

TM/07/00675/FL Refuse 3 April 2007

Change of use and conversion of redundant cob nut store to a single holiday let unit

TM/10/01653/FL Refuse 8 September 2010

Proposed change of use and conversion of redundant cobnut store to use for B1(a) purposes

5. Consultees:

- 5.1 PC: Objection, The site is within a green belt, special landscape area and AONB. The change of use would set an unwelcome precedent and increased activity would have an adverse effect on the neighbours. Increased traffic would also impact on walkers who regularly use this narrow track.
- 5.2 DHH: This is a business/trade property and therefore must comply with all Duty of Care regulation.
- 5.3 KHS: I would recommend therefore that the parking and turning area is simply set out in an informal/collective manner.

I have studied the crash records for the area and according to records there have been no injury crashes in Yopps Green since records began (1994). This would indicate that the existing access is acceptable and I confirm I have no objection to this proposal.

- 5.4 KCC Public Rights of Way Officer: Public Rights of Way MR313 footpath runs the eastern boundary of the site and the footpath will be used for vehicular access to the holiday let, but should not affect the application.
- 5.5 Private Representations: (6/0X/7R/0S) + PROW Site and Press Notice. Objections have been raised on the following grounds:
- The development will affect the area of outstanding natural beauty.
 - It is not an appropriate use in this locality and out of keeping.
 - It will set a precedent for future buildings to be converted,
 - Access is along a bridleway which is totally inadequate for the suggested use.
 - The proposal would harmful to the open, rural and undeveloped character of the MBG
 - Noise and disturbance for adjoining residential properties affecting residential amenities.

- In the Green Belt there is a presumption against inappropriate development.
- Construction activity may affect the passage of pedestrians on Footpath MR313.
- The footpath should not be blocked at any time and caution in its use is necessary.
- The proposed residential curtilage, including car parking will have a greater impact than the present use on the openness of the Green Belt
- The creation of the residential curtilage around the newly converted building will have a harmful effect on the character of the countryside in an area of high quality landscape including AONB
- Contrary to PPG2, PPS4 and PPS7 in that unsustainable, not an appropriate location and harmful impact on landscape.
- Proposal fails basic policy tests identified at national and local level
- The proposal meets no social or economic objectives
- The development would be detrimental to the natural beauty and quiet enjoyment of the AONB
- The development is not close to a Rural Service Centre
- The proposal introduces significant car traffic
- There are no special circumstances to justify this development in the MGB
- Residential amenity will be affected by noise and light pollution and the introduction of a residential curtilage.
- This proposal is identical to an application that was previously refused in 2007
- The occupants will be affected by chemical spraying of the adjoining apple orchard
- Local policy documents have been updated since the previous refusal
- Works to strengthen the roof mean the building is not suitable for conversion.
- The design and form of the building is not in keeping with the locality and is not much different to the previous refusal.
- Works to the exterior and land around the building are of poor design and not of high quality, contrary to policy and Plaxtol Village Design Statement.

- Increased risk of crime and access to the rear of residential properties.
- Light pollution visible across the Valley.
- Parked cars will create an eyesore.
- Development is not sustainable in all its forms.

6. Determining Issues:

- 6.1 National planning guidance: The draft National Planning Policy Framework was subject to a period of consultation from 25 July 2011 – 17 October 2011. It is for the decision making authority to determine how much weight to be attached to the draft Framework. The Framework supports sustainable rural tourist facilities which respect the character of the countryside and identifies that in the MGB the re-use of buildings, provided that they are of permanent and substantial construction, is not inappropriate development.
- 6.2 PPG2 (Green Belts) states that the re-use of buildings inside a Green Belt is not inappropriate development providing it does not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it.
- 6.3 PPS4 (Planning for Sustainable Economic Growth) in Policy EC7 supports the principle of sustainable rural tourism.
- 6.4 Policy DC1 of the MDE DPD 2010 relates to proposals for the re-use of rural buildings and identifies a number of criteria that need to be considered in respect of such applications.
- 6.5 The now proposed alterations, as part of the conversion, will result in a building of a very simple form, bulk and design that are in keeping with the character of the area and largely complies with the criteria in Policy DC1. The proposed alterations externally comprise replacement windows and doors and do not differ from the 2010 scheme which was not considered objectionable in terms of design/alterations to the building itself, because unlike the earlier scheme it utilised the existing pattern of openings.
- 6.6 The proposed use as a holiday let will be acceptable, in itself, in terms of residential amenity, highway impacts and the use of land surrounding the buildings, and can be accommodated without requiring the erection of extensions or ancillary buildings. The building is 33m from the nearest dwelling, although the adjacent dwelling (Little Yopps) and its garden is visible from the application site, due to the topography of the land. However, there is planting shown to the west of the building and additional planting could be required to screen the building. In light of this and the fact that the proposal involves limited external alterations I am

of the opinion that the proposal will not result in a detrimental impact upon the AONB.

