

YARTY
(Yarcombe)

07/0468/COU

Target Date: 09.04.07

Applicant:

B M & M J Anning

Location:

Watchford Farm, Yarcombe

Proposal:

Retention of lodge as holiday accommodation

CONSULTATIONS

County Highway Authority

Refuse.

The roads giving access to the site are by reason of their inadequate width are unsuitable to accommodate the increase in traffic likely to be generated contrary to Policy TR10 of the Devon County Structure Plan.

The location of the proposed development is likely to create the need for additional travel by private vehicles due to its location and the lack of suitable access to alternative means of travel contrary to Policies TR2 and TR5 of the Devon County Structure Plan.

TOWN/PARISH COUNCIL

Approve. The lodge has weathered well and fits nicely into its surroundings, we wouldn't want to see it disturbed or unoccupied.

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
06/2906/VAR	Removal of condition 4 on 01/P1738	Refused	08.01.07
01/P1738	Renewal of permission for log cabin	Approved	15.10.01
98/P1930	Log cabin	Approved	23.12.98
97/P1625	Mobile home	Approved	23.04.98
94/P1192	Mobile home	Approved	10.08.94
94/P0290	Farm worker's bungalow	Refused	10.05.94 (appeal dismissed)

PLANNING POLICIES

Devon Country Structure Plan (2001-2016)

Policy CO3 – Areas of Outstanding Natural Beauty

Policy TO3 – Tourism Development in Rural Areas

Policy TR2 – Co-ordination of Land-Use/Travel Planning

Policy TR5 – Hierarchy of Modes of Transport

Policy TR10 – Strategic Road Network and Roadside Service Areas

East Devon Local Plan (1995-2011)

Policy EN1 – Development Within Areas of Outstanding Natural Beauty
Policy S4 – Countryside Protection
Policy TO4 – Caravan, Chalet and Camping Sites
TA6 – Adequacy of Road network and Site Access

SITE LOCATION AND DESCRIPTION

The application site is located approximately 600 metres to the west of Watchford Farm, which itself is a relatively remote farm holding near the County boundary with Somerset.

The property itself is on slightly rising ground above the adjoining narrow unclassified road.

There are no other buildings near the site. The site is approximately 500 metres to the west of Watchford Farm house and Watchford bungalow.

The building which is the subject of this application is a two storey prefabricated log cabin approved in 1998 as a temporary agricultural worker's dwelling.

PROPOSED DEVELOPMENT

This application seeks to retain this building as a holiday chalet, in the absence of any current recognised agricultural need. This follows a refusal under delegated powers in January this year to remove Condition 4 of 01/P1738, which required the removal of the building on or before 15.10.06.

CONSIDERATIONS AND ASSESSMENT

Background

The history of this building is significant.

In 1994 planning permission was refused for a permanent agricultural worker's dwelling on the site primarily because the Council was not satisfied that there was a justified agricultural need for an additional dwelling on the farm at that time. Members of the Planning Committee at the time, however, indicated that temporary permission for an agricultural worker's mobile home would be acceptable in the interim.

It is understood that the Parish Council and applicant favoured this site because it was thought that a dwelling did previously exist on the land at this point, although little evidence existed in 1994.

Planning permission for a mobile home was therefore granted in August 1994. In January 1995 an appeal against the refusal of permission for the dwelling was dismissed. The Inspector not only accepted that the agricultural need had not been established, but also was concerned that the proposed dwelling was somewhat remote from the main farm buildings.

Nevertheless, temporary permission for the mobile home was renewed in 1998, but that permission was modified, also in 1998, to relate to a log cabin, but still with a temporary permission. The log cabin is a prefabricated structure which the applicant advised was able to be removed if permission expired.

The latest permission for temporary permission for the cabin, granted in 2001, expired in October 2006 and the latest application to renew that permission was refused. With regard to this application the Council re-commissioned an agricultural appraisal from its own consultant who

concluded that there was no agricultural need for an additional dwelling on the farm. Planning permission was refused for the following reasons;

1. 'The log cabin is located in open countryside, within an area of Outstanding Natural Beauty, where only dwellings essential for agriculture are permitted. There is no longer any agricultural need for this unit and its retention would therefore be damaging to the character and appearance of the landscape and contrary to the provisions of Structure Plan Policy CO3 (Areas of Outstanding Natural Beauty) and Policies EN1 (Development in Areas of Outstanding Natural Beauty), S4 (Countryside Protection) and H8 (Dwellings for Persons Employed in Agriculture) of the Adopted East Devon Local Plan 2006.
2. The log cabin is located in open countryside, divorced from any settlements or farm buildings, accessed only via narrow poorly aligned single carriageway roads. The retention of this unit in this location would therefore be contrary to the provisions of Policy TA6 (Adequacy of Road Network and Site Access) of the Adopted East Devon Local Plan 2006.
3. The roads giving access to the site are by reason of their inadequate width unsuitable to accommodate the increase in traffic likely to be generated contrary to Policy TR10 (Strategic Road Network) of the Devon County Structure Plan.
4. The development is located where it is remote from adequate services, employment, education, public transport etc. and therefore increases the need for travel by private vehicles contrary to Policies TR2 (Co-ordinating Land Use/Travel Planning) and TR5 (Hierarchy of Modes) of the Devon County Structure Plan.'

Following that refusal, it was therefore necessary to consider enforcement action to secure the removal of the cabin as it now does not have planning permission, and the views of the Parish Council were requested in support of that action.

The following comments from Yarcombe Parish Council were then received.

'The Parish Council were disappointed that the permission applied for by Messrs B J and M M Anning was refused, as we had all been in favour of the proposal.

We can foresee no problems for the future in retaining this dwelling, it has been here for ten years and there have never been any issues or complaints about it that we are aware of. Plus the building is now nicely weathered and is in keeping with its surroundings.

You have mentioned that the roads are unsuitable for an increase in traffic, but we would note that you have just spent several thousand pounds repairing this road, and its condition is equal to most of this type. This road is a through road and not merely an access road and therefore possibly subject to any amount of general through traffic. We would also like to point out that there is unlikely to be any increase in any need for travelling by keeping things as they are.

The fact that this development is located in a remote area away from adequate services, is not one that has caused any problems in the past and again is unlikely to increase any need for travelling due to it having been sited there for ten years.

To conclude, we consider that this property causes no harm to the countryside in its present condition and location and that the removal of it would not reap any significant benefits. Therefore unfortunately we find ourselves unable to support any enforcement action you may take.'

In the meantime, this application has been submitted as an alternative proposal which will enable the cabin to be retained in its present position.

Comments

In this context the key planning issues are the location of the building and its appearance.

The site is located in open countryside, divorced from any settlement or buildings, which is within the Blackdown Hills area of Outstanding Natural Beauty, accessed only by narrow single track roads for some considerable distance from any classified road.

The cabin is a prefabricated structure which would be defined as a 'chalet' insofar as tourist policies are concerned.

Structure plan policy TO3 for tourism development in rural areas restricts proposals to accommodation in existing farm and country houses or in close proximity to the main dwelling, and Local Plan Policy TO4 (Caravan, Chalet and Camping Sites) states clearly that 'permission will not be granted for new static or touring caravan sites, chalet sites or tent sites....within the environmentally sensitive Areas of Outstanding Natural Beauty...'

The building is not typical of the area in terms of its appearance and it is readily visible from the adjoining road.

Even as an agricultural dwelling, it would be preferable to relocate to a site nearer to the main Watchford Farm complex as recognised by the Planning Inspector in 1998, and certainly as a holiday unit the building is poorly located.

The Parish Council's response to the request to support enforcement is noted but misses the point with regard to buildings in the countryside. In Areas of Outstanding Natural Beauty the preservation of the character and appearance of the landscape takes priority unless there is a recognised need such as agriculture.

As a holiday unit the cabin is remote from the host dwelling making management and supervision more difficult and if it were not already on site, this would not be considered an appropriate location even if the provisions of Structure Plan Policy TO4 were met. This was a point recognised by the Inspector in 1995 in terms of the potential visual impact on the landscape of any building in this area as opposed to being close to other farm buildings.

This building is prefabricated and can be moved. The applicant was aware in 1998 that temporary permission only for an agricultural dwelling was likely to be granted and accepted that, despite its size and cost, the building may at some time no longer be permitted and would have to be moved.

The fact that the building has been in place for nearly ten years and has weathered well is not a justification for its retention and it is certainly not well sited for holiday use. Members must consider this application not for a change of use of an existing building (because it does not have planning permission), but for a new residential unit in the countryside, in a sensitive area, and divorced from the farmstead to which it relates.

CONCLUSIONS

Planning permission for this cabin has expired and its retention as an agricultural dwelling is not justified.

As a holiday unit it does not comply with either Structure Plan or Local Plan Policies. It is in a remote rural location with poor access roads, which is an Area of Outstanding Natural Beauty.

Its design and appearance is not typical of a rural dwelling in the locality and despite the supporting comments of the Parish Council, there is no justification for its retention.

RECOMMENDATION

REFUSE for the following reasons

1. The log cabin is located in open countryside, within an Area of Outstanding Natural Beauty, divorced from any settlement or buildings. The retention of this building in this location would have a detrimental impact on the landscape and its use as a holiday chalet would therefore be contrary to the provisions of structure Plan Policies CO3 and TO3 and Policies EN1 (Development in Areas of Outstanding Natural Beauty), S4(Countryside Protection) andTO4 (Caravan, Chalet and Camping Sites) of the adopted East Devon Local Plan 2006.
2. The roads giving access to the site are by reason of their inadequate width are unsuitable to accommodate the increase in traffic likely to be generated contrary to Policy TR10 of the Devon County Structure Plan.
3. The location of the proposed development is likely to create the need for additional travel by private vehicles due to its location and the lack of suitable access to alternative means of travel contrary to Policies TR2 and TR5 of the Devon County Structure Plan.

Further recommendation

That enforcement action be authorised to secure the removal of the log cabin and the restoration of the land to its former condition. It being expedient to do so in the interests of preserving the appearance and character of the Area of Outstanding Natural Beauty.

Compliance time: 3 months

List of Background Papers

Application file, consultations and policy documents referred to in the report.