

TRINITY  
(Combpyne Rousdon)

08/0383/FUL

15 April 2008

Applicant: N Wright & S Bennett  
Location: Pyne Cottage, Combpyne  
Proposal: Demolition of existing single storey building and replacement with new green oak framed house

### **CONSULTATIONS**

#### County Highway Authority

No comments

### **TOWN/PARISH COUNCIL**

No objection, with the condition that the old building facing onto the road, which is to be kept for workshop type use, is not at any time to be used for residential use and permission should not be granted for this.

### **WARD MEMBER**

Councillor George recommends approval. There is an existing approval on the site for a much larger building involving the cottage joined to the outbuilding by a glazed link. In this application only the cottage and its replacement by a similar footprint house is proposed. In my opinion this is a much improved application and is an asset to the village.

In the event that this application comes to Committee I would reserve my position until I am in full possession of all the relevant facts and arguments for and against.

### **REPRESENTATIONS**

#### Support

5 letters have been received raising the following points:

- The building will fit into the village scene
- The building to be demolished is not historic
- There is an intention to retain the former cottage
- Current proposal is a vast improvement visually
- It will bring new blood into the village

### **RELEVANT PLANNING HISTORY**

<b>App.No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
04/P1195	Conversion and extension of buildings to form dwelling	Approved	23.08.2004
03/P0169	Extensions and improvements to form dwelling	Refused	29.04.2003

## **PLANNING POLICIES**

### **Government Guidance**

PPS7 – Sustainable Development in Rural Areas

### **Devon County Structure Plan (2001-2016)**

Policy ST1 – Sustainable Development  
Policy C03 – Areas of Outstanding Natural Beauty  
Policy C06 – Quality of New Development

### **East Devon Local Plan (1995-2011)**

Policy S5 – Countryside Protection  
Policy D1 – Design and Local Distinctiveness  
Policy D2 – Sustainable Construction  
Policy D10 – Re-use of Rural Buildings Outside Settlements)  
Policy EN1 – Developments Affecting Areas of Outstanding Natural Beauty  
Policy TA7 – Adequacy of Road Network and Site Access

## **SITE LOCATION AND DESCRIPTION**

The site is located on the north side of Lidyates Lane on land measuring approximately 55 metres x 55 metres and some 35 metres from the junction with the main street in Combyne. To the west two residential properties, Clock House and Church Cottage, are situated and to the north-west of the site lies St Mary's Church.

## **PROPOSED DEVELOPMENT**

The proposal involves the demolition of a single storey building, formerly used as a workshop, and the erection of a new dwelling set back centrally on this plot of land. The dwelling will measure 18.6 metres x 6.2 metres and would be of single storey construction with accommodation in the roofspace. There is a projecting gable on the front elevation. The external finish would comprise weatherboarding with a roof of natural slates. The two-storey abandoned cottage alongside the access, last used for residential purposes in the early 1970s, would be retained.

In the application and on the submitted plans, the applicant wrongly refers to the former dwelling as the single storey building and the two storey cottage as the barn. The opposite is in fact the case.

## **CONSIDERATIONS AND ASSESSMENT**

### **Background**

The residential use of the small two storey stone cottage alongside the lane and entrance to the site has long since been abandoned. The site, therefore, has no residential use rights. Opposite the former cottage there is a single storey stone and timber clad former workshop.

An application was received (03/P0619) in 2003 to extend both these buildings in a totally different form, more than doubling their size to form a new detached house.

This application was refused primarily on the grounds that its form, scale, bulk and general design was out of keeping with its surroundings and tantamount to a new dwelling, that it did not

meet the specific criteria for conversion (now Policy D10) and that it had not been demonstrated that every reasonable attempt had been made to secure a business use.

Following negotiations with the applicant, a further application was received (04/P1195). This application indicated both buildings to be retained and to be modestly extended to form a dwelling, primarily with a glazed link between both elements. It was considered important to maintain the architectural and historic integrity of these buildings and these proposals achieved that aim.

