

VARIATION OF CONDITION NO. 1 OF PLANNING PERMISSION 49/09/0014 TO BE RE-WORDED TO "THE LOG CABIN HEREBY PERMITTED SHALL BE REMOVED AND LAND RESTORED TO ITS FORMER CONDITION ON OR BEFORE 30TH JUNE 2014" FOR FOOTLANDS FARM, LANGLEY MARSH, WIVELISCOMBE

Grid Reference: 308904.128718

Removal or Variation of Condition(s)

RECOMMENDATION AND REASON(S)

Recommended Decision: Temporary Approval

The proposal is considered not to have a detrimental impact upon visual or residential amenity and it is considered to be reasonable and justified to permit the use of the log cabin for a temporary period whilst works to convert The Granary are implemented and carried out. The proposal is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) S7 (Outside Settlements) and EN12 (Landscape Character Areas).

RECOMMENDED CONDITION(S) (if applicable)

1. The log cabin hereby permitted shall be removed and the land restored to its former condition on or before 26th January 2013 in accordance with a scheme of work that shall be submitted to and approved by the Local Planning Authority prior to those approved works being carried out.

Reason: The building is located outside of any defined settlement limit and is remote from adequate service and facilities provision, and would therefore be contrary to national and local planning policy were an application made for a new and permanent residential dwelling. The temporary time period provides for adequate time during which works to convert the former agricultural building can be implemented after which the LPA will be able to review the occupation of the log cabin in accordance with statutory development plan policies at that time.

Notes for compliance

PROPOSAL

The application seeks the variation of condition 1 of planning permission 49/09/0014

to allow the occupation of a log cabin for an additional three years whilst the owner and occupants carry out and complete conversion works to The Granary on land formerly associated to Lower Grants Farm. It is proposed to extend the temporary time limit for an additional three years until June 30th 2014.

The application is before the councils Planning Committee virtue of the agent being related to a member of staff.

SITE DESCRIPTION AND HISTORY

Footlands Farm is a small rural holding located on the outskirts of Ford, a small rural hamlet to the north of Wiveliscombe. The site comprises a former granary building that is awaiting conversion to a three bed dwelling house, a large portal frame agricultural building and the subject building, a log cabin that has been occupied since early 2009. The log cabin provides accommodation for the applicant, his wife and young child whilst works to convert The Granary are carried out. Temporary permission was granted under planning reference 49/09/0014 for a two year occupation of the log cabin up until 10th June 2011.

Planning permission and listed building consent is in place to convert The Granary to a three bedroom dwelling under planning reference 49/09/0054 and 0055LB; these applications were approved on 26th January 2010 and 22nd January 2010 respectively with three year commencement conditions.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Given that the proposals would not likely result in an increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network, there is no objection to this proposal.

WIVELISCOMBE PARISH COUNCIL - Support the extension of time given that works have not been carried out.

Representations

None received.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
PPS1 - Delivering Sustainable Development,
PPS3 - Housing,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issue that requires consideration is whether there is any justification to support the continued occupation of the log cabin at Footlands Farm as an

independent dwelling, given the unsustainable location of the site where planning policy would not normally support proposals for new residential development.

The application seeks planning permission to extend the time period for which a log cabin at Footlands Farm can be occupied by the owner whilst works to convert The Granary are undertaken. The applicant Mr Lawrey, together with his family will be undertaking the vast amount of works involved in the conversion of the building and therefore they could, if so minded, take up residence on site within a mobile home whilst works are on going. The existing log cabin does not conform with the definition of a 'mobile home' as set out within The Caravan Sites and Control of Development Act 1960 and as a result, when brought to the councils attention in 2009, a planning application was submitted to the LPA and subsequently approved for the occupation of the log cabin whilst works were commenced and the adjacent granary building converted to a dwelling house. The current temporary permission has now expired and whilst it is noted that a septic tank system has been installed at the site, the existing planning application to convert The Granary has not been implemented. It was previously considered that a two year temporary time period was sufficient to allow works to commence and to be substantially completed, however it was subsequently necessary for the applicant to submit amended planning and listed building consent applications to the LPA. This, together with some difficulties caused by the presence of bats within the building and the associated constraints placed upon works have caused delay in the implementation and commencement of the conversion scheme.

The agent has verbally informed me that a Natural England bat license is currently being dealt with and that instructions are in place to produce building regulation details so to commence development in September/October of this year. The most recent application for the conversion of The Granary (49/09/0054) expires on 26th January 2013 after which if not implemented there can be no guarantee that a further permission to convert the agricultural building to a residential use will be permitted, particularly given the change in direction and policy interpretation that has occurred since the previous application(s) were approved.

It is important to note that a residential use on the site has been accepted with regard to the barn conversion and it is also important to consider the fall back position available to the applicant, such as the ability to occupy a mobile home on site, were it considered necessary to remove the log cabin. The existing building has been accepted previously as not detrimentally affecting the landscape character of the area and over the past two years, weathering of the building has further reduced its visual impact. The application seeks an additional three year occupation of the building, however in light of the fact that development to convert the former granary building is yet to commence it is considered more appropriate to limit the occupation of the log cabin for a temporary period that will coincide with the expiration of planning permission 49/09/0054. In doing so, it will ensure that the occupation of the log cabin will not extend beyond the three year time period that was originally granted to convert the granary to a dwelling house.

Having regard to the above considerations and the intent of the applicant to commence development for the conversion of the granary later this year it is recommended that planning permission be granted to allow the occupation of the log cabin until 26th January 2013. The use of the log cabin will not give rise to any additional harm to highway safety or result in an increase in vehicular trips to and from the site above the residential use approved for the conversion of the granary to

a dwelling. Further, if works to convert the granary have not commenced by the specified date and if any future application to extend the time period for implementation is unsuccessful, the occupation of the log cabin will cease and its removal from the land be required.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469