

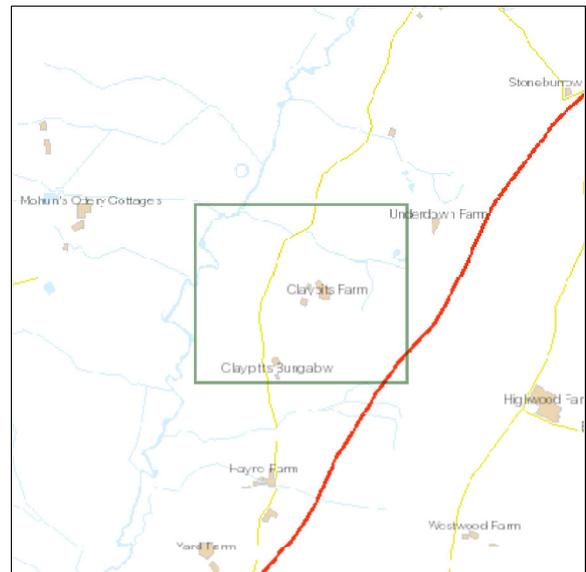
**Ward** Otterhead

**Reference** 18/2410/FUL

**Applicant** Mr Ryan Eaton

**Location** Otter Valley Golf Centre Rawridge Honiton  
EX14 9QP

**Proposal** Proposed barn conversion to single dwelling  
with integral annex



**RECOMMENDATION: Refusal**

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		<b>Committee Date: 12<sup>th</sup> February 2019</b>
<b>Otterhead (UPOTTERY)</b>	<b>18/2410/FUL</b>	<b>Target Date: 08.01.2019</b>
<b>Applicant:</b>	<b>Mr Ryan Eaton</b>	
<b>Location:</b>	<b>Otter Valley Golf Centre Rawridge</b>	
<b>Proposal:</b>	<b>Proposed barn conversion to single dwelling with integral annex</b>	

**RECOMMENDATION: Refusal**

#### **EXECUTIVE SUMMARY**

**This application is before Committee because the officer recommendation differs from the view of the Ward Member.**

**The application seeks planning permission for the conversion of the existing building on site to form a single residential unit (including an integral annexe). The building was formerly used in conjunction with the use of the surrounding land as part of the Otter Valley Golf Centre. The supporting information accompanying the application advises that the business ceased trading in February 2015 and as such the building is redundant.**

**The site lies outside of a designated built-up area boundary in open countryside. Strategy 7 (Development in the Countryside) of the adopted Local Plan, resists development in the countryside except where this is explicitly supported by another planning policy. In this case, policy D8 of the Local Plan offers some support for conversion of rural buildings to alternative uses, subject to a number of criteria, and, where residential use is proposed, the development is located close to a range of accessible services and facilities to meet the everyday needs of residents. In this case, the site is located where it is remote from such services and facilities and where, as a result, future residents would be almost entirely reliant on private transport to meet their everyday needs. The proposal would therefore represent an unsustainable form of development that would be contrary to policies D8 and TC2 of the Local Plan.**

**In other respects the building is considered to be structurally sound and capable of conversion and the design and method of conversion to be acceptable. Whilst it is recognised that the building is no longer required in connection with the previous business use and that there is likely to be limited potential for alternative business use, a holiday let use would appear to be feasible and would comply with local plan policy E16.**

**Notwithstanding the limited economic and social benefits that would arise from the creation of a new dwelling, the unsustainable location of the development makes it unsuitable for residential use and as such the application is recommended for refusal.**

## **CONSULTATIONS**

### **Local Consultations**

#### Otterhead - Cllr D Key

I fully support this application which would enhance the immediate area and so make use of this disused barn in this small complex.

### **Technical Consultations**

#### Economic Development Officer

Following your email request below, no comments can yet be provided as additional details are required before we can respond fully.

Please contact the Economic Development Manager with details of the specific economic information or advice that is being requested.

#### Blackdown Hills AONB Project Partnership

The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in or affecting the AONB conserves and enhances the natural beauty of this nationally designated landscape. I confirm that we do not wish to submit any detailed comments on this occasion, but would expect the planning authority to apply its development management policies, supported by the AONB management plan and related guidance, to the consideration of this proposal.

### **Other Representations**

2 no. representations have been received neither raise any in principle objection to the proposal but raise a number of issues which are summarised as follows:

- The existing driveway serving the site and other properties has never been upgraded (although this was meant to have been done when the former golf centre was created).
- Additional traffic associated with the proposed use, particularly considering the lack of public transport.
- Inadequate parking provision
- Existing properties are fed by a natural water spring this would not be capable of serving any additional property.
- Design appears to show a pair of semi-detached properties rather than a single dwelling.

