

37/2005/010

MRS F BALE

REMOVAL OF CONDITION 05 OF PLANNING PERMISSION 37/95/001 TO ALLOW FOR RESIDENTIAL USE AND ERECTION OF 2M HIGH FENCE/WALL AT BARN ADJOINING ORCHARD BARN, BROUGHTON LANE, SHOREDITCH.

24400/22150

REMOVAL OF ONEROUS CONDITIONS

PROPOSAL

The building was converted to a holiday let in 1996. The occupation rate of the building has continued to decline in the last three financial years and has encountered a loss during that period. South West Tourism indicate that letting for 22 weeks a year should be met to be viable and nothing like that has been achieved at the building.

The proposal also involves the erection of a 2 m high fence or wall at a point mid way between the holiday unit and Orchard Barn. This is intended to eradicate problems of overlooking at ground floor level. The first floor windows of the holiday let have sills virtually at floor level so looking out is difficult and there can be no window to window problem.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY I would advise that the comments and recommended conditions made in respect of 37/1995/001 apply equally to the present application.

TOURISM OFFICER no observations to make. ECONOMIC DEVELOPMENT OFFICER support this application. In normal circumstances the loss of a commercial/employment site would be opposed. However in this case it seems that the business is no longer viable. Even though the business appears to have been marketed properly it has experienced a decline in bookings for 3 years; the result leading to actual losses in the last year. The business appears to be a victim of oversupply in a declining lettings market.

PARISH COUNCIL support the proposal.

1 LETTER OF SUPPORT from neighbour as would prefer continuity a residential let would bring.

POLICY CONTEXT

RPG10 Regional Planning Guidance for the South West

Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 Sustainable Development, STR6 Development Outside Towns, Rural Centres and Villages, POLICY 23 Tourism Development in the Countryside, POLICY 48 Access and Parking

Taunton Deane Local Plan Policies S1 General Requirements, S2 Design, S7 Development Outside Settlements, H7 Conversion of Rural Buildings, EC6 Conversion of Rural Buildings, M4 Residential Parking Requirements

ASSESSMENT

The proposal is to remove a holiday let condition from a barn originally granted permission in 1995. The original application was applied for as a holiday let and in granting permission a condition was imposed limiting it to that use because of the relationship with the barn approved for permanent residential use the other side of the courtyard. A condition was also imposed to remove rights for fencing or walling. The current proposal seeks to erect a boundary wall or fence down the middle of the courtyard and provide a permanent residential unit in the holiday let.

It is claimed by the applicant that the holiday let use here is no longer viable and it has been making recent losses. This would appear to be the case from the submitted evidence. Whilst that would be a reason to remove the condition that would not automatically make the alternative use as a separate dwelling acceptable.

The reason the original condition was imposed still applies in that the relationship between the barn conversion and holiday unit has not changed. The holiday unit is a two story building some 13 m away across a courtyard from the converted barn. The intention is to provide a boundary down the middle of the courtyard to address the impact on amenity and privacy of the proximity of the two units. A condition was also imposed on the 1995 approval removing rights for walls and fences to protect the visual amenity of the area. The provision of a boundary down the middle of the courtyard as indicated would detract from the character and appearance of this area. The access to the holiday unit is through the garden of the dwelling with parking at the rear between the buildings. There is a degree of overlooking of this rear courtyard area from both sides and this is not considered suitable on a permanent basis that is being applied for.

There has been one letter of support and the Parish also support the proposal. However the proposed wall/fence is considered to harm the appearance and character of the property contrary to Policies S1(D) and S2(A) of the Local Plan. The development lies outside any settlement limits and does not maintain the character of the area and so is considered contrary to Policy S7 and these issues are considered sufficient to resist the proposal.

RECOMMENDATION

Permission be REFUSED for reason of loss of openness of the courtyard and a poor relationship between the existing and proposed dwellings detrimental to their amenity due to the proximity of the building, windows and the access contrary to Taunton Deane Local Plan Policies S1(D), S2(A), S7.

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

CONTACT OFFICER: 2456 MR G CLIFFORD

NOTES: