

UTT/19/2022/FUL - WIMBISH

This application has come to Committee due to the fact that the applicant is related to a member of staff employed by Uttlesford District Council

PROPOSAL: Change of use of Holiday Let to 1 no. Dwelling.

LOCATION: Midden, Top Road, Wimbish, CB10 2XJ

APPLICANT: Mrs J Mawson

AGENT: Mrs Lucy Carpenter

EXPIRY DATE: 11th October 2019

CASE OFFICER: Matt Cranitch

1. NOTATION

1.1 Outside Development Limits,

2. DESCRIPTION OF SITE

2.1 The application site lies on the south side of Top Road and to the east of Wimbish Green. It is accessed by a road that runs north to south off Top Road. Warners Farmhouse lies to the immediate west of this access road. There is an outbuilding belonging to Warners Farmhouse adjacent to this road north west of the site. The access road leads to a concrete hardstanding apron used for parking and turning. A detached barn building forms the southern boundary of the apron which is also under the applicant's ownership. To the east and north east of this barn building sits the application building. The application building is an L shaped, single storey, black painted, weather boarded building which is currently used as a holiday let. To the south of the application building is meadow. To the east and north is mown lawn. To the west is the concrete hardstanding apron.

3. PROPOSAL

3.1 This application is for the change of use of the application building from a holiday let to a single dwelling. There is no proposed change to the built form of the existing building. The existing access will serve the dwelling and off street parking will be provided.

4. ENVIRONMENTAL IMPACT ASSESSMENT

4.1 Town and Country Planning (Environmental Assessment):
The proposal is not a Schedule 1 development, nor does it exceed the threshold criteria of Schedule 2, and therefore an Environmental Assessment is not required.

And

Human Rights Act considerations:

There may be implications under Article 1 and Article 8 of the First Protocol regarding the right of respect for a person's private and family life and home, and to the peaceful enjoyment of possessions; however, these issues have been

taken into account in the determination of this application

5. APPLICANT'S CASE

- 5.1 The applicant has provided a planning statement incorporating a design and access statement to support the planning application to illustrate the process that has led to the development proposal and to explain and justify the proposal in a structured way.

Also included in the application:
Biodiversity Checklist

6. RELEVANT SITE HISTORY

- 6.1 UTT/0111/07/CLE – Certificate of lawfulness for use of land as garden. Refused. The evidence and plans were incorrect.
- 6.2 UTT/1296/08/CLE- Certificate of lawfulness for use of land as garden. Granted.
- 6.3 UTT/12/5728/FUL & UTT/13/2394/FUL- Change of use of buildings and land associated with dwelling house together with holiday let to dwelling. Both refused on the grounds of being contrary to Policy H6, buildings of insufficient merit and alternative uses have not been explored.
- 6.4 UTT/14/1371/FUL- Change of use of annex outbuilding to holiday let with 2 no. single storey extensions. Approved with conditions, including short stay holiday lets only, maximum period of four weeks in any six-month period calculated from the first day of occupation by that person.
- 6.5 UTT/15/3512/FUL- Erection of new dwelling, garage, drive and crossover, land North of 'The Midden'. Refused and dismissed at appeal on the grounds that it had not been demonstrated that the Council did not have a 5 year housing supply; it does not represent infilling; the new access as well as the bungalow would urbanise the rural area; it would not represent sensitive infill; it would intensify the existing isolated and sporadic built development in the vicinity; it is physically and functionally remote from a discernible settlement.
- 6.6 UTT/16/3618/FUL- Erection of cart lodge and vehicular access. Refused on the grounds of cumulative impact with existing buildings on the site would result in a cramped and urbanising appearance.
- 6.7 UTT/17/1210/FUL- Construction of new access to serve holiday let and paddock. Refused on the grounds of depletion of the rural character of the area. The benefit does not outweigh the harm caused.

