

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Planning Committee

6 March 2013

AUTHOR/S: Planning and New Communities Director

S/1755/12/FL – GREAT SHELFORD

Part change of use of outbuilding to form 1 no. bed & breakfast unit (retrospective) at 21 High Green for Mr & Mrs Mansfield

Recommendation: Approval

Date for Determination: 13 March 2013

Members of Committee will visit the site on 5 March 2013

Notes:

This application has been reported to the Planning Committee for determination because the Officer recommendation is contrary to the response of Great Shelford Parish Council

Conservation Area and Setting of Listed Building

To be presented to the Committee by Kate Wood

Site and Proposal

1. No.21 High Green is a render and thatched Grade II Listed dwelling located on the west side of High Green within the village Conservation Area. The rear garden of the property extends to the south-west, at the end of which there is a one and a half storey (5.2 metre high) outbuilding comprising dark stained timber walls under a plain tiled roof. The house and majority of the garden are sited inside the village framework. The bottom section of the garden, including the outbuilding, is located outside the village framework and within the countryside and Green Belt. The site is bounded on its north-western side by a vehicular access that serves The Oat Barn to the north/west (No.25 High Green) and Top Barn to the west (No.23 High Green). Both are Grade II listed former agricultural barns that formed part of the De Freville farm complex and have been converted to dwellings in recent years. To the south-east is a two-storey dwelling, No.19 High Green, and immediately to the south, is a two-storey contemporary house recently constructed within its rear garden, No.19a High Green.
2. There is a vehicular access and parking to the front/east side of No.21 High Green. Additionally, there is a gravelled area in front of the outbuilding, access to which is obtained via the shared vehicular access just beyond the north-western side boundary of the site.
3. The application seeks retrospective consent for the change of use of part of the detached outbuilding within the rear garden area to form 1 no. bed & breakfast unit.

The proposal relates to the taller, original part of the building, with the plan denoting the use of the ground floor as a lounge and bathroom, and the use of the first floor as a bedroom. A small existing extension on the south side of the main part of the building is shown as an en-suite guest bedroom for family use only (this latter element was granted planning permission last year).

4. The application originally excluded the shared access from the site edged red and stated that the parking space in front of the outbuilding would be reserved for use by family members (ie – in association with the guest bedroom), with parking associated with the proposed bed and breakfast use being provided to the front of the main dwelling. It also stated that breakfast for the unit would be served in the main house. However, this did not reflect the way in which the use has been operating and the application has since been amended to include the shared access within the site edged red and to clarify that one parking space for guest use would be provided in front of the building. In addition, the application confirms that breakfast is not taken within the house, but that coffee, tea and cereals are provided within the unit.

Planning History

5. **S/1699/04/F** – Planning permission granted for a single-storey outbuilding consisting of a garden room and store.
6. **S/0512/07/F** – An application to erect a single-storey workshop/store to the southern end of the building was approved. This permission has not been implemented and expired in May 2010.
7. **S/1030/08/F** – An application to erect a close-boarded fence along the northern side boundary of No.21 High Green's garden was refused due to the impact upon the setting of the Listed Building and upon the character and appearance of the Conservation Area.
8. **S/1043/08/F** – Planning permission granted for a double cart lodge and cycle store within the rear garden. This permission was not implemented and expired last year.
9. **S/0777/10/F** – An application to extend the outbuilding in order to create a three bedroom dwelling was refused, following consideration at Planning Committee in August 2010, on the grounds that the development would be inappropriate in the Green Belt, due to its impact on the character of the Conservation Area and setting of Listed Buildings, and due to the harmful impact upon the amenities of occupiers of No.19a High Green.
10. **S/2371/11** – A retrospective application to extend and change the use of the outbuilding to form 2 no. bed & breakfast units was withdrawn.
11. **S/0391/12/FL** – Planning permission granted for extension to outbuilding to form guest bedroom, together with decking and access gate (retrospective)

Planning Policy

12. South Cambridgeshire LDF Core Strategy DPD, 2007:
ST/1: Green Belt
13. South Cambridgeshire LDF Development Control Policies DPD 2007:
DP/1 - Sustainable Development
DP/2 - Design of New Development