The application was considered by the Committee on 17 August 2004 and it would be appropriate to quote the Conclusion to the report as follows:-

“These buildings comprise essentially sound structures of vernacular form and design and their retention would enhance the character of the rural scene. The Local Planning Authority needs to consider whether these buildings should form a dwelling contrary to Policy D9B or whether they should only be considered for other uses permitted under the policy. The argument put forward for residential hinges on the former residential use of the main building, its scale and design and its domestic setting alongside other residential properties in Combyne. Nevertheless, the Committee should be aware that this might create a precedent should any similar cases come forward for consideration.

If an exception to Policy D9B is considered acceptable, the building has to be capable of conversion without the need for substantial extension, alteration or reconstruction. The two-storey building could be converted to a very small one-bedroom dwelling with the single-storey building forming an ancillary function. This would ensure the separation of the two structures and maximise their integrity. However, it might be considered unreasonable to insist on such limited accommodation and the applicant has worked closely to achieve a relatively modest scheme which will not harm the setting of Combyne, the character of the Area of Outstanding Natural Beauty nor the scale and character of the existing buildings on the site.

It is considered that this case is finely balanced but that the balance should lie in the granting of conditional permission as recommended below.”

The Committee accepted this argument and granted permission for strictly a conversion with modest extension.

### Principle of Development

There currently exist no residential use rights to the buildings on the site despite there being a permission to convert. The permission has clearly been granted as an exception to Policy D10. Policies for conversion of rural buildings have evolved over the past 30 years or so due to changes in agricultural practices and to enable the retention of vernacular buildings as part of the rural scene. The exception made in this case acknowledged the relationship of the site to its surroundings in the hamlet in Combyne, the former abandoned residential use of the cottage and the advantages in the context of maintaining the character of the Area of Outstanding Natural Beauty by retaining these traditional buildings alone. It was clearly not envisaged that demolition and the erection of a new dwelling would be acceptable. To emphasise this point, if permission were granted for the conversion of a traditional building in the countryside to a holiday let it would not be in accordance with policy to remove this building and erect a new building elsewhere on the site, however well-designed.

Likewise, it is considered that Policy H11 (Replacement of Existing Dwellings in the Countryside) cannot be used to justify a permission in this case as no dwelling exists on the site.

## Design

It is proposed to erect a simple, predominantly rectangular, dwelling with part solid walls and part green oak frame with timber cladding and a roof of natural slate. Whilst timber cladding throughout is not normally a dominant exterior building material for walls in the Area of Outstanding Natural Beauty no fundamental objection is raised to these materials.

## Other Issues

- (i) Drainage - The proposal would require the installation of a septic tank with discharge to soakaway.
- (ii) Protected Species - A survey has been carried out by a recognised professional and there is no evidence of use by barn owls or bats of the buildings on site.

## **CONCLUSION**

The Committee will note that permission was granted in special circumstances to seek crucially the retention of both existing vernacular buildings as part of the rural scene. Prospective purchasers of the site were given consistent advice that a new dwelling would not meet with the Council's policies and would be likely to be refused. The current proposal is for a new dwelling and refusal is recommended accordingly.

## **RECOMMENDATION**

REFUSE for the following reason:

1. Planning permission has been granted for a conversion and extension of the existing buildings to residential use and development in the countryside will only be permitted, inter alia, where in accordance with a specific Local Plan policy that permits such development. In the opinion of the Local Planning Authority, the proposal is tantamount to the erection of a new dwelling in open countryside which would harm the distinctive landscape and environmental qualities of the area, and fail to conserve or enhance the landscape character of the Area of Outstanding Natural Beauty, contrary to Policy CO3 (Areas of Outstanding Natural Beauty) of the Devon Structure Plan 2001 – 2016 and Policies S5 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 1995 – 2011.

## List of Background Papers

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