permission in principle (PiP) process was introduced through the Town and County Planning (Permission in Principle) Order 2017. It provides an alternative means of obtaining planning permission for housing-led development. It is a two stage process; the first being the permission in principle stage and the second technical details consent (TDC) stage. The PiP route can only be used for housing led development and cannot be used for major development.

Planning obligations cannot be secured at the permission in principle stage.

## Considerations and assessment

At PiP stage the relevant considerations are limited to assessment of the land use, location and amount of development proposed with other matters reserved for consideration at TDC stage.

## Land Use

The site lies just outside of the Built -up Area Boundary of Honiton. The BUAB to Honiton runs along the south of the A30 dual carriageway, 100 metres to the south of the site. In planning policy terms this places the site within the countryside and the provisions of Strategy 7 therefore apply. This strategy states that development outside BuABs will only be permitted if it is in accordance with a specific local or neighbourhood plan policy and where it would not harm the area's distinctive landscape, amenity and environmental qualities. Policy D8 'Re-use of Rural Buildings Outside of Settlements' permits the re-use or conversion of buildings in the countryside outside of Built-up Area Boundaries subject to the proposal satisfying a number of criteria. These criteria are as follows:

1. The new use is sympathetic to, and will enhance the rural setting and character of the building and surrounding area and is in a location which will not substantively add to the need to travel by car or lead to a dispersal of activity or uses on such a scale as to prejudice village vitality.

This is discussed in more detail under the heading 'accessibility'.

2. The building is structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction and any alterations protect or enhance the character of the building and its setting;

The existing building has an internal area of 20 square metres. As a conversion this would fall well below the space standards required for a dwelling. The nationally described minimum space standards for a one bed one person single storey dwelling with a shower room is 37 square metres. As such, a significant extension would be required to the existing building to provide additional habitable space to allow the proposal to meet these standards. The proposed extension would need to provide almost as much floor space as the existing building in order for the building to function as a habitable dwelling. The amount of additional floor space required would be considered to be 'substantial' in this context, which is in conflict with this criterion of Policy D8.

The remaining criteria of Policy D8, in respect of the building's design and the landscape impact of the proposal would be considered under the technical details consent stage.

Whilst the proposal therefore would re-use an existing building outside of an existing settlement boundary, the substantial size of the extension required in order for the building to achieve minimum space standards for the smallest residential unit possible would mean the proposal would fail to meet the criteria of policy D8. There are no other provisions for rural dwellings which would apply in this case, therefore the use of the land for residential purposes would be contrary to Strategy 7 of the Local Plan.

The proposed development would therefore represent a departure from the local plan, it is therefore necessary to consider if there are material consideration that would justify allowing this as a departure to the plan.

### Location

In relation to location a number of factors need to be considered in this case: accessibility, landscape impacts, the impacts to the setting of the nearby listed buildings and the flood risk.

### **Accessibility**

As already stated, the site's location outside of any BuAB means that its location is remote from the main centres of population that provide a range of services to meet the day-to-day needs of residents. Strategy 5B and Policy TC2 of the Local Plan require development to be located where it would encourage walking, cycling and the use of public transport so as to minimise the need to travel by car.

However, the application site is in relative close proximity to the built-up area of Honiton. Honiton is accessible by bus, and there are bus stops very close to application site with reasonably frequent services to the town centre. The submitted Planning Statement says it is 'realistic that occupants would not need to rely on private motor car'. In terms of distance, Honiton town centre is 1.6 miles from the application site. There are footpaths and streetlighting between Devonshire Road within the Heathpark Industrial Estate to the town centre, however between Hayne Lane to the application site there are no streetlights, including where the bus stops are sited. Additionally, there are no pavements for a 150 metre stretch of road

between the end of Devonshire Road and the bridge over the A30. These factors would all deter walking and cycling, and encourage reliance on travel by car. It is noted that the site is relatively close to employment and other facilities such as supermarkets within the Heathpark Industrial Estate, but again the lack of street lighting and footpaths between the two sites would discourage travel on foot or by bicycle. Overall, it is considered that the distance between the application site and the location of services to meet the day-to-day needs of residents, coupled with the lack of street lighting and footpaths along the route, would deter walking and cycling and encourage reliance on travel by car.

The location is therefore contrary to Strategy 5B and Policy TC2 of the Local Plan.

### **Landscape impacts**

The proposed residential use would be sympathetic to the surrounding cluster of principally residential buildings. The site is well screened from Hayne Lane by a belt of mature trees which would limit the visual impact of any scheme. EDDC's tree officer has no objections to the proposal but states that a potential future planning application may require submission of arboricultural information, to comply with BS5837.

There is no objection on the grounds of landscape impact.

### **Flood risk**

The application site is within flood zone 2, defined as land having a 0.1% or greater annual probability of river flooding. Policy EN21 of the East Devon Local Plan seeks to direct development to areas of the district within Flood Zone 1 wherever possible, as it is at a low risk of flooding. A sequential approach is advocated regarding the location of most development. Various types of development are exempt from the sequential test as specified by the NPPF, including some minor development and changes of use. Minor development is defined as non-residential extensions of less than 250 sqm, changes of use and householder development with the exception of development that would create a separate dwelling. The application states that the sequential test would not be required given that the proposal involves a change of use. However, given that material operations would be involved in creating an extension in order for the building to be converted into a dwelling, the proposal could not be considered to be a change of use.