- There are a number of applications on this site and adjoining for development which could have a negative impact on existing infrastructure provision and cause disruption to existing residents if all approved.

## **PLANNING HISTORY**

<b>Reference</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
17/0307/FUL	Change of use and associated alterations to redundant building to form dwelling	Withdrawn	12.09.2017

## **POLICIES**

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

Strategy 7 (Development in the Countryside)

Strategy 3 (Sustainable Development)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

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

EN5 (Wildlife Habitats and Features)

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

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 2018)

National Planning Practice Guidance

## **Site Location and Description**

The application site relates to a 2 storey building of simple concrete block construction partially clad in profiled sheeting/timber cladding and with a pitched roof also clad in profiled sheeting. There is an existing open lean-to at the northern end of the southeastern elevation. A small lean-to store is located to the south of the main

building, on the opposite side of the yard area, adjoining a stone barn that lies outside of the site. The site area includes the land immediately around the building and the driveway down to the local road to the west. To the northwest side of the barn, where site levels drop away, there is an existing conifer hedge and there is some further plant/tree screening to the northeast of the building.

The site is within a small cluster of buildings formerly associated with Claypits Farm. Some of the traditional barns, to the south, have been converted to residential use with others to the east of the site appearing to remain in storage use. To the west of the site is a residential bungalow.

The site is located in open countryside on the eastern side of the Otter Valley and within the designated Blackdowns Hills Area of Outstanding Natural Beauty. The surrounding land slopes down from east to west. The hamlet of Rawridge lies approximately 1 km to the north, Honiton is approximately 5 km to the southwest.

### **Proposed Development**

The application proposes the change of use and conversion of the existing redundant barn to form a single residential unit with an associated annexe. The proposal works within the envelope of the existing building with over cladding in vertical dark timber boarding and a profiled metal roof, also in a dark finish.

The existing canopy to the southeast side of the building would also be removed and the exiting yard area would become a courtyard garden with some external decking. On the opposite side of the courtyard the small lean-to on the existing stone barn would be converted to provide bike, bins and garden storage.

### **ANALYSIS**

It is considered that the main issues in relation to this application are the principle of the development in relation to national and local planning policy; the impact on the character and appearance of the area and other issues as set out below:

- Principle of development
- Accessibility
- Impact on the character and appearance of the area
- Economic Impacts
- Ecological Impacts
- Amenity Impacts
- Highway Issues
- Other Issues

### **Principle of development**

The development plan for the area currently consists of the adopted East Devon Local Plan 2013-2031. A Neighbourhood area has been designated (for the whole of Uppottery Parish) but no draft plan has been produced and therefore there are no policies draft or otherwise against which the application can be assessed.

## East Devon Local Plan 2013-2031

Strategy 7 of the Local Plan defines the countryside as all those parts of the plan area that are outside of site specific allocations or built-up area boundaries as defined by the Proposals Map. On this basis the site lies in open countryside and therefore falls to be considered under this policy.

Strategy 7 is quite specific by stating:

'Development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood Plan policy that explicitly permits such development'

And goes on to say,

'and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located'.

The supporting statement that accompanies the application makes reference to the Local Plan Inspector comments on an earlier draft of the current Local Plan. Specifically, it refers to comments about the proposal, at the time, to allow growth of all villages and smaller settlements by 5%. These comments however are irrelevant as, in the event, a different strategy was adopted to allow growth of the more sustainable villages and small towns (following an assessment of their ability to accommodate such growth) which was accepted by the Examining Inspector.

The Local Plan has identified a number of villages (Strategy 27) where it is considered that they provide a range of accessible services sufficient to meet the day to day needs of residents and where some limited additional development may be acceptable, neither Rawridge or Upottery are listed as such and have no Built-up Area Boundaries defined by the East Devon Villages Plan. The nearest settlement that has a defined built-up area boundary is Honiton, the edge of which lies approximately 5 km to the southwest of the site.

Policy TC2 of the Local Plan (Accessibility of New Development) is also relevant, it states that,

'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'

As the site lies outside a defined built-up area boundary and is not generally accessible by foot or cycle from Honiton, there is a general presumption against residential development under Strategy 7 of the Local Plan, and no support in a Neighbourhood Plan.

