

TRINITY
(Combyne Rousdon)

09/0939/FUL

Target Date: (07.07.2009)

Applicant: Mr and Mrs Connell
Location: Land at the Summerhouse, Rousdon
Proposal: Use of building as dwelling (retrospective)

CONSULTATIONS

County Highway Authority

Does not wish to comment

Conservation Officer

The Summer House: The structure was in very poor condition, see photos supplied by Neil Blackmore on file and taken sometime before June 2007. I have found no other photographic evidence of its original appearance. It has recently undergone considerable repair and renovation including the insertion of windows and doors, and the addition of a veranda, brick chimney and flue/vent as well as internal facilities. The works have been carried out without the benefit of any consent and it is considered that listed building consent is required, see above.

In addition, a proper and viable use for the building must be found, although use for a residential dwelling may not be acceptable in policy terms. I am not inclined to agree with the definition of 'summerhouse' as described in the Design & Access statement and consider that it was more likely a 'light building in park or garden, providing shelter in summer' – Oxford Dictionary. In this case, perhaps as suggested in the Register a 'bathing house' halfway between the Mansion and the sea. A holiday let or ancillary use may therefore be more appropriate. I would be happy to discuss possibilities if required.

NB Planning permission is required for the shed recently constructed on site.

The Grounds: the new owners have carried out considerable clearance and tree felling (under licence), but there is some concern over the identification of original features and the amount of control, if any, that we might have over these. The only reference to these features is that a network of paths was devised by the Head Gardener, W E Bailey (source 1903). See attached historic OS maps. Presumably it could be considered that these are also curtilage structures within the grounds of the Mansion House (see PPG 15 relating to curtilage structures).

Provisional recommendation proposal acceptable, the principle of a viable use, not necessarily residential. Listed Building Consent is required for alterations to the structure

Additional Information received 27th August 2009:

There is no doubt that the information provided by Peter Child and Anthony Bush give a greater insight into the background and history of the summerhouse and its surroundings and the works carried out to date by the current owner. This assessment therefore fulfils the requests made by DCC archaeology and is detailed and informative about the origins of the summerhouse, its relationship to the wider grounds and its association with the Mansion House.

It is also interesting to note that both advisors refer to the summerhouse as a curtilage or listed structure and as such a viable use should be found to retain it in good condition and ensure its future maintenance and repair. We know that in 1999 the building was ruinous and not maintained and that more recently, since June 2007, the building has undergone considerable repair and renovation. This work still requires listed building consent and an application is again

requested. With regards use, it is agreed that an appropriate and long term use would be beneficial to both the building and the nature of the surrounding land. In the light of its previous history and connection to the wider landscape, it is likely that this was for the enjoyment of the owners and any guests or visitors to the Estate. It was never intended to be used a permanent dwelling, hence its minimal form and facilities. Whilst this does not preclude a change for any future use, its size and location dictate a less intensive use either as a holiday let or ancillary use.

Comments relating to the proposed landscape/planting would be best sought from Neil Blackmore.

Devon County Council Archaeologist

Given the absence of sufficient archaeological information about the nature of the historic fabric of this Grade II* listed building, and a lack of information concerning the impact of the proposed and previous works that have been undertaken, the Historic Environment Service objects to this application. If further information on the impact of the works upon the archaeological resource is not submitted in support of this application then I would recommend the refusal of the application.

Additional comments on receipt of further information

In light of the new information submitted by the applicant - the historic building appraisal prepared by Peter Child and the garden and landscape appraisal by Arcadia Garden Design - the Historic Environment Service is withdrawing its objection to this application and, given that there will be no further impact upon the historic fabric of the building, do not require any archaeological works to be undertaken.

English Heritage

The application appears to be for planning permission only and does not appear to have an associated listed building consent for the works.

Insufficient evidence has been provided with this application. Although it is understood that the building was derelict in 1999, no evidence has been provided regarding the structure prior to the works commencing. Indeed, insufficient detail has been provided regarding the works as carried out (e.g. new joinery works, canopy, internal features etc.). Setting aside the principles of residential conversion, the application does not indicate whether the works as existing would be compliant with Building Regulations, and therefore whether further alterations and/or new extensions might be required, and/or requested in the future.

We would question the comment, in the design statement, that the summerhouse would have originally been designed for permanent, year round occupation. Unfortunately, the summerhouse appears to be in separate ownership to the main house, which given the size of the existing structure is likely to limit its potential uses.

