

PLANNING APPLICATION REPORT

Case Officer: Amy Sanders

Parish: Yealmpton **Ward:** Newton and Yealmpton

Application No: 3931/21/FUL

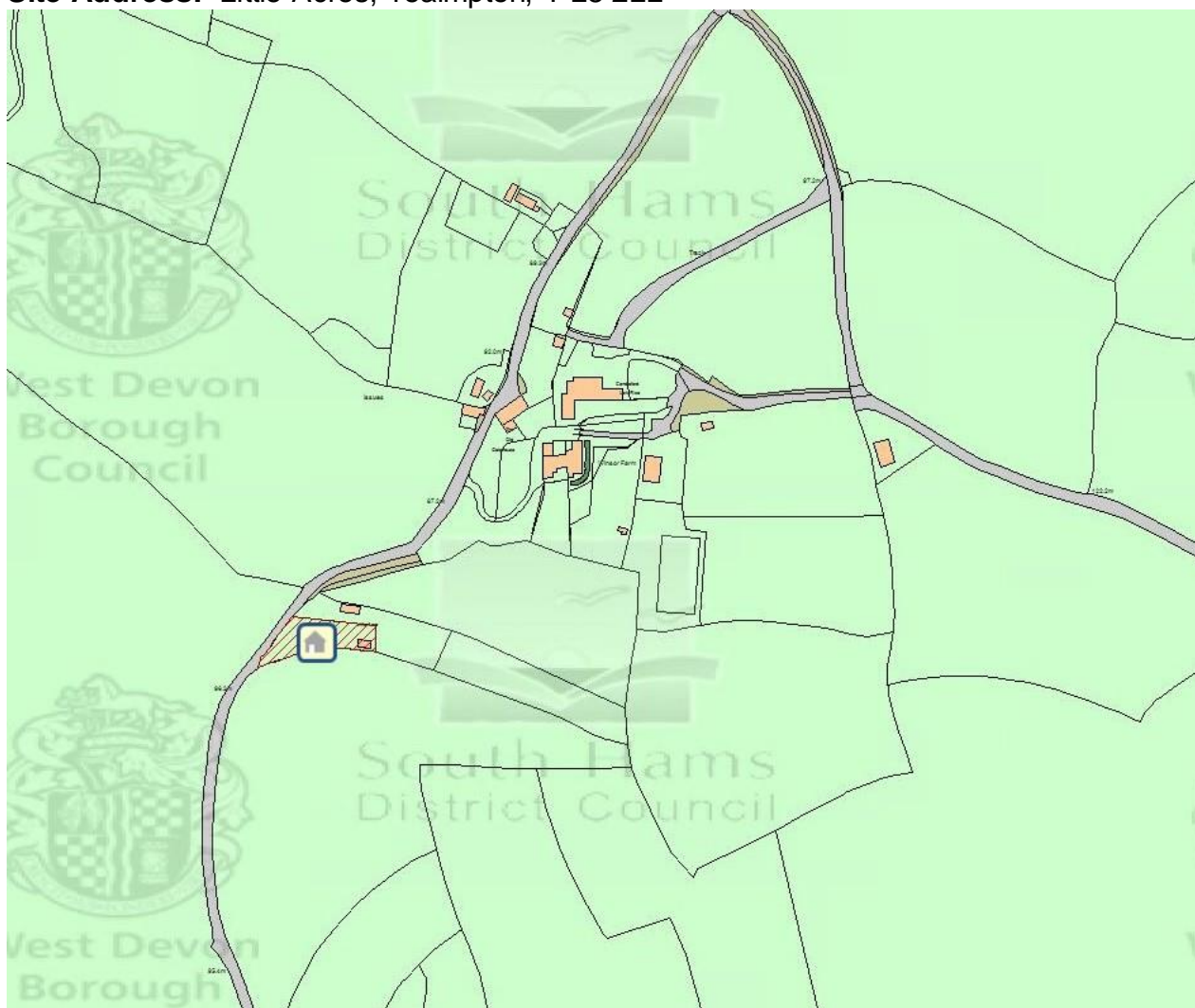
Agent/Applicant:

Mr & Mrs Kevin & Jessica Duff
Little Acres
Winsor
Yealmpton, Plymouth
PL8 2LL

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Site Address: Little Acres, Yealmpton, PL8 2LL



Development: Conversion of existing garage and store to create annex with habitable accommodation (part retrospective)

Reason item is being put before Committee:

The application has been called in to be determined by the Planning committee by the Ward Member because of the following reasons:

1. This is the latest in a series of retrospective applications for this site.
2. It is over development of an isolated rural site.
3. Despite the alleged lack of highways implications, this is a difficult to access road and any increased traffic will be a potential problem.
4. 0171/21/VAR was refused and the Officer reports says: "creation of a single open market dwelling located within an unsustainable, countryside location.....is contrary to S01, S06 and S10 of the local plan." I agree.
5. I think that it is contrary to TTV 26
6. The claim that the new dwelling is to be used by relatives of the applicant is of course not a planning matter. If consent is granted, the future is unpredictable.
7. The need to have two dwellings on this site is not proved.
8. I have concerns about surface water drainage.