On this basis a sequential test would be required during the technical details consent stage. The Council considers that the search area for the sequential test for an additional dwelling should be District wide, and this approach has been considered appropriate by The Planning Inspectorate on a number of appeals within the Local Authority Area. Both policy EN21 and the NPPF state that only if there are no reasonably available sites in Flood Zone 1 locating the development in Flood Zone 2 and then Flood Zone 3 can be considered.

The council can currently demonstrate a 4.5 year housing land supply therefore it is considered that there would be land and buildings available for a single dwelling to be provided which would not be in the flood zone. As such the proposal would fail

the sequential test at technical details consent stage and on this basis the Permission in Principle should be refused.

The increased vulnerability of the development would put the resident of the dwelling at risk of danger in a flood event. Given the above, the proposal would be contrary to local plan policy EN21.

## **Heritage**

Grade II listed Hamlet House sits to the south of the site. The house is a two storey building of C17 origins which was remodelled in the C19. A smaller coach house, also Grade II listed, sits to the south west of Hamlet House, and to the south of the application site. The building is composed of external cob and rubble whitewashed rendering, with thatched roofing, and has a mixture of sash and casement windows. The building's significance derives from its historic and architectural significance as a good example of Devon rural vernacular architecture.

The proposed development has the potential to affect the setting of Hamlet House and consequently there is a statutory duty to pay special regard to the desirability of preserving its setting. A full assessment of the impact upon the setting could not be carried out until further details of the proposed extension and conversion have been finalised. Subject to the location of any proposed extension and the materials to be used within the conversion it is considered that there is potential for the changes to not result in any harm to the setting or significance of Hamlet House.

## Amount of Development

The site's location outside of any Built-Up Area Boundary and the provisions of Strategy 7 mean that development would only be permitted if it is in accordance with a specific local or neighbourhood plan policy. The proposal would not comply with Policy D8 - Re-use of Rural Buildings Outside of Settlements given the size of the extension required in order for the building to function as a dwelling. There are no other local plan policies that would facilitate the development of the building into a dwelling on this site. In addition, the Parish of Gittisham in which the site is located does not have a neighbourhood plan and as such there are also no neighbourhood plan policies that would allow such development. Therefore, no amount of residential development would be acceptable on the site.

## Other matters

Considerations in respect of the potential impacts to habitats which would arise as a result of the scheme have not been considered during the principle stage but would be considered under the Technical Details Consent Stage.

## Conclusion

The provision of a dwelling in this location is not in accordance with the housing or transport policies of the Local Plan and this conflict means that the principle of developing the site is not supported by the development plan. The site's location within Flood Zone 2 would require the application of the Sequential Test during the



Technical Details Consent Stage and given that the Council can demonstrate a 4.5 year housing land supply the proposal would fail this test. While some weight can be given to the economic benefits of the development, these would be small as the proposal would likely only provide accommodation for one person. There is also a positive benefit in that the proposal would result in an additional dwelling where the Council is seeking to increase housing provision, however one dwelling will not make a significant contribution to this. In conclusion, having regard to the balance of the material considerations set out above, it is considered that the benefits of providing a single dwelling are demonstrably outweighed by the unsustainable location of the development which includes its location within a flood zone, and is therefore recommended for refusal.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The proposal would lie in flood zone 2 where there is a high probability of flooding. There are other reasonably available sites within the district of East Devon with a lower probability of flooding that would be appropriate to the type of development proposed. The proposal therefore fails the sequential test and would, as such, be contrary to the provisions of Policy EN21 (River and Coastal Flooding) of the adopted East Devon Local Plan 2013-2031 as well as guidance set out in the National Planning Policy Framework (2023) and National Planning Practice Guidance.
2. The site is located within the countryside outside of an identified built-up area boundary where there are no development plan policies that explicitly permit this form of development. As such the development would be in conflict with Strategy 7 of the LP which states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan that explicitly permits such development. The resulting development would not align with the spatial approach to the distribution of housing, result in the unregulated development in the countryside and not accord with the objectives of sustainable development. The proposed development would be divorced from necessary services and facilities and the absence of pedestrian footpaths and lighting and the distance between the site and the nearest services and facilities would lead residents to rely on travel by car. The proposal is therefore contrary to the requirements of Strategy 5B - Sustainable Transport and TC2 - Accessibility of New Development of the Adopted East Devon Local Plan and Paragraphs 108 and 116 of the National Planning Policy Framework.
3. The proposal would require a substantial extension in order for the proposed dwelling to comply with the Nationally Described Minimum Space Standards for a one person dwelling. The proposal would therefore be contrary to the provisions of Strategy 7 - Development in the Countryside and Policy D8 - Re-use of Rural Buildings Outside of Settlements of the Adopted East Devon Local Plan.

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 listed building 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

12.06.24

List of Background Papers

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

## **Statement on Human Rights and Equality Issues**

Human Rights Act:

The development has been assessed against the provisions of the Human Rights Act 1998, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

Equality Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equality Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.