

SYMONDSBURY PARISH COUNCIL

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Symondsbury Parish Council Planning Committee

Tuesday 30th August 2022, 1900 – 20:00

Meeting in Person

Held at Symondsbury Church

Minutes

Attendees:

Committee Members

Steve Ralph PA Chairman

Jenifer Roddy JR

Steve Evans SE

Paul Hartmann PH

In Attendance:

Public: Mr. Richard Tuck, Mrs Kay Tuck, Mr. & Mrs Oughton, Sylvia Ainley, Paul Page and an owner of a house close to 3 Pump Cottages. Richard Tuck, Kay Tuck, Tara Oughton, Sylvia Ainley and the owner of an adjoining residence spoke at the meeting.

Summary of Action Points arising

No	Item	Action
1	6	PH to generate planning reports.

1. Welcome and apologies:

1.1 The Chairman opened the meeting and thanked attendees for coming. There were no apologies.

2. Declarations of interest:

2.1 There were no declarations of interest.

3. Approval of the minutes of the July 2022 Meeting:

3.1 The minutes of the 5th July 2022 Planning Committee meeting were confirmed as accurate notes of the meeting and were approved.

4. Correspondence List (previously circulated)

4.1 No correspondence list had been circulated.

5. DEMOCRATIC HALF HOUR during which members of the public are invited to raise general matters of interest.

5.1 Richard Tuck- Key Points: The holiday let is a breach of a legal covenant on the plot.- The new structure is not ancillary to the existing house and is used full time for Air B&B as confirmed by the applicant.- the applicants did not advise us of the use as an Air B&B and as such we did not initially object.-there are concerns over the increase in traffic both in the track behind the main residences and also out onto the A35 which has been recognised by the highway authority as a danger and well below standard with very poor visibility.- there is concern over how the rainwater is discharged and also specifically how the foul water is dealt with.- the unit is a selfcontained habitable living unit and considerably larger than the summerhouse it has replaced.-it is understood that there is also a proposal for solar panels on the roof which would be totally out of keeping with the AONB and local area.-importantly and because of how busy the A35 trunk road is on the front of the house the rear is very important to how we live our lives. Since the completion of the structure and it being let to ever changing occupants we have suffered considerable loss of privacy an amenity with guests dropping luggage on our drive and the “quiet enjoyment” of our property being severely compromised.- noise at night from the guests is also a considerable problem and can even be heard over the noise from the A35.- our once close knit community has been detrimentally affected by this structure and its use.- we strongly object to the application

5.2 Tara Oughton Key Points: The structure is a breach of legal covenant on the plot.- We have lost our privacy since the new dwelling has been erected and our garden is overlooked. The decking on the new building is further forwards and, due to the sloping gardens, is at a much higher level than the surrounding area, accessed by stairs. There have been many occasions when we have experienced a lack of enjoyment in our garden space due to the clients visiting the holiday let. The balcony also overlooks our garden patio. The elevated balcony has ruined our enjoyment of our garden space.- Since the dwelling has been in use as a holiday let, we have noticed higher levels of noise disturbance . We understand this is because they are on holiday

but in some cases they have been less considerate of other residents. The sound carries more and windows are open adding to disturbances - Use of the garden in the evening is encouraged through the addition of the hot tub further extending the length of time where people are making noise The gardens in this area of West Road are all close together and the sound carries easily. Another example of loss of amenity is the sound of the sewage pump operating. This can be heard from both our garden and inside our house.- Overnight, we have been disturbed by the lights attached to the cabin due to it being set in the gardens below the property line. The security lights and internal cabin lights shine through the windows of our property. -The track behind our properties is single track accessed via the main A35 where visibility is poor for entering the track and exit onto the A35. Traffic is heavy and travelling at speed and will cause safety issues. - There have been instances where occupants of the garden Air B&B have used another property's driveway for parking.- The application states that the new building is 'slightly larger' than the previous one, it is actually double the size. The new decking is further forward than the original structure and increasingly elevated which has detrimentally affected our garden privacy by overlooking. With a home fronting onto the A35 the rear of our property is our peace and solace. Our seating area/garden is now overlooked by the property.- The building replaced, was most definitely a summer house half the size of this building. In the four years that we have lived here, we have only been aware of the summerhouse being used as an overspill when the family stayed once. This was not obtrusive nor did we feel we were overlooked. The other garden buildings mentioned in the application are not of a 'similar scale' to this proposal, nor do they have the facilities needed to make them a dwelling. The proposed annex/holiday let stands out in comparison to the existing garden buildings-The neighbourhood plan states 'Any development within the neighbourhood plan area should be in keeping with, or complement, the character of the environment in which it is located.' This application is not in character with the surrounding area- she stated they objected to the application.