Recommendation:

Conditional Approval

Conditions:

In accordance with plans

Restriction on use – ancillary to main dwelling known as Little Acres

Drainage scheme installed in accordance with plans

Unilateral Undertaking to secure Plymouth Sound and Estuaries EMS contribution has been completed and signed.

Key issues for consideration:

Principle, design and appearance, amenity and highways.

Site Description:

The application site is located just outside of Yealmpton. The site is accessed off a public highway (unclassified) from Orchard Hill in Yealmpton. There is a residential dwelling at the site and detached garage within the garden. The site is surrounded by open countryside.

The site is not within a designated landscape, nor are there heritage assets located within the setting of or on the site.

The site is located within the Zone of Influence for recreational impacts on the Plymouth Sound and Estuaries European Marine Site (EMS).

The Proposal:

This application seeks full permission to convert an existing detached garage and store room into an annexe, which would be occupied as ancillary to the main dwelling known as Little Acres. The annexe would be to serve the applicant's relatives. Planning Consent was granted on 06/02/2020, under application reference 0390/20/FUL, for the garage: "*Proposed replacement of agricultural building with garage building within the curtilage of residential dwelling.*"

The proposed annex will include a kitchenette and shower room/toilet and one bedroom. In order to convert the garage into an annex some minor alterations will take or have taken place, including installation of 3 roof lights, insertion of 2 windows on the west elevation, and alteration of the 'front door' access to the annex.

Consultations:

- County Highways Authority: No highways implications.
- Environmental Health Section: No objection
- Yealmpton Parish Council: Objection

"We 'Object' as we support the previous decision from 0171/21/VAR and stand by our comments contained within that application".

- Drainage Specialist: Support

Representations:

Representations from Residents

2 letters of support have been received and cover the following points:

- I cannot see any negative impact by the approval
- It will not degrade the environment or the area
- The building works are small and cannot be seen from the road
- Small scale development

6 letters of objection have been received and cover the following points:

- There are lots of retrospective changes being done at the site, and I would respect the proposal if planning was sought
- Other peoples applications for residential use have been refused so why should this one be any different
- We support the parish council's objection
- The site will have two dwellings, not one – creation of another dwelling not supported
- Parking concerns
- Overlooks immediate neighbours
- Garage was permitted for storage and vehicles only
- Previous refusal to grant the garage into accommodation
- It is being built purely for income generation
- Over development of the site
- Access and impact on highways
- Hard to keep up maintenance of the hedgerow
- Will open the gates for further retrospective builds locally

Relevant Planning History

Planning Application Ref: 62/0852/15/F

Description: Retrospective conversion of redundant barn/store to single dwelling

Decision Date: 13 June 2015

Refusal

Planning Application Ref: 0385/20/FUL

Description: Siting of a replacement residential dwelling

Decision Date: 22 May 2020

Conditional Approval

Planning Application Ref: 0390/20/FUL

Description: Proposed replacement of agricultural building with garage building within the curtilage of residential dwelling

Decision Date: 08 June 2020

Conditional Approval

Planning Application Ref: 2596/20/VAR

Description: Application for variation of condition 2 of planning consent 0390/20/FUL

Decision Date: 15 October 2020

Conditional Approval

Planning Application Ref: 3832/20/ARC

Description: Application for approval of details reserved by condition 5 of planning application 2596/20/VAR

Decision Date: 16 March 2021

Discharge of condition Approved

Planning Application Ref: 0171/21/VAR

Description: Removal of condition 3 of planning consent 0390/20/FUL to allow residential use of garage and variation of condition 2 (plans)

Decision Date: 19 March 2021

Refusal

ANALYSIS

Principle of Development/Sustainability:

Spatial Strategy:

Policy SPT1 of the Joint Local Plan (JLP) seeks a sustainable society where sustainable and health-promoting transport options are available to access local education, services, and jobs.

Policy SPT2 sets out that development should support the overall spatial strategy through the creation of communities which; have reasonable access to a vibrant mixed-use centre, which meets daily community needs for local services such as neighbourhood shops, health and wellbeing services, and community facilities, and; are well served by public transport, walking and cycling opportunities.

