

EXE VALLEY  
(Upton Pyne)

07/0990/FUL

Target Date: 10.07.07

Applicant:

Mrs M H Spruce

Location:

Jackmoor Croft, Upton Pyne

Proposal:

Conversion of bungalow into two dwellings (retrospective)

## **CONSULTATIONS**

### **County Highway Authority**

The proposal effectively creates a new dwelling in a remote location where occupiers would be dependent on the use of private vehicles to meet their domestic needs. The road leading to the site is very narrow and poorly aligned.

At the point of access (new entrance), a hedge restricts visibility in the north westerly direction. Minimum splays based on co-ordinates on 2.4m x 25m would be appropriate in this location but a plan indicating that such splays are achievable would need to be submitted. Details in respect of the consolidation and surface water drainage of the access way would also need to be submitted.

From the planning application there appears to be personal circumstances that have lead to this development. I believe it must be a planning matter as to whether or not those circumstances outweigh the highway/transport issues raised above. If not, and in the absence of further information, the application is recommended for refusal on highway/transport grounds.

## **TOWN/PARISH COUNCIL**

Approval - the Parish Council has held a site meeting and has no objections.

## **WARD MEMBER(S)**

No comments received.

## **RELEVANT PLANNING HISTORY**

<b>App.No:</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
95/P1841	Renewal of permission for pony stables and exercise area	Approved	01.03.1996
93/P1559	Retention of stables and pony exercise area	Temporary approval	23.11.1993
06/1999/OUT	Two bed roomed bungalow	Appeal Dismissed	10.07.2007

## **PLANNING POLICIES**

### **Government Guidance**

PPS 1- Delivering Sustainable Development  
PPS3 - Housing  
PPS7 - Sustainable Development In Rural Areas  
PPS25 Development and Flood Risk

## Devon Country Structure Plan (2001-2016)

Policy ST1 - Sustainable Development  
Policy ST5 - The Development Strategy.

## East Devon Local Plan (1995-2011)

Policy S5 - Countryside Protection  
Policy D1 - Design and Local Distinctiveness  
Policy H6 - Conversion of Existing Dwellings and Other Buildings to Flats  
Policy EN20 - River and Coastal Flooding  
Policy RE3 - Open Space Provision in New Housing Developments  
Policy TA1 - Accessibility of New Development  
Policy TA7 - Adequacy of Road Network and Site Access

## **SITE LOCATION AND DESCRIPTION**

Jackmoor Croft is a detached bungalow located in the open countryside approximately 2km west of Bramford Speke. The property is one of a number of properties clustered around the narrow country lane which has a rural character. The site is located within a Flood Zone 2 and 3, although the property itself is located within a Flood Zone 2 only.

## **PROPOSED DEVELOPMENT**

The proposal which is retrospective involves the conversion of the existing single dwelling into two dwellings and the creation of an access onto the highway.

## **CONSIDERATIONS AND ASSESSMENT**

There are four main issues in this case. The first whether this would be a sustainable location for the creation of a new dwelling (albeit through the conversion of an existing dwelling). The second is the effect of the proposal upon highway safety. The third is the effect of the proposal on the character and appearance of the surrounding area and the fourth consideration is the impact of the proposal on contributing to the flood risk of the area.

### Background

This application which is retrospective follows an enforcement investigation which dates back to autumn 2006. The investigation established that the eastern section of the detached dwelling had been divided internally to allow a separate unit of accommodation. It is understood that this is rented out to an independent tenant and it is reported that the works were undertaken in July 2006. A separate independent vehicular entrance has also been formed onto the highway which forms the southern boundary to the site.

### Sustainability

Policy ST1 of the adopted Devon Structure Plan 2001-2016 (SP) requires the achievement of sustainable development objectives. SP policy ST5 provides an overall context for the distribution of development within the hierarchy of settlements and states that within the open countryside, development should be strictly controlled. Planning Policy Statement 7 *Sustainable Development in Rural Areas* (PPS7) requires the promotion of sustainable patterns of development with most rural housing being focused on existing towns and service centres. It states that some new housing to meet identified local needs can be provided in villages. Policy S5 of the Local Plan (LP) also ensures that development outside of development boundaries is strictly controlled unless there is an agricultural or forestry justification.

Jackmoor Croft is located approximately 2Km west of the closest built up area boundary of Bramford Speke the closest Local Centre and the development site is therefore within the countryside for the purpose of these restrictive policies. The additional household would therefore rely upon private vehicles to reach most essential services such as shops, schools and services as well as places of employment and recreation. As a result the site is not located in a sustainable location and would therefore not meet the requirements of SP policy ST1 and ST5 and LP policy S5 or the advice contained within PPS7.

It is noted that a degree of personal justification has been provided via the planning application form as the applicant has stated that the application will allow for personal care and assistance to be provided if and when he requires such care. However this application is for a unit of independent accommodation not an ancillary use to the existing dwelling and is currently leased to a tenant who is not involved in caring for the applicant. It is therefore considered that the justification does not outweigh the sustainability objectives of local or national planning policy.

### Highway Issues

The proposal effectively creates a new dwelling in a remote location where occupiers would be dependent on the use of private vehicle to meet their domestic needs. The road leading to the site is very narrow and poorly aligned.

A new independent access has been formed on the highway to the east of the existing entrance to the site, this involved the removal of a section of bank and the installation of a five bar gate. At the point of the new access, a hedge restricts visibility in the north-westerly direction. Minimum splays based on co-ordinates of 2.4m and 25m would be appropriate in this location but a plan indicating that such splays are achievable has not been submitted. However the formation of the access on to a unclassified road does not require permission as it is permitted under part 2, class B of the Town and Country Planning (General Permitted Development) Order 1995 and therefore these are not issues that can be considered with this application.

### Impact on Landscape

As the proposal to allow the creation of a new dwelling involves internal alterations the impact on the external impact of the development on the landscape is minimal.

### Flood Risk

The dwelling itself is located within a Flood Zone 2 whilst the curtilage to the east is located within a Flood Zone 3 (the highest risk type). Planning Policy Statement 25 (PPS25) requires that within a Flood Zone 2 where a change of use to a more flood sensitive use occurs, such as the subdivision of a dwelling into two, an acceptable Flood Risk Assessment (FRA) must be submitted. The FRA submitted is considered inadequate because the plans submitted have not included a level survey to Ordnance Datum/GPS showing the known or modelled 1% (1 in 100 chance each year) river flood level or 0.5% (1 in 200 chance each year) tidal & coastal flood level relative to proposed site levels. Neither has the FRA included an assessment of whether or not the proposed development site lies within an area with a documented flooding history.

As a result the Environment Agency using standing advice would object to the application and consequently through the failure to ensure that adequate flood precautions are taken to protect against flooding the development is considered to be contrary to Policy EN20 of the Local Plan.

## Open Space Provision

The proposal constitutes an intensification of sporadic development within the open countryside outside any established settlement which, in the absence of any overriding agricultural or forestry need, is contrary to the provisions of Policy ST5 (Development Priority 2001 to 2016) of the adopted Devon Structure Plan 2001 – 2016 and Policy S5 (Countryside Protection) of the Adopted East Devon Local Plan 1995 – 2011.

## **CONCLUSIONS**

The site is located in the open countryside in an unsustainable location divorced from a settlement where the Development Plan and central government advice seeks to restrict development. The application has also not included a mechanism to provide open space within the area or submitted an adequate flood risk assessment.

## **RECOMMENDATION**

REFUSE for the following reasons:

1. The development constitutes an intensification of sporadic development within the open countryside outside any established settlement which, in the absence of any overriding agricultural or forestry need, constitutes an unsustainable form of development remote from adequate services, employment, education and public transport and is therefore contrary to the provisions of Policy ST5 (Development Priority 2001 to 2016), Policy ST1 (Sustainable Development), Policy TR2 (Co-ordinating Land Use/ Travel Planning) and Policy TR5 (Hierarchy of Modes) of the adopted Devon Structure Plan 2001 – 2016 and Policy S5 (Countryside Protection) of the Adopted East Devon Local Plan 1995 – 2011.
2. The development of an additional dwelling on this site generates demand for additional formal and informal open space facilities in the locality. The submitted application does not include any mechanism to secure a mechanism for the provision of such services and as a result is contrary to the requirements of Policy RE3 (Open Space Provision in New Housing Developments) of the adopted East Devon Local Plan 1995 – 2011.
3. The applicant has not provided sufficient details of flood risk assessment data to ensure compliance with advice in PPS25 which seeks to ensure that development does not result in increased flooding risk. As such the submitted details do not comply with Policy EN20 (River and Coastal Flooding) of The East Devon Local Plan 1995-2011.

## **FURTHER RECOMMENDATION**

That the Chief Executive be authorised to take such legal action as is considered necessary to remedy the alleged breach of planning control. It being expedient to do so because the creation of a new dwelling in the open countryside is contrary to sustainability objectives.

Time period for compliance- 6 months from when the Notice takes effect.

## List of Background Papers

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