

10/2004/008

MR H T METTRICK

REMOVAL OF CONDITION 2 OF PLANNING PERMISSION 10/2000/022 TO ALLOW GARAGE TO BE USED FOR RESIDENTIAL ACCOMMODATION AT FORD BARTON, MOOR LANE, CHURCHINFORD

21458/12441

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

Planning permission was granted in August 1999 for the erection of a garage as part of the conversion of Ford Barton to a dwelling. However, the garage was built larger than proposed and included first floor residential accommodation. Permission for its retention in its current form was granted on appeal in March 2001. However, the Inspector imposed a condition requiring the garaging to be kept available for the parking of cars at all times. This application seeks the removal of the condition to allow the ground floor to be used as further ancillary accommodation.

CONSULTATIONS AND REPRESENTATIONS

RIGHTS OF WAY OFFICER no observations.

PARISH COUNCIL This application was discussed by my Council at its meeting on Wednesday last and it was agreed that the Condition in question should be lifted subject to the following irrevocable provisos (a) that the building of additional garaging shall not be permitted and (b) that the garage block, the subject of this application, shall not be sold separately from the main house

2 LETTERS OF OBJECTION overturning the condition would set a precedent for further development of the site and this will allow the building to become a separate house.

POLICY CONTEXT

The site lies beyond the defined limits of the village of Churchinford and Policy S8 of the Taunton Deane Local Plan Revised Deposit is therefore relevant. S8 Outside defined settlement limits, development new building will not be permitted unless it protects maintains or enhances the environmental quality and landscape character of the area and (A) is for the purposes of agriculture or forestry; (B) accords with a specific Development Plan policy or proposal; (C) is necessary to meet a requirement of environmental or other legislation; or (D) supports the vitality and viability of the rural economy in a way which cannot be sited within the defined limits of a settlement. New structures or buildings permitted in accordance with this policy should be designed and sited to minimise landscape impact, be compatible with a rural location and meet the following criteria where practicable: (E) avoid breaking the skyline; (F) make maximum use of existing screening; (G) relate well to existing buildings; and (H) use colours and materials which harmonise with the landscape. and (I) be of a reasonably necessary size to meet the need.

ASSESSMENT

Ford Barton is a substantial property of the size which would normally expect to include some garaging. The conversion of its only garage to living accommodation will almost inevitably lead to demand for further building for this purpose at some future time. To allow this proposal now would greatly weaken the Council's chances of restricting such building in a location where all such development should be strictly controlled. The appeal Inspector rightly considered that a condition to retain this garage was necessary and there has been no subsequent change of circumstances.

It is therefore concluded that the application should be refused.

RECOMMENDATION

Permission be REFUSED for reason that the proposal would lead to the loss of garaging and thus increase pressure to provide alternative provision elsewhere which would have a detrimental impact upon the character of the area contrary to Policy S8 of the Taunton Deane Local Plan Revised Deposit.

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

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NOTES: