

04/15/0006

MR P & MISS K JEFFERIES & JORDAN

CHANGE OF USE OF 2 No OUTBUILDINGS TO HOLIDAY LETS WITH REPLACEMENT OF THIRD OUTBUILDING WITH RECREATIONAL AREA AT MISTLETOE COTTAGE, FOREST DROVE SOUTH, BICKENHALL

Location: MISTLETOE COTTAGE, FOREST DROVE, BICKENHALL,
TAUNTON, TA3 6UE

Grid Reference: 329217.117954

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

v(A1) DrNo 15020.P.02 Rev C Drovers Cottage/The Stables As Proposed
(A1) DrNo 15020.P.03 Rev B The Annex - As Existing & As Proposed
(A1) DrNo 15020.P.04 Location Plan, Block Plan, Sketches

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The two buildings, identified as The Stables and Drovers Cottage on drawing 15020.P.04 shall be occupied for holiday purposes only and shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual holiday units on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority.

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out in with paragraph 55 of the National Planning Policy Framework.

4. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order with or without modification), no extensions, other alterations (including balconies, windows, chimneys, flues, antennae) or curtilage structures shall be carried out without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. The annex building hereby permitted shall not be occupied/used at any time other than for purposes ancillary to the residential use of the dwelling known as Mistletoe Cottage and for recreation/relaxation in association with the two holiday units hereby permitted, shown on drawing 15020.P.04. The building shall not at any time be used for any business or commercial use.

Reason: The building lies in a location where uses that would foster growth in the need to travel would not be encouraged.

6. The parking areas as shown on drawing 15020.P.04 shall be made available prior to the respective holiday unit hereby permitted being brought into use. The parking areas in their entirety shall thereafter be kept clear of obstruction and shall not be used other than for parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. As the proposal includes the use of a non-mains foul drainage system, the builder/developer should consult the literature prepared by the Construction Industry Research and Information Association (CIRIA) regarding on-site sewage disposal and septic tank systems. The relevant leaflets can be found on the CIRIA website. Alternatively advice can be obtained from the Environment Agency on foul drainage systems.
3. Note at request of Council’s Drainage Officer:
 - Soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
4. Wessex Water:
 - Application forms and guidance information for new water supply are available from www.wessexwater.co.uk/developerservices
 - Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply.

5. Notes at request of County Rights of Way Group:
- The proposed works must not encroach onto the width of the bridleway.
 - The health and safety of walkers/rides must be taken into account during works to carry out the proposed development.
 - Somerset County Council has maintenance responsibilities for the surface of the bridleway, but only to a standard suitable for pedestrians.
 - Somerset County Council will not be responsible for putting right any damage occurring to the surface of the bridleway resulting from vehicle use during or after works to carry out the proposal.
 - It should be noted that it is an offence to drive a vehicle along a bridleway unless the driver has lawful authority (private rights) to do so.
 - If the development would make the public right of way less convenient for continued public use, require changes to the existing drainage arrangements or surface, or require new furniture, authorisation for these works must be sought from Somerset County Council Rights of Way Group. If this development would make the public right of way less convenient for continued use or create a hazard to users of it, a temporary closure order will be necessary and a suitable alternative route must be provided. This can be arranged through Sarah Hooper on 01823 483069.

PROPOSAL

Mistletoe Cottage is a part render/part stone and tile detached cottage near Bickenhall. It lies in a remote rural location, accessed from Forest Drove South, which is also a public bridleway. The property lies within a large plot, with garden area surrounding the property. To the north-west is a stone and tile traditional garage/storage building (understood to have formerly been stables) and a render and tile garage building.

This application seeks planning permission to convert these two outbuildings into two one bedroom holiday units. The proposal would utilise existing openings on both buildings, with the addition of two rooflights to the garage building. No extension is proposed to the stable building, although a lean-to extension is proposed to the rear of the garage building.

