

P/15/0918/CU

SARISBURY

MR & MRS JEFF PURKISS

AGENT: TURLEY

CHANGE OF USE FROM ANGLING CLUB HOUSE WITH RESIDENTIAL ACCOMMODATION IN ROOF SPACE (SUI GENERIS) TO USE AS A SINGLE DWELLINGHOUSE WITH ASSOCIATED RESIDENTIAL CURTILAGE (USE CLASS C3)

THE LODGE, FIVE OAKS FISHERY CRABLECK LANE SARISBURY GREEN
SOUTHAMPTON SO31 7AL

Report By

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Introduction

A number of planning applications have been considered at this site by the Planning Committee since the construction of the lodge building in the 1990s. In light of the lengthy planning history Officers consider it appropriate to report the matter to the Planning Committee for determination.

Site Description

The application site lies to the south of Crableck Lane, off Holly Hill Lane. It is outside of the designated urban settlement area and within the countryside.

A large detached 'lodge' building, sits in the northern part of the site set back from the lane. The lodge is timber clad and of a modern design. The building has three storeys, the basement level being used for storage and workshop facilities, the ground floor consisting of accommodation for anglers using the fishing lake and the top floor within the roof space of the building being occupied by the applicants Mr & Mrs Purkiss (planning permission was granted for its use as owners' accommodation on appeal in 2004). A veranda wraps around the building at ground floor level.

To the immediate south of the lodge is the fishing lake situated in the centre of the site. There are a number of small angling jetties around the lake. The grounds of the lake are mainly laid to grass which is maintained much like a residential garden.

Description of Proposal

Following permission being originally granted in 1997 for a trout fishing club building, a subsequent application was granted by this committee in 2002 for its use for overnight accommodation by anglers.

In 2004 permission was granted on appeal for owners' accommodation in the roof space with the inspector noting that "the grounds surrounding the building and lake are already well maintained in much the same way as a garden" and that the proposal would not result in any "significant outward changes to the appearance of the site or the surrounding rural area". The appeal decision imposed a condition restricting the occupancy of the owners' accommodation as follows:

"The occupation of the residential accommodation hereby permitted shall be limited to a person solely or mainly working or last working at the Five Oaks Trout Lake, or a widow or widower of such a person, or any resident dependents."

Permission was granted in 2007 to extend the overnight accommodation with an additional two bedrooms and minor changes to the construction of this extension were approved retrospectively in 2009. More recently permission was granted in 2014 for an additional vehicular access into the site from Crableck Lane.

Permission is now sought to change the use of the property from its existing mixed use as an angling club house with owners' accommodation (sui generis) to a use as a single dwellinghouse (use class C3). There are no external works proposed to the lodge to facilitate this change of use and only minor internal alterations which in themselves would not ordinarily require planning permission.

The grounds of the lake would form the residential curtilage of the dwelling but in practice there would be no change to the appearance of the land. The application is accompanied by an Ecological Landscape Plan which explains that the existing management of the grassland will be continued and specifies how and how often the grass would be mown.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS6 - The Development Strategy

CS14 - Development Outside Settlements

CS17 - High Quality Design

Development Sites and Policies

DSP6 - New residential development outside of the defined urban settlement boundaries

DSP14 - Supporting Sites for Brent Greese and Waders

Relevant Planning History

The following planning history is relevant:

<u>P/14/0645/FP</u>	ADDITIONAL VEHICULAR ACCESS ON THE NORTHERN BOUNDARY OF THE PROPERTY AND HARD SURFACE AT THE FRONT
	APPROVE 17/11/2014
<u>P/12/0184/CU</u>	PROPOSED CHANGE OF USE FROM ANGLING CLUBHOUSE AND OWNERS RESIDENTIAL ACCOMMODATION TO A SINGLE DWELLING WITH RETENTION OF TWO BED AND BREAKFAST ROOMS AND THE RECREATIONAL ANGLING USE OF THE TROUT LAKE
	REFUSE 31/05/2012
<u>P/09/0854/FP</u>	RETENTION OF EXTENSION (ALTERNATIVE TO P/07/0029/FP) & PROVISION OF DECKING
	PERMISSION 05/11/2009
<u>P/07/0029/FP</u>	ERECTION OF EXTENSION TO EXISTING LODGE TO CREATE TWO ADDITIONAL BEDROOMS
	PERMISSION 27/03/2007