In this case Policy D8 is applicable, this allows for the re-use of rural buildings outside of settlements subject to a number of criteria being met, 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.
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;
3. The form, bulk and general design of the building and its proposed conversion are in keeping with its surroundings, local building styles and materials;
4. The proposed use would not harm the countryside by way of traffic, parking, storage, pollution or the erection of associated structures;
5. The proposal will not undermine the viability of an existing agricultural enterprise or require replacement buildings to fulfil a similar function.

In addition, where residential re-use is proposed it must also be established that a) the building is no longer required for agricultural or other diversification purposes; b) the conversion will enhance its setting, and; c) the development would be located so as to be close to a range of accessible services to meet the everyday needs of residents.

Criteria 1 – 4 are considered further below but the development is generally considered to accord with these. In relation to criteria 2, a supporting letter from a structural engineer confirms the view that the building is in good structural condition and capable of conversion to residential use.

In relation to criteria 5, the application site does not form part of an agricultural holding and therefore this is not relevant.

In terms of the additional criteria to be met for residential conversions a) is considered above. In terms of enhancement of setting, this is considered below in relation to the impact on the character and appearance of the area. The proposals may tidy up/gentrify the yard area between the buildings but would also have a more domestic appearance which would be somewhat of character in the context of these former agricultural buildings, overall the impact would at best represent very limited enhancement but is considered more likely to have a neutral impact.. Criteria C, relating to the accessibility of the site is considered separately below.

A proposal for the conversion of the building to holiday accommodation would be supported by Policy E16 of the local plan.

#### National Planning Policy Framework (2018)

In terms of national policy guidance this is contained in the National Planning Policy Framework 2018 (NPPF) and accompanying Planning Practice Guidance (NPPG).

Para. 12 of the NPPF confirms the Development Plan as the starting point for decision making and that development that conflicts with it should not usually be granted.. Para.

212 of the NPPF confirms that the policies with the framework (NPPF) are themselves are material considerations.

Para. 79 sets out the special circumstances that need to be demonstrated in relation to proposals for new isolated homes in the countryside. This policy largely repeats that formerly contained within para. 55 of the previous version of the NPPF, the only significant change being the addition of a further special circumstance relating to 'subdivision of an existing residential dwelling' which is not relevant in this instance.

Para. 213 of the NPPF confirms that policies in development plans should not be considered out of date simply because they were adopted prior to the publication of the (revised) framework and that due weight should be given to them, according to their degree of consistency with the framework. The application proposes the re-use of existing buildings in the countryside, which are no longer required in association with the rural business formerly operating from the site and as such are redundant.

One of the special circumstances set out at Para. 79 c) of the NPPF is where, 'the development would re-use redundant or disused buildings and enhance its immediate setting.' The proposal therefore may gain some support on this basis, if enhancement of the immediate setting can be demonstrated but it is not considered that the appearance of the site is out of character with a rural location such that re-development would be positive visually.. However, policy D8 of the Local Plan provides a more detailed framework around which to assess such applications. This policy forms part of the adopted East Devon Local Plan which whilst adopted in accordance with the earlier version of the NPPF is considered to remain fully in accordance with the NPPF and as such can be afforded full weight– the relevant part of para. 79 being unchanged from its predecessor para. 55. This stance was supported by a recent appeal decision elsewhere in the district at, Hawkern Cottage, Ladram Road, Otterton (APP/U1105/W/18/3206768). In that instance the Inspector in considering the degree of consistency between policy D8 of the Local Plan and para. 79 of the NPPF stated,

*"I am not of the view that Policy D8 of the EDLP is inconsistent with the Framework, when considered as a whole. Indeed this is supported by the fact that Policy D8 of the EDLP was found sound at examination, where its conformity with national policy would have been considered, which would have included at the time, Paragraph 55 of the previous Framework (now Paragraph 79 of the Framework 2018, which remains largely unaltered)."*

### Accessibility

The site is remote from facilities required to support the everyday needs of residents and as such conflicts with criteria C of policy D8.

The application makes reference to facilities in Upottery that would be able to help to meet residents' needs and in turn help to sustain those services/facilities going forward. However, Upottery itself is not recognised as a settlement containing sufficient facilities to meet day to day needs of residents and as such has not had a built-up area boundary defined under Strategy 27 of the Local Plan (and the East Devon Villages Plan). Even were this to be the case, the application site is located over 2.75 km by road from Upottery and accessed by unlit roads with no footway

provision. As a result, anyone resident at the site is likely to be heavily reliant on private transport to access the village. The nearest settlement with a built-up area boundary and containing a wider range of services is Honiton (5km distant) and where access is via the busy A30 road making it an unattractive/unrealistic option for walking or cycling. The nearest bus stops are over 1 km away in Rawridge. The local bus service between Sidmouth and Taunton appears to run two days a week only (once in each direction), whilst another service between Marsh and Honiton runs only once a week. The use of public transport to meet the everyday needs of resident is not feasible.