It is also proposed to replace a large pre-fabricated style building, in a poor state of repair, with a building to provide a recreation room, office and massage room to be used partly in conjunction with the holiday lets and partly as ancillary to the main dwelling. This would be constructed of timber boarding with a tile roof, incorporating three rooflights with three sets of doors to the front. Each holiday unit would have one car parking space and an area of amenity space.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NEROCHE PARISH COUNCIL (BICKENHALL) - Following a meeting, which was attended by 10 members of the public, to discuss this application, the Parish Council wishes to make the following observations:

- The location of the property is unusual in so far as it is situated along a drove which only has bridleway status. Vehicular access to the four properties on the drove is by private rights. The arrangements for repair and maintenance of the drove are unclear as SCC only has a statutory right to maintain the drove to bridleway standards.
- The concern of local residents is that the increased traffic caused by this proposal would result in deterioration of the drove and adversely affect neighbouring properties. The drove is used extensively as a bridleway by local horseriders.
- The owners of neighbouring properties also raised concerns that the development of the site as holiday lets would lead to increased noise and disturbance, out of keeping with the surrounding area and would impact on the landscape. An increase in waste was raised as an issue, particularly as waste is only collected from the end of the drove and does look unsightly prior to collection.
- The Parish Council notes that there is no mention of a restrictive occupancy clause in the application, and if the application is approved, would wish this to be a condition of approval so that the units are not occupied on a long term basis.

DRAINAGE ENGINEER - I note surface water will be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval.

SCC - TRANSPORT DEVELOPMENT GROUP - It appears that access to the site is via a bridleway and not direct onto the public highway and applicants have not shown ownership or right of access along this route.

No visibility splays are provided as part of the application. Visibility exiting the site is limited. The applicant will be required to illustrate visibility splay information for the site accesses. The access road is a narrow lane as such speeds are restricted. Visibility splay requirements would therefore be reduced, with no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points to the edge of carriageway less than 60m either side of the access. These visibility splays will need to be kept and maintained at all times. Visibility at the junction where Forest Drove meets the highway appears reasonable to the north, but is partially obstructed to the south.

The proposed development will be accessed by 2 gated accesses. The proposals indicate that the gates will open outwards. The access to the northern let (Drovers Cottage) is acceptable as the gate opens within the red line area. Whereas, the south let (The Stables), the gate opens outwards, outside of the red line plan area, which could obstruct the path of other vehicles or those using the bridleway.

Cottage is accessed along a ROW bridleway which has large ruts and potholes. Owners may look to address this issue.

Driveway apron is also in poor condition with a mixture of concrete, bitmac and loose stone, consideration for making good this area.

The proposed development provides one parking space per holiday let. This is in line with SCC Parking Strategy, although the proposals do not make allowances for the provision of secure cycle parking.

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER - Measurements taken from file. If in lawful use, no CIL liability. If not in lawful use, CIL would be £10,750.

ECONOMIC DEVELOPMENT - The change of use would enable the creation of a commercial opportunity in this rural part of the Borough. It would generate a sustainable income stream for the owner as well as an increase in commercial activity locally in the Blackdown Hills AONB and amongst the various providers of services in the rural economy. The development would also bring a currently under used property into a productive use. I am therefore supportive of the proposal.

BIODIVERSITY - Comments awaited

DIVERSIONS OFFICER - Forest Drove South is used for vehicular access to dwellings, but also carried bridleway T2/12. Health and safety measures should be put in place to raise walker/equestrians awareness of the works.

COUNTY RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the proposed works at the present time (bridleway T 2/12). I have attached a plan for your information.

Any proposed works must not encroach on to the current available width of the bridleway.

We have no objections to the proposal, but the following should be noted:

The health and safety of the public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of the bridleway, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage occurring to the surface of the bridleway resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a bridleway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- make a PROW less convenient for continued public use (or)
- create a hazard to users of a PROW

then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on

(01823) 483069.

