

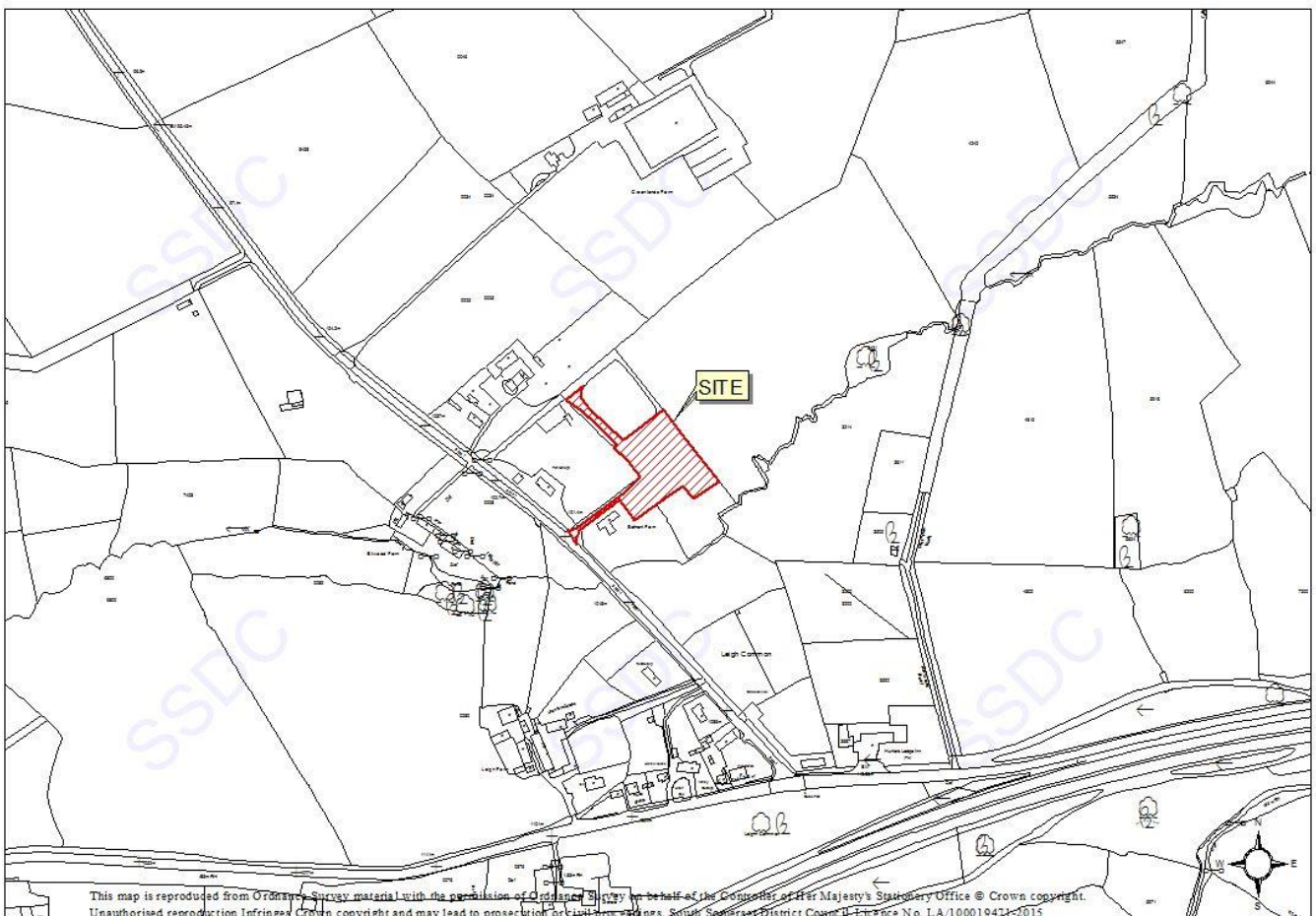
Officer Report On Planning Application: 16/05379/FUL

