

**REPORT OF THE MEETING OF THE SITE INSPECTION GROUP HELD ON
WEDNESDAY, 6 JUNE 2007**

**(39/0337/07/F) Resubmission of previous application 39/1754/06/F for
conversion of barn to dwelling house with ancillary utility and office
– New Dwelling Lower Torne Barn, Rattery, South Brent**

Present: Cllr B F Cane
Cllr R J Carter
Cllr G J Fielden (Chairman)
Cllr R J Vint

In attendance and participating:
G Bryant (County Highways Engineer)
D Kenyon (Area Planning Officer)
Cllr P Smerdon (Rattery Parish Council)

Also in attendance but not participating:
Agent and Applicant

**(Note: apologies for absence were received from Cllr P W Hitchins and
the local Ward Member, Cllr C W Jones)**

In introducing the application, the Area Planning Officer (APO) made particular reference to:-

- (A) this application being a resubmission. Through this resubmitted application, the APO advised that the applicant and agent had attempted to take into account and overcome the reasons why an application had been refused on this site on 6 November 2006. The Group noted that the application was now confined into a smaller curtilage, whereby the domestic area was largely contained within the group of buildings, which the case officer had now deemed to be acceptable. The Group was informed that the APO did not necessarily support the case officer view on the curtilage, hence a previous reason for refusal was being reiterated in the recommendation, but stressed that the actual manner of the barn conversion did not constitute a reason for the recommendation of refusal in this instance.
- (B) feedback received from consultees. The APO informed that no objections had been raised by Rattery Parish Council, South West Water, the Environmental Health Section and the Environment Agency. In addition, approximately 16 letters of support had been received and made reference to issues including: the proposals constituting a good use of the buildings and there being no wider visual impact. However, objections had been raised by the County Highways Authority, which were reflected in refusal reasons 3 and 4 of the case officer report;
- (C) the refusal reasons. In addition to the previously referred to highways reasons, the Group was advised that officers were also recommending refusal of the application on account of the proposal constituting a form of isolated residential development in the open countryside and it being considered to be non-sustainable;

- (D) supporting evidence submitted by the agent. The APO made specific reference to a letter submitted by the agent (dated 30 January 2007) and underlined the agricultural and family justifications behind the application. The letter also stated that the access visibility from the unclassified road was good and the applicants proposed to remove the pillars at the access point to improve it further. Previous appeal decisions were also highlighted in the letter, which were felt to support the application, with the APO outlining the detail behind each appeal quoted and the reasoning behind why it was felt that this application differed. Furthermore, the APO referred to a recent appeal decision at Kingston Barn, Staverton, in which the application was dismissed even though permission was sought for a holiday unit, which in planning guidance tended to be looked upon more favourably than permanent residency;
- (E) the lack of an agricultural appraisal. Members were informed that to demonstrate agricultural need for such an application, an agricultural appraisal was often submitted. However for this application, no appraisal had been received. As a consequence, the Council's Agricultural Advisor had not been consulted and it was confirmed that there could be no justification to impose any agricultural tie on the dwelling. Whilst it was hypothetical, if the Agricultural Advisor had been consulted upon and had determined that there was an agricultural need, the application would have been looked at more positively, as policy guidance dictated that conversion of an existing barn was preferable to constructing a new dwelling. In response to a question, the Group noted that the agricultural holding was approximately 125 acres.

The County Highways Engineer (CHE) advised that the application site was isolated and remote from all normal facilities and public transport and was therefore in conflict to policy TR5, as it would encourage the growth in the need to travel by private car. The CHE also stated that it was his view that the road network to the dwelling was inadequate to serve any additional vehicles.

When questioned, the APO confirmed that should planning permission be granted, there would be no legal requirement to retain it with the farm holding and it could therefore be sold at any time on the open market.

The Parish Council (PC) representative advised those in attendance that the PC supported the proposals and confirmed that the farm had been run by the family for many years and that due to the failing mobility of their parents, the younger generation of the family wished to live on site to be closer to them and their place of work. The representative also felt that the numbers of vehicular movements would surely decrease by virtue of the applicants residing closer to their place of work and family. In response, the CHE stated that data analysis suggested that this only resulted in a small reduction in traffic movements.

In discussion, the following points were raised:-

- (a) Members felt it regretful that the application had not been accompanied by an agricultural appraisal;

- (b) Whilst sympathising with the applicants circumstances, Members stated that approval of this application would constitute a major breach in policy. Members expressed their hope that an element of common sense and greater leeway could be incorporated into the Development Control core policies when they undertook an imminent review.

It was then unanimously:

RECOMMENDED

That in respect of application number 37/0337/07/F, the application be refused.

Reasons for Refusal

1. The proposal constitutes a form of isolated residential development in the open countryside divorced from any established centre where community services and facilities are available. Such development is non-sustainable and conflicts with adopted Structure Plan Policy ST5; adopted Policies SHDC3 and SHDC4 in the South Hams Local Plan; Policies DS4 and H011 of the South Hams Local Plan Review; adopted South Hams LDF Core Strategy Policy CS1 and the advice given in PPS7.
2. The proposed conversion of the buildings to residential use, with ancillary office and utility uses, and the formation of residential curtilage, constitutes development which will detract from the character and appearance of the area. Such development will be contrary to the provisions of the adopted Devon County Structure Plan Policies ST5, CO4; South Hams Local Plan Policies SHDC3, SHDC4; Policies DS4, DEV23, ENV3, H011 of the South Hams Local Plan Review; and adopted South Hams LDF Core Strategy Policies CS1 & CS9.
3. The proposal comprises development in the countryside outside any development plan boundary or recognised settlement and remote from all normal facilities and public transport and as such would foster the growth in the need to travel by private car. This is contrary to Structure Plan Policy TR5 and the advice given in PPG13.
4. The proposal would generate increased traffic along a road unsuitable to serve the development because of the width and substandard junction of the access lane onto the County Highway, thus contrary to adopted Structure Plan and Local Plan Policies TR10, SHDC3 and Policy DEV19 of the South Hams Local Plan Review.

Informative

This decision refers to drawings nos. 4777/1, 2, 4, 5, and SHDC1 (location plan), SHDC2, SHDC3 & SHDC4 received on 15 February 2007.