

P/15/0093/CU

MR & MRS J.L.R WILLIAMS

HILL HEAD

AGENT: ROBERT TUTTON
TOWN PLANNING CO

CHANGE OF USE OF GARDEN ROOM TO A SELF-CONTAINED HOLIDAY LET

89 HILL HEAD ROAD FAREHAM HAMPSHIRE PO14 3JP

Report By

Mark Wyatt - Direct dial 01329 824704

Site Description

The application site is, for the purpose of planning policy, outside of the defined urban settlement boundary and is within the countryside. The site is located on the south side of Cliff Road just due west of the junction of Cliff Road, Hill Head Road and Old Street. The site is part of the curtilage of 89 Hill Head Road and comprises a single storey building in an "L" shape footprint, permitted as incidental accommodation to the main house.

The land falls steeply to the south at the rear of the building such that the rear of the building opens out onto a decked area with views over the Solent. An area of lawn is to the west of the building and to the east with this eastern lawn linking to the main dwelling. Between the boundary fence (north) and the building itself is a small graveled drive area.

Description of Proposal

The application seeks full planning permission for the change of use of the building from that permitted as an incidental building associated with number 89 Hill Head Road to a use as tourism accommodation / holiday let.

As well as the proposed change of use the application seeks to provide for an enlarged parking area to the east of the building and the widening of the existing access by approximately 1.3m.

Policies

The following guidance and policies apply to this application:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Approved Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS11 - Development in Portchester, Stubbington and Hill Head

CS14 - Development Outside Settlements

Development Sites and Policies

DPS1 - Sustainable Development

DSP3 - Environmental Impact

DSP8 - New Leisure and Recreation Development Outside of the Defined Urban Settlement

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

<u>P/12/1038/FP</u>	PROPOSED ERECTION OF A RECREATIONAL BEACH HUT WITH DECKING AREA AND REPLACEMENT STAIRWAY. REFUSE 29/04/2013
<u>P/11/0624/FP</u>	ERECTION OF SINGLE STOREY EXTENSION TO DETACHED GARDEN ROOM AND REALIGNMENT OF EXISTING STAIRWAY AS IT APPROACHES THAT GARDEN ROOM APPROVE 21/12/2011
<u>P/09/0910/FP</u>	PROVISION OF FIRST FLOOR SIDE WINDOW PERMISSION 17/12/2009
<u>P/07/0285/FP</u>	ERECTION OF GARDEN ROOM FOLLOWING DEMOLITION OF EXISTING STRUCTURE PERMISSION 24/04/2007
<u>P/06/1097/FP</u>	Provision of Pitched Roof to Existing Garden Store and Front Canopy PERMISSION 20/10/2006
<u>P/04/1637/FP</u>	Erection of Single Storey Side Extension to Provide Boathouse and Balcony PERMISSION 22/12/2004
<u>P/04/0606/FP</u>	Erection of Double Garage and Alterations to Boundary Wall including New Gates and raise existing wall to 1.8 metres PERMISSION 03/06/2004
<u>P/02/0202/FP</u>	Conversion of and Extensions to Dwelling to Provide Four Dwellings REFUSE 16/05/2002
<u>P/01/1137/FP</u>	Conversion of and Extension to Existing Dwelling to form Six Dwellings REFUSE 25/01/2002

Representations

Twenty five letters in OBJECTION to the proposal:

- I wonder if the applicants comments to a similar application on land next to their property have been noted. That application was refused;
- This has already been turned into accommodation without any consent. Surely this cannot be the basis under which retrospective applications can be undertaken?
- Access is via a public layby and the applicants have already tarmacked the area in front of the access gates;
- If allowed then this will set a precedent for other sea front properties to build some form of gym and then turn it into formal accommodation after;
- The plan shows three parking spaces but the text refers to two spaces. A holiday let

cannot surely need three spaces;

