

Item No 07:-

16/01347/FUL (CD.6316/V)

**Wycomb Cottage
Syreford
Whittington
Cheltenham
Gloucestershire
GL54 5SJ**

Removal of Condition 2 of CD.6316/C (90.00218) to allow occupation of annex as separate dwelling at Wycomb Cottage Syreford Whittington Cheltenham Gloucestershire

Full Application 16/01347/FUL (CD.6316/V)	
Applicant:	Mr & Mrs Gordon Pinchen
Agent:	SF Planning Limited
Case Officer:	Alison Hall
Ward Member(s):	Councillor Robin Hughes
Committee Date:	10th August 2016
RECOMMENDATION:	REFUSE

Main Issues:

- (a) Principle of removal of condition
- (b) Impact on amenity
- (c) Impact on highway

Reasons for Referral:

The application was deferred at the July committee for an all Members Sites Inspection Briefing to assist with the understanding of the sustainability of the site. Updates to the July committee report are highlighted in bold.

Cllr. Robin Hughes has requested that the application is reported to the Planning and Licensing Committee for determination for the following reasons: "I have made a site visit which you were happy for me to do alone. As you know the property is completely detached from any other and stands within its own grounds, which includes off road parking for at least two vehicles. I think that the sustainability argument is debatable and believe that this more affordable type of smaller cottage would be very much in demand on the open market in this rural location.

The restriction was applied to this property in 1992 when consent was first given for a granny annex and it is now a more comprehensive property. I am sorry to cause you additional work but I would be very grateful if you could bring this before the 'Planning and Licensing Committee', please, to be debated".

1. Site Description:

Wycomb Cottage is a two storey cottage located within the small settlement of Syreford. It has a detached 1 and a half storey annex building located to the south adjacent to the parking area. Planning permission was originally granted for the change of use of the detached garage to an annex subject to a condition restricting it to being used as ancillary to the main house (Wycomb Cottage). The annex is located adjacent to the vehicular access and parking area to Wycomb Cottage and within the residential curtilage of Wycomb Cottage.

2. Relevant Planning History:

CD.6316/A - Alterations and extension to provide enlarged garage/recreation room to be used in connection with existing dwelling. Provision of a W.C. - Permitted 8th December 1986

CD.6316/B - Conversion of store over existing garage to provide a granny flat - Refused 1st April 1989

CD.6316/C - Retrospective change of use of garage to granny flat, retention of 8 velux windows and raising of roof - Permitted subject to a condition restricting the occupation as ancillary to Wycomb Cottage due to the presumption against residential development in the open countryside 3rd June 1992

CD.6316/U - 08/01678/FUL - Extension and alteration to annex - Permitted 11th July 2008

16/01617/FUL - subdivision of property to create 2 dwellings - pending consideration

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR19 Develop outside Development Boundaries
 LPR39 Parking Provision
 LPR42 Cotswold Design Code
 LPR46 Privacy & Gardens in Residential Deve

4. Observations of Consultees:

None

5. View of Town/Parish Council:

No comments received

6. Other Representations:

One letter stating no objection was received from a resident of Whittington.

7. Applicant's Supporting Information:

Supporting Statement

8. Officer's Assessment:

(a) Impact of removal of the condition and creation of open market dwelling and sustainability

Planning permission was originally granted for the retrospective conversion of the detached garage to ancillary accommodation subject to a condition ensuring this. The application prior to this sought to convert the garage to a 'granny flat' however this was refused. This was due to an open market dwelling being contrary to policy which restricted development in the open countryside, an adverse impact on the AONB, fragmentation of the site resulting in detrimental impact on the character of the area, would create an undesirable extension of the village in the form of ribbon development and creation of an isolated dwelling.

While the Cotswold District Local Plan has been adopted since that decision the principle objection to new dwellings in Syreford and other unsustainable settlements remains.

