

19/10/0013

MR & MRS B DICKS

**ERECTION OF DOMESTIC CARE FACILITY FOR USE AS ANCILLARY ACCOMMODATION TO DWELLING AT WHITEGATES, MILL LANE, HATCH BEAUCHAMP**

Grid Reference: 330995.119737

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal for the following reason:

- 1 The proposed building due to its size and location is considered to be tantamount to a new dwelling in the countryside without sufficient justification and contrary to policy STR6 of the Somerset and Exmoor National park Joint Structure Plan Review and policies S1, S7 and H18 of the Taunton Deane Local Plan.

**RECOMMENDED CONDITION(S) (if applicable)**

Notes for compliance

**PROPOSAL**

The proposal as described by the submission is to erect a domestic care facility as ancillary accommodation to the existing dwelling for the disabled son of the applicants. The building is however a detached two storey property with attached single garage. The building has a hipped roof to reflect the design of the existing house and a footprint of over 105sqm. On the ground floor there is a kitchen, utility, wc, dining room, lounge, carer's lounge and a large hall, while the first floor has 3 bedrooms, one ensuite, a bathroom and a carer's bedroom. The site would be accessed through the garden of the existing property known as Whitegates.

The application is supported by a Design & Access Statement, a Flood Risk Assessment and supporting documents, including one from a consultant neuropsychologist and an occupational therapist. A Section 106 Agreement is being offered to ensure the building remains ancillary to the existing dwelling.

**SITE DESCRIPTION AND HISTORY**

The site consists of an area of agricultural land used as paddock adjacent to the applicant's existing dwelling separated by a fence and hedge.

Pre-application advice was sought concerning the principle, siting and design.

Options suggested in terms of smaller ancillary buildings within the existing garden were ruled out by the applicants and advice was given that a large detached dwelling outside the curtilage could not be supported in policy terms.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations.

*HATCH BEAUCHAMP PARISH COUNCIL* - the Council is supportive of the application provided the Borough Council is able to complete a satisfactory agreement which restricts the ownership and use of the new dwelling to that of ancillary accommodation to the existing dwelling "Whitegates".

Given the nature of the development as ancillary accommodation the Borough Council be asked whether the "red line" on the ownership plan which denotes the planning unit should extend to the whole of the existing site of "Whitegates" rather than the site of the new dwelling.

*WESSEX WATER* - The above proposal is not located within a Wessex Water sewered area. The developer has not indicated how surface water is to be disposed of. It is advised the Council should be satisfied with any arrangements for the disposal of foul and surface water flows generated by the development. There is a water main in the vicinity and it will be necessary to agree a point of connection which can be agreed at detailed design stage.

*ENVIRONMENT AGENCY* - Since this is a householder application reference should be made to our Flood Risk Standing advice when considering whether development is safe from flooding. We support the recommendations of the submitted Design, Access and Flood Risk Assessment: finished floor levels should be set no lower than the existing and the applicant should sign up to our Floodline service. They may also want to consider flood resilience within the new building to further protect the property from flooding.

### **Representations**

10 letters of support for the proposed independent living accommodation.

10 further letters of no objection.

## **PLANNING POLICIES**

PPS1 - Delivering Sustainable Development,  
PPS 1 SUPP - Planning and Climate Change,  
PPS3 - Housing,  
PPS7 - Sustainable Development in Rural Areas,  
PPS25 - Development and Flood Risk,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main considerations with the development is the impact of what is in effect is a new dwelling in the countryside contrary to policy and whether there is sufficient justification for this.

The proposal is for the erection of what is described as domestic care accommodation for a relative of the applicants. The applicants' son has suffered a brain injury due to a road traffic accident in 1997 and this has left him disabled with a need for close supervision and support. Supporting information from a consultant neuropsychologist advises that the patient is not likely to reach any of his rehabilitation goals whilst living in the family home as he remains unco-operative in this setting. It is the views of experts dealing with Mr Dicks case that he "live in a supervised and supported setting but one which offered the most independence and opportunities to develop, extend his horizons and moderate his maladaptive behaviours. With the ongoing support of his family and the paid care package, it is likely that this will best be achieved, and most likely accepted, if he can have his own accommodation with care workers on site (hopefully not for 24 hours) in reach of his family who will help him to gradually gain confidence to be without them and yet be on hand for providing supervision, trouble shooting and emotional support when carers are not available." A possible way of providing therapy it has been suggested is the use of the land around Whitegates as a small holding to provide a therapeutic occupation for the rest of his life. The supporting statements however do not indicate the necessary scale of care accommodation required.

While the question of ancillary care accommodation is not in question, the means and scale of provision is. Advice on providing ancillary residential uses is first to design an extension to the existing house, secondly to convert existing outbuildings in the curtilage and thirdly to provide a new build annexe. Pre-application advice was sought and given, however the suggested alternative options put forward were dismissed. The scale of the proposed care facility is not considered to comply with policy H18 as it is set in land outside the existing domestic curtilage and consists of a two storey detached four bedroom property. This is clearly not of a scale that can be considered as ancillary to the adjacent main dwelling. Although a Section 106 is offered to secure the future occupation of the building this is not considered appropriate in this instance as when the proposed occupier no longer requires the use of the building, it would not be appropriate for such a large building to be used as an annexe and there would be no ground to resist the removal of the agreement leaving a large detached dwelling in the countryside. A condition to secure removal of the building when no longer required also would be considered unreasonable given the investment and permanent nature of the new building.

The Highway Authority raise no observations to the proposal. The site lies beyond any defined settlement limits and so is sited in a rural location. Care provision would involve carers having to make frequent visits, while provision of on site care would reduce this traffic. The proposal could therefore be argued to have a neutral impact on sustainability. Clearly however this would not be the case were the future care use no longer be required. The site lies on the edge of a flood risk zone and the Environment Agency has recognised that the risk can be minimised for the domestic care use. However should the proposal be considered as a dwelling, the siting would fail the sequential test and be recommended for refusal on that basis.

In light of the above considerations, while I have sympathy for the applicants, I do not consider that the proposal warrants what is a large detached 4 bedroom property in the countryside and the development is therefore recommended for refusal.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

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