- The current tenants are not tourists they are an ordinary let. They have told me they intend to stay;
- The verge to the north of the site is Council property;
- The verge provides essential local parking into which the widened access will encroach.
- We had no objections to a "garden room" as per P/09/0310/FP or the extension to the garden room - P/11/0624/FP;
- A recreational beach hut was refused under P/12/1038/FP, to which the applicant objected. What has changed since?
- In this area people have worked hard to keep Hill Head an area where development cannot happen, especially on the front where conservation is protected;
- It has been erected illegally, without no rules adhered to at all. What point is there with Fareham Borough Council Planning making certain rules if they are going to be ignored blatantly by people;
- Extra tenants mean extra vehicles on an area already heavily over subscribed with vehicles;
- In the original 2007 application for a replacement garden room (P/07/0285/FP) the drawing shows no entry and says that the north of the site is bounded by a close boarded fence and hedge; In the 2011 application for an extension of the garden room (P/11/0624/FP) it shows an existing entry. Did they apply for a new access?
- The visibility splay on the drawing is incorrect, and it was also incorrect on the 2011 application but this was not picked up. The splay should be on the nearside of the road and therefore only amounts to 2.4 x 30mm - this is substandard;
- This application will set a precedent; it should have 'holiday let' conditions meaning that it cannot be used for a permanent residence; it cannot be occupied for more than one month and it can have no occupation from January - March;
- I would also hope that the council takes action to enforce the removal of this deliberate and unacceptable development, the access closed and the layby returned to parking;
- Any parking for this Summerhouse should be within the ample drive of Number 89 surely. Parking is at a premium along this stretch of road and I feel this entrance needs to be closed and the lay-by properly reinstated;
- The Applicant's agents rambling amplification of this application is a wondrous example of obfuscation and misdirection: what possible relevance, for example, can the Abshot Country Club have to the Hill Head Coast?
- The juxtaposition of Old Street with Hill Head Road and Cliff Road presents an extremely dangerous situation for pedestrians;
- This does not comply with policies CS14 or CS17;
- The land in blue, opposite number 6, is not in the applicant's control;
- A site visit is recommended for the Committee;
- This application does not conform to the needs of the Hill Head community and is contrary to paragraph 1 of the NPPF;
- This will "significantly and demonstrably outweigh the benefits" - Para 14 of the NPPF;
- The application quotes from para 28 of the NPPF. This site is in no way part of the rural economy. It is a narrow strip of land designated as Countryside to restrict residential development
- This building contravenes policy CS14 now! It was supposed to be a garden room. At no stage has planning permission been granted for a residential building;
- Cliff Road has huge pressure for parking and is always busy by 9.30am in the summer;
- The current tenant parks at ninety degrees to the road obstructing the route for pedestrians
- This is contrary to draft policy DSP8 as it would have an adverse impact on the local road network;

- It is misleading to describe it as a holiday let when it is already occupied;
- This is built on an unstable escarpment.

Consultations

Director of Planning & Development (Highways): No objection

Planning Considerations - Key Issues

The key considerations in the determination of this application are:

- The Principle of development
- Impact
- Highways
- Control over the use
- Previous reason for refusal / history
- Other matters

PRINCIPLE OF DEVELOPMENT:

The site is, for the purposes of planning policy, within the defined countryside. Policy CS14 (Development Outside Settlements) of the Core Strategy seeks to strictly control new built development in the countryside which would adversely affect its landscape character, appearance and function.

The use of the building for holiday accommodation is not explicitly mentioned in Policy CS14 or its supporting text as an acceptable use. However with the use of the word 'include' when the policy defines the acceptable types of development makes it is clear that the policy does not rule out other uses to those listed. Additionally supporting paragraph 5.146, which precedes the policy in the Core Strategy, states although development in the countryside outside the settlement boundaries will be strictly controlled, the strategy will '...focus on meeting agricultural, farm diversification, countryside recreation, leisure and tourism needs i.e. needs that can only be met in this type of location'.

A tourism/holiday let use for the building therefore falls within that description; a conclusion that was drawn by the Inspector in allowing the appeal for holiday accommodation at the Eastlands Boatyard appeal in September 2013 (P/12/0994/FP refers).

Additionally it is noted that Policy CS14 seeks to resist new "built" development in the countryside - something that the proposal does not propose. The policy also sets out that "...the conversion of buildings will be favoured".