7. POLICIES

7.1 National Policies

- 7.2 National Planning Policy Framework

7.3 Uttlesford Local Plan (2005)

Policy S7 –The Countryside

Policy GEN2 – Design
 Policy GEN1- Access
 Policy GEN8- Parking Standards

7.4 Supplementary Planning Documents/Guidance

Uttlesford Local Residential Parking Standards (2013)
 Essex Parking Standards 2009
 Supplementary Planning Document- Accessible homes and play space homes
 Essex Design Guide

8. PARISH COUNCIL COMMENTS

8.1 No comment

9.0 CONSULTATIONS

The Highways Authority

9.1 No objections or further recommendations made

10 REPRESENTATIONS

1 representation in support and 1 representation in objection received, see the following summary:

| 10.1 | Comment Received in Support | Case Officer comments |
|------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------|
| | This development provides a zero impact way of providing a new permanent residence | This will be considered in the following report |
| | | |
| 10.2 | Comments Received in Objection | |
| | This application does not accord with the provisions of the local development plan | This will be considered in the following report |
| | The building is well outside the nearest discernible settlement | This will be considered in the following report |
| | The application cannot be regarded as 'infilling' as it is on the outer extremity of the settlement | This will be considered in the following report |
| | The NPPF and the Councils 5-year housing supply is not relevant in this case as it is not a new build, or a brown-field site, or a conversion from an industrial building | This will be considered in the following report |
| | The building has already been deemed as of insufficient architectural merit in previous applications | This will be considered in the following report |
| | The building is not designed as a permanent residence and is not domestic in character | This will be considered in the following report |
| | There would be a significant increase in traffic along the length of Top Road and the Roman Road to | This will be considered in the following report |

| | |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------|
| Radwinter | |
| Conflict of interest – concern expressed that the Chair of Wimbish Parish Council is a personal friend of the applicant | The Parish Council has made no comment on this application |
| There is no compelling reason why this building should be converted into a permanent residence | This is not a material consideration |
| The building has never been used for its intended purpose as a holiday let | This is not a material consideration |
| The owner lived in the property in 2014/15 contrary to planning restrictions and was served with an enforcement notice after nearly a year's residence | This is not a material consideration |
| The building is a poorly built structure which could become damp in the winter due to its foundations and cracks in the walls so it is not suitable to become a permanent residence | This is not a material consideration |
| | |

11 APPRAISAL

The issues to consider in the determination of the application are:

- A The principle of the development of this site, design (ULP Policies S7, GEN2, NPPF, SPD Accessible Homes and Playspace)
- B Whether the development would result in harm to the amenity of the neighbouring properties by way of overlooking, overshadowing or overbearing effects (ULP Policies GEN2, GEN4, Essex Design Guide and the NPPF)
- C Access to the site (ULP Policy GEN1);
- D Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards);
- E Any other material considerations

A **The principle of the development of this site, design (ULP Policies S7, GEN2, NPPF, SPD Accessible Homes and Playspace);**

11.1 The Local Plan places the site as being outside any settlement limits (i.e. within the open countryside) and so Policy S7 applies to the proposal. The policy recognizes that the countryside needs to be protected for its own sake; however this view does not amount to a bar to development in such areas. Policy S7 states that development in the countryside will be permitted if it needs to take place there, or it is appropriate to a rural area. A new dwelling is not an example of such a development and so the development would be contrary to Policy S7.

11.2 Since the adoption of the Local Plan, however, the government published the National Planning Policy Framework (NPPF) which required LPAs to adopt a more flexible approach to building in the countryside, especially if the authority cannot demonstrate a five year supply of deliverable housing sites, as is the case for Uttlesford District Council. In such cases the so called tilted balance applies to development: there is a presumption in favour of sustainable development.

11.3 The LPA commissioned an independent assessment of the Local Plan's compatibility with the NPPF which concluded that Policy S7 carried some weight

(and such a view has been upheld on appeal).

11.4 However Paragraph 11 of the NPPF considers the presumption of sustainable development, and this includes where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes where five year housing supply cannot be delivered). This means that applications for sustainable development outside development limits may need to continue to be granted where appropriate to ensure the level of housing supply is robust and provides a continuous delivery of housing. Moreover the proposal should be considered against the three strands of sustainable development including economic, social and environmental

11.5 Therefore the proposal should be considered against the three dimensions of sustainable development as stipulated in the NPPF: economic, social and environmental

11.6 Economic - any economic benefit arising from the actual conversion works is now past and no longer carries any benefit, but the future occupiers would help to support local facilities. Permanent residents of the building may provide more frequent economic benefits to local facilities than the more sporadic economic benefits those letting the current property provide.

The applicant has stated that the current holiday let is not a viable proposition due to a number of factors including that:

- that bookings for holiday lets in the area are in decline with visitors choosing hotel and catered options instead
- of the limited enquiries received about letting the property many are for periods in excess of 4 weeks which is not allowed under the current conditions attached to the holiday let approval
- and other enquiries are for larger groups than can be accommodated in the holiday let
- furthermore the holiday let has not actually been in operation for a number of years due to renovations taking place.