Representations

10 letters received raising concerns on the following grounds:

- Adverse impact upon bridleway, detrimental to riders, dangerous for children playing on Drove.
- Somerset County Council maintain surface only to bridleway standards.
- Drove in poor state of repair, surface rutted/potholed and not suitable for increased traffic load. Increased traffic would make condition worse and hazardous to horses/riders.
- Drove unsuitable for heavy traffic, narrow with no passing spaces.
- Emergency vehicle access hardly possible.
- Visibility onto classified road is poor.
- No offer to maintain drove.
- Parking for horseboxes and trailers is limited. Concerns regarding equestrian requirements and welfare of bringing a horse on holiday.
- Change of use/commercial unsuitable in this quiet and rural location due to extra waste, emissions, noise and light pollution.
- Noise and disturbance to local residents.
- Approval would set a precedent.
- Adversely affect the pastoral, unspoilt and tranquil nature of the area, which is a haven for wildlife.
- Disturbance of wildlife.
- Concerns that holiday lets could be used for permanent dwellings. Suggest maximum stay.
- Request waste, foul waste/water disposal, signage, height of buildings, personal permission, lighting and times of use of recreation building to be considered, should be no further development and buildings returned to residential if business plan not met.
- No mention made of other accommodation available in area.
- Site is half a mile from nearest public road and distant from adequate services and facilities with no public transport, resulting in reliance on car and increased number of journeys.
- Concerns that growth of holiday lets exceed demand, many local holiday lets are empty even in height of summer.
- Application conflicts with Point 3.1 of Policy DM2.
- Query whether amenities can be provided without major rebuilding, alteration or extension.
- If massage room available to outside clients, this would increase traffic further.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
CP8 - CP 8 ENVIRONMENT,

LOCAL FINANCE CONSIDERATIONS

The application is for holiday accommodation outside of Taunton and Wellington

where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, if the buildings are not in lawful use, the CIL receipt for this development is approximately £10,500.

DETERMINING ISSUES AND CONSIDERATIONS

Policy DM2 of the Taunton Deane Core Strategy concerns developments outside of defined settlement limits and Part 7 introduces a sequential approach for the conversion of existing buildings, requiring it to be demonstrated that the building would not be suitable for community uses, Class B business uses or other employment generating use before utilising it for holiday and tourism purposes. The supplementary information has demonstrated that a community use would not be appropriate due to the isolated location, along with there being no identified further local needs. In addition, Class B business uses and other employment generating uses would not be suitable due to the distance from main roads and conurbations, along with the narrow access roads and drove, close proximity to Mistletoe Cottage, and poor internet connections. It is also considered that there are a great deal of purpose built units available at competitive rates in more appropriate locations. As such, the use of the building for holiday and tourism is considered an acceptable alternative use, in line with policy DM2. It is noted that the holiday units would lie in a countryside location and consequently away from services and facilities, however it is important to note that a countryside location is often the destination sought by holiday-makers.

The holiday accommodation would be provided within two existing buildings. Regarding 'The Stables', the proposed conversion utilises existing openings, partly infilling the side door with timber to create a door and window within this space. In terms of the garage building, again existing openings are used, with the addition of two rooflights, which are not considered to cause any adverse impact. It is also proposed to provide a lean-to extension, which is deemed to be of a suitable scale and design, which does not result in harm to the appearance of the building or surrounding area. The buildings would not therefore appear significantly different to the existing situation.

From the structural survey and site inspection, it is evident that the buildings are in a reasonable state of repair. They are therefore considered capable of conversion without significant alteration, extension or major rebuilding. The proposed conversion works are not deemed to significantly alter the appearance of the buildings to the detriment of the rural character of the surrounding landscape.

The proposal incorporates a patio area to each holiday unit, ensuring that an adequate amount of amenity space is provided. The amenity area would not encroach out into the countryside and is not deemed to cause any increased domestication of the rural area beyond that of the current situation.