Furthermore paragraph 28 of the National Planning Policy Framework (NPPF) encourages local plans to 'support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside'. Accordingly the main issue for consideration is not the principle of the proposed use, because that is clearly compliant with the provisions of the development plan policy, but rather whether its impact on the character and appearance of the countryside would be acceptable.

IMPACT:

As described above, Policy CS14 seeks to strictly control development which would adversely affect its landscape character, appearance and function. Additionally paragraph 17 of the National Planning Policy Framework (NPPF) seeks to recognise "...the intrinsic character and beauty of the countryside" (5th Bullet point) yet there is a balance within the Framework to also promote sustainable development.

It is recognised that the frontage boundary to Cliff Road is already a 1.8m high close boarded fence with a similar height, black metal gate. Assuming the boundary treatment will remain of a similar form, the resultant impact on the character of the area from the slight access enlargement is likely to be neutral.

The existing building (to which there are no alterations proposed) is mostly screened from Cliff Road by the boundary fence with only the roof visible over the previously described boundary treatment. It is also recorded that the topography is such that there is a steep fall down to the promenade and beach, but there is also substantial mature landscaping on the slope that limits the views of the building from the promenade and beach however, there are more clear views of the building from the shore when the tide is out; but that is an existing view that would remain unchanged as a result of the proposed change of use.

The character of the immediate area is defined by fairly generous dwellings within generous plots. Number 89 Hill Head Road benefits from both of these features with the application building read as a smaller outbuilding to the larger, main dwelling.

A tourism use would retain the plot as one planning unit and there would be no requirement for the subdivision of the plot. The very nature of the tourism industry is such that the occupation is likely to be seasonal and even when occupied the movements of a tourism use would likely be fewer than that of a permanently occupied dwelling. As such the impact of a tourism/holiday use is not considered to be demonstrably harmful to the defined character of the area.

The usual items of external domestic paraphernalia may also be visible through the access when the gate is open and over the boundary fence, but could be in any event already by virtue of the current shared garden area with number 89 Hill Head Road to the east of the existing building. This is not, therefore, considered to be a significant factor.

In terms of the sustainability assessment of the proposal, it is noted from the submission that there is a regular daily bus route along Hill Head Road plus the distances specified to the Crofton Lane Local Centre (11 minute walk) and to Stubbington Village (21 min walk) indicate that there are some local amenities near by as well as the Osborne View public house, the Breezes cafe and the hot food takeaway on Hill Head Road. Coupled with the proximity of the site to these amenities is the fact that on the north side of Hill Head Road/Cliff Road is the defined settlement boundary so the site, whilst in the countryside, is only just so such that the site is accepted as being in a sustainable location.

HIGHWAYS:

Third party comments have made reference to a number of issues relating to traffic and highway safety.

The application form sets out that there will be two spaces provided. The plan illustrates three cars on the site, however one of these is annotated as being in the turning area. The proposal provides two spaces which are considered appropriate.

Cliff Road is an unclassified road. The formation of the existing access therefore could have been undertaken without the need for an express planning permission from the Local Planning Authority as could its widening.

The verge along side the northern site boundary and the back edge of the highway is used for informal off road parking either side of the existing access gate. Whilst the gate into the

site is to be widened, any increase in width of the access drive over this verge is not included in the application site and would need the agreement of the Highway Authority under the provisions of the Highway Act.

The resultant increase in width of the access is approximately 1.3m. This is not considered to materially affect the unallocated, off road parking provision, to such a degree that the proposal would result in demonstrable harm to the users of the highway.

CONTROL OVER THE USE:

Representations express concern at the applicant having aspirations for the building to be used as a dwelling. In this case the proposal is for a tourism use of the building and such a use can be controlled by appropriately drafted planning conditions.

In this case the recommendation includes conditions limiting the occupancy to holiday purposes only, a limit on the period of any one occupant(s) stay and a register to be kept by the applicant of guests' permanent place of residence the proposal.