The NPPF seeks to boost significantly the supply of housing and paragraph 49 of the NPPF indicates that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 7 of the NPPF identifies three dimensions to sustainable development - economic, social and environmental - whilst Paragraph 12 sets out

twelve core planning principles that should underpin planning decision taking. In combination, these two paragraphs provide the most useful context in which to examine sustainability.

There would clearly be a limited social benefits associated with the proposal through the provision of a new home. However there would be no economic benefit.

There is no reason to doubt that any future occupants would play a role in the community. There are no services in Syreford to support. However, the contribution one new dwelling would make to the vitality of the rural community and the support it would give to services in nearby towns and villages would be minimal.

While the proposals would not require any alterations to the existing building the needs of the occupants would be different. Wycomb Cottage and its ancillary accommodation are currently occupied as one unit of accommodation. The removal of the condition would allow an additional household to occupy the building.

This issue was set out in an appeal at Fox Farm, Condicote (APP/F1610/A/07/2054351/WF). The inspector sets out in paragraph 5 of this appeal that 'the traffic generation would be different from use as ancillary to the main house rather than conversion/subdivision to create an additional dwelling'. This appeal while in 2007 is still particularly relevant, it was issued not long after Policy 19 first came into force and at that point had full weight. The inspector therefore correctly interpreted and appraised the proposals in relation to policy 19. In that the subdivision of a property through the change of use of ancillary accommodation had to consider the sustainability of the site. This approach is very much in line with the thrust of the NPPF which seeks to direct development to the most sustainable locations and as such needs to be considered in this application.

A recent appeal decision (19th February 2016) supports consideration of the suitability of such routes to offer a viable alternative to the private car with consideration given to if the footpath is paved, lit, is the cycling route on a main road etc. Such as the Duntisbourne Appeal (APP/F1610/W/15/3135647).

A further appeal relating to the construction of a dwelling outside of the district (APP/Z1545/W/15/3137006) that was issued on the 18th July provides further clarification on the considerations of sustainability and is contained within the appendices of this report. However to summarise the inspector clearly sets out "if the application was submitted in the form of a new dwelling in this location, the proposal would be determined in the light of the Framework and the three dimensions of sustainability." This is the same approach being put forward in the considerations of the removal of condition to allow the ancillary accommodation to be occupied as a separate residential dwelling at Wycomb Cottage.

The inspector makes clear at para 16 that "A second social consideration is the need for accessible local services." In relation to that proposal he considered the site to be "severely deficient". With the "distance from the site to the nearest village, Little Totham, where there is a public house, is around 1km via a footpath. The distance by road is longer and there are no footpaths, street lights or bus services. The next nearest villages are Great Totham and Tolleshunt Major. These are about twice as far away. I am told that the nearest part of Great Totham has a church, florist, pub and bus services and that Tolleshunt Major has a pub, a farm shop and a business park. Walking to and from any of these villages would be onerous, especially if there were goods to carry or there was poor weather or it was dark. Cycling would be easier but in many circumstances less than ideal. I therefore agree with the Council that residents would be likely to rely on the use of private motor vehicles."

To use the public right of way within proximity to Wycomb Cottage and the annex is via an unlit, wooded footpath, which would not be conducive to a regular alternative to the private car. There is a bus stop within Syreford, however this only operates once a day (No.804). Given the rural

location of the site and its distance from any facilities for day to day living it is clear that future occupants would be reliant on the use of the private motor car to undertake the majority of trips. The site is therefore considered not to represent a sustainable location for new residential development in terms of its accessibility to facilities and services.

The benefits of the proposal are an additional dwelling where the NPPF priority to '...boost significantly the supply of housing...', and the support it gives to the local economy, which must carry significant weight. However, the benefit of one additional dwelling would not outweigh the harm of the unsustainable location of the site and would not represent sustainable development in the context of the NPPF.

The removal of the condition restricting the use of the converted garage from ancillary to Wycomb Cottage would effectively create an open market dwelling and as such the impacts of this need to be considered against local and national planning policy.

The agent argues that for all intents and purposes the ancillary accommodation is laid out as a separate dwelling and as such the impacts of the removal of the condition would not result in any harm. In addition they consider that Policy 19 allows for the subdivision of properties in the open countryside without consideration of sustainability. The subdivision argument is considered in the other application 16/01347/FUL.

The Inspector concludes in the appeal (APP/Z1545/W/15/3137006) that "Considering all the matters above it is clear that the main disadvantage of retaining the existing cottage is the site's poor access to local services and its likely effect on the use of private transport.

These disadvantages have to be balanced against the economic benefit from retaining an existing capital resource and the social benefit in enhancing the district's housing supply by retaining one house. In assessing this balance I have had regard to the guidance in paragraph 152 of the Framework which says that local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development but also that significant adverse impacts in any of these should be avoided. In my view the appeal site's poor access to local services is a major adverse effect."

While paragraph 55 of the NPPF states that Local Authorities should avoid new isolated homes in the countryside unless there are special circumstances, one of which is where the development would re-use redundant or disused building and lead to an enhancement of the immediate setting which would suggest that in some circumstances the benefits of re-using a building will outweigh the harm of isolation but only where there would be an enhancement to the setting. The proposals would require the further subdivision of the amenity space associated with Wycomb Cottage, no enhancement to the immediate setting would result from the proposals. Therefore the adverse effects of allowing this would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole and, given the comprehensive definition of sustainability in the NPPF. As such the proposal is not a sustainable form of development.

It is also clear that the subtext of Policy 19 was not to allow a roundabout way of creating new dwellings in the open countryside by properties extending or converting for ancillary accommodation to then be subdivided without consideration of the sustainability of the site in relation to new housing. Hence the inspectors correct interpretation of Policy 19 in the 2007 appeal requiring the consideration of sustainability.

Syreford is a small cluster of housing located in an isolated position. There are no facilities within the settlement or within walking or cycling distance. The proposals as a result would result in the creation of an isolated dwelling in unsustainable location. As such the future occupants would be reliant on the private car to access any sort of amenities contrary to Paragraphs 17 and 55 of the NPPF.

In addition Cotswold District Council can demonstrate a 5 year housing land supply therefore the limited benefit of one dwelling would not outweigh the harm of the lack of sustainability and isolation of the dwelling.

(b) Impact on neighbouring properties

Due to the positioning of the building the impact on neighbouring amenity would not result. The submitted site plan shows that a garden would be provided to serve the needs of future occupants.

(c) Impact on the highway

Being originally a garage the building is served by an access. The agent has indicated on the plans off street car parking provision. As such the impact on the highways would not be adverse. However given the isolated and unsustainable location the future occupants would be reliant on the private car to access any sort of amenities which is contrary to Paragraphs 17 and 55 of the NPPF.

