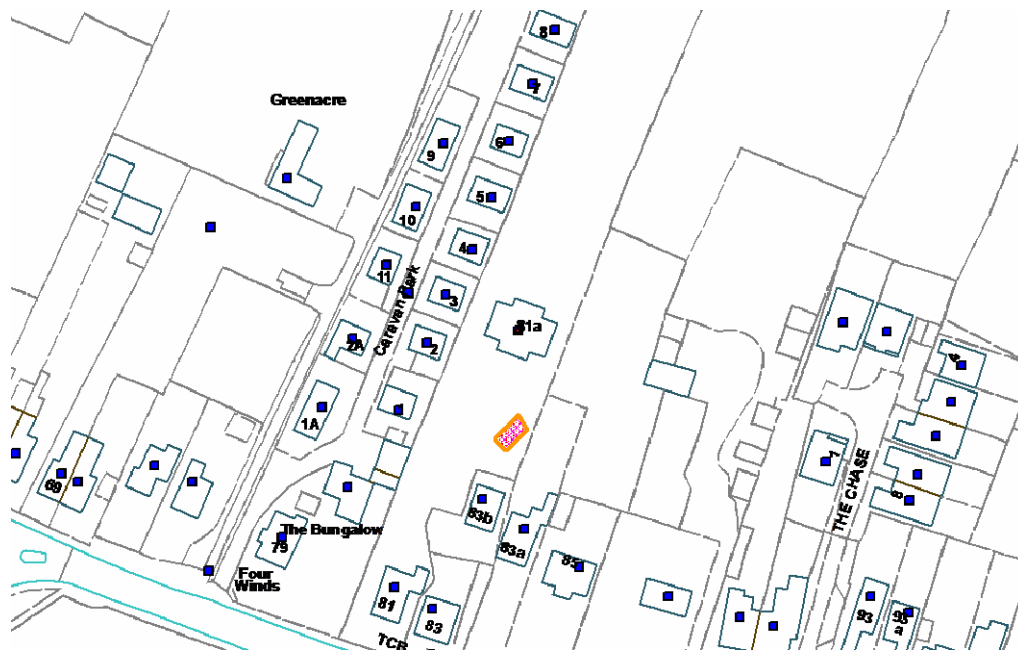


<b>APPLICATION NO:</b> 14/01099/COU	<b>OFFICER:</b> Miss Chloe Smart
<b>DATE REGISTERED:</b> 27th June 2014	<b>DATE OF EXPIRY:</b> 22nd August 2014
<b>WARD:</b> Prestbury	<b>PARISH:</b> Prestbury
<b>APPLICANT:</b>	Mr Andrew Sullivan
<b>AGENT:</b>	Harrison-Russell
<b>LOCATION:</b>	Five Oaks, 81A New Barn Lane, Cheltenham
<b>PROPOSAL:</b>	Retrospective change of use from ancillary garage to use as holiday let accommodation for not more than 42 weeks in any calendar year

**RECOMMENDATION:** Permit



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## 1. DESCRIPTION OF SITE AND PROPOSAL

- 1.1 This application seeks retrospective planning permission for change of use of the upper floor of an existing garage to allow it to be used as holiday let accommodation.
- 1.2 The garage was originally granted outline permission through application 01/01032/OUT, with its details approved as part of a later reserved matters application (05/00166/REM), with a subsequent amendment application in 2007 (07/01734/FUL).
- 1.3 The application is before Planning Committee due to the Parish Council objection on the grounds of inappropriate development.

## 2. CONSTRAINTS AND RELEVANT PLANNING HISTORY

### Constraints:

Greenbelt

### Relevant Planning History:

**01/01032/OUT 10th July 2002 PER**

New single dwelling

**04/01141/REM 31st August 2004 APREM**

New dwelling (Revised Scheme)

**04/01859/REM 17th December 2004 REF**

Garage ancillary to dwelling (approval ref. 04/01141/REM - approval of reserved matters)

**04/02168/REM 23rd February 2005 APREM**

Revised details. (New dwelling approved 26/08/04: CBC ref. 04/01141/REM)

**05/00166/REM 24th March 2005 APREM**

Garage ancillary to dwelling. Approval of reserved matters.

**05/00782/REM 17th June 2005 APREM**

Revised details (new dwelling approved 26.08.04, CBC Ref: 04/01141/REM)

**07/01734/FUL 5th February 2008 PER**

Amendment to detached garage as approved in March 2005 ref: 05/00782/REM

## 3. POLICIES AND GUIDANCE

### Adopted Local Plan Policies

CP 4 Safe and sustainable living

CP 7 Design

CO 5 Definition of green belt

CO 6 Development in the green belt

### National Guidance

National Planning Policy Framework

## 4. CONSULTATIONS

### Parish Council

15th July 2014

In view of previous applications which have been rejected, the Parish feel this is an inappropriate development and object to the proposal.

## 5. PUBLICITY AND REPRESENTATIONS

Number of letters sent	9
Total comments received	2
Number of objections	1
Number of supporting	1
General comment	0

5.1 Two letters have been received, one in support of the proposal and one objection from the occupier of the neighbouring property.

### 5.2 Comments Received

Summary of comments:

Support:

- Desirable accommodation for visitors of the many festivals, in particular those in the nearby Racecourse.

