

Application for Variation of Condition 9 of Planning Permission P1172/12/FUL

The applicant is applying for an application to vary condition 9 of Planning Permission P1172/12/FUL granted on 11 October 2013.

Background

The Planning Permission relates to land at The Bungalow, The Barn, Blackthorns Farm, Hillersland, Coleford, Glos, GL16 7NY. The Permission was for the change of use of barn to leisure use, provision of an amenity block and the erection of 2 yurts. A copy of the Decision Notice is attached.

The Planning Permission was subject to a number of conditions. Condition 9 reads as follows:-

"The proposed holiday accommodation shall be ancillary to and retained in the same ownership as the dwelling house "The Bungalow, Blackthorn Farm". There shall be no more than two yurts erected on the site at any one time, in accordance with the approved plans. The yurts shall be removed from the site during the months of December and January. When no longer in use for tourism the yurts, associated toilet block shall be permanently removed from the site."

This Condition states that the holiday accommodation shall be retained in the same ownership as the dwellinghouse, "The Bungalow".

As a result of financial constraints, the applicant has had to sell off the Bungalow and so the Bungalow is now not in the same ownership as the holiday accommodation. It is on that basis that the applicant wishes to vary the condition so as to tie the holiday accommodation to the residential wooden cabin; which remains in the applicant's ownership.

The wooden cabin was granted a Certificate of Lawfulness of Existing Use/Development on 22 May 2019 for use as a residential dwelling. A copy of this Certificate is attached.

When the condition was imposed within the Planning Permission, the reasons for such a condition were compliance with Core Strategy Policies CSP.1 and CSP.7.

Core Strategy Policy CSP.1

Core Strategy Policy CSP.1 states that:-

The design and construction of new development must take into account important characteristics of the environment and conserve, preserve or otherwise respect them in a manner that maintains or enhances their contribution to the environment, including their wider context. New development should demonstrate an efficient use of resources. It should respect wider natural corridors and other natural areas, providing green infrastructure where necessary.

In achieving the above, the following will be considered:

- *The effect of the proposal on the landscape including AONBs and any mitigation/enhancement that is necessary or desirable;*
- *The impact on any protected sites (natural and historic sites and heritage assets and potential for avoiding and/ or mitigating any impacts, or providing enhancement, should the development be acceptable;*

- *The requirements of the management plans of the AONBs;*
- *Whether the existing infrastructure is adequate- additional provision will be required where it is not;*
- *Whether the development is at risk from flooding, whether it can be permitted taking into account any risks, and the sequential approach and any mitigation that may be necessary to ensure the development is safe and flood risk is not increased elsewhere;*
- *The impact of the development on any land contamination or risk to the development from ground instability including the mining legacy- Proposals must undertake appropriate remediation measures and verification works where contamination and /or stability issues are identified;*
- *The potential for the development to cause pollution and any mitigation measures to avoid pollution or make environmental improvements where existing problems occur;*
- *The provision of water supply and the development's impact on groundwater, watercourses and any protected abstractions;*
- *Any potential impact on the sterilisation of mineral resources and consideration of the potential for the prior extraction of those mineral resources ahead of development;*
- *Proposals for waste minimisation and management;*
- *Development that is not able to be satisfactorily accommodated in respect of the above will not be permitted.*

The land is located within an Area of Outstanding Natural Beauty however, as the design and layout of the site will not be altered or changed in any way, variation of the condition should not affect the area or landscape. It is merely an exercise of varying the condition due to a change in ownership.

The parking and guest access still remain the same as it always has, and continues to be separate from the access and parking to the Bungalow. A variation of condition would therefore not affect access and parking.

Core Strategy Policy CSP.7

Core Strategy Policy CSP.7 states that:-

Economic development will be promoted throughout the district in accordance with the spatial strategy and its allocations. This will encourage new and more diverse types of employment and supporting infrastructure to be established by making land and premises available. The location of new development must be justifiable in terms of the settlement hierarchy and policy CSP 4. Priority will be given to:

- *sustaining the development of key economic sectors or clusters, including knowledge based enterprises and tourism;*
- *supporting the development of growth sectors providing office and business (B1) space in attractive locations;*

- *providing the conditions and support for small and medium sized enterprises to become established and grow;*
- *supporting further and higher education and skills training and the facilities to provide it;*
- *supporting transport investment that will aid economic development and ensuring that secure and safe environments result from any provision.*

Land presently used for employment will be expected to remain so, unless allocated for another purpose. In order to encourage this, a range of employment generating uses appropriate to each site will be considered favourably. Where a site is underused and unsuitable (by way of environment or location) for any employment generating use, (including service based uses) then a mixed use may be appropriate (eg employment and housing) and failing that an alternative non employment use.

The site continues to be used for holiday accommodation and the applicant pays business rates on income generated.

The variation of condition will assist the applicant in continuing the business and ensure that the holiday accommodation is tied to property still within the applicant's ownership and control.

Conclusion

The applicant is seeking variation of condition 9 of Planning Permission P1172/12/FUL in order to ensure that the holiday accommodation is tied to the residential wooden cabin, which remains in the applicant's ownership and control.

It is believed that varying such a condition would not affect the Local Authority's Core Strategy Policies as the applicant is not seeking to vary or change the site itself.