<u>P/06/1161/FP</u>	Erection of Rear Extension to Existing Lodge to Create Two Additional Bedrooms	REFUSE	01/11/2006
<u>P/04/1130/FP</u>	Erection of Two Short Stay Fishing Lodges & Office with Disabled WC	REFUSE	15/09/2004
<u>P/04/1018/FP</u>	Provision of Side Balcony and Escape Stairs	PERMISSION	17/08/2004
<u>P/03/0562/FP</u>	Proposed Owners Accommodation in Roof Void and Extension to Provide New Enclosed Stair to Club House	REFUSE	06/06/2003
<u>P/02/1257/VC</u>	Use of Building for overnight Residential Accommodation (Relief from Condition 3 of P/97/0628/FP)	PERMISSION	18/11/2002
<u>P/97/0628/FP</u>	PROPOSED TROUT FISHING CLUB FACILITY REPLACING EXISTING COMMERCIAL BUILDING	PERMISSION	12/08/1997
<u>P/96/0055/OA</u>	ERECTION OF THREE TIMBER FISHING LODGES ASSOCIATED WITH LAKE	REFUSE	21/05/1996

Representations

One letter has been received objecting to the application on the following grounds:

- The planning statement contains references and inaccuracies to previous applications and alternative uses
- The new access to the lodge has not been constructed to see if it will encourage a return of trade to the fishing lake
- The financial accounts submitted as supporting evidence do not refer to the lodge itself or the building business run from the property
- Legal costs incurred by the applicant have no bearing on the loss of business
- The property has not been marketed correctly and the business advertised ineffectively
- Claims about Brent Geese have been exaggerated
- This application has not been publicised correctly
- If permitted this will lead to further planning applications
- If permitted neighbours will have no help in the event of problems due to flooding from the lake

Consultations

Director of Planning & Development (Highways) -

No highway objection is raised to this application.

Director of Planning & Development (Ecology) -

The application site is identified as an "Uncertain Site" in the Solent Waders and Brent Goose Strategy 2010 and within the Fareham Borough local plan as a result of insufficient

data on the use of the site by Brent Geese and wading birds. However, further data provided since the publication of this strategy has confirmed that the site is currently used by Brent geese and wading birds and is therefore considered to be an "Important Site" as it forms part of the ecological network of sites which support the integrity of the Solent Special Protection Areas (SPAs).

In order to avoid an adverse impact on this "Important Site" the Applicant's ecologist has prepared a Landscape Management Plan which if followed will ensure that the value of the site for Brent geese and Waders is retained and therefore potential impacts on the Solent SPAs avoided. On the basis that the current physical conditions of the site will not alter the proposed change of use will not result in an adverse impact on an "Important Site". It is therefore recommended that the Landscape Management Plan is secured in any future consent by a suitable worded condition.

Planning Considerations - Key Issues

In 2012 an application was submitted seeking permission to change the use of the lodge to a single dwelling house with the additional two bedrooms approved in 2007/2009 to be used as bed & breakfast visitor accommodation. The curtilage of the dwelling was to be the far northern part of the site around the immediate confines of the lodge itself and the remainder of the site, including the fishing lake, was proposed to remain a commercial angling business.

The Planning Committee resolved to refuse planning permission for the following reasons:

The proposed development is contrary to Policy CS14 of the Fareham Borough Core Strategy and Policy DG4 of the Fareham Borough Local Plan Review and is unacceptable in that:

- i) it would be contrary to countryside policies which seek to prevent additional dwellings in the countryside for which there is no justification or overriding need. The use of the existing clubhouse building primarily for residential purposes within a delineated residential garden would together result in harm to the character of the countryside;
- ii) on the basis of the submitted information the applicants have failed to demonstrate that the existing trout fishing business is unviable or that the viability of that business would in fact be assisted by the expansion of the residential use and the loss of facilities set in place for the enhancement of the business use;
- iii) the loss of the existing facilities is likely to result in future pressure for development within the countryside to support the business use, which would be harmful to the character of the countryside.

The current application differs from the 2012 submission in that it no longer proposes to retain the fishing lake as a commercial venture or to subdivide the site into two separate units or uses. The lodge would become a single dwelling and the grounds of the lake its residential curtilage. In that respect there would be no demand and so no potential further pressure for accommodation for anglers in the future. The second part of bullet point i) in the previous reasons for refusal and the whole of bullet point iii) are therefore addressed by doing so. Bullet point ii) is no longer directly relevant as the previous submission argued that by allowing the change of use of the lodge to a single dwelling the viability of the fishing lake business would be assisted so that it could be sustained. This can no longer be argued since the new proposal is to wind up the fishing lake business altogether.

The remaining concern iterated through the 2012 planning refusal related to the proposal being contrary to the countryside policies of the local plan.

Over the past few years national planning policy has placed a greater emphasis on the reuse and conversion of existing buildings to provide more housing, including those in countryside locations. Changes to the Use Classes Order and General Permitted Development Order have introduced more flexibility to allow changes of use across different use classes. For example, some agricultural buildings can now be changed to dwellings under a simplified prior approval procedure. Whilst this cannot be directly applied to the proposed change of use in this instance, it is an indication of the government's renewed focus in enabling conversions to help increase the housing stock.

In the intervening period since the 2012 decision the Council has adopted the Fareham Borough Local Plan Part 2: Development Sites and Policies (June 2015).

Policy DSP6 of the Local Plan Part 2 is particularly relevant in that it explains the presumption against new residential development in the countryside (as originally set out in Core Strategy Policy CS14) but provides some instances where exceptions will be made.

In line with the themes running through national policy, Policy DSP(ii) looks to support proposals which involve conversion of an existing non-residential building subject to two tests.

Firstly, that "the buildings proposed for conversion are of permanent and substantial construction and do not require major or complete reconstruction". The Planning Inspector when deciding the 2004 appeal observed that "the club house is of permanent and substantial construction". Following that appeal decision and to this day the top floor of the building has been used as owners' accommodation. No major or structural alterations would be required to effect the change of use to a single dwelling. The building's appearance would remain unchanged.

Secondly, the policy requires evidence to be provided "to demonstrate that no other suitable alternative uses can be found and conversion would lead to an enhancement to the building's immediate setting".

The applicant states that the existing fishery business is no longer viable. Details of the fishing lake's business accounts for the past 17 years have been submitted. With the exception of the year 2010/11, during which a small profit of £413 was derived, the business has been running at a loss. The numbers of patrons using the lake has declined in a similar manner. In 2005/06 records provided by the applicant show that 443 patrons attended but in the last financial year 2014/15 just 26 customers used the lake. At the time of the application being made only 2 anglers had used the fishery this financial year since April. The supporting statement explains that in order for the business to generate a profit the income received must be in excess of £5,000 per annum and that would require between 100 - 150 patrons per year. "Despite the best efforts and financial and emotional investment in the business by the owners, they have lost confidence in the enterprise and do not envisage a significant upturn in patrons required to return the business to profit".

The statement continues by saying that the applicants recognise that this situation cannot be sustained financially and anticipate it will become more onerous as Mrs Purkiss is seeking to retire in the near future. Mrs Purkiss works locally in the public sector and Mr Purkiss is currently unable to work due to health issues. They have marketed the property

and business through various agents for over five years but have been unable to find a buyer. The reality of the situation is that the current owners of the site have been engaged in other employment as the fishing use of the site has not generated sufficient funds for the applicants to live on.

Various other alternative uses for the property have been considered and are described in the supporting statement, including the use of the lodge as bed & breakfast accommodation and the property as a wedding function venue. The main constraint to such uses is the poor access to the site which is via a narrow, unmade track. Any uses which would result in a material increase in vehicles along the lane are considered by Officers to be unacceptable. The applicant does not own or have sufficient control over the access to undertake improvements to its surface or widening which would in any case require removal of trees and hedgerow with potentially serious effects on the rural character and appearance of the lane.

Other uses more typically found in the countryside such as those essential for agriculture, forestry and horticulture, and which are explicitly referred to in Core Strategy Policy CS14 as being acceptable, are not considered to be suitable for the site and would not provide a viable alternative use for the lodge building to be put to.

There appears to be very limited scope for any suitable alternative use of the property to be found and this seems to have been borne out by the difficulties the applicants have faced in finding a buyer despite having marketed the site for a number of years.

With regards the final requirement of Policy DSP6(ii) for the conversion of the building to "lead to an enhancement of the buildings immediate setting", since there would be no physical building works to the exterior of the lodge there would be no change to its appearance or that of the site and surrounding area.

This policy requirement closely reflects that of Policy CS14 which states that development "will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function".

In determining the appeal concerning the owners' accommodation in 2004 the Planning Inspector remarked that "the grounds surrounding the building and lake are already well maintained in much the same way as a garden and the proposal would be unlikely to result in any significant changes in this respect". The Inspector concluded the appeal by saying that there would be no "significant outward changes to the appearance of the site or the surrounding rural area" and that the development "would not be harmful to the character and appearance of the surrounding countryside". Similarly since there would be no change to the appearance of the lodge or the grounds of the lake there would be no such harm in this instance.

Officers do not consider the function of the countryside would be harmed either. The application explains that the level of business activity in connection with the fishing lake is now so low that, based on the patronage last year, it amounts to on average one visiting angler a fortnight. Figures for this financial year to date indicate an even lower number of anglers in attendance. The applicant has provided Officers with further information on the number of anglers who also make use of the accommodation in the lodge. In the summer of 2014 just two people stayed and fished for three nights. The accommodation at ground floor level of the building is therefore relatively unused. Bearing in mind the owners' accommodation on the top floor of the building is already occupied, the change of use to

allow it and the rest of the lodge to be used as a single dwellinghouse without restrictions and the cessation of the use of the site for commercial angling would be little different to the existing situation and imperceptible to others.

In summary, Officers consider that the proposal meets the criteria set out in the two tests of Local Plan Part 2 Policy DSP6(ii). It is also considered to fulfill the requirements of Core Strategy Policy CS14 in that there would be no harm to the landscape character, appearance or function of the countryside.

Finally, the Council's Ecologist has advised that the details submitted concerning the management and maintenance of the land are sufficient to conclude that the site's status as an "Important Site" for Brent Geese and wading birds would not be adversely affected. As a result the proposal accords with Policy DSP14 of the Fareham Borough Local Plan Part 2.

Recommendation

PERMISSION subject to the following conditions:

1. The development shall begin before a period of three years from the date of this decision.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town & Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the following approved documents:

a) Location plan

b) Ecological Landscape Plan v2.0

REASON: To avoid any doubt over what has been permitted.

3. The site shall be maintained in accordance with the measures set out in the approved Ecological Landscape Plan v2.0 unless otherwise agreed in writing by the local planning authority.

REASON: In order to avoid adverse impacts on an "Important Site" for Brent Geese and Waders and on the Solent Special Protection Areas (SPAs).

4. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015, no development ordinarily permitted by Classes A, B, C & E, Part 1, Schedule 2 of that order shall be carried out within the curtilage of the dwelling unless otherwise first agreed in writing by the local planning authority following a planning application made for that purpose.

REASON: In the interests of protecting the character and appearance of the countryside; to prevent adverse impacts on this "Important Site" for Brent Geese and Waders and on the Solent Special Protection Areas (SPAs).

FAREHAM

BOROUGH COUNCIL



The Lodge
Five Oaks Fishery
Scale 1:2500

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