Policy TTV1 of the JLP prioritises growth through a defined four-tier hierarchy of settlements within the Thriving Town & Villages Policy Area (TTV), further explained in policy TTV25. Paragraph 5.5 of the JLP explains that policy TTV26 (Development in the Countryside) will be applied 'outside built up areas'.

The site is not within an area identified as a 'Main Town', 'Smaller Town', 'Key Village' or 'Sustainable Village' within the Council's Thriving Towns and Villages Policy Area.

Consequently, the proposal site is considered to be located within the fourth tier of the Council's settlement hierarchy, which relates to Smaller Villages, Hamlets and the Countryside, where development will be permitted only *"where it can be demonstrated to support the principles of sustainable development and sustainable communities (policies SPT1 and SPT2), including as provided for in policies TTV26 and TTV27"*.

Policy TTV26 of the JLP relates to development in the countryside. The aim of the policy is to protect the role and character of the countryside. The proposal relates to the use of an existing domestic garage for ancillary residential purposes within an established residential site, and the principle of the development in this location is acceptable in this context.

Policy TTV29 does not specifically refer to residential annexes. The extension and erection of the garage has already been permitted and fully assessed under previous planning consent. Policy DEV10.4 specifically refers to residential annexes. It states: *"Residential annexes will be supported where they are within the same curtilage and ownership as the principal dwelling. Annexes should be clearly ancillary to the principal dwelling via a functional link, with no separate demarcation or boundary."*

The submitted application is considered by Officers to meet these requirements. The adopted JLP SPD provides further guidance on the creation of annexes under Policy DEV10.4. The LPA will normally expect an annex to:

'Be an extension to the existing dwelling, or an outbuilding sited within its garden;

Be functionally related to the main dwelling, for example where the occupant is a dependent relative of the main dwelling's resident(s);

Be used only in conjunction with the main dwelling;

Be in the same ownership as the main dwelling;

Be accessed via the main dwelling or its garden and not by means of an independent access.

Be reliant on facilities and floor space provided by the main dwelling such that it cannot be occupied completely independently;

Share a garden or other outdoor amenity space with the main dwelling, with no boundary demarcation or sub division of the land between the main dwelling and the annexe; and,

Be designed in such a way as to easily allow the annexe to be used as an integral part of the main dwelling at a later date'.

The applicant has provided a supporting information statement setting out how the proposal complies with each requirement of the SPD Policy DEV10.4 (listed above). The proposal is considered to meet the policy requirements because it is within the same ownership of the main house and is an outbuilding sited within the garden of the main dwelling. The two buildings share a highways access, and parking areas, and in order to reach the main house, you walk directly past the annexe. There is an access directly leading from the annexe to the main house front terrace area. There are no boundary treatments proposed, or separation between the two buildings. The two buildings will share a garden, driveway, parking and outdoor space. The annexe will be reliant on the use of the main dwelling for the utility room including laundry and washing facilities, and wider kitchen use as only a very basic kitchenette will be installed in the annexe. A condition will be issued to ensure the annexe remains in use ancillary to the main dwelling, and is not occupied or separated as a separate unit of accommodation or used for commercial/business uses.

In light of the above, the proposal is considered to be acceptable in principle, and compliant with Policy DEV10.4.

Officers note the concerns that have been expressed by the Parish Council and letters of objection about there being a new unit of residential accommodation created at the site, and the site being home to two separate dwellinghouses. The proposed annexe is on the larger scale than what would generally be considered suitable for an annexe style accommodation. However, there is merit in that an existing outbuilding will be used, as per the Policy DEV10 requirement, and that the proposal will not introduce further built form into a countryside location.

Officers are required to consider the case as put before them, and this application does not seek to create an independent unit of accommodation or residential dwelling in the garage, but an ancillary annexe. Officers are not able to base the decision making process on what has formerly been proposed and refused or withdrawn at the site, in earlier planning applications, when assessing this fresh application.

Design/Landscape:

The proposal will see some design changes to the garage. These are commensurate and will not add scale, height or mass to the garage as it exists. The proposed materials are in keeping with the vernacular of the site. The detached garage is an already approved building at the site so the overall design and landscaping matters have been assessed and considered acceptable under the original permission granted for the garage. The proposed design is considered to meet the policy DEV20.

Owing to the minor changes that have been made to the garage there are not considered to be any wider landscape changes as a result of the proposal. Due to the position and layout of the highway, and the well-established hedgerow that borders the site and the road network, views into the site are not greatly possible. The proposal will not see an increase in height or result in the building protruding further into the open countryside. The site is not within a designated landscape. In summary, the proposal is not considered to be of detriment to the landscape setting so is compliant with Policy DEV23.