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| Proposal: | Change of use of agricultural buildings to sui generis for use as a wedding car hire business. To include a new build 'link' barn, replacement of existing store with office, engineering works to level ground (retrospective) and installation of septic tank. |
| Site Address: | Belmont Farm, Charlton Musgrove, Wincanton. |
| Parish: | Pen Selwood |
| TOWER Ward (SSDC Member) | Cllr Mike Beech |
| Recommending Case Officer: | Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk |
| Target date: | 17th February 2017 |
| Applicant : | Mr Shinar |
| Agent: (no agent if blank) | Mrs Rebecca Collins, Aelfric Court, 2 Oxford Road, Eynsham OX29 4HG |
| Application Type: | Minor Other less than 1,000 sq.m or 1ha |

REASON FOR REFERRAL TO AREA COMMITTEE

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman to enable local concerns to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is located in the countryside beyond development limits some 300 metres north of the B3081's junction with former A303 and 3.7km from Wincanton. There are no pavements or street lighting in the immediate locality.

The site comprises one large barn building suitable for conversion. The two other buildings have been stripped back to their metal frames and concrete foundations added as part of the site works preceding submission of the current application. The works indicate new builds rather than conversions. The smaller (3rd) timber building is roofless, dilapidated and the walls are close to collapse being strengthened internally by temporary supports. Grounds works have been undertaken covering a large area on site that extends the surrounding surface areas. At the time of the officer's site visit ground further works were in the process of being undertaken between the site and adjacent water course. The works on site have since stopped, pending determination of the part retrospective planning application.

The proposal seeks change of use of agricultural buildings to sui generis for use as a wedding car hire business, to include a new build 'link' barn, although the works identified on site results in the one building capable of conversion and two new buildings incorporating the proposed link with replacement of the existing store (the 3rd building above) with a new office building, including engineering works to level ground (retrospective) and installation of septic tank.

The application is supported by a Planning Statement and Transport Statement. An additional response dated 10 February 2017 was received in response to the consultation comments and an amended plan received indicating a reduction in the area of hardstanding and removal of the temporary access track with the land's reinstatement.

BACKGROUND

The applicant initially sought to take advantage of permitted development rights (Part 6) at Belmont Farm and wrote to the LPA to confirm the approach. This was despite the Penhouse Farm (ref: 16/01800/FUL) application when it was clear the owner tenanted their farmland with no Part 6 rights involved at that site, with the same true at Belmont Farm. This is especially evident given the nature of the current application.

Notwithstanding works were commenced without the relevant permission. The officer enforcement site visit saw that two of the three barns claimed as conversions could not be treated thus because of the extent of the works undertaken including insertion of the concrete foundations that had the effect of creating new builds. The previous site visit had seen Barn C (the one building now capable of conversion) being used for motor vehicle storage/ maintenance.

The applicant's Planning Statement suggests that there is a fall-back under Part 3, Class R of the GDPO. This requires, because Barn C exceeds 150 square metres, that an application is made to the LPA for determination as to whether the prior approval is required (Class R.3 - (1) (b)). This has not been done and the applicant has lost any fall-back position.

RELEVANT HISTORY

14/05543/FUL - Retention of mobile home for farm worker accommodation, Refused.

14/05487/DPO - Application to discharge section 52 agreement dated 1 March 1989 in relation to planning permission 891571 (occupancy and no fragmentation), Approved.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

SS3 - Delivering New Employment Land

EP4 - Expansion of Existing Businesses in the Countryside

TA1 - Low Carbon Travel

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General development

EQ7 - Pollution Control

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 1 - Building a strong competitive economy

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 4 - Promoting sustainable transport

Chapter 7 - Requiring Good Design

Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environmental
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Policy Guidance

Other Relevant Documents

Somerset County Council Parking Strategy, adopted March 2012 and re-adopted September 2012 following corrections made.

Somerset Highways Standing Advice - June 2015.

CONSULTATIONS

Pen Selwood Parish Council has no objection to this application on the understanding that:-

- 1) Any permission granted for the wedding car hire business at Belmont Farm replaces the permission granted for the same business at Pen House Farm.
- 2) The buildings at Belmont Farm should be returned to agricultural use if and when the applicant (Mr Paul Shinar) no longer requires the development for his use.
- 3) The workshop is only used for the repair of the motor vehicles in the collection and is not run as a motor vehicle repair business for the general public.
- 4) A suitable limit to the number of traffic movements be negotiated with the applicant.
- 5) A suitable time restriction be negotiated with the applicant to avoid late night/ early morning traffic movements.
- 6) External lighting be restricted so as not to cause nuisance.
- 7) The temporary access road should be returned to its original state when work is completed.
- 8) The local authority should be satisfied that a suitable filtration system is in place to prevent any waste, contaminants or discharge from vehicles on site entering the water course adjacent to the site.