Whilst there may be some economic loss to the local community in terms of the economic benefits sporadic visitors who book the holiday let might bring, permanent residents would bring more consistent economic benefit to the local community in terms of the use of services. Therefore on balance it is considered there would be more economic gain to the local community by a change of use from a holiday let to a permanent residence.

11.7 Social – The site is relatively near Wimbish and although outside of the development limits I do not consider the site to be isolated. This is supported by recent case law *Braintree DC v SSCLG* [2018] EWCA Civ. 610 which considers the definition of an isolated dwelling, and gives further clarification to its definition. However whilst the applicant states that there are some opportunities to access local services in a sustainable manner the opportunities are limited. Therefore in reality the occupants of the proposed dwellinghouse would most likely use a car/cars for most of their journeys to access services. However the NPPF does acknowledge that *'opportunities to maximise sustainable transport solutions will vary between urban and rural areas'*. The proposal would provide a limited contribution to the LPA's shortfall of new housing.

11.8 Environmental - Previous to the approved change of use to a holiday let in 2014 there was an annexe outbuilding to Walkers Farm occupying much of the same

footprint as the current holiday let. Therefore the site is a brownfield site and both the NPPF and the Uttlesford Local Plan 2005 encourage the use of brownfield sites for development. It is not proposed to change the footprint or scale of the existing building on site and therefore the proposed change of use does not involve any encroachment into the countryside or have any increased detrimental effect on rural character. Therefore the proposed change of use causes no harm to the countryside.

- 11.9 The design of the dwelling is in a traditional form and appropriate in scale and siting so as to be compatible with the surrounding area. No changes are proposed to the building as it currently exists. The dwelling will include sufficient private amenity space in accordance with the aims of the Essex Design Guide. The applicant states that the existing building complies with Part M of the Building Regulations for less able occupiers which have effectively superseded the SPD entitled 'Accessible Homes and Playspace'.
- 11.10 The proposed development therefore will not result in any harmful encroachment to the outlying rural countryside area or have a dominating or intrusive impact to the site. It will provide one more dwellinghouse in the District and result in a modest economic benefit to the local community. As such it is considered the revised scheme is in accordance with ULP Policies S7 and GEN2, and with the sustainable strand of development as outlined in the NPPF.

B Whether the development would result in harm to the amenity of the neighbouring properties by way of overlooking, overshadowing or overbearing effects (ULP Policies GEN2, GEN4, Essex Design Guide and the NPPF)

- 11.11 Policy GEN2 of the Local Plan states that new development should not have any materially adverse effect on the reasonable occupation and enjoyment of a residential property as a result of loss of privacy, loss of daylight, overbearing impact or overshadowing.
- 11.12 Policy GEN4 considers the impact to neighbouring properties in regards to noise and disturbance.
- 11.13 To the south of the existing holiday is a meadow and to the east and north is mown lawn, land that formed part of the certificate of lawfulness for use as garden land. This land is owned by the applicant. To the west and adjacent to the primary elevation of the Midden is the concrete hard standing apron used for parking and turning. A barn owned by the applicant is located at the end of the this apron located at right angles to the Midden Further north along the access road and on the opposite side of the access road are the side and rear elevations of a long barn which belongs to the neighbouring property. This barn has no fenestration in the rear elevation. Therefore the siting and scale of the proposed dwelling means that the development will not result in any material loss of light or have any detrimental effect on the privacy of any neighbouring properties. Furthermore the siting of the dwelling will not result in any overbearing impacts that will be harmful to neighbouring properties. No more noise is likely to be created by the use of the existing building as a permanent residence as opposed to a holiday let.

The proposal therefore complies with ULP Policies GEN2 and GEN4.

C Access to the site (ULP Policy GEN1)

- 11.14 The dwelling would be served by the existing access road which branches off a shared access with Walkers Farm to Top Road. Whilst an objection has been made concerning the increase in traffic the development might entail Essex County Council Highways have been consulted and have not made any objections or further recommendations. The proposal will include a net increase of open dwelling; this is not considered of a significant increase of vehicular movement that will have a harmful impact to highway safety.

The proposal complies with ULP Policy GEN1.