Section 3 of the NPPF supports sustainable rural tourism developments that benefit businesses in rural areas. It is considered that the guests visiting the holiday units are likely to spend in the local area, therefore supporting local businesses and contributing to the rural economy, helping to sustain the vitality and viability of the rural area. The Business Plan submitted indicates that the proposed holiday lets have been evaluated and appear to be a viable business activity, albeit with only a small profit in the first few years, whilst they establish. It is also demonstrated that

thought has been given to the target customers, competition, marketing, prices, risks and costs of conversion. There are other properties within the locality already let as holiday accommodation and it is considered that there is a demand for this type of accommodation in close proximity to the Blackdown Hills and Illminster.

The scheme also includes a recreation/office building. This would be of timber cladding with a tiled roof, which is considered an appropriate use of materials. The design with a gabled roof reflects the character of adjacent buildings. Although large, it is important to note that this is a replacement building for an existing pre-fabricated structure in a poor state of repair. As such, the replacement with a well designed building of materials sympathetic to the area is a welcome improvement. The building would provide a recreation area to be used in association with the holiday units and partly as ancillary to the main residential use of the dwelling. A condition is recommended restricting the use of the building to this effect and preventing independent business use.

The scheme includes one car parking space per holiday unit, which is considered appropriate for holiday units of this size and it is not considered that the use of the site for two small scale holiday units would generate a significant increase in traffic movements. A concern is raised that the gates open outwards. The agent confirms that these in fact swing both ways, which has historically been the case and they do open onto the driveway apron, rather than the Drove itself, therefore it does not seem reasonable to insist that this is changed. In terms of visibility, the site lies on a bend, where there is reasonable visibility in both directions along the Drove. It is important to note that the Drove, along which access is sought is narrow, rutted and pot-holed and as such, speeds would be significantly reduced, as evidenced from the site visit. On this basis, whilst the suggested visibility splays are not provided, the available visibility is considered sufficient and the scheme is not deemed to result in detriment to highway safety.

A wildlife survey has been undertaken and comments are awaited from the Biodiversity Officer. This matter will be updated on the committee update sheet.

There are no direct neighbours to be affected by the scheme and therefore no concerns regarding a loss of privacy. A concern has been raised regarding potential increased noise and disturbance from the use of the buildings as holiday accommodation and a request is made to restrict the times of use of the recreation building and barbecue area. In view of the remote location and distance from neighbouring properties, it is not considered essential to attach a condition to this effect.

The agent has confirmed that the applicants have a right of access along Forest Drove. However, a concern has been raised regarding this access and the maintenance and upkeep of the Drove. As Forest Drove is a private road, the right of way across it are civil/legal matters, to be agreed between the relevant parties. These are not planning matters and are unfortunately not issues that the local planning authority can become involved with or take into account in the processing of this planning application. As such, limited weight can be attributed to this aspect in determining the application. Concern has also been raised regarding the increased traffic and the resulting detriment to horseriders. As stated above, it is not considered that small scale holiday units such as this would result in a significant intensification of the use of the Drove. Furthermore, in view of the poor state of

repair of the access track, vehicles would be travelling at a significantly reduced speed. As such, the scheme is not deemed to result in a level of conflict with horseriders that would warrant refusal of the application.

The issue of a maximum stay restriction has been suggested. Conditions stipulating a maximum stay have not been considered the most appropriate means of restricting a holiday let within Taunton Deane for some time. Instead, the model holiday let condition is recommended, which is the standard condition used for applications of this nature. A suggestion has also been made that there should be no further development at the site. It is not considered reasonable to attach such a condition. The acceptability of any further planning applications on the site would be considered against currently policy at that time, taking into account the normal planning criteria. Other non-planning matters have also been raised but as these fall outside of the planning system, limited weight can be attributed to these issues.

The possible receipt of the Community Infrastructure Levy is noted, however, it is considered that this matter carries very limited weight in this case.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mrs K Walker Tel: 01823 356468