Charlton Musgrove Parish Council (Adjacent) - has concerns regarding the entrance to the site, vehicles turning out into the B3081.

County Highway Authority - The site is located off the B308, which is subject to the National Speed limit. Therefore the design standards in Design Manual for Roads and Bridges (DMRB) are considered appropriate in this instance and are currently met by the existing visibility splays (2.4m x 215m). The proposal is likely to result in 10 car movements per week. Consequently, given that the proposal would therefore not appear likely to have a detrimental impact on the existing highway network, there is no objection to this proposal from the Highway Authority subject to conditions.

SSDC Landscape Architect - The proposed works will clearly result in an increased building presence on site, whilst the overall built footprint is relatively contained. I note the creation of a large hardstanding area associated with the buildings, and the creation of an additional track to the north. Noting the change of use to include vehicle storage, there is potential for a significant increase of the development footprint.

I note that the track is stated to be temporary. Plans should indicate the reversion of the track's area to farmland, and its appropriate treatment as befits a rural context. The hardstanding area also appears excessive. Consequently I have some apprehension over the scale of this proposal, and would suggest the external area is scaled down, and enclosed by planting containment to the north and east, if this is to be considered as potentially acceptable.

REPRESENTATIONS

There have been four neighbour notification responses received that object. Their objections include:

- Proposal would introduce commercial/ industrial and business use to this area. Sets an unwanted precedent for this area.
- Not in any way in keeping with the locality.
- The large scale barn development would be much more visible from the road and be out of character to the area if used for business/industrial purposes.
- The site will comprise of new built metal commercial buildings which will be overlooked by several properties and clearly be seen from the highway.
- Overall size, suggests the capacity to house considerably more vehicles
- Expansion and growth in mind
- The work began (as we understand it) under permitted development, but due to the amount of work already carried out and the taking down of the existing barns... almost a new build in its entirety.
- Clearly the intention was the current planning application
- Considerable work has already been carried out at Belmont Farm without the necessary permissions.
- (Penhouse location) was not going to overlook any other residential properties; was where the applicant resides, and should not be seen as in effect a swap of location.
- (Penhouse location) would easily have been turned back to form part of the Penhouse Farm Estate. There was no prospect to expand the site. There was a link to Penhouse Farmhouse and a personal condition securing a 'low key' operation.
- The reason given for the Penhouse permission was 'To permit the site's return to agricultural/ equestrian use associated with occupancy of Penhouse Farm.
- The new application is a completely standalone application
- The site's scale of redevelopment and while actively marketing their services with understandably concerns not only about the current levels of traffic that the business would create, but the potential for growth and subsequent increase in traffic, noise and impact
- RR Elite have three offices listed on the website. The size of the site and the large office space possibly indicate the amalgamation of all the sites and businesses.
- They advertise 35 cars for hire, whereas Mr Shinar stated at the Parish council meeting that only 5 cars were licensed for use.
- Access point is located on a bend near a hidden dip where there is derestricted speed limit. We often witness overtaking at high speed on this stretch of road.
- The applicant erected a mirror opposite the entrance to aid traffic enter/existing the site. The extent of future traffic movement is unclear.
- 'Temporary access' track - we do not understand why access could not be gained via Belmont Farm driveway and would question the intention of this track long term.
- Hours of use? Concerned that there could be parking or noise issues especially late at night.
- Although not clear from the plans there is concern about security lighting or alarm systems could be disturbing
- Parish Council suggested a condition to revert Belmont Farm back to agricultural use when no longer needed by the applicant. Unsure as to whether this type of condition could be implemented effectively in the future.
- Proposed water treatment plant - increase in water flow from the premises - does not seem to be covered by the applicant.
- A water treatment plant and new French drains were mentioned in Parish Council meeting minutes following a question raised, but what is proposed is concerning with no plans available.
- Extension ground works have been carried out in the fields behind the proposed site

CONSIDERATIONS

Principle of Development

Two of the large barns were seen to be stripped back to their metal frames that have been stood in fresh concrete strip foundations and what with the variously associated ground works have resulted in new builds. As a result there is the one large barn on site considered capable of conversion.