- 6.7 Given the distance of the building from the nearest residential property and the relatively limited nature of the use of the building, I am of the opinion that the proposal would not result in significant noise or light disturbance to adjacent dwellings and is in line with planning policies in this regard, particularly policies CP1 and CP24 of the TMBCS and policy DC1 of the MDE DPD.
- 6.8 In respect of highway impacts KCC Highways have raised no objection in principle to the proposed use of the building as a holiday let, and in doing so indicate that no injury crash records have arisen within the immediate locality. Adequate parking is provided.
- 6.9 The proposed use would not result in the fragmentation and/or severance of an agricultural land holding so would not create a non-viable agricultural unit. The applicant has stated that the building is no longer required for its originally intended use as a cobnut store and has been un-used for a period of time.
- 6.10 An Ecological Survey has been submitted with the application to comply with PPS9 and policy DC1. This survey was updated in September 2011 and identifies that there are no protected species affected by the proposed works. Given also that permitted works have been carried out to the building to make it more watertight and sound, I am of the opinion that there is unlikely to be any protected species in the building.
- 6.11 The building is not of a special architectural or historic interest. There are no significant changes to the design of the existing proposal, from that proposed for the conversion into a B1 office submitted in 2010. I consider that, the proposal accords with policy CP24 of the TMBCS in respect of the accepted design of rural buildings. In terms of the proposed alterations to the building to make the building suitable for the proposed use, since the time of the original application in 2007 the building has been made watertight. The timber cladding replaced and the building re-roofed with timber shingles. The repaired external appearance is largely the same as the original structure. The supporting documentation submitted with the application states that it will be necessary to install suitable insulation, heating, lighting and ventilation.
- 6.12 To clarify, in respect of the two previous refusals for conversion of this building on the site, TM/07/00675/FL (Conversion to a holiday let) was a different design (larger and repositioned windows and openings, porch over front door and fully glazed patio doors to the south elevation) and the works, at that time would have resulted in the need for a major reconstruction to enable the conversion of the building that is contrary to planning policies. As mentioned above the works executed to secure the long term retention of the building were repairs. TM/10/01653/FL (Conversion to a B1 office use) was of the same design as that now being proposed but was refused on the grounds of the location being

unsustainable for a B1 use. It is therefore considered that the two previous reasons for refusal have been overcome with the submission of this application.

6.13 Consequently, Members may agree that the proposed use of the building as a holiday let complies with all the criteria identified in policy DC1 of the MDE DPD that allows for the re-use of rural buildings for tourist uses. PPG2: Green Belts also allows for the re-use of rural buildings within the MGB, subject to criteria which are not breached by the scheme, as detailed in my report. Consequently, a case of very special circumstances is not required for the re-use of this building. For these reasons, although there is significant local opposition to the re-use of this building, from a policy perspective the proposal is acceptable, in my view, subject to conditions. The application is therefore, on balance, recommended for approval.

7. Recommendation:

7.1 Grant Planning Permission, as detailed by:

Letter JAC/SG/7840 with fee dated 14.11.2011, Letter JAC/KAL/7840 dated 31.05.2011, Validation Checklist dated 31.05.2011, Historic Decision Notice dated 31.05.2011, Ecological Assessment dated 20.09.2011, Ecological Assessment dated 31.05.2011, Planning Statement dated 31.05.2011, Design and Access Statement dated 31.05.2011, Structural Survey dated 31.05.2011, Details scope of work dated 31.05.2011, Location Plan DHA/7840/01 dated 31.05.2011, Existing Site Layout DHA/7840/02 dated 31.05.2011, Existing Plans and Elevations DHA/7840/03 dated 31.05.2011, Proposed Layout DHA/7840/04 dated 31.05.2011, Proposed Plans and Elevations DHA/7840/05 dated 31.05.2011, 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.

Reason: In pursuance of Section 91 of the Town and Country Planning Act 1990.

2. The holiday let shall be occupied for holiday purposes only, shall not be occupied as a person's sole, or main place of residence and shall not be occupied for any more than 28 days continuously by the same occupier.

Reason: To ensure the holiday let hereby approved is not used for permanent residential occupation and to safeguard the openness and amenities of the Metropolitan Green Belt from inappropriate development.

3. All joinery used externally shall accord with the approved plans, and shall not be varied unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not harm the character and appearance of the existing building or visual amenity of the locality.

4. There shall be no external lighting or illumination of the site without the prior written approval of the Local Planning Authority.

Reason: To protect the character of the rural locality and residential amenities.

5. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of hard and soft landscaping and boundary treatment. All planting, seeding and turfing comprised in the approved scheme of landscaping shall be implemented during the first planting season following occupation of the buildings or the completion of the development, whichever is the earlier. Any trees or shrubs removed, dying, being seriously damaged or diseased within 10 years of planting shall be replaced in the next planting season with trees or shrubs of similar size and species, unless the Authority gives written consent to any variation. Any boundary fences or walls or similar structures as may be approved shall be erected before first occupation of the building to which they relate.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order amending, revoking and re-enacting that Order) no development shall be carried out within Class A, B, C, D, E, F, G and H of Part 1 of Schedule 2 and Class A and B of Part 40 of Schedule 2 of that Order unless planning permission has been granted on an application relating thereto.

Reason: To protect the character of the rural locality and openness of the Metropolitan Green Belt.

Informatives:

1. Please note that any proposed signage may need separate Advertisement Consent.
2. The granting of this permission does not purport to convey any legal right to block or impede any private right of way which may cross the application site without any consent which may be required from the beneficiaries of that right of way.
3. The Borough Council believes that there is an opportunity to create areas of native planting in this development. Plants for such areas should not only be of native species but also of local provenance. The use of plants of non-local provenance could harm the environment by introducing genetically alien material and reducing the variety and viability of other wildlife that the particular plant supports.

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