

10/16/0010

MR D COCKCROFT

Change of use of holiday chalets to residential dwelling houses at Willow Lodge & Bracken Lodge, Pay Plantation, Stapley

Location: WILLOW LODGE AND BRACKEN LODGE, STAPLEY ROAD
STAPLEY, CHURCHSTANTON, TAUNTON, TA3 7QA

Grid Reference: 318615.113354 Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed development would result in two large detached dwellings in an isolated and sensitive rural location, dependent on the private car and would lead to formal domestic curtilage and paraphernalia which would harm the character of the Blackdown Hills Area of Outstanding Natural Beauty contrary to policy PD1/B of the Blackdown Hills AONB Management Plan 2014-19 and CP1 and CP6 of the Core Strategy. In addition insufficient evidence to show that the sequential approach to alternative uses set out in policy DM2 has been fully tested has been provided to comply with the sequential test of DM2 as well as justifying why a holiday use cannot be retained given that in arguing for a third holiday unit two years ago it was claimed that the existing units were in such demand that an additional unit was required.

Recommended Conditions (if applicable)

Notes to Applicant

Proposal

Permission is sought for the change of use of two holiday chalets, removing the occupancy condition originally attached, to allow use as permanent residential dwelling houses. The holiday chalets have been in operation for ten years since 2006.

Site Description

The application site concerns two existing holiday lets (Willow Lodge & Bracken Lodge), situated within a forestry plantation (Pay Plantation) to the south of the village of Stapley; approximately 9 miles south of Taunton.

The two-storey lodges are of timber clad construction under a slate roof, with timber doors and windows.

The site is accessible via a rural country lane situate to the north of the site.

The site itself is reasonably isolated but there is a residential property (Stapley Mill) situated directly opposite the access point to the north.

The site itself is situated within the Blackdown Hills AONB.

Relevant Planning History

10/05/008 – Erection of two holiday cottages. Permission granted 7th July 2005.

10/14/0024 – Erection of a six bedroom holiday chalet with associated garden pond and parking areas. Permission granted 15th August 2014.

Consultation Responses

CHURCHSTANTON PARISH COUNCIL - No comments to make on the application.

SCC - TRANSPORT DEVELOPMENT GROUP - Comments as follows:

The site is remote from local services and has no segregated pedestrian facility which is likely to lead to an unsustainable reliance on the private car. This is a matter for the Local Planning Authority to consider as the development is unlikely to lead to severe impact on highway safety or capacity as required by NPPF.

Visibility from the access is considered to be adequate for the likely vehicle speeds on the highway immediately adjoining the site.

In the event of permission being granted, Highways recommend conditions be attached regarding: consolidation of access, access gates, surface water drainage and provision of parking areas. Standard Highways notes have also been recommended.

BLACKDOWN HILLS AONB SERVICE - Comments as follows:

The AONB Partnership supports its local planning authorities in the application of their development management policy framework in order to ensure that any development in the AONB conserves and enhances natural beauty. In support of this, the Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

Pay Plantation is situated in a quiet location accessed by narrow lanes, located in the upper Culm valley. It forms part of a mosaic of habitats, including dry and wet woodland, unimproved and marshy grasslands, mire and scrub, that is particularly

characteristic of the AONB. This interesting habitat was considered as a key feature at the time of the original permission for the chalets granted in 2005. This has always been a sensitive location for any type of development, however a change of use to residential would introduce a permanent impact by way of features such as establishment of a domestic curtilage, associated paraphernalia and outbuildings, light spill, for example, and would be bound to generate a number of car based journeys as residents would need to travel to access even the most basic of facilities and services.

Condition 11 of the planning permission for these chalets is clear that if the holiday use ceases the chalets shall be demolished and/or removed and the land restored to its former condition.

The AONB Service is not convinced that there is evidence to show that the sequential approach to alternative uses set out in policy DM2 has been fully tested, and it is difficult to know how the lodges have been marketed and promoted (for holiday accommodation). There also appear to be key differences in some of the points raised and figures presented in the planning statement and viability report, and the viability report that accompanied the 2014 application.

ECONOMIC DEVELOPMENT - Comments as follows:

Firstly, drawing on the accounts and information provided by the applicant I see inadequate evidence that the business has been marketed effectively over the past 3 years. Of notable concern to me is the amount spent on advertising/marketing in each of the three years. The breakdown of accounts imply that the owner has spent amply on other elements of the business but has neglected this crucial aspect.

Secondly, the Council receives regular interest in the conversion of properties to accommodate larger leisure parties. These are invariably in rural areas, such as Pay Plantation. The applicant's own evidence, supplied only two years ago, points to a strong demand for this type of business in Taunton Deane.

Thirdly, the area in question is in an Area of Outstanding Natural Beauty, perfectly suited to a business of this nature.

In summary, Economic Development are minded to object to the application. Economic Development are keen to see this business succeed, and the team would be pleased to signpost the applicant towards advice and mentoring support with a view to enabling the applicant to review their business plan.

Representations Received

A site notice was erected 23rd June 2016 and neighbours notified 7th June 2016.

Former Ward Councillor, C Edwards, advised no objection to the proposal.