Para.28 of the National Planning Policy Framework (NPPF) in supporting a prosperous rural economy permits new build as well as conversion, although the location is an important consideration. However, the NPPF should be considered as a whole and it is clear that sustainable development is at its centre and that the countryside should continue to be protected for its own sake with the need to avoid unsustainable locations and development. The proposal involves a non-land based use. The location is poorly related to nearby settlements, and while some allowance is made for rural areas the location in combination with the resulting scale of new build and infrastructure provision and the type of use is not necessarily immediately supportive of the proposal.

A perceived economic benefit is not an opportunity to locate anywhere. The applicant's Planning Statement (para.7.1) refers to 'the site in general, will provide economic benefits in supporting the growth of the business,' although it is not as clear that this is as applicable for the host rural community. The location is removed from a sustainable location's built form, with poor sustainable modes of access, and the use is reliant on significant intervention on site in the countryside.

Contrary to the applicant's Planning Statement (para.6.4) it is considered that there is no fall-back position that can be claimed (Part 3 Class R). Likewise Part 6 of the GDPO, as noted above, is not a relevant consideration.

The relevance of 'swapping' permissions with Penhouse Farm is questionable. The Penhouse permission is not viewed as having established a precedent. The locations are different, but more importantly the constraints are not the same. Penhouse was supported as a personal commercial use as there was a close association to the parent (Penhouse Farm) dwelling whose small country estate setting tends to support personal use. Condition 03's reason gives 'the site's return to agricultural/ equestrian use associated with the occupancy of Penhouse Farm'. It is evident that given the circumstances, the condition is reasonable and the current application's planning statement in suggesting the swapping of permissions states (para.6.11) the 'applicant needs to retain some agricultural/ equestrian/ ancillary storage buildings on the holding' (at Penhouse) that demonstrates a reasonable expectation in applying a personal condition at Penhouse - that someday there would be a return by future owners to an ancillary/incidental use - that is now suggested by the current application. Belmont Farm is clearly a very different site. Either the site is acceptable or not. There can be no return to what it was before. It would be unreasonable to personalise the permission at Belmont Farm and clearly unreasonable for it to be anticipated that a vastly more costly site without the constraints at Penhouse, could as easily be returned to its former agricultural use, as sought by Pen Selwood Parish Council.

Turning to the three dimensions (para.7 of the NPPF) of sustainable development:

An economic role: Construction works are of limited duration. The proposed use evidently relocates jobs while in the longer term its presence would give rise to potential part-time and ad hoc employment opportunity, although very much in an unsustainable location that is strictly dependent on private travel arrangements. The proposal does not involve an existing business use on site that seeks to expand, but rather supports the introduction of a business considered contrary to LP Policy EP4.

A social role: The location is removed from any sustainable settlement and as noted results in a dependence on the private car. The nature of much employment as noted is part-time and ad hoc while the location is likely to result in much longer journeys. A Core Planning Principle (Para.17, NPPF) seeks

the active management of patterns of growth to make the fullest possible use of public transport, walking and cycling that is evidently limited by the site's location. Further, Para.30 supports a pattern of development that is able to make use of sustainable modes of transport while the application site is removed from such places, while Para.37 seeks to minimise journey lengths that are not encouraged by this unsustainable location.

An environmental role: As noted above, the rural location is removed from sustainable settlement locations, whereat the commercial use is best located. Character and local distinctiveness is given further attention below. The rural context shows in the immediate locality a scattering of built form. There is limited opportunity to re-use existing buildings, while the intervention of new development has the effect of significantly extending and consolidating the site's built form in this countryside location. Core planning principles (para.17 of the NPPF) include the importance of local distinctiveness and in recognising the intrinsic character of the countryside.

Character and Appearance

Para.60 (NPPF) seeks to promote or reinforce local distinctiveness. The proposal seeks to imitate agricultural design as is seen in the proposed cladding and general design of the new buildings. Emphasis should be given to the overall appearance of the site once complete and in particular the site's use. The extensive area of hardstanding was criticised by the Landscape Architect. As a result an amended drawing was received that sought to reduce the area, although this is a marginal reduction and has limited effect. Landscape planting is possible that would go some way to screen the site although the deciduous nature of natural species would during the long winter months more easily open the site up to view. Notwithstanding, overall the built form's character and appearance is considered acceptable.