Given the above any future residents are likely to be almost entirely reliant on private transport for the vast majority of their journeys. Although there are a variety of public transport options available in Honiton these would need to be accessed in the first instance and are likely only to be suitable for less frequent trips, rather than those required to meet every day needs i.e. school, work, shopping, healthcare etc.

The location of the development is therefore considered to be unsustainable would lead to a reliance on the use of private transport and as such would be contrary to the provisions of Strategy 7 and policies D8 and TC2 of the Local Plan.

In conclusion on the matter of principle (and accessibility of the site), it is considered that the proposal would potentially provide some benefits in providing for the re-use of the existing building where other options for re-use may be limited. However, in terms of accessibility the location of the site would result in future occupiers being heavily dependent on the use of private transport to meet their everyday needs and as such would represent an unsustainable form of development.

### **Impact on the character and appearance of the area**

The site is located in a rural area to the northeast of Honiton and within the Blackdown Hills Area of Natural Beauty. The site is set back from the public highway to the west and there are no public rights of way in the immediate vicinity of the site. Some views of the wider site are possible from the network of public footpaths in the wider area (including from Luppitt footpath No.25 to the east of the site) but the building itself is not prominent, being partially screened by Lanacre in the foreground and mature tree planting outside of the application site.

The proposal would involve the re-cladding of the building as well as the removal of a lean-to canopy on the southwest side of the building and what appears to be the breaking up and removal of the existing concrete yard area. There is no extension proposed to the building. The latter changes would not be visible in the wider landscape, due to them being screened by the existing and adjoining buildings and tree/hedge planting to the northeast. The removal of the canopy and concrete yard may provide some very localised improvements to the appearance of the site but would also alter the character of the site from one of a more agricultural nature to one more overtly residential in character. The proposed cladding in dark stained timber is not a finish that is traditionally characteristic to the area but in this circumstance would help to unify the existing disparate elevation treatment and provide a simple and clean finish that would not seek to compete with the appearance of the more traditional range of stone barns to the southeast. There are some additional window/door openings

proposed that would further evidence the change of use to residential but these would have little impact outside the immediate vicinity of the site.

The main impact of the works that would be visible in the wider public view is therefore likely to be the external appearance of the barn and in particular the roof. The roof is indicated to be a dark coloured metal cladding, which subject to material samples is considered to be acceptable in principle and in wider view is likely to relate appropriately to the slate roofs on the existing dwellings to the south and southeast.

At present the building is a mixture of galvanised metal sheeting, timber boarding and blockwork (partially painted) with corrugated roof sheets.

Overall the treatment to the barn is kept simple and unfussy utilising largely existing openings and is considered to be appropriate and to accord with the requirements of policy D1 in terms of detailed design and Strategies 7 and 46 in so far as they relate to landscape impact. However, whilst it is not considered that the proposal would result in any particular harm to the character or appearance of the site, equally the limited nature of the changes are not considered to represent any particular enhancement of the building's setting.

### **Ecological Impacts**

The application is supported by a bat and protected species survey and follow-up bat emergency survey report. The surveys confirm the barn as supporting bat roosts for Greater Horseshoe, Lesser Horseshoe, Common Pippistrelle, and Soprano Pippistrelle bats. These roosts were identified as night or summer roosts (non-maternity) used by individuals or low numbers. The report confirms that the development would destroy the identified bat roosts and as a result a European Protected Species Licence would be required. Included within the report are details of mitigation and compensation measures proposed to ensure that the proposal would not be detrimental to the maintenance of the population species at a favourable conservation status in their natural range. The report also makes recommendations for mitigation/enhancement measures for nesting birds that may use the site.

Subject to securing the proposed enhancement and mitigation measures, by means of a suitably worded condition, the proposal is considered to be acceptable in this regard.

### **Amenity Impacts**

The proposal would result in the introduction of a new residential unit in close proximity to existing residential properties. To the west and at a lower site level is Lanacre, a detached bungalow. To the southwest is Claypits Farm, the outbuildings to which form the southwest boundary of the site. Finally, to the south is a short terrace of three properties Cleek, Mashie and Niblick, the nearest to the site being Cleek.