It is not clear whether the works to the gardens might require LB Consent or planning permission, nor if they are appropriate within the grade 11 registered gardens.

Additional comments on receipt of further information

No further comments offered. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Garden History Society

Thank you for consulting the Society on the above application. On the basis of the information received we do not wish to comment, but we would emphasise that this does not in any way signify our approval or disapproval of the proposals.

TOWN/PARISH COUNCIL

The Parish Council rejects this application for the following reasons:

There has been no proper inspection or previous planning application and no Listed Building consent. There is no evidence of compliance with building regulations surveyors reports soil reports. More information is necessary. This has been brought to the attention of EDDC in the past no action was taken. This has never been a residential property. The matter should be referred to English Heritage for their consideration. The Council would be in favour of enforcement in this case.

Additional comments on receipt of further information: The Parish Council's original comments still stand - the additional information makes no difference - they had only been asked for comments on the building and not the gardens/grounds (extensively covered by the additional information).

WARD MEMBER(S)

The initial comments of the former Ward Member Cllr K. George are -

“This application is in my ward and I recommend Approval. The fabric of the building would be at risk from vandalism in the winter months if it were not lived in full-time. If my submission differs from the Officers recommendation, I request that it comes before the Development Management Committee. 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

1 letter of support has been received from the occupant of Cliff Cottage, a neighbouring dwelling located to the south east of the site within the undercliff.

RELEVANT PLANNING HISTORY

There is no planning history for this building

PLANNING POLICIES

Government Guidance

PPG 15 Planning and the Historic Environment

Devon Country Structure Plan (2001-2016)

Policy ST1 – Sustainable Development

Policy CO3 – Areas of Outstanding Natural Beauty

Policy CO6 – Quality of New Development

Policy CO7 – Historic Settlements and Buildings

Policy C08 – Archaeology

East Devon Local Plan (1995-2011)

Policy S5 – Countryside Protection

Policy D1 – Design and Local Distinctiveness

Policy D10 – Re use of Rural Buildings outside Settlements

Policy EN1 – Development affecting Areas of Outstanding Natural Beauty

Policy EN8 – Proposals affecting sites which may potentially be of Archaeological Importance

Policy EN9 – Extension, Alteration or Change of Use of Buildings of Special Architectural and Historic Interest

Policy EN13 – Development affecting Parks and Gardens of Special Historic Interest

SITE LOCATION AND DESCRIPTION

The building known as the 'Summerhouse' is a small stone built structure with a flat roof, timber windows and doors and a glazed canopy supported by iron posts. The structure has a small bathroom and kitchen to one side with the main room to the front used for daily living and sleeping. The building is currently occupied by a single person on a short term tenancy.

Various repairs have been made to the building since the estate was sold by Allhallows School in 1999, including general refurbishment, decoration and replacement or repairs of doors and windows, and also sanitary fittings replaced, and the projecting front canopy reinstated although it is conjecture whether this structure originally existed; photographs within the history files for the site do not show this structure at the front of the building. The roof also appears to have been repaired at some time as well as a verandah and chimney and flue added. The applicants have stated that all of the repairs have been carried out by previous owners.

The summerhouse, which is located approximately 200m to the south east of the main mansion, is set within an area of land belonging to the applicants of 4.8ha which is planted with trees and other plants and is in the process of being reinstated and managed. This process commenced on the applicant's purchase of the summerhouse and surrounding land in 2005. The area was formerly a 'garden' associated with the mansion and believed to have been planted and various pools constructed at the same time the house and other buildings were built by Sir Henry Peek in the late 19th Century. The summerhouse is not a Listed Building in its own right but as the structure lies within the historic curtilage of the main mansion it has been decided that it is a curtilage building.

There is also a small wooden shed to the north west of the summerhouse within the more formal area of the garden that has been cleared. Access to the site is provided by private roads within the estate and then via a un made track which descends from East Lodge to an old water pumping station, also providing access to Cliff Cottage. The area to the north of the summerhouse was at one time used by the school as a rubbish dump.

The site lies outside the Rousdon Conservation Area, but due to the importance of the landscape, the area around the Mansion and including the summerhouse and part of the undercliff is included within the register of Parks and Gardens of Special Historic Interest as Grade II. The site is also within the Coastal Preservation Area and the East Devon Area of Outstanding Natural Beauty.

PROPOSED DEVELOPMENT

The application seeks to establish permanent residential use of the building; there are no further physical works to the building proposed in this application.