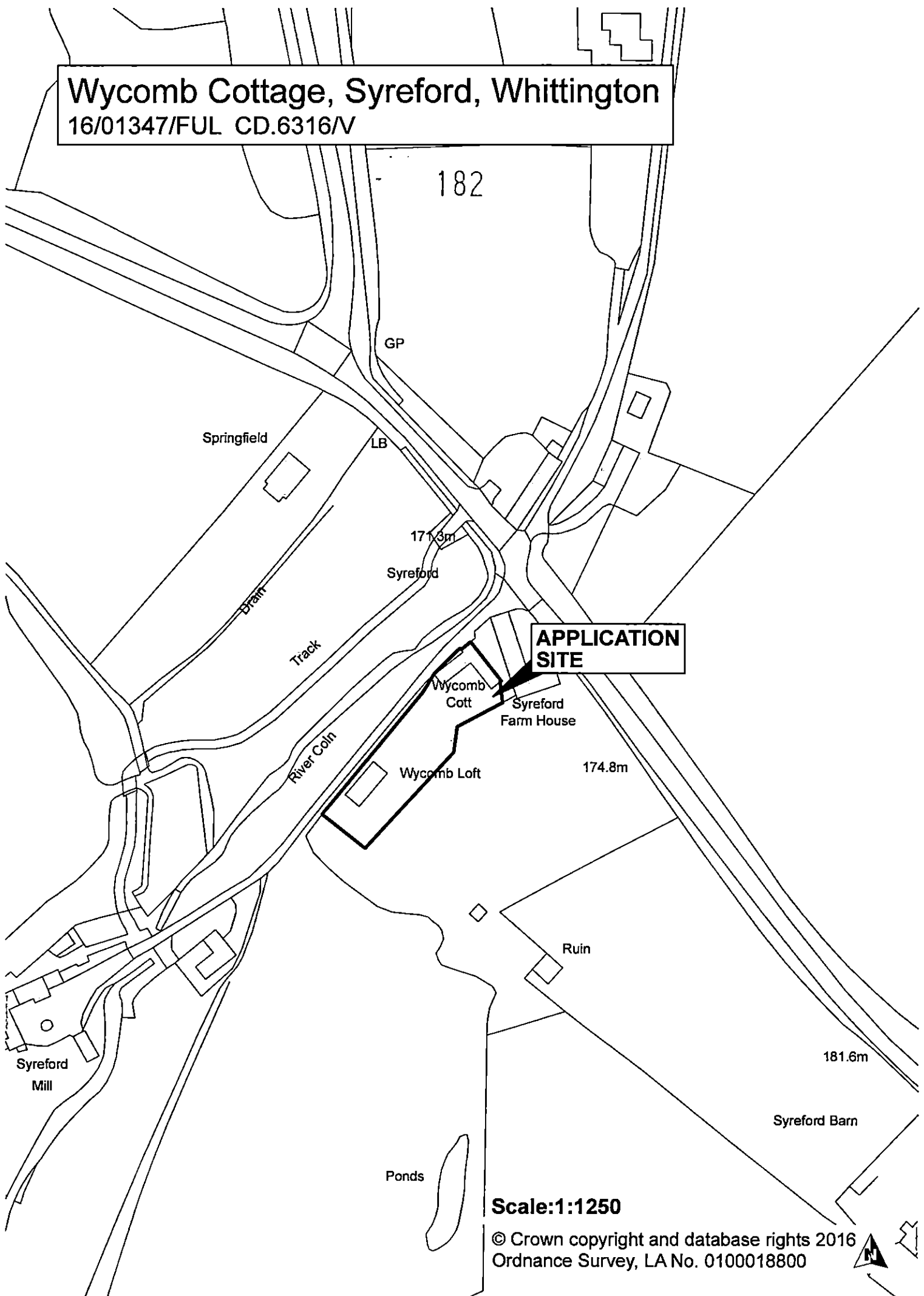
9. Conclusion:

The removal of condition would result in an unsustainable form of development and the creation of an isolated dwelling where future occupants would be reliant on the private car to access any sort of amenities contrary to Paragraphs 17 and 55 of the NPPF and Policy 19 of the Cotswold District Local Plan. The adverse effects of allowing this would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole and, given the comprehensive definition of sustainability on the NPPF.

10. Refusal Reason:

The removal of condition would result in an unsustainable form of development and the creation of an isolated dwelling where future occupants would be reliant on the private car to access any sort of amenities contrary to Paragraphs 17 and 55 of the NPPF and Policy 19 of the Cotswold District Local Plan. The adverse effects of allowing this would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole and, given the comprehensive definition of sustainability on the NPPF.

Wycomb Cottage, Syreford, Whittington
16/01347/FUL CD.6316/V



APPLICATION SITE

Scale:1:1250

© Crown copyright and database rights 2016
Ordnance Survey, LA No. 0100018800

