

S.8

P/2008/0580/PA

Churston With Galmpton Ward

Churston Farm Shop, Churston Court Farm, Brixham Road, Brixham

Formation and use as hand car wash for 5 years

Site Details

The application relates to part of the curtilage of the recently constructed farm shop situated on the east side of Brixham Road. The site is adjacent to the Brokenbury sewage treatment plant and shares the same access off Brixham Road. The application site is set back from the road. It is a flat site. The majority of land surrounding the site is in agricultural use. To the south of the site is the go cart track.

In the Torbay Local Plan 1995-2011 the site is designated as being within the Countryside Zone.

Relevant Planning History

2005/2057 Building to form farm shop with parking area (in outline). Approved 15/2/2007.
2007/0112 Building to form farm shop/ancillary prep area with parking area. Approved 3/4/2007.
2007/0556 Installation of septic tank and soakaway for farm shop and preparation area. Approved 6/7/2007.

Relevant Policies

In the *Torbay Local Plan 1995-2011* the following policies are relevant:

PPS7 "Sustainable development in rural areas" 2004, provides guidance on land use planning in rural areas.

- LS Landscape Strategy - Development of sites within areas of landscape importance only permitted where there is no harm to local character or distinctiveness.
- L4 Development will not be permitted where it would lead to loss of open countryside and creation of urban sprawl. Identifies forms of development that would be acceptable.
- BES Requires new development to conserve or enhance the built environment.
- BE1 Requires design of new development to take account of the wider context.

Proposals

The application is for the erection of a hand car wash for five years use. The agent advises that a concrete base would be formed where cars would be washed by hand. Cars would be cleaned initially with pressure washers (maximum of two) and then polished by hand. The expected number of cars would be 10 to 20 daily. A removable steel structure with a tarpaulin for winter and wet weather use is also proposed.

Consultations

Strategic Highways: No comments.

Highways: Consultation response awaited.

Environment Agency: No consultation required.

South West Water: Consultation response awaited.

Environmental Health Officer: Consultation response awaited.

Representations

None.

Key Issues/Material Considerations

The main issue is principle of the proposed use in this location and the impact on the rural character of the area.

In considering the application for the farm shop on this site Members were of the view that an exception to the principle of not allowing development in the open countryside could be made on the grounds that the proposal would support agricultural diversification that would help to sustain agricultural enterprises. The applicant submitted detailed information to support this application and justify why an exception should be made to the Council's adopted policies. In respect of this application no justification has been received to support the introduction of a commercial use into the countryside.

Policy L4 is applicable to the proposal and sets out a number of exceptions where development may be acceptable in the Countryside Zone. In the explanation to the Policy it identifies the countryside around Torbay as a finite resource and advises that building development should be concentrated within the urban area to prevent the spread of inappropriate uses into the countryside. The proposal to construct a car wash on the site would not be consistent with any of the identified criteria in the Policy. It would constitute the introduction of a further commercial use into the Countryside Zone. This would result in an urbanisation of the Countryside Zone and an intensification of commercial uses within the urban fringe. The proposal would have an adverse affect on the special rural character of the area and would detract from the quality and appearance of the area.

The proposal would result in an intensification of use of the site which would erode the rural character of the area. The Countryside Zone has an important role to prevent the main urban areas of Torbay from merging with each other and the proposed car wash would harm this function. The proposal would generate additional activity on the site and vehicular movements. In addition the proposed tarpaulin structure would be visible from the surrounding area and would constitute a further building within this rural area. This would detract from the rural amenity of the area.

Sustainability - The proposed use would be located in close proximity to a main road and would be likely to cater for passing traffic rather than generate additional vehicular movements.

Crime and Disorder - The proposal would not increase the risk of crime in the area.

Disability Issues - The proposal would be appropriate for use by disabled persons.

Conclusions

In conclusion, the proposal would result in the introduction of an additional commercial use into the Countryside Zone, which would be detrimental to the rural character of the area contrary to Policy L4 in the Torbay Local Plan 1995-2011.

Recommendation:

Refusal

Condition(s):

01. The proposed car wash would result in an additional commercial use being located within the Countryside Zone which would be detrimental to the rural character of the area by reason of the additional activity and structure that would be erected on the site and would contribute to urban sprawl, contrary to Policies LS and L4 in the saved Torbay Local Plan 1995-2011.