PREVIOUS REASON FOR REFUSAL AND OTHER RELEVANT PLANNING HISTORY:

Application P/12/1038/FP sought permission for the erection of a recreational beach hut with decking area and replacement stairway due west of the application site. The application was refused on 29/04/2013 due to there being no overriding need for the development and the resultant conflict with policy CS14 and due to insufficient information provided with regard to a nearby badger sett. The applicant has, since this refusal, acquired this land.

The key difference between that proposal and the current scheme is that the refused scheme was for new "built development", something that the policy CS14 seeks to strictly control rather than a change of use of an existing building. Reference is also had to the assessment of "Impact" above and the fact that the use of this building would retain the 89 Hill Head Road plot as one planning unit and there would be no requirement for the subdivision of the plot or the creation of new development clearly disconnected to a residential curtilage as was the case with the refused scheme.

It is also noted that the land for the refused scheme was unkempt rather than part of a domestic curtilage resulting in a very different character to that of the current application site.

Since this refusal there has also been the allowed appeal at Eastlands Boatyard (see above) which is a material consideration afforded significant weight in terms of the interpretation of policy CS14.

The applicant also draws reference to the recent planning permission granted for five self catering holiday accommodation chalets at Abshot Country Club. This site is also within the designated countryside and despite the differences in context between that site and the application site, the application of policy CS14 in that case is material to its application in the assessment of this proposal also.

OTHER MATTERS:

Whilst the building in question has been occupied in the recent past on a permanent basis without a planning permission, this does not prejudice the determination of this application as some third party comments suggest. The proposal is to be considered on its merits and thus no precedent is set by the grant of any planning permission. The assessment of the

application is undertaken on its merits and in accordance with the provisions of the development plan unless there are other material considerations that indicate otherwise. The matters raised by third parties are not sufficient material planning considerations that lead to a different conclusion than that of the recommendation.

There are suggestions that the application is made in retrospect. Whilst section 73A of the Town and Country Planning Act 1990 facilitates the ability to make an application in retrospect, this application does not propose to regularise the current unauthorised occupation of the building as a dwelling but instead it proposes a different, tourism, use.

The applicant has advised that the current occupiers are due to leave the premises "shortly".

The application site is defined by the red edge. The other land in the applicants control is outlined in blue. Third parties have expressed that this land edged blue is incorrect however no challenge has been made of the red edge that defines the application site. An amended plan has been requested of the applicant with regard to correcting the extent of the blue edged land.

CONCLUSIONS:

The protection given to the countryside by Policy CS14 and paragraph 17 of the NPPF should not be set aside readily. However, in this case, the building already exists and could be occupied for the proposed use with no new building work affecting the exterior of the building and the access changes having very little physical impact on the countryside.

A tourism use would align itself with policy CS14 as an acceptable use in the countryside which is further supported by the NPPF. A tourism use would ensure that the building remains associated with 89 Hill Head Road such that the subdivision of the plot could be avoided and the character of the area preserved. Subject to appropriate conditions limiting the occupancy to holiday purposes only, a limit on the period of any one occupant(s) stay and a register to be kept by the applicant of guests' permanent place of residence the proposal is considered to be acceptable for permission.

Recommendation

PERMISSION subject to conditions:

1) The development hereby permitted shall be begun before the expiry of three years from the date of this permission.

REASON: To comply with the procedures set out in the Town and Country Planning (Development Management Procedure) Order 2010 and Section 92 of the Town and Country Planning Act 1990.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing Number 001 Revision C

REASON: For the avoidance of doubt and in the interests of proper planning.

3) The holiday accommodation hereby permitted shall not be occupied as a person's sole or main residence and shall be occupied for holiday purposes only and shall not be occupied by any individual or group of residents for a continuous period of more than 30 days or for more than 60 days in any calendar year.

REASON: In order to prevent the establishment of a permanent residential dwelling on this

site within the countryside in accordance with Policies CS6, CS14, CS15 & CS17 of the adopted Fareham Borough Core Strategy.

4) The owners/operators of the application site shall maintain an up to date register of the names of all owners/occupiers of the building on the site, and of their permanent places of residence and shall make this information available within 14 days of being requested to do so in writing by the local planning authority.