8 letters of **Support** raising the following issues:

- Good design compatible with surroundings.
- Excellent opportunity to allow two large families to live in a beautiful setting

- and also support the local community and school.
- The COU is supported by economic evidence and planning policy. Legitimate economic issues have been provided in accordance with Policy DM2 and the NPPF.
 - There are no visual amenity, highways or ecology issues.
 - Parish Council have raised no objection.
 - No alterations are proposed to the buildings.
 - The applicants have struggled for a long time to operate the business in a difficult market.
 - Residential use is preferable over holiday let use, which are used by rowdy hen and stag party guests.
 - Although development would not normally be supported in the AONB, the buildings in this instance are existing with no proposals for alteration.
 - Additional housing residential housing would support local services.
 - The permission (if granted) would provide greater security and stability of neighbouring residents.
 - Sleeps12.com – The holiday let market has definitely changed over the last few years. There are now more and more groups of people looking for short breaks. These groups are often stag and hen groups, or family celebrations. They are looking for high quality accommodation and facilities. Willow and Bracken unfortunately fall below the quality that is required for our present day demand.

1 letter of **objection** raising the following issues:

- Many original objections, as Stapley was an unsuitable place for such large chalets.
- It is extraordinary that the holiday letting market has declined this much in 10 years – so much so that permission is being sort for another huge chalet with a covered pool.
- It makes a mockery of the planning regulations for an AONB.
- Were there any stipulations with the original planning application about what should happen to the chalets if they failed to bring tourism into the area?
[Case Officer Note: Condition 11 of the original planning consent ref. 10/05/0008 stated that that if the holiday use were to cease the chalets should be demolished and/or removed and the land restored to its former condition].

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

SB1 - Settlement boundaries,
A5 - Accessibility of development,
SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
CP1 - Climate change,
CP2 - Economy,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,

Local finance considerations

Community Infrastructure Levy

The development would not be liable for any Community Infrastructure Levy (CIL) payments, as the defined use class would be the same.

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough	£2,158
Somerset County Council	£540

6 Year Payment

Taunton Deane Borough	£12,949
Somerset County Council	£3,237

Determining issues and considerations

The main issues for consideration as part of this application are the principle of development, impact upon visual amenity/AONB and impact upon highways.

Principle of development

The application site is situated outside settlement limits, where Policy SP1 of the adopted Taunton Deane Core Strategy, identifies the proposed development site as 'open countryside'. Accordingly, development in such locations is not usually supported due to the lack of accessible services and increased reliance on the private motor vehicle. Nevertheless, Policy DM2 does allow for the conversion of existing buildings and is considered to be the most relevant policy consideration in this instance. DM2.7 is split into two parts where (a) deals with conversions and alterations to existing buildings and (b) sets out the sequential test for a change of use.

DM2.7(a) allows for conversions provided that extant buildings are of a "permanent and substantial construction" and are of a "size suitable for conversion without major

rebuilding or significant alteration or extension". In this respect, having visited the site, it is evident that the building is of a permanent and substantial construction and is of a size suitable for conversion and the development is considered to accord with the requirements of DM2.7(a).

In terms of DM2.7(b) the policy allows for certain uses to be supported following a sequential approach, namely (in order of priority): community uses; class B business uses; other employment generating uses; holiday and tourism; affordable, farm or forestry dwellings; community housing and; in exceptional circumstances, conversion to other residential use.

An Economic Viability Report has been submitted to accompany the application, which has considered the requirements the sequential test. However no evidence of the marketing of the property for any of the alternative uses in the policy has been submitted. This is considered to fail the requirements of DM2. While the site itself has been marketed for over 12 months and the cost of each unit has been put at £400,000, this has to be viewed in light of the evidence of the commercial report that the site is operating at a loss. The evidence submitted with the previous scheme for an additional holiday unit in 2014 indicated that the actual occupancy levels and incomes were based on actual performance and this indicated occupancy levels were between 75% and 95%. Yet were are expected to believed that two years later the business in unviable. The unaudited accounts for the last two years show that in the year to April 2015 nothing was spent on advertising and promotion and only £160 was spent in the tear to 2016. On this basis it is not entirely surprising that the occupancy rates has dropped. It is not considered that the decline in the business identified would warrant a change of use of the properties at this stage and greater effort should be spent on supporting the business and this is reflected in the comments of the Economic Development Officer.

AONB Impact

The site is located within the Area of Outstanding Natural Beauty which is a sensitive area and one where the impact of development has to be strictly controlled to prevent harm to the character and distinctiveness of the area. The provision of permanent dwellings here would require the creation of formal curtilages and would lead to associated domestic paraphernalia which would harm the character of the area. This would be contrary to the aims and policy of the Blackdown Hills AONB Management Plan 2014-19 and CP8 of the Core Strategy.

Highways

The site lies outside of the defined settlements in policy SP1 and policy SB1 in respect of Settlement Boundaries of the Site Allocations and Development Management Plan applies. The permanent residential use would be reliant of the private car and would increase the need for travel over and above the existing use contrary to CP1 and CP6. While the access is considered safe in terms of visibility the increase in use for this site remote from local services would clearly lead to an unsustainable reliance on the private car.

Summary

The use of a permanent dwellings in a remote location within the AONB would normally be considered as a strait refusal as being contrary to policy. The fact that the site has been operating as a successful holiday business and relied on that success to support the argument for a third unit in 2014, makes it unusual that it is claimed the existing business is now unviable. It is considered that the two dwellings should be properly marketed and retained in tourist use. It is not considered that the necessary assessment has been made in line with policy DM2 and the harm to the AONB by allowing two large detached dwellings is considered contrary to policy and is recommended for refusal.

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

Contact Officer: James Culshaw