5.3 Kay Tuck-Key points: She confirmed that there is a legal covenant with Dorset Council that this structure breaches.- The building will not be used as ancillary accommodation, it is being used as a full-time holiday let, which has been let continually since the end of June 2022. It is open on Airbnb for the next 12 months.- She noted that the Highways Agency has commented on this application. They did not have any objections due to the fact that the holiday let is to be used as ancillary accommodation and occasional holiday let. She stated that this is not the case as it is being used as a full-time holiday let with a notable increase in the traffic. - No private access to the site. The access is via a narrow single vehicle track of which they own and have maintained solely for the last 23 years.

The short stays (two/three day changeovers) mean a continuous change of vehicles using their track, which divides the back of their house with the garden, hence

dissecting our curtilage. With animals and young children crossing this track regularly, people unaware of this could drive inappropriately. This is a great worry to them.- Since the access to the holiday let being used is effectively surrounding our property we feel our privacy has been invaded by having the numerous holiday let occupants walking around our property. She felt the structure size and materials did not sit well in the AONB and quoted a garage they applied for some years ago which was refused on the grounds of being inappropriate within the AONB in this area.

5.4 Resident-Key points: a development of this type is unacceptable in the rear gardens of these properties.- He commented that there may be some form of collusion between councillors and asked how he could complain about the councillor involved.-The Chairman commented that he should contact the Clerk to the Parish Council in the first place.- he felt the structure was out of keeping and detrimentally affected the amenity of the residences. Especially by its use as an airB&B.-He objected to the application.

5.5 Sylvia Ainley-Key Points: the applicant made numerous apologies to the neighbours attending the meeting.-She confirmed it was not her intent to create upset. She confirmed that the original idea for the replacement for the original summerhouse was a store building for their cloth merchandise which they sold at local events and fairs.- however the garden building would not maintain the appropriate environment for the material and so the idea of a new building that could provide airB&B accommodation led to the development of the new building.-she added that it would be used occasionally for family to stay but was needed to generate income.-she handed out packs of information that described why she felt the structure was acceptable.- she added that there was sufficient space for vehicles to park within their designated spacenad felt that there was little additional risk by the use of visitors.- She acknowledged there could be issues with the sheep below if dogs were continued to be allowed and suggested they would remove the opportunity for dogs in the building.-in addition she commented that her solicitor had suggested that there was nothing in the covenant that would prevent them from putting up a structure similar to that built-she confirmed that the building had been constructed to a good standard and would only house two people.-she confirmed that they were waiting for confirmation of building regulations consent.- she offerd to remove the security lighting and would provide better instructions for visitors arriving and use of the building.

6. **Planning Applications and to consider any other planning/enforcement issues:** (public verbal comments limited to 3 minutes per representation prior to Committee consideration).

6.1 Application No: P/FUL/2022/04775 Location: 3 Pump Cottages, West Road, Bridport, Dorset, DT6 6AE. Proposal: Retrospective application for full planning approval to allow retention of annex/Holiday Let -

6.1.1 The Chairman asked PH to outline the proposal. PH commented that the Planning history confirms that the property was granted consent for a medium size extension to the rear of the property in 2014 (ref: WD/D/14/001889. The proposal was reported to the enforcement section of the Dorset Council Planning department during its construction. An enforcement officer visited the site during the erection of the structure and discussed the proposals with the applicant. It is understood from the applicants that the enforcement officer advised them to continue with the construction of the building however they would need to make a planning application. There is no reference to this visit or report on the planning portal. It is clear that due to the nature of the proposal a planning consent would be required and should have been applied for at the outset. In addition the current position is that Local and Unitary councils can consider properties that are designed for and used as Air B&B may require a change of use classification. The requirement can be applied even if the use is periodic.

The current application is retrospective for a new timber structure that has replaced an existing timber summer house in the rear garden area of 3 Pump Cottages. The garden area is separated from the main house by a private, narrow, unmade service road which also serves the other properties in the row of dwellings who have a right of access and passing for vehicles and pedestrians. The new structure is in the same approximate position as the original summerhouse close to the east boundary of the plot. The layout includes a bedroom area, a living area with dining space and kitchen, a bathroom, external timber raised external terrace and store/boiler room. The timber terrace faces north with views over the allotment area and farmland to the north with Colmer Hill in the near distance.

The building is constructed of timber frame with natural sawn timber elevations and a GRP pitched roof. It is intended that the roof will have photovoltaic cells positioned however these are not yet in place. A new jacuzzi is positioned to the rear boundary of the plot in the eastern corner. There are currently objections from 3 neighbours.

6.1.2 Consideration: Paul Hartmann confirmed he had visited the site and discussed the as built situation and proposals with the applicants. He had also discussed the proposal and as built situation with the neighbours who have objected to the current structure.

PH commented that on review of the application documents it is clear that the details of the plans, written documents and written application forms were not correct.

The location plan outlining the site and landholding is incorrect. It shows that land within the blue line to the north, below the garden, and running approximately east/west is in the ownership of the applicants. The land is **not** in the ownership of the applicants as the land is on a long lease to the Parish Council and the freeholder is Dorset Council. The plans also show overflow parking in this area, which will not be allowed, as the land is for the benefit of the general allotments and not in accordance with the requirements of the Parish Council.

With regard to the plans submitted there is no reference, indication or plans/details of the existing summer house or any identification of its position and size for comparison purposes.

In the design statement it states that the previous summerhouse was used as ancillary accommodation in conjunction with the main house suggesting that the building was constructed to habitable standards. This is, according to the applicants and neighbours, incorrect and was not to habitable standards. Further with reference to the scale of the new structure, the design statement states that the building is slightly larger than the previous summerhouse. However, and from viewing historical photographs of the site as a comparison it is clear that the building is substantially larger than the original summerhouse. Due to the sloping garden away from the main residential properties, the position of the structure on the garden, together with its volume is more visible from the neighbouring properties and overshadows a greenhouse in the garden to the east.

The applicants confirm the building was initially to be a store for their business however this was changed and is designed for and used as a commercial Air B&B facility. It is clear that the use as a self contained habitable unit, currently used as an air B&B, together with its size and position is responsible for loss of amenity, privacy and in one instance loss of light for the neighbouring properties. It is also clear that there is a detrimental effect of light pollution in consideration of the lighting design. The noise pollution is evident from the terrace and jacuzzi positioned on the rear boundary. A sound recording of the occupied site with the jacuzzi in use taken by Mrs Oughton at night during occupation by Air B&B guests, demonstrates the unacceptable level of intrusion which contravenes the "quiet enjoyment" that could be expected of the Oughton's property. The statements by other neighbours confirming various instances of disturbance by Air B&B guests trying to locate the venue confirms loss of amenity and privacy.

PH did confirm that notwithstanding the size and position of the new building, the layout itself had been thoughtfully designed and the materials are sympathetic to its location. The timber cladding will eventually tone down to a neutral light grey and as such the building, as viewed from a distance, will sit reasonably in its immediate environment as the eye will be drawn to the residential properties at a higher level

beyond. It is understood from the applicant that the foul water utilises a saniflow pump system to drain into the foul sewer at a higher level and does not yet have a building control certification. The form of the building is simple structure and is close to the neighbouring garden boundary.

6.1.3 Conclusion: In summary the Parish Council Planning Committee unanimously felt the building structure should not be granted consent due to its overall detrimental effect on the neighbours and their property together with the immediate small community. The committee felt that the built structure and its use as an Air B&B severely compromised the legal “quiet enjoyment” requirement of the neighbouring properties through loss of amenity, loss of privacy and loss of light together with noise and light pollution. The Parish Council felt that it was extremely sad that this small tight knit community would be detrimentally affected by the built structure and its occupation as a commercial business within the residential garden. It suggested that the Dorset Council could use the powers under the deregulation act 2015 to consider the Air B&B use as a material change and as such not acceptable. The following apply:

BANP: AM2, CC3, EE2, EE3, L1, D1, D8, D9, D10

Local Plan: INT1, ENV1, ENV2, ENV12, ENV16, ECON 5, ECON 6, COM11

Decision: Object

6.2 Proposal: Ref: P/CLE/2022/04834 – Location: Eype House Caravan Park, Mount Lane, Eype, Bridport, DT6 6AL. Application for Certificate of Lawfulness for the Use of Land for the Provision of 35 Permanently Sited Static Caravans and for the 36 Camping and Motor Home Pitches for holiday use.

The property lies within the Dorset AONB and Heritage Coast.

Consideration:

Introduction: The Chairman asked PH to outline the proposal. PH stated that the proposal seeks to consolidate the use into a lawful planning consent for the caravan and camping site which has been in operation for many years. The Planning history is considerable and substantially recorded in the application. The earliest planning application for the site is noted as 1951. The site and operation have been recently acquired by a local well run and successful tourism business. It was felt that to assure the correct planning strategy going forward the current position does require confirmation of consent. There are currently no objections from local residents.

Comment: The Chair commented that he has know of the operation of the site for many years. The site is an established, caravan and camping site close to the coastline and with easy access to the amenities of Bridport and West Bay. The site is within the Dorset AONB and Heritage Coast, also being susceptible to coastal erosion at the interface with the sea/beach. It has been operated for many years and provides a tourism facility. It is understood the new owners may wish to update the tourism offer to current market requirements following the

retirement of the current owners and continue the tourism offer. The current proposals generally comply with the BANP and Local Plan.

Summary: In summary the committee felt the submission is detailed, well considered and explains the rationale for the approval of the Certificate of Lawfulness for the use of the land. The existing use conforms with the requirements of BANP and the Local Plan. The current use does not cause harm to the AONB or Heritage Coast position.

Decision: Approve

7. Items for inclusion at the next meeting.

7.1 No items noted.

8. AOB

8.1 The application for a replacement chalet at Eypes Mouth Chalet Park, Eype was briefly discussed in the meeting. It was agreed to consider the application before the next planning committee meeting.

9. Next Meeting

9.1 The next scheduled Planning Committee meeting will be at 7 pm on 04th October 2022. The venue will be Symondsby Church.