

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	19 July 2022
<b>Site Location:</b>	Home Farm Cottage, Stockwell Lane, Woodmancote
<b>Application No:</b>	22/00136/FUL
<b>Ward:</b>	Cleeve Hill
<b>Parish:</b>	Woodmancote
<b>Proposal:</b>	Variation of Condition 4 (building use) of application 15/00556/FUL to allow for short-term holiday let.
<b>Report by:</b>	Nick Howell
<b>Appendices:</b>	Site location plan Site photographs
<b>Recommendation:</b>	Permit
<b>Reason for referral to committee:</b>	

<b>1.0</b>	<b>SITE DESCRIPTION AND PROPOSAL</b>
1.1	The application site relates to ‘Home Farm Cottage’ in Woodmancote. This detached property is accessed from a shared driveway which extends from Stockwell Lane. The application site is located on the northern edge of Woodmancote Conservation Area and lies within close proximity to a number of listed properties, including Home Farmhouse (Grade II) which is located immediately south of the site.
1.2	Adjoining the north and west of the site are the rear gardens of properties in Beverley Gardens and to the east is the Apple Tree PH accessed from Stockwell Lane. Apart from the public house the immediate area is residential in nature.
1.3	The building that is used as the short-term holiday let is located in the rear garden of Home Cottage close to the rear boundaries of properties in Beverley Gardens.
1.4	The site is located within the boundary of the Woodmancote Conservation Area.
1.5	The application is retrospective and proposes to vary Condition 4 (building use) of application 15/00556/FUL to allow for short-term holiday let.
1.6	The application 15/00556/FUL permitted the demolition of an existing prefabricated building to be replaced by a new single storey studio/garden room. The study/garden room has since been converted into a short-term holiday rental and condition 4 of 15/00556/FUL states <i>‘The development hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining</i>

	<i>dwellinghouse known as Home Farm Cottage</i> .
1.7	This application proposes to vary the wording of condition 4 to include the wording 'or as a short-term holiday let'. If approved the wording of Condition 4 would be ' <i>The development hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwellinghouse known as Home Farm Cottage or as a short-term holiday let.</i> '
<b>2.0</b>	<b>RELEVANT PLANNING HISTORY</b>

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
15/00556/FUL	Demolishing of prefabricated building and erection of new single storey studio/garden room.	PER	06.07.2015
15/00082/MINOR	Non-material minor amendment for application 15/00556/FUL	GRANT	11.11.2015
18/00014/TCA	Trees in a conservation area: 1) Remove to ground row of 8 Conifer trees 2) Reduce one Thuja by approximately 15ft, right hand side of row to match Thuja it stands next to.	NONINT	16.02.2018
18/00345/TCA	Remove Conifer to ground to provide more light.	NONINT	17.05.2018
21/01068/CLE	The use of annex building under planning reference 15/00556/FUL, completed in Jan 2017 and used since that time as a short term holiday rental.		
21/01401/TCA	Row of 3 Leylandii trees at the entrance to Home Cottage aprox 3m in height. The removal of these trees and replacement with fencing will significantly improve turning circle on our property to improve safety and prevent delivery drivers either turning or reversing along on the adjacent neighbours driveway over which we have a right of access.	NOTREQ	30.11.2021

<b>3.0</b>	<b>RELEVANT POLICY</b>
	The following planning guidance and policies are relevant to the consideration of this application:
<b>3.1</b>	<b>National guidance</b>
	National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

<b>3.2</b>	<b>Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) – Adopted 11 December 2017</b>
	<ul style="list-style-type: none"> <li>– Policy SD4 (Design Requirements)</li> <li>– Policy SD14 (Health and Environment Quality)</li> <li>– Policy SD8 (Historic Environment)</li> <li>– Policy INF1 (Transport Network)</li> </ul>
<b>3.3</b>	<b>Tewkesbury Borough Plan 2011-2031 (Adopted June 2022)</b>
	<ul style="list-style-type: none"> <li>– Policy HER1 (Conservation Areas)</li> <li>– Policy HER2 (Listed Buildings)</li> <li>– Policy TOR1 (Tourism Related Development)</li> <li>– Policy TOR2 (Serviced/Self Catering Accommodation)</li> <li>– Policy TRAC1 (Pedestrian Accessibility)</li> <li>– Policy TRAC2 (Parking Provision)</li> </ul>
<b>3.4</b>	<b>Neighbourhood Plan</b>
	None
<b>4.0</b>	<b>CONSULTATIONS</b>
	Full copies of all the consultation responses are available online at <a href="https://publicaccess.tewkesbury.gov.uk/online-applications/">https://publicaccess.tewkesbury.gov.uk/online-applications/</a> .
4.1	<i>Woodmancote Parish Council – ‘Councillors highlighted issues around shared driveway covenants, proximate listed buildings and conservation area concerns. The additional use of the shared drive for commercial purposes is harmful to the residential amenity. Councillors object to this proposal until such time as the applicant demonstrates that the owners of Home Farm has formally agreed a covenant on their deeds to permit this specific commercial use of the shared driveway.</i>
4.2	<i>Councillors were extremely concerned with the danger to cyclists on Stockwell Lane of non-locals exiting a pretty hidden driveway. The new regulations that cars must give 1.5m clearance to cyclists at all time simply would not work because the driver would have to be almost "in the road" to see if it was clear in both directions. The view of Highways should be sought on this application and they look beyond the basic accident data for the Lane’.</i>
4.3	<i>Environmental Health – ‘No objection to the application in terms of any noise / nuisance issues. It will be the responsibility of the operator to ensure that visitors do not cause unreasonable nuisance to local residents.</i>
4.4	Highways – No objections.
4.5	Conservation Officer – No objections.