Objection:

- Precedent for further similar development, particularly lower level of the garage.
- Tandem development
- Previous Local Government Ombudsman case for the approval of the garage
- Increase in noise and disturbance to the detriment of the amenities enjoyed by the neighbouring property.
- Large green tank adjacent to property which is in connection with the use of the loft as accommodation.

## 6. OFFICER COMMENTS

### 6.1 Determining Issues

6.2 There are no specific policies within the Local Plan which relate to the change of use of a building to holiday let accommodation. Paragraph 14 of the National Planning Policy Framework requires decision takers to grant permission where the development plan is absent or silent on a matter unless, *'Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the scheme, when assessed against the policies in this framework as a whole'*.

6.3 With that in mind, the main considerations relate to the impact of the scheme on the Green Belt, neighbouring amenity and access and highway issues.

### 6.4 Impact on Green Belt

- 6.5** The northern section of the existing building lies within the Green Belt. For that reason, the impact on the Green Belt has been assessed as part of this application.
- 6.6** Paragraph 79 of the National Planning Policy Framework refers to the openness and permanence of the Green Belt as being essential characteristics.
- 6.7** Local Plan Policy CO6 states that any material change of use will not be permitted unless this change maintains the openness of the Green Belt.
- 6.8** The proposal relates purely to the change of use of the garage as a holiday let. There are no extensions or alterations to the existing building proposed as part of this application. The accommodation provided is at first floor level, with the ground floor storage and parking to be retained as existing.
- 6.9** Given there would be no external alterations to the building, the change of use is considered to maintain the openness of the Green Belt and is in line with the guidance within the NPPF and Local Plan Policy CO6.

#### **6.10 Impact on neighbouring property**

- 6.11** Local Plan Policy CP4 requires development to protect the existing amenity of neighbouring land users and the locality.
- 6.12** One letter of objection has been received from the occupier of the neighbouring property at no. 83b New Barn Lane. A number of issues are raised in this letter; however amenity concerns relate to noise and disturbance, particularly due to the close proximity of the building.
- 6.13** The accommodation consists of a small living/sleeping area, a kitchen and a bathroom. The building is closer to the boundary of the neighbouring property than the main house; however, given the small scale nature of the proposal, the increase in activity generated as a result of the change of use is minor.
- 6.14** Furthermore, there is no unacceptable increase in overlooking as a result of the change of use as the first floor of the building incorporates rooflights facing into the land within the applicant's ownership.
- 6.15** Finally, given the small scale nature of the proposal the increase in vehicular trips to the site would be minimal and would not cause any adverse impact over and above any existing vehicular trips to the property.
- 6.16** Overall, despite the concerns raised by the neighbour, the proposal would have no adverse impact on the amenities enjoyed by the neighbouring properties. The development is therefore in accordance with Local Plan Policy CP4.

#### **6.17 Access and highway issues**

- 6.18** Access to the holiday let accommodation would remain the same as existing access arrangements. There is an access which serves no. 81A New Barn Lane and sufficient parking within the curtilage of this property to accommodate additional parking.
- 6.19** The vehicular movements created as a result of this change of use would be minimal and have no impact on the surrounding highway network.

#### **6.20 Other considerations**

- 6.21** The occupier of the neighbouring property has raised additional comments in relation to a previous Ombudsman case which relates to the previous approval of the garage. The

previous Ombudsman case is of no relevance to the determination of this application. The change of use must be considered on its planning merits when assessed against the relevant planning policies.

- 6.22** In respect of the green tank to the rear of the building, this is a water tank and would not require the benefit of planning permission.

## **7. CONCLUSION AND RECOMMENDATION**

- 7.1** Overall, the proposal is considered to accord with the guidance set out within the National Planning Policy Framework and the Local Plan. There would be no adverse impacts on the Green Belt, neighbouring amenity or highway safety.
- 7.2** The recommendation is to approve planning permission subject to the conditions set out below.

## **8. CONDITIONS / INFORMATIVES**

- 1 The development hereby permitted shall be carried out in accordance with drawing numbers 1099.01, 1099.02A, 1099.03A and 1099.05 received 27th June 2014.  
Reason: To ensure the development is carried out in strict accordance with the approved drawings.
- 2 The proposed development shall only be occupied as a holiday unit and shall not be let to any one occupant for more than one month in any one period of 12 months.  
Reason: To ensure that the holiday units are not occupied for independent occupation. Planning permission is required for independent occupation and the Local Planning Authority will require a further planning application in accordance with statute.

### **INFORMATIVES**

- 1 In accordance with the requirements of The Town and Country Planning (Development Management Procedure) (England) (Amendment No. 2) Order 2012 and the provisions of the NPPF, the Local Planning Authority adopts a positive and proactive approach to dealing with planning applications and where possible, will seek solutions to any problems that arise when dealing with a planning application with the aim of fostering the delivery of sustainable development.

At the heart of this positive and proactive approach is the authority's pre-application advice service for all types of development. Further to this however, the authority publishes guidance on the Council's website on how to submit planning applications and provides full and up-to-date information in relation to planning applications to enable the applicant, and other interested parties, to track progress.

In this instance, having had regard to all material considerations, the application constitutes sustainable development and has therefore been approved in a timely manner.