DP/3 - Development Criteria
DP/7 – Development Frameworks
GB/1 – Development in the Green Belt
GB/2 – Mitigating the Impact of Development in the Green Belt
CH/4 - Development within the Curtilage or Setting of a Listed Building
CH/5 - Conservation Areas
ET/10 – Tourist Facilities and Visitor Accommodation
NE/14 – Lighting Proposals
NE/15 - Noise Pollution
TR/1 – Planning for More Sustainable Travel
TR/2 – Car and Cycle Parking Standards
ST/1 – Green Belt

14. South Cambridgeshire LDF Supplementary Planning Documents (SPD):
Development Affecting Conservation Areas – Adopted January 2009
Listed Buildings – Adopted July 2009
District Design Guide – Adopted March 2010
15. Circular 11/95 (The Use of Conditions in Planning Permissions) - Advises that conditions should be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable in all other respects.

Consultation by South Cambridgeshire District Council as Local Planning Authority

16. **Great Shelford Parish Council** – Recommended refusal of the original proposal, stating:

“Our opinion has not changed since that expressed on S/2371/11 which was withdrawn. We believe the traffic, pedestrian movements and additional use of the unit over and above that which would be expected from normal residential use will and in fact has adversely affected the residential amenities of the adjoining properties. Although it is proposed that the B & B occupants will park in front of 21 High Green this will only displace residential parking to the rear of the property increasing vehicle movements past the adjacent property. The application which was withdrawn was for 2 B & B units and although this is for only one it is difficult to see how it could be policed.”

The Parish Council maintains its objection to the scheme, as amended, stating:

“As before, we recommend refusal on the grounds that it would constitute a new home in the Green Belt. If S Cambs are minded to permit a B & B then parking should not be allowed between the cottage and the B & B to minimise disturbance to the neighbours. Can PD rights be removed to prevent the “garden building” being extended into a new home?”

17. **The Conservation Officer** – Comments that concerns were expressed previously in relation to application reference S/0391/12 that the potential increased use of the garden room, together with the changes to the building, would impact on the setting of the Grade II listed cottage at No.21 High Green. In addition, the Conservation Officer comments that the team previously advised that, whilst the use of a garden room, workshop and store at the end of a garden would not normally cause concern for neighbours, the site adjoins a group of listed and curtilage listed barn conversions associated with the former De Freville Farm. The proximity of the proposed bed and breakfast accommodation to these neighbouring properties could potentially cause

noise and disturbance to nearby residents. A gateway has been inserted into the fence on the track side of the property which implies that visitors will park adjacent to the outbuilding rather than accessing it from the parking area and garden of No.21. This could also affect the amenity of those living nearby if there are continual comings and goings. Overall, the proposals will impact on the setting of nearby Listed Buildings and the Conservation Area.

18. **The Environmental Health Officer** – Raises no objections to the proposal, as amended, providing a condition is added to any consent to control the hours of use of power operated machinery during any construction works.
19. **The Local Highways Authority** – Requests that, due to the proposed intensification of use, the applicant provide a drawing showing visibility splays of 2.4m x 43m in full in both directions

Representations by members of the public

20. Letters of objection have been received from the owners of Nos. 23 and 25 High Green. The main points raised are:
 - The applicants purchased the property in December 2010. They began using the outbuilding as bed and breakfast accommodation in February 2011 (without planning permission) and commenced construction of an extension in March 2011, which was then also used for b & b purposes. These unauthorised works were reported to the LPA in March 2011 and a retrospective application for the extension and conversion of the building to 2 no. b & b units was submitted in November 2011. The applicants continued to trade throughout this period. The application was validated in December and objections lodged in February 2012. The applicants withdrew the application that month and in March 2012 submitted a retrospective application for an extension to the outbuilding to form a guest bedroom, together with decking and access gate. In August 2012, SCDC asked the applicants to either cease trading or submit a retrospective application for the continued b & b use. The application to extend the outbuilding was granted later that month. This was subject to a condition stating that the outbuilding should not be occupied other than for purposes ancillary to the residential use of No.21 High Green. It is taking an unreasonable length of time to resolve this issue and arrive at a conclusion acceptable to all parties. The unauthorised bed and breakfast use has now continued for 2 years.
 - The conversions of Nos. 23 and 25 High Green were made under strict conditions to maintain the agricultural nature of the site.
 - The outbuilding is sited on land outside the village framework. There is no need for this business to be located in the countryside and the use for b & b accommodation contravenes LDF Policy DP/7.
 - The site is in the Green Belt. Its separate use as b & b accommodation represents inappropriate development in the Green Belt by definition, contrary to LDF Policy GB/1 and Core Strategy Policy ST/1. The application includes no justification or very special circumstances for overturning the strong presumption against inappropriate development in the Green Belt.
 - The change of use, and consequent increase in vehicular and people activity, is harmful to the Conservation Area.