<b>5.0</b>	<b>PUBLICITY AND REPRESENTATIONS</b>
	Full copies of all the representation responses are available online at <a href="https://publicaccess.tewkesbury.gov.uk/online-applications/">https://publicaccess.tewkesbury.gov.uk/online-applications/</a> .
5.1	<p>The application has been publicised through the posting of a site notice for a period of 21 days and three letters of representation have been received, raising the following issues:</p> <ul style="list-style-type: none"> <li>• Originally approved as a garden annexe/studio and not for independent accommodation.</li> <li>• It is being let to people not connected with the main residence.</li> <li>• Insufficient parking and turning space - This is acknowledged by the owners of Home Cottage who state on the Airbnb website that advertises the Annex for short term letting that "parking is limited by a narrow drive we can accommodate a maximum of one car. You are not permitted to turn on the access road, there is plenty of on street parking if you are not confident of reversing (down the drive)".</li> <li>• Insufficient visibility splays</li> <li>• Pavement outside of Home Cottage busy with walkers going up to Cleeve Hill of the Apple Tree Pub.</li> <li>• Short term let visitors parking on Stockwell Lane creates traffic hazard.</li> <li>• The granting of this variation for the use of Home Cottage Annex as a commercial rental property would be inconsistent with the restrictive covenants attached to Home Cottage. A condition of the easement which grants the owners of Home Cottage access across Home Farm's land is to restrict the use of any Home Cottage buildings to that of a "private dwelling house".</li> <li>• Concerns that the planning condition should be changed over time just so the building can be used for commercial purposes.</li> <li>• Outbuilding not designed to be used as a holiday rental.</li> <li>• Would set a precedent within Woodmancote Conservation Area to allow short-term Air BnB's</li> </ul>
<b>6.0</b>	<b>POLICY CONTEXT</b>
6.1	Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
6.2	The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), the adopted Tewkesbury Borough Plan (June 2022) (TBP), and a number of 'made' Neighbourhood Development Plans.
6.3	The relevant policies are set out in the appropriate sections of this report.
6.4	Other material policy considerations include national planning guidance contained within the National Planning Policy Framework 2021 and its associated Planning Practice Guidance (PPG), the National Design Guide (NDG) and National Model Design Code.

6.5	<p>Policy TOR1 of the TBP supports tourism related development and outlines a number of criteria required to meet the policy</p> <ol style="list-style-type: none"> <li>1. Where possible the proposal should involve the appropriate conversion and re-use of existing buildings;</li> <li>2. There is good inclusive access for all potential users;</li> <li>3. The proposal supports the plan's wider objectives, particularly in relation to conservation, transport, health, heritage conservation, recreation, economic development, the environment and nature conservation;</li> <li>4. The siting, design and scale is in keeping with the built, natural and historic environment setting and wherever possible and practicable seeks to enhance it;</li> <li>5. There is no unacceptable impact on the safety or satisfactory operation of the highway network.</li> <li>6. Where a proposal would attract substantial numbers of visitors it should be accessible by all modes of transport, including public transport as appropriate to scale of the proposal.</li> </ol>
6.6	<p>Policy TOR2 of the PSTBP is more specific to servicing/self-catering accommodation and sets out that the development of serviced and self-catering accommodation will be permitted on sites within existing defined settlement boundaries, as identified on the Policies Map, or where the proposal results in the appropriate re-use of existing buildings or involves a proportionate extension to existing accommodation. In all cases the proposal, including provision of car parking, must respect the character of the area in which it is located.</p>
6.7	<p>The proposed development would involve the re-use of an existing building, no extensions or external alterations are proposed as part of this application and the application site is within the defined settlement boundary of Woodmancote.</p>
6.8	<p>Given the scale and nature of the holiday let and that there have been no objections raised from the conservation, highways and environmental health teams the principle of the development is therefore considered to be acceptable.</p>
6.9	<p>Furthermore, it is recommended that any approval of planning permission for this holiday let be subject to a restrictive condition that it shall only be occupied as a holiday unit and shall not be occupied by any individual family or group for more than 2 months in any one period of a 12 month period. This is on the basis that the building is considered to be unsuitable to accommodate a permanent residential use by reason of its location.</p>
<b>7.0</b>	<b>ANALYSIS</b>
	<b><i>Design and Visual Amenity</i></b>
7.1	<p>Section 12 of the NPPF relates to "Achieving well-designed places" and at Paragraph 130 specifies that planning policies and decisions should ensure that developments will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, and are sympathetic to local character and history</p>

7.2	JCS Policy SD4 of the Joint Core Strategy sets out requirements for high quality design whilst Policy TOR1 of the PSTBLP seeks for the siting, design and scale is in keeping with the built, natural and historic environment setting and wherever possible and practicable seeks to enhance it.
7.3	As detailed above, the application proposes the continued re-use of the existing building, with no external alterations. As such, it is considered that the proposed variation would respect the character and appearance of the area.
	<b><i>Impact on Heritage Assets (Listed Building and Conservation Areas)</i></b>
7.4	The proposal must also be assessed against section 16 of the NPPF Policy SD8 of the JCS, together with emerging Policy HER2 of the PSTBLP.
7.5	In accordance with Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, when considering whether to grant planning permission for development which affects a listed building or its setting, the LPA shall have special regards to the desirability of preserving the building or its setting or any features of special architectural historic interest which it possesses.
7.6	Paragraph 197 states that in determining planning applications, local authorities should take into account of the 'the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation'. When considering the impact of a proposed development on the significance of a designated heritage asset, Paragraph 199 states that, ' <i>great weight</i> ' should be given to the asset's conservation;  <i>"...When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance". The more important the asset, the greater the weight should be."</i>
7.7	Policy SD8 of the JCS together with emerging Policy HER2 of the TBP states that designated and undesignated heritage assets and their settings will be conserved and enhanced as appropriate to their significance, and for their important contribution to local character, distinctiveness, and sense of place.
7.8	There are no external alterations proposed and the holiday let is located within a predominantly residential area. It is considered that the proposed variation would not harm the setting of nearby listed buildings nor would it have a detrimental impact upon the character or appearance of the Conservation Area. The Conservation Officer has been consulted on the proposal and has no objection to the proposed variation.
	<b><i>Effect on the Living Conditions of Neighbouring Dwellings</i></b>
7.9	Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.

7.10	It is considered that the inclusion of the holiday let use would not result in a detrimental impact on the residential amenity of nearby neighbouring properties. Concerns have been raised in relation to the potential impact of the use on neighbouring amenity. Given the scale of the proposed accommodation, it is unlikely that the proposed holiday use would give rise to large gatherings or events. The applicant lives in close proximity at the main dwelling, with their private garden amenity adjacent, therefore it is unlikely that there would be unacceptable noise disturbance due to the accommodation's 'self-surveillance' by the owners. The Council's Environmental Health Officer raises no concerns in this regard.
7.11	The impact of the proposal upon neighbouring properties has carefully been assessed and it is considered that there would not be an undue impact upon their amenity.
	<b>Highways</b>
7.12	Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
7.13	Policy TRAC2 of the TBP states that proposals need to make provision for appropriate parking and access arrangements, and Policy TOR1 of the TBP each specify that the Local Planning Authority will support proposals for tourism related development provided that there is no unacceptable impact on the safety or satisfactory operation of the highway network.
7.14	The holiday let is relatively low scale and the highways authority have no objection to the application. As such there are no justifiable grounds related to highway safety that would warrant an objection to the proposed variation.
7.15	Woodmancote Parish Council and the objectors have strongly pointed out in their responses that there is a restrictive covenant on the shared driveway that grants the owners of Home Cottage access across Home Farm's land and restricts the use of any Home Cottage buildings to that of a "private dwelling house". However, this is not a planning matter and is a private issue to be resolved by the respective parties involved.
<b>8.0</b>	<b>CONCLUSION AND RECOMMENDATION</b>
8.1	It is considered that the proposal would not be unduly harmful to the appearance of the existing dwelling nor the surrounding area and it would not result in an unacceptable loss of residential amenity to neighbouring dwellings. It would therefore accord with relevant policies as outlined above. Therefore, it is recommended the application be <b>permitted</b> subject to the following conditions.

#### **CONDITIONS:**

1. The timber cladding to be used in the development shall be in complete accordance with the details approved under discharge of condition application 15/00136/CONDIS.

Reason: To ensure that the appearance of the building will be in harmony with the character of development in the area in accordance with the NPPF.

2. The development hereby permitted shall only be used in conjunction with and as ancillary to the residential enjoyment of the adjoining dwellinghouse known as Home Farm Cottage or as a short-term holiday let.

Reason: The proposed unit/accommodation is only acceptable as a holiday let/ tourism development and not a permanent residential dwelling by reason of its location and impact on the amenity of existing and future occupiers of both the converted building and within the principal dwelling.

3. The planting and maintenance details of the sedum roof to be used in the development shall be undertaken in complete accordance with the details approved under discharge of conditions application 15/00136/CONDIS within 3 month of the date of this permission, and shall thereafter maintained in accordance the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the appearance of the building will be in harmony with the character of development in the area in accordance with the NPPF.

4. The holiday let unit hereby permitted shall only be occupied as a holiday unit and shall not be occupied by any individual family or group for more than 2 months in any one period of a 12 month period.

Reason: The building is unsuitable to accommodate a permanent residential use by reason of its location and impact on the amenity of existing and future occupiers of both the converted building and within the principal dwelling.

#### **INFORMATIVES:**

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing the to the Council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.