D Vehicle Parking Standards (ULP Policy GEN8 and ECC Parking Standards);

- 11.15 In order to comply with locally adopted parking standards, for dwellings of two bedrooms, two parking spaces should be provided per dwelling off-road. These need to accord with the size dimensions as outlined in adopted Vehicle Parking Standards (2009) of 5.5m in depth and 2.9m in width. Two parking spaces and turning area have been shown on the proposed block plan and Essex County Council Highways specialist has been consulted no objections have been made. As such it is considered the proposal complies with ULP Policy GEN8 and the Uttlesford Neighbourhood Parking Standards (2013) and ECC Parking Standards (2009)

E Any other material considerations

- 11.16 The following policies are included in the emerging local plan and therefore have been considered in the assessment of the application, these policies hold some limited weight.

SP10 Protection of countryside
D1- High quality design
TA4- Vehicle parking standards
TA1-Accessible development

12. CONCLUSION

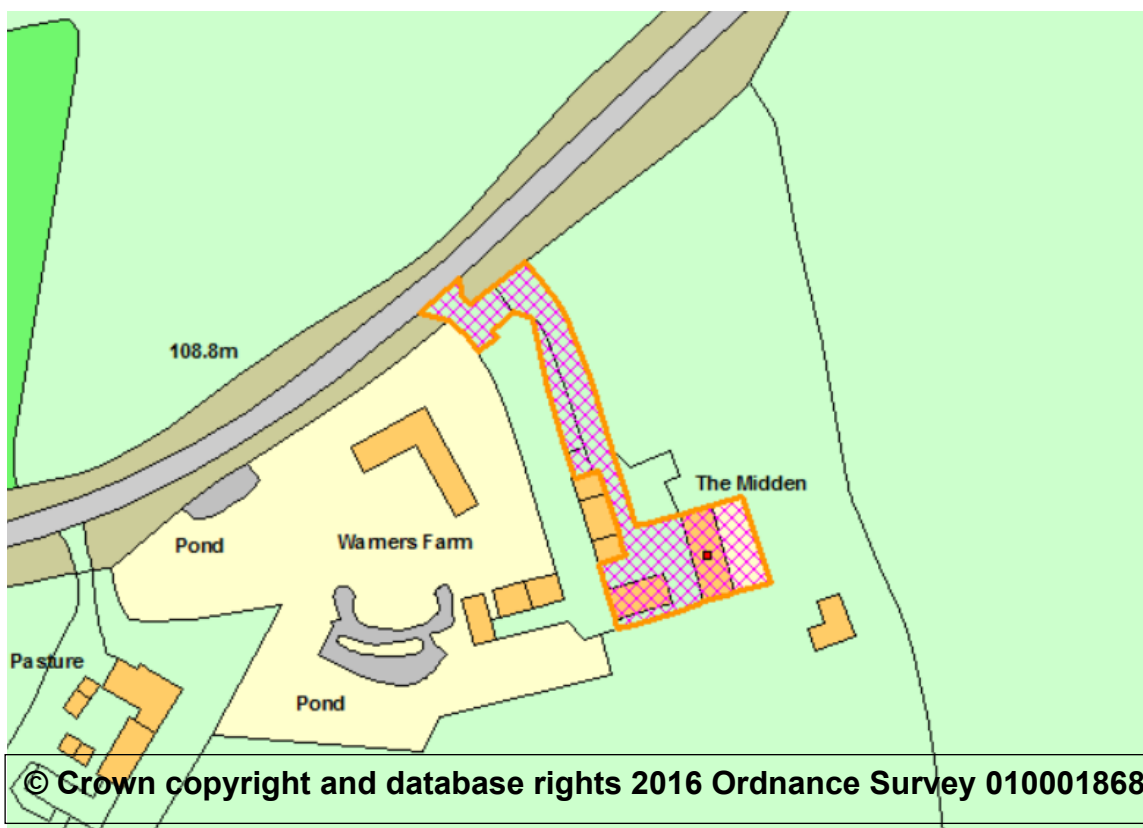
- 12.1 In conclusion the development will represent an acceptable form of sustainable development in terms of countryside impact, design, layout, and amenity, access, parking arrangements. The proposal would comply with national and relevant local plan policy and is acceptable.

RECOMMENDATION – APPROVAL, SUBJECT TO CONDITIONS

Conditions

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.



Organisation: Uttlesford District Council

Department: Planning

Date: 25 November 2019