Amenity:

The proposed annexe would not meet the National described space standards, however, because of its use as ancillary and that it will rely on the floor space of the main dwelling, this is not an issue. There is sufficient space on site to serve both the main house and the annexe in terms of garden and parking. The proposed relationship between the two buildings will be connected as there are no boundary treatments proposed, and the annexe would be used ancillary in nature to the main dwelling.

There are no neighbours in proximity to the site to be impacted by the change of use of the garage into an annexe.

Highways/Access:

The Highways Officer has expressed no objection to the scheme.

Drainage:

The Council's Drainage Specialist supports the application subject to a condition to ensure the proposed drainage scheme is installed in accordance with the submitted plans and maintained as such. This condition forms part of the Officer recommendation.

Other Matters:

The site falls within the Zone of Influence for new residents have a recreational impact on the Plymouth Sound and Estuaries European Marine Site (comprising the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SPA). This Zone of Influence has recently been updated as part of the evidence base gathering and Duty to Cooperate relating to the Joint Local Plan. A scheme to secure mitigation of the additional recreational pressures upon the Plymouth Sound and Estuaries EMS can be appropriately secured by via a legal agreement to secure a financial contribution.

A legal agreement is in place and the applicant will be instructed how to pay the contribution prior to the occupation of the annexe. For this application a contribution was sought because of the use of the building will be adding a bedroom to the site, which could increase the recreational pressure on the zone of influence. The nature of the proposal is one where there is an intensification of use, by the garage becoming ancillary accommodation. Although the garage will not be one independent residential unit in itself, there is the potential for pressures to be added to the Plymouth Sound and Estuaries EMS as the garage as converted would intensify the residential use of the site.

Conclusion:

The proposal for an ancillary annexe to be used in connection with and ancillary to the main dwelling at the site known as Little Acres, in an existing garage and store, where there is an existing residential use, is considered to be supported by Policy DEV10.4. The annexe will be an ancillary use to the main dwelling, and used in connection, not as a separate unit of accommodation, which would be secured by condition. The proposal has minimal impact on the landscape and street scene. No highways objection received and the contribution to the Plymouth Sound and Estuaries EMS has been secured through a completed Unilateral Undertaking. In summary, the proposal is considered to be policy compliant and recommendation of approval subject to conditions.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004.

Planning Policy

Relevant policy framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts of South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government (MHCLG)* of their choice to monitor the Housing Requirement at the whole plan level. This is for the purposes of the Housing Delivery Test (HDT) and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019 confirming the change.

On 13th January 2021 MHCLG published the HDT 2020 measurement. This confirmed the Plymouth, South Hams and West Devon's joint HDT measurement as 144% and the consequences are "None".

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 5.8 years at end March 2021 (the 2021 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2021 (published 12th November 2021).

[*now known as Department for Levelling Up, Housing and Communities]

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development

SPT2 Sustainable linked neighbourhoods and sustainable rural communities

SPT11 Strategic approach to the Historic environment

SPT12 Strategic approach to the natural environment

TTV1 Prioritising growth through a hierarchy of sustainable settlements

TTV2 Delivering sustainable development in the Thriving Towns and Villages Policy Area

TTV26 Development in the Countryside

DEV1 Protecting health and amenity

DEV2 Air, water, soil, noise, land and light

DEV10 Delivering high quality housing

DEV20 Place shaping and the quality of the built environment

DEV23 Landscape character

DEV26 Protecting and enhancing biodiversity and geological conservation

DEV28 Trees, woodlands and hedgerows

DEV29 Specific provisions relating to transport

DEV32 Delivering low carbon development

DEV35 Managing flood risk and Water Quality Impacts

Other material considerations include the policies of the National Planning Policy Framework (NPPF) including but not limited to paragraphs 120, 136 and 140 and guidance in Planning Practice Guidance (PPG).

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.

Recommended conditions in full:

1. The development hereby approved shall in all respects accord strictly with drawing number(s):

Site location plan;

18423/203 C Proposed plans and elevations;

received by the Local Planning Authority on 14th January 2022

and

18423/202 C Proposed site plan

Received by the Local Planning Authority on 24th January 2022

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

2. The annexe hereby approved shall not be occupied at any time other than for purposes ancillary to the residential use of the host dwelling "Little Acres", and shall not be used, let, leased or otherwise disposed of for any other purpose, including for commercial or business use, or as a separate unit of accommodation.

Reason: The establishment of an additional independent unit of accommodation would give rise to an over intensive use of the site and have a poor spatial relationship with the main dwelling, and likely result in amenity concerns. Also, to prevent the establishment of a new independent dwelling within a location which is not considered to be sustainable for the provision of unrestricted dwellings.

3. The drainage scheme shall be installed in strict accordance with the plan '18423/202 C', received by the Local Planning Authority on 14th January 2022, and maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.