Highway Safety

The Highway Authority's response is supportive and of the opinion that the access provides sufficient visibility. Further enquiry was made following their comment although they have confirmed their initial response. On this basis, despite neighbour concerns it must be concluded that there are no highway safety concerns.

Neighbour Amenity

The adjacent residential occupants enjoy a rural location, with on-going farming operations that could be intensified, but tolerated. Agricultural use has the potential to give rise to seasonal intensification, even 24/7 at times. A long term commercial use is established if permitted. Proposed hours of use involve 7am to 9pm, while there are local concerns with (security) lighting of the site. The long dark winter evenings has potential to disturb nearby neighbours at a time when regular farming activity is reduced. Seen in context with an agricultural use any nuisance is considered limited, but as a commercial presence its use could be easily located elsewhere rather than in this rural location.

Pemberton is the nearest neighbour. Its dwelling is described in the applicant's recent letter to be 'situated a significant distance' from the applicant's site. In response to the consultation process they suggest additional plant screening although inevitably the deciduous nature of local species critically exposes the site during the long winter months, while on closer inspection there is limited space related to Pemberton to plant up any adequate response.

Other Matters

Why the temporary access? This relates to a field gate entrance that was seen involves substantial engineering work on site that obliterated any sign of the track that might previously have been in place. Although reference is made to its temporary presence the scale of the significant works on site does not suggest that it would be easily put back to what was there before. Further, given the acceptable Belmont Farm access as well as the scope of site development witnessed already on site with no part played by the temporary access in facilitating the works to date its presence is unwelcome. The 'road' would pass the northern boundary of Pemberton and encompasses Pemberton's eastern boundary. Its presence gives rise to neighbour amenity concerns as well as to concerns about rural character in consolidating

development on site. A revised drawing removes the track, and it is understood that works on site have sought to remove the works undertaken. This begs the question why a 'temporary' track was ever sought? Especially given the level of works undertaken on site prior to submitting the planning application that was clearly possible without any use of the proposed temporary track and access point. Flood risk: As noted in the Planning Statement para.2.4 the ground level at the rear of the site (Barn C) was higher than the internal building's floor space giving rise to the alleged flooding of the building. During the site visit the substantial ground works gave rise to possible flood risk concerns as the design clearly facilitates efficient water run-off that ultimately enters the water course at the site's southern boundary that gives rise to local concerns about downstream flood risks. Information is limited. There are alleged passing references made at the parish meeting by the applicant to drainage but the Planning Statement is largely quiet on the subject despite the passing references that discharge to the ditch. Put simply, the ground works and resulting areas of hardstanding would appear to facilitate efficient run off that raise doubts given local concerns, while it is unclear that this aspect of the proposal has been given any particular attention. The applicant's recent letter concentrates on the location's flood zone rather than tackling the risks of efficient drainage of the site.

A neighbour response refers to the proposed user RR Elite and their website indicating at least three different locations. They suggest there is a more extensive business operation behind the application. In considering the application at Penhouse Farm there were physical constraints to that site, not least the rounded off stables/outbuilding layout and its relationship to the parent dwelling that permitted the use of conditions and a reasonable expectation of the site's return to useful ancillary accommodation and at worst the possibility that cars awaiting work might be informally parked up on the adjacent grass. Belmont offers no such constraints and should be viewed as very much a standalone site. There are not the same physical constraints, as is seen in the extensive enlargement of the surrounding hardstanding and associated works, and having an existing business, that currently it is not, Policy EP4 supports 'in principle' its expansion.

Parish Council comments: The Parish Council's response is noted. They have since added to this response to indicate it was not their intention to be anything other than supportive of the proposal. The following comments respond to the parish council's initial comments:

1. It is possible to swap the permissions with the applicant entering into a legal obligation to have the original permission removed.
2. Importantly the Penhouse Farm site is part of a small country estate. Its proximity and relationship to the main dwelling means that it is reasonable to assume that future occupants might want to support an equestrian or similar incidental/ ancillary use. The current application site presents no such fall-back relationship. The proposed commercial use should be viewed in terms of having established a commercial use of the site. It would be unreasonable to condition a personal permission and/ or the site's return to an agricultural use.
3. While a condition might be used to limit use it remains that there is a commercial presence permitted following which it is not unreasonable that modest growth might not be expected.
4. It would provide difficult or impossible to control traffic movements especially outside office hours.
5. