

48/13/0050

MR & MRS N CAVILL

**CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL,
CREATION OF ACCESS AND ERECTION OF GARAGE AT 2 HILL FARM
COTTAGES, WEST MONKTON (PART RETENTION OF WORKS ALREADY
UNDERTAKEN)**

Grid Reference: 325207.129161

Full Planning Permission

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RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - (A4) DrNo 01 Location Plan
 - (A4) DrNo 02 Block Plan
 - (A2) DrNo 09 Rev B Proposed Plans and Elevations
 - (A3) DrNo 10 Rev A Proposed Master Site Plan
 - (A4) DrNo 11 Proposed Block Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 2 Hill Farm Cottages.

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out in the NPPF and prevent any commercial use that may be inappropriate to the rural character of the area and has the potential to lead to unacceptable transport movements that may be unacceptable in terms of highway safety and foster increased need to travel.

3. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no building, structure or other enclosure shall be constructed or placed on the site other than that expressly authorised by this permission without the further grant of planning permission.

Reason: To ensure that the development does not result in unacceptable harm to

the rural character of the area, as set out in Taunton Deane Core Strategy Policies DM1 and CP8.

4. (i) The landscaping/planting scheme shown on the submitted plan 1316 09B shall be completely carried out within the first available planting season from the date of commencement of the development.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation or alteration of an access to the highway will require a Section 184 Permit. This must be obtained from the Highway Service Manager at the Area Highway offices - Taunton Deane Area Highways Office - Burton Place, Taunton. The Area Highways Office, is contactable on the following telephone number No. 0845 345 9155. Applications for such a permit should be made at least four weeks before access works are intended to commence.

PROPOSAL

The property is a brick and tile semi-detached cottage, attached to a property of almost identical design. The cottages lie end on to the country lane in a remote rural location, with No.1 being positioned closest to the lane. No.2 has formerly had a garage located against the road to the south of the garden of No.1, which has recently been removed.

At the time of the site visit, works had commenced on site with a metal field gate situated at the new access point, which is formerly where the garage was sited. In addition, hardstanding (gravel) had been laid on the driveway to the front (south) of the cottages, the existing hedgerow/fruit trees had been removed and excavation works had taken place to the west of the cottage to lower the ground level to facilitate the garage and driveway.

This application seeks planning permission for the creation of the access on the site of the former garage, change of use of agricultural land to residential to create the

driveway to the south and west and for the erection of a garage. The garage would provide parking/storage at ground floor level with a hobby room above and would be sited on the proposed extended curtilage to the west. It was initially proposed that the garage would be constructed of render, however following concerns raised by the case officer, the front elevation has now been amended to brick to match the existing cottage. It has also been confirmed that the roof would be of concrete tiles to match the cottage. A post and rail fence with a native species hedgerow to the south and west of the driveway is proposed and native species trees will be incorporated within this hedgerow to compensate for trees lost within the site.

This application comes before committee as the applicant is a Councillor.

An application for a two-storey side extension and porch to the front has recently been submitted and is currently being processed but does not form part of this application.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Recommend Standing Advice

CREATION/ALTERATION OF A DRIVEWAY - REQUIREMENTS

- 1) In Somerset up to two dwellings may be served by a driveway. This advice will therefore apply, provided that the proposal does not constitute the laying out of a street. As defined within the Highways Act 1980.*
- 2) Visibility splays shall be in accordance with Manual for Streets visibility splay criteria (Appendix 11.3) unless otherwise stated. The visibility splays will be required to be provided within the control of the applicant, which is allocated within the red/blue lines of the applicants' boundary or highway land.*
- 3) Any access for a single residential unit should have a minimum width of 3.0 metres. Where an access serves more than one unit, adequate width to pass two vehicles should be secured. Recommend a minimum width of 5.0 metres over a minimum of 6.0 metre length.*
- 4) The gradient of any driveway shall not exceed 1 in 10, for at least the first 6.0 metres from the edge of the adopted highway.*
- 5) Any new or altered access, must be consolidated or surfaced for at least the first 5.0 metres of its length, as measured from the edge of the adjoining carriageway, (not loose stone or gravel).*
- 6) Positive drainage shall be provided, to prevent the discharge of water from private land to the adopted highway. It may also be considered necessary to take measures to prevent the 'run off' of water from the adopted highway onto private land. Details of such an arrangement should be approved by the Highway Authority prior to implementation.*
- 7) Any entrance gates shall be hung to open inwards and shall be set back a minimum distance of 5.0 metres from the carriageway edge. Gates for pedestrian only access should be hung to open inwards.*
- 8) Having regard to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation or alteration of an access to the highway will require a Section 184 Permit. This must be obtained from the Highway Service Manager at the Area Highway offices - Taunton Deane Area Highways Office*

- Burton Place, Taunton. The Area Highways Office, is contactable on the following telephone number No. 0845 345 9155. Applications for such a permit should be made at least four weeks before access works are intended to commence.

WEST MONKTON PARISH COUNCIL - The Parish Council support this application. We request that the tiles used should match the existing.

LANDSCAPE - My two main concerns are the loss of the existing mature hedgerows and change of farmed landscaped to domestic curtilage. The loss of hedgerow will open up the garden and new buildings to the wider countryside. The proposals will be contrary to CP8. If the application is to be approved I recommend the following conditions: Hedges: HD02 (new hedge and bank required)

Representations

None received at the time of writing

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP8 - CP 8 ENVIRONMENT,

DETERMINING ISSUES AND CONSIDERATIONS

The proposed change of use relates to a strip of land 4.5 metres wide to the front of the cottages to facilitate a new driveway and a further strip 10 metres wide to the west, running the full depth of the residential curtilage. The proposed garage would be sited on this side element, with the driveway running to it. Whilst these extensions would encroach out into the countryside away from the current domestic boundary, the extension of 4.5 metres, which is visible from the access point is not considered to encroach excessively, to the detriment of the appearance of the countryside. The further extension of residential curtilage lies to the west of the cottage, set some distance from the road and screened by the residential curtilage to both of the existing cottages, along with the roadside hedgerows. It would not therefore be clearly visible from public viewpoint. As such, the encroachment of 10 metres into the adjacent field is not considered to be to an unacceptable level that would result in unacceptable harm to the rural character of the landscape, subject to hedgerow planting to the south and west and this has been conditioned accordingly.

It is important to note that the new access is in fact on the footprint of the former garage and therefore there were already car movements in and out at that point. In addition, the large layby area to the north was already present prior to the access works being undertaken. The visibility splays in either direction are the same as when the garage was present and as such, the situation is not considered to be any worse. The access width is over the minimum requirement of 3 metres and there are no concerns regarding the gradient. An access, whether new or altered, should be consolidated over the first 5 metres, however the agent has confirmed that the former access to the

garage and layby were previously gravel and it does not therefore seem reasonable to insist that this is now properly consolidated. On this basis, it is not a permeable surface that would increase run-off onto the highway and the entrance gate is hung to open inwards and set back over the minimum 5 metre requirement from the highway edge. As such, the scheme is not deemed to result in a material increased harm to highway safety.

The proposed garage is a large structure, although two-storey, it is designed with a reasonably low eaves level and the ridge is significantly lower than the cottage. It is not therefore deemed to appear excessively dominating. The garage is of a gabled roof design and concrete roof tiles to match that of the cottage, with one rooflight in each side, which is considered an appropriate design.

It was originally proposed for the garage to be render, however concerns were raised that this would appear out of character and stark alongside the brick cottage. The garage has now been amended to brick on the front elevation, which appears more in keeping with the adjacent cottage. It would still be constructed of render to the sides and rear, however as the site of the garage has been lowered, the adjacent land lies on a higher level and the proposed hedge to the west would assist in screening it from that direction. The field to the north also lies on a higher level, resulting in the hedge to the rear of the garage lying on a high level, screening the majority of it from the north, with only the upper element being visible above this hedge, part of which would be cedar cladding. The garage is situated to the north-west of the cottage and would not therefore be visible from the access point, whilst mature trees along the roadside boundary would prevent clear views from the approach along the country lane from the north.

As such, the proposal is not considered to cause excessive harm to the rural character of the countryside and in order to maintain this rural appearance, a condition is attached that no further structures should be erected on the land without obtaining further planning permission. The proposed extended curtilage and garage would be to the side of No.2, away from the adjoining residential property. Whilst the access will run along the southern boundary of the front garden of no.1, this would be set away over 12 metres from the dwelling itself and will only serve one dwelling. The proposal is not therefore considered to result in a material increased impact upon the living conditions of the occupiers of the adjacent property.

As work has already commenced on site, no time limit condition is attached.

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

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