CONSIDERATIONS AND ASSESSMENT

Open Space

The application proposes a new dwelling and therefore it is considered an area of open space is required for this proposal or a financial contribution in lieu. The applicants have submitted a satisfactory unilateral undertaking with the application to facilitate the latter. It is considered that if permission is forthcoming this could be tied to the terms and schedule of the legal agreement by an informative on a decision notice.

Highway Issues

The County Highway Authority has made no comments on the application. Access can be made by motor car reasonably easily to the entrance to the site from the unmade track, though by larger vehicle it would be more difficult. However it is not thought there are any specific highway access issues and there is no specific objection raised on this point.

Work to Building

The Conservation Officer has requested that an application for Listed Building Consent be submitted for the works that have already taken place to the building, and also that a planning application is required for the small building sited to the north of the summerhouse within the more domestic garden. No further works are proposed in this application however.

Impact on Landscape

Although occupancy of the building in itself is unlikely to have caused any significant harm to the immediate landscape around the site, nevertheless the area to the north of the building has already been cleared and original paths uncovered. A small building has also been provided together with a parking and turning area for a vehicle. The 'red line' plan submitted with the application only shows the building with no indicated curtilage, although the blue line on the plan shows a larger area around the building including land to the south and also alongside the track to the north. It is considered it is difficult to consider the impact of a curtilage without one set out. However all the land within the blue line provided, is unlikely to be acceptable to the Authority as a garden curtilage, notwithstanding this land's possible original association with the summerhouse and its former use. It is considered some impact has been caused by clearing the immediate area to the north of the building, although only in terms of comparison with the verdant nature of the rest of the area around the site and the general character of the area above the cliff line. However in the absence of evidence, it is only conjecture what the original garden looked like 100 years ago when it was created.

Although English Heritage and the Council's Conservation Officer have raised the issue of the work taking place within the landscape around the site, it is not clear whether any of this requires planning permission. The applicant's are believed to have a felling licence in regard to the clearing of trees but it is unclear what other work might require consent. English Heritage have queried the work taking place but even taking into account the view that the summerhouse is a curtilage listed building it is not clear which caveats of the Town & Country (General Permitted Development) Order require a Planning Application or Listed Building Consent for work within a garden if no work to structures or buildings are involved (setting aside the 'summerhouse' itself), and the work merely constitutes clearance of undergrowth and trees. The additional landscape appraisal and extent of works submitted by Arcadia garden Design does not include any indication of works to the various pools and spillways discovered within the wider garden.

Impact on Residential Amenity

The site is well away from other residential buildings within the estate, the nearest being Cliff Cottage located to the south east. It is not considered that the proposal to use the building for permanent residential occupancy would cause any significant harm to other residential occupants purely in amenity terms, and therefore there is no objection raised on this issue.

Justification

The application seeks to justify the creation of a new dwelling on the grounds of the advice contained in PPG15 that the best use is the original use in the context of a historic building. However it is questioned as to whether the use of the building would have been on a permanent basis as the applicants have suggested. The accompanying archaeological assessment surmises that the historical evidence of a pond and flower beds close to the building may indicate that the summerhouse had been occupied independently at one point.

However except for this possible indication no significant evidence has been submitted as to its former use and it may be difficult to establish this and how regular occupation was. It may only have been used for daily occupation rather than on a long term basis, and as has been suggested by the Conservation Officer and English Heritage perhaps as an 'escape' from the main mansion on a day to day basis, rather than permanent accommodation. The register of Listed Buildings describes the building as a summerhouse or bathing house. An ovoid shaped pond has been identified by the attached archaeological assessment and is shown on the 1903 Ordnance Survey Map. No suggested use has been made for this feature by the supporting document; however, although conjecture might this have been a bathing pool associated with the use of the summer house? Paragraph 13 of the submitted archaeological assessment of the building also alludes to the use of the building as a stopping off point for the household either going down to the beach or making the steep climb back up the cliffs again.

The applicants have suggested that a use of the building for residential purposes is more appropriate to a tourism use citing a previous decision on the 'pavilion' for residential use. This site is a former cricket pavilion elsewhere on the estate which was constructed when the mansion was being used as a school. However whilst each application must be considered on its merits, the pavilion is much closer to the main established residential area of the estate. The summerhouse in comparison is considered to be in a contrastingly isolated position, separated from the main mansion and Home Farm where the bulk of residential development is now located. It is also further away from the limited services available at Combyrne Service Station located alongside the main road to the north of the estate. The site of the summerhouse is also outside any built-up area boundary and therefore a residential use as such would be contrary to policy notwithstanding the residential properties permitted on the main estate at Home Farm. In addition no evidence has been submitted on the potential for letting this building for tourism use.

The current occupant of the building is understood not to be directly involved in the work to restore the larger garden area, only occupying the building on a short term tenancy basis and accordingly it is considered the clearance work could still be continued without a permanent residential occupation of a building on site.

No structural survey or ecological assessment has been submitted with the application which is normally required with an application for the conversion of a rural building.

The applicant has submitted a sequential consideration of other uses such as commercial, recreation and community use. However they have stated that due to the location and nature of the building, any of these uses are unlikely to be unacceptable. This is agreed with as although these are not what are being considered in this application, they would likely raise traffic and landscape issues and be unacceptable within the undercliff area.

Discussion

Although the occupation of the building for residential purposes is not considered to have a direct impact upon the landscape around the site, it is unhelpful not to have a proposed curtilage, nor any agreed management plan endorsed by the LPA and other relevant parties, permission being required or not.

Residential occupation of the building is not considered to cause any significant harm to the amenity of other residential dwellings on the estate. There are no objections on a highway basis regarding access to the site.

The applicant has sought to justify the continued residential occupancy of the summerhouse on the basis that it is a Listed Building, and that this would ensure the long term retention of the character and fabric of the building, but it is considered that this is not sufficient reason alone to allow a new dwelling in open countryside away from facilities and services. In any case the works to repair it have already been carried out before the building had any permanent occupation, and therefore it is considered therefore this argument carries little weight.

Although use of the building for tourism has been disregarded, no evidence has been submitted to show there is not a market for a single occupancy holiday let with basic amenities. For example the building could be let for walkers accommodation given its location close to a series of long distance foot paths. It is considered that this alternative use may actually be more appropriate taking into account the natural woodland setting of the building, away from the main part of the estate buildings. It may be that this type of building with very limited facilities would be appropriate for those seeking a very sparse holiday experience without all the everyday accoutrements and distractions of modern living. Furthermore, there appears no reason why the building could not be used as an ancillary outbuilding to one of the permanent dwellings on the estate, in effect going back to its probable historic use. Contrastingly if a permanent residential use was allowed, there may be pressure on the Local Authority to accept improvements or possibly additions to the building to allow a more comfortable living for any occupant. It is considered that although no further works are proposed in this current application further development may not be appropriate for this simple building.

In terms of the Listed Building Officers are not suggesting that windows, doors and other works are undone, but there is a need to regularise the unauthorised works to this Listed Building. Not all the works may be deemed appropriate. Consequently regardless of the planning decision an application for Listed Building Consent needs to be made. Certain elements such as the new verandah may not be acceptable.

CONCLUSIONS

The application proposes permanent residential use of the summerhouse on the basis of providing a suitable use and the long term retention of the fabric of the building. However although a communal or commercial use has been discounted by the applicant and this is agreed with, a tourism use has not been fully explored. The site falls within open countryside where a permanent new residential use would not normally be accepted. Notwithstanding the listed status of the building it is not considered that a permanent residential use is essential to ensure the long term up keep of the building, whose original use as a dwelling has not been satisfactorily established. On the balance of evidence it is considered that the building was far more likely to have been a summerhouse in the normal sense of a building within the grounds of the mansion that was enjoyed by the household on a daily basis rather than as permanent accommodation.

As such it is considered the application should be refused.

RECOMMENDATION

REFUSE

The establishment of a permanent residential occupation of the building which lies in an area of open countryside outside any settlement boundaries would be unsustainable. Notwithstanding the Listed Status of the building, a permanent residential use would not be appropriate within this building which provides limited accommodation and facilities and it has not been established that an alternative use would not be acceptable for this building. The proposal is contrary to Policies ST1 (Sustainable Development) and C07 (Historic Settlements and Buildings) of the Devon Structure Plan 2001 – 2016 and Policies S5 (Countryside Protection), D10 (Re-Use of Rural Buildings outside Settlements), and EN9 (Extension, Alteration or Change of Use of Buildings and Special Architectural and Historic Interest) of the East Devon Local Plan 1995 – 2011).

Further recommendation

Head of Legal, Licensing and Democratic Services be authorised to instigate such legal action as necessary to cease the permanent residential occupation of the summer house and to seek the removal of the unauthorised timber shed and any other works which are unacceptable in Listed Building terms.

Period for compliance 6 months for cessation of use, removal of shed and removal of unacceptable works.

List of Background Papers

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