- The site forms part of a verdant rural setting of a number of Grade II Listed Buildings, and the unauthorised b & b is being conducted from an outbuilding within the curtilage of the Grade II Listed No.21. The Listed Buildings SPD states that any buildings within the setting of a Listed Building should be modest in scale and either single-storey or one-and-a-half-storeys without accommodation in the roofspace. The outbuilding contravenes these provisions because the structure contains accommodation in the roofspace. The creation of extra living accommodation in the roof space and level of use that results has an adverse affect on the Listed Building.
- The unauthorised post and rail fence and garden gate erected across the width of the rear garden remain in situ, and have not been removed as required by planning permission S/0391/12/FL.
- The b & b is in close proximity to No.25 High Green, with the shared driveway passing by the side of this neighbouring dwelling in close proximity to a bedroom window. The increase in vehicle movements along the gravelled driveway and level of activity associated with the site has resulted in an unacceptable level of noise and disturbance to the occupiers of No.25. Early departures (before 8am) and late arrivals (after 10pm) are not uncommon and these movements cause the most disturbance. Journeys are also undertaken to visit restaurants, go shopping, visit friends etc.
- There are insufficient on-site parking spaces for the number of vehicles using the site. The applicants normally park at least 3 vehicles outside the front of the cottage.
- On websites, there has been much adverse customer feedback regarding the restricted nature of the first floor sleeping accommodation.
- Contrary to the application, the remainder of the building is being let out as a 2nd accommodation unit.
- Views from the rear of No.25 have been adversely affected by the b & b. Vehicles and people associated with the change of use are noticeable from windows in the kitchen, utility room and first floor rear bedroom. It has also resulted in a loss of privacy and enjoyment of the rear garden area. All the windows, doors and roof lights are clear-glazed, and there is decking and a garden area to the front. This adversely affects the privacy of occupants of No.25.
- The use has increased pedestrian activity along the driveway, resulting in security concerns for surrounding residents.
- The lighting of the building detracts from the quiet, rural location and setting.
- The supporting statement should include information on the historical importance of the surrounding buildings and their setting.
- The property is being advertised for sale, with the sales particulars referring to a two-storey studio in the garden for guests or b & b use. This infers it is being sold with the benefit of b & b planning permission for the outbuilding.
- The applicants recently suspended trading when they went away for a few days and the reduction in activity was noticeable.

Material Planning Considerations

21. The key issues to consider in the determination of this application relate to: whether the development is appropriate in the Green Belt; the impact of the development upon the setting of listed buildings and upon the character and appearance of the Conservation Area; the impact upon the amenities of nearby residents; and highway safety.

Principle of the development in the Green Belt

22. Planning permission was originally granted for the garden room building in October 2004, with the scheme being amended in 2005 to increase the height by 1 metre and to add two conservation style rooflights to the front elevation of the building. In 2007, an application to add a single-storey workshop/store extension to the south side of the building was approved. The ownership of the site changed in around 2010, and the new owners proceeded with the construction of the extension in March 2011, completing the works in May 2011. However, the 2007 consent for this extension had expired, and earlier this year, the current owners applied for retrospective permission for the extension (denoted as a guest bedroom for family use) together with a number of other unauthorised works that had been carried out – namely, the replacement of a section of post and rail fencing with a 5 bar gate in the north-western boundary, and the increase in size of previously approved decking at the front of the building. A post and rail fence and gates had also been erected across the site, subdividing the outbuilding and land immediately around it from No.21 High Green's garden, and the previous application proposed to remove this unauthorised fencing. The retrospective application for these works was approved earlier this year (S/0391/12/FL) subject to a condition requiring the section of fencing subdividing the garden to be removed (as also proposed within the application, and to the extended outbuilding being used for purposes ancillary to the main dwelling only.
23. At the time of the submission of the application, the outbuilding had been used for approximately 18 months, without the benefit of any planning permission, as two self-contained bed and breakfast units. The current application proposes to convert the main part of the outbuilding to a single bed and breakfast unit, with the extension being used, as per the recently approved scheme, as a guest bedroom for family use only. The responses received state that the building is being used and advertised as two separate units and that the 'extension' continues to be used for b & b purposes. This issue was raised during a site meeting with the owner who confirmed the 'extension' is not being used for commercial purposes but that she hasn't been able to remove it from the applicable websites and the accommodation is instead shown on these websites as being unavailable when trying to make a booking.
24. The rear part of No.21 High Green's garden, within which the building is located, is sited within the countryside and Green Belt. LDF Policy GB/1 states that there is a presumption against inappropriate development in the Green Belt. The National Planning Policy Framework 2012 (the NPPF) states that the re-use of buildings of permanent and substantial construction is not inappropriate in the Green Belt, providing development preserves the openness of the Green Belt and does not conflict with the purpose of including land within it. LDF Policy ET/10 states that, outside frameworks, development to provide overnight visitor accommodation will only be permitted by change of use/conversion or modest extensions to existing facilities, and that such accommodation will be limited to short-term holiday lets by way of a condition or legal agreement in order to ensure housing policies restricting development in the countryside are not compromised. The supporting text to this policy states that the focus for new accommodation should be the villages, with such

development more suited to the larger villages, with a good level of local services and public transport provision. Given that the application involves the conversion of the existing building, the proposal is not considered to constitute inappropriate development in the Green Belt by definition. The proposed use is also in compliance with Policy ET/10, particularly given its location on the edge of one of the District's larger and more sustainable settlements, as well as being in keeping with the Council's key aims of seeking to encourage small local businesses. Providing the use of the building is restricted to bed and breakfast/holiday let use by way of condition, in order to prevent its use and conversion to a separate dwelling, the proposal is considered to be acceptable in principle.

Impact on the character of the Conservation Area and setting of Listed Buildings

25. The building, extension and associated works already have the benefit of planning permission. The proposal seeks to utilise the existing building, with no additional development works proposed. Whilst it is accepted that there would be a discernible difference in the level of activity associated with the use of the building as a bed and breakfast unit, rather than for purposes ancillary to the use of the dwelling, this increase in vehicular and pedestrian activity, and level of usage of the land immediately adjacent to the outbuilding, could not be argued to result in any physical harm to the character and appearance of the Conservation Area or to the setting of Listed Buildings.
26. Whilst concerns have been raised by the Conservation Officer, these relate to works that have already been authorised by planning permission, and to wider neighbour amenity issues. The proposed use of the building for bed and breakfast purposes is considered to preserve the character of the Conservation Area and setting of Listed Buildings and is therefore considered to be acceptable from the perspective of heritage assets.

Residential amenity

27. Concerns have been raised within responses received from the Parish Council and local residents regarding the impact of the use upon the amenities of occupiers of neighbouring dwellings. The application, as amended, proposes to access the site via the shared access which also serves both Nos. 23 and 25 High Green, and passes in close proximity to No.25's bedroom window and private garden area. This neighbouring property is only enclosed by post and rail fencing and hedging, and is therefore relatively exposed from the access.
28. It is evident from the responses received that the level of vehicular activity associated with the use of the building has resulted in some disruption to the occupiers of No.25 High Green, whose bedroom window is located in the side elevation and in close proximity to the access, and that this is particularly caused by people leaving the site early in the morning and arriving late at night. A bed and breakfast use is likely to cause a greater level of disruption than the authorised use as a garden outbuilding, particularly as the absence of kitchen facilities means that guests will need to go out to eat in the evening etc. Whilst the Environmental Health Officer has raised no objections to the application, in view of the concerns raised by local residents, the application proposes that there will be no vehicular movements along the shared access associated with the use beyond 10pm. This could be controlled through a planning condition. Photographic evidence has also been provided to suggest that vehicles associated with the use are parking within the shared driveway and grass verges. Again, this could be controlled through the imposition of a condition

stipulating that parking can only be provided on the graveled area to the front of the outbuilding or in front of the house. In previous responses, local residents have also referred to being disturbed by guests seeking directions to the unit. Whilst the applicant provides written directions to guests beforehand, it is considered that a small sign on the fence/gate would assist and help to minimise the disturbance that has been caused to date to local residents.

Highway safety and parking

29. There is one parking space in front of the outbuilding and ample room for parking and turning to the front of the dwelling on the site. The Highways Authority has requested the provision of a plan showing full 2.4m x 43m vehicle visibility splays. However, Officers do not consider this to be necessary or appropriate given the modest scale of the proposed bed and breakfast use. The driveway to No.21, as well as those serving Nos. 23 and 25 High Green, and De Freville Farmhouse, are accessed via a large expanse of verge land that is set clear of the main carriageway of High Green. Vehicles exiting the site therefore traverse this parcel of land, from which there is a good level of visibility along High Green in both directions, prior to exiting onto the main carriageway. The proposal is not therefore considered to give rise to unacceptable highway safety problems.

Recommendation

30. Approval, as amended, subject to the following conditions:
1. The development hereby permitted shall be carried out in accordance with the following approved plans: SF10 079.3. A date stamped 14 January 2013 (and/or the amended plans referred to above).
(Reason – To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)
 2. The bed and breakfast/holiday let use, hereby permitted, shall not be used or occupied by any person(s) permanently as his/her or their home nor occupied or let upon any terms which provide or confer security of tenure; and they shall not be occupied at all (meaning no personal possessions other than those of the owner that are associated with the holiday lets, shall remain there) for a period of more than 4 consecutive weeks by the same person(s) unless previously been agreed with the Council in writing. Evidence of this will be required from the owner when Council monitoring takes place following the commencement of the use, hereby permitted.
(Reason – The site lies in the Green Belt and open countryside outside the village framework where permission would not normally be granted for permanent dwellings or purposes not associated with agriculture or other uses which need to be located in the countryside in accordance with Policy DP/7 of the adopted Local Development Framework 2007).
 3. The shared accessway that runs along the northern side of the site edged red shall not be used for vehicular movements in association with the bed and breakfast use between the hours of 10pm – 6am.
(Reason – To minimise noise disturbance to local residents in accordance with Policy NE/15 of the adopted Local Development Framework 2007.)
 4. Parking for the use hereby permitted shall only be permitted within the gravelled area on the east side of the outbuilding and/or within the area on the east side of the main dwelling.

(Reason – To prevent parking within the shared driveway and grass verges in the interests of minimising disruption to local residents and preserving the character of the area, in accordance with Policies DP/3, CH/4 and CH/5 of the adopted Local Development Framework 2007.)

5. Within 28 days of the date of this decision, a scheme of signage for the use, including timing for its implementation, shall be submitted to and approved in writing by the Local Planning Authority, and the works carried out in accordance with the agreed details.

(Reason – To minimise disturbance to local residents in accordance with Policies DP/3 and NE/15 of the adopted Local Development Framework 2007.)

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework (LDF) Development Control Policies, adopted July 2007
- South Cambridgeshire Local Development Framework (LDF) Core Strategy, adopted January 2007
- Supplementary Planning Documents: Development Affecting Conservation Areas, District Design Guide, Listed Buildings
- National Planning Policy Framework 2012
- Circular 11/95 and 05/2005
- Planning File References: S/1755/12/FL, S/0391/12/FL, S/2371/11, S/0777/10/F, S/1043/08/F, S/1030/08/F, S/0512/07/F, S/1699/04/F.

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