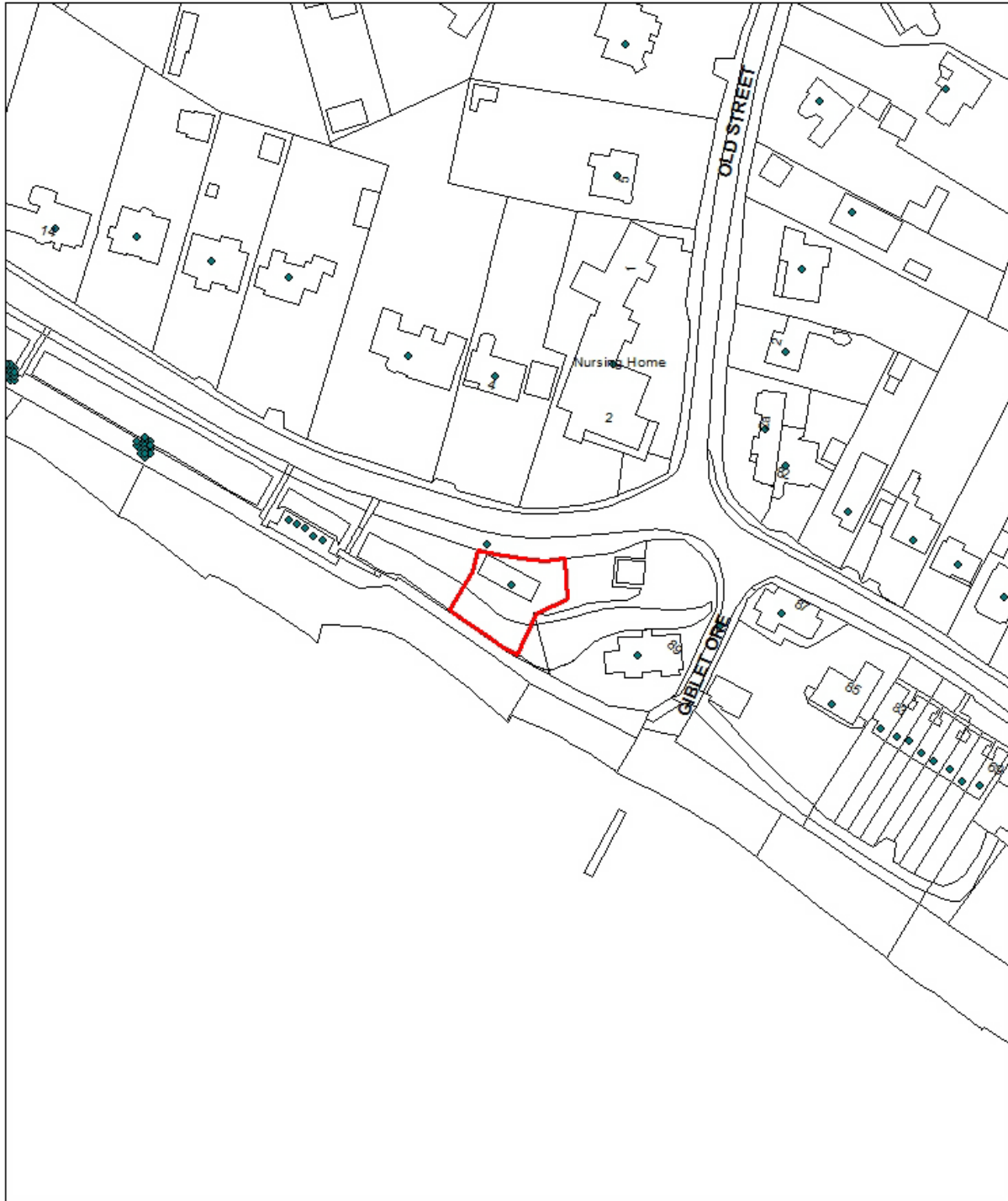
REASON: In order to prevent the establishment of a permanent residential dwelling on this site within the countryside in accordance with Policies CS6, CS14, CS15 & CS17 of the adopted Fareham Borough Core Strategy.

Background Papers

see "relevant planning history" above

FAREHAM

BOROUGH COUNCIL



89 Hill Head Road
Scale 1:1250

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