

Delegated officer's report	Officer: THB
Application ref. 9/2018/1116	
THE REMOVAL OF CONDITION 2 (RELATING TO THE RESTRICTION OF USE AS HOLIDAY ACCOMMODATION) OF PLANNING PERMISSION REF: 9/2004/1486 FOR THE CONVERSION OF A FORMER BARN INTO HOLIDAY LET AT SWALLOW BARN ROSE COTTAGE TWYFORD ROAD BARROW ON TRENT DERBY	
Valid date:	23/10/2018
Consults expired:	10/12/2018
EIA development?	☐ Yes ☒ No
Habitats development?	☐ Yes ☒ No

This decision is delegated to officers under the terms of the current Delegation Agreement.

Responses to consultations

County Highway Authority – Recommend refusal of the application as the proposal if permitted will result in the increase in use of an existing access point which is severely substandard in terms of visibility to the detriment of highway safety.

Responses to publicity

None

Planning history

9/2013/0917 The change of use from holiday let to residential private use – Refused January 2014

Appeal Ref APP/F1040/A/14/2214862 – Appeal dismissed June 2014

9/2004/1486 The conversion of a former barn into a holiday let – Approved January 2005

9/2001/0448 The erection of a garage – Approved June 2001

9/1999/0449 The retention of a storage building – Approved October 1999

Development Plan Policies

The relevant policies are:

2016 Local Plan Part 1: S1 (Sustainable Growth Strategy), S2 (Presumption in Favour of Sustainable Development), Policy S4 (Housing Strategy), Policy H1 (Settlement Hierarchy), H20 (Housing Balance), Policy E7 (Rural Development), Policy SD1 (Amenity and Environmental Quality), SD2 (Flood Risk), BNE4 (Landscape Character and Local Distinctiveness), INF2 (Sustainable Transport), INF10 (Tourism Development).

2017 Local Plan Part 2: SDT1 (Settlement Boundaries and Development), H28 (Residential Conversions), BNE5 (Development in Rural Areas).

National Guidance

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Local Guidance

South Derbyshire Design Guide SPD

Planning Considerations

In taking account of the application documents submitted (and supplemented and/or amended where relevant) and the site and its environs; the main issues central to the determination of this application are:

- Principle of Development;
- Highway Safety.

Planning Assessment

Principle of Development

The application site is located outside of any settlement boundary, as defined by Policy SDT1 and therefore constitutes development within the rural areas/countryside. Permission was approved in 2005 to allow the building to be converted from agricultural use to tourist accommodation, but a condition was attached that results in accommodation only be used for a maximum of 28 days at a time, ensuring tourist use only and preventing it from becoming a dwelling. Permission was refused in 2014 changing the use from holiday let to residential and an appeal was also dismissed later that year, with the inspector in agreement with the council that the proposal would not comply with the development plan or national policy.

Since the previous applications relating to this property, the council has adopted a new local plan, replacing the previous 1998 Local Plan. Here policy BNE5 governs the appropriateness, or not, of proposals, with allowance for development which is otherwise essential to a rural based activity, unavoidable outside of a settlement boundary, or catered for by other policy exceptions, none of which can be applied to this proposal therefore it is not supported by Policy BNE5. In addition, calculations within the council's Housing Position Paper December 2018 show that a five year housing land supply is demonstrable as required by the NPPF.

It is noted that the applicant submitted further information in regards to the financial costs related to running of the building, but no evidence was provided on the building's viability, and justification that the property cannot be let out for periods of up to 28 days at a time. As such the application to remove condition 2 is not considered acceptable as it would result in a new dwelling within the countryside which does not comply with Policy.

Highway Safety

Vehicular access to the site is off Twyford Road, with the site located on a bend in the road with limited visibility when accessing the site as a result. The County Highway Authority have recommended refusal of the application as it is considered that the condition if removed will result in the increase in use of an existing access point which is severely substandard in terms of visibility to the detriment of highway safety, as such it is considered that removal of condition 2 would not be compliant with Policy INF2.

Recommendation

- ☐ Approve without conditions
- ☐ Approve subject to conditions
- ☐ Approve subject to conditions and planning obligation
- ☒ Refuse

None of the other matters raised through the publicity and consultation process amount to material considerations outweighing the assessment of the main issues set out above, noting that conditions or obligations have been attached where meeting the tests for their imposition. Where relevant, regard has been had to the public sector equality duty, as required by section 149 of the Equality Act 2010 and to local finance considerations (as far as it is material), as required by section 70(2) of the Town and Country Planning Act 1990 (as amended).

Recommendation made:	04/01/2018	
Recommendation agreed:	07/01/2018	Agreed by: APS