The application building is set on higher ground level than Lanacre and is close to the shared boundary with that property. This boundary is defined by a mixed hedge containing coniferous species and of varying height, it would appear that this hedge is in the same ownership as Lanacre. There is the potential for some views over this

hedge to the garden area associated with Lanacre, primarily from windows at first floor level on the northwest elevation. Whilst no new windows are proposed and permitted development rights for further windows in this elevation could be removed the potential additional impact from the change in the use of the rooms that the existing windows serve needs to be considered. At present the existing floor plans indicate that these windows serve a multi-purpose room and a store room, as a result of the conversion they would serve a bedroom. Given the proposed use of the area served by these windows the existing plant screening, offset nature and distance between the application building and Lanacre and the extent of garden area to that property it is not considered the privacy or amenity of occupiers would be significantly affected. Similarly it is not considered that any significant harm would result from first floor windows (serving bedrooms) in the southwest elevation and where the angle of view would be much more acute.

To the south the neighbouring properties would experience some increased activity associated with the residential use of the site but taking into account the former (and lawful) use of the site it is not considered that this would give rise to any harm to the amenity of neighbouring residents.

To the southeast the presence of the existing range of stone outbuildings to Claypits Farm would effectively screen most views into the courtyard to the rear of that property, this coupled with the juxtaposition of the farmhouse and the application building and the separation distance between the two is considered to reduce the potential for any harm to result.

### **Highway Issues**

Access to the site from the local road to the west is by means of a shared private access track. This access track is concreted and divides to the southwest of the site with a separate spur serving the site and adjoining properties. A number of representations refer to the condition of the access track and question the suitability of this to accommodate additional traffic as well as the adequacy of parking provision. It is suggested that previous requirements to upgrade the access track, at the time of the change of use to a golf centre were not undertaken. Whether or not this was a planning requirement or a civil matter is unclear but in any case can no longer be required in association with the previous use that has ceased. In general the condition of the track appears to be relatively sound and it is considered unlikely that the residential use proposed would result in any significant increase in traffic movements compared with that of the golf centre use when it was fully operational. The proposal indicates the provision of 3 no. parking spaces associated with the proposed residential unit and whilst concerns over the adequacy of this are noted this complies with the requirements of Policy TC9 of the Local Plan and is considered to be acceptable.

### **Other Issues**

Neighbouring residents have suggested that the site is served by a natural spring that has limited capacity and is already serving more properties than it should and assurance is sought that the new dwelling would be served by mains water (as stated in the accompanying foul drainage assessment form). The application is silent on this

matter, other than the foul drainage assessment, but it is considered to be a civil matter between the parties concerned if the application site intends to connect to an existing private water supply. If a new non-mains water abstraction is sought this will require a separate application to the Environment Agency.

## **CONCLUSION**

The application seeks permission for the conversion of the existing building to form a new dwelling in a location which is considered to be unsustainable due to the lack of services and facilities required to meet the everyday needs of occupiers and where options for alternative modes of transport are extremely limited. The proposal being contrary to Strategy 7 and Policy D8. There would however be policy support for the conversion of the building to holiday accommodation.

On the other hand the proposal would provide some economic benefits in terms of construction jobs during the development and potentially patronage of local businesses by future occupiers. In terms of social benefits these would be limited as the proposal would provide only one market unit and where the Council are able to demonstrate an up to date 5 year land supply for housing.

Overall, the environmental harm in terms of the creation of a new dwelling in this unsustainable is considered to significantly outweigh any limited benefits and as such the application is recommended for refusal.

## **RECOMMENDATION**

REFUSE for the following reason

1. The proposed development by reason of its location in the countryside, remote from essential services and facilities required for daily living would result in an unsustainable form of development with reliance upon the use of the motor vehicle to access such services. As such the proposal would be contrary to the provisions of Strategy 7 (Development in the Countryside), and policies D8 (Re-use of Rural Buildings Outside of Settlements) & TC2 (Accessibility of New Development) of the East Devon Local Plan 2013-2031 as well as the guidance contained in the National Planning Policy Framework (2018).

## **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:

A.01	Proposed Site Plan	12.10.18
A.02 (Building B - ground)	Proposed Floor Plans	12.10.18
A.03 (Building B - first)	Proposed Floor Plans	12.10.18
A.04 (Building A - lower ground)	Proposed Floor Plans	12.10.18
A.06 (Building A - first)	Proposed Floor Plans	12.10.18
A.07 (Building B)	Proposed Elevation	12.10.18
A.08 (Building B)	Proposed Elevation	12.10.18
A.09 (Building A)	Proposed Elevation	12.10.18
A.10 (proposed)	Sections	12.10.18
T.01 (title page)	Location Plan	12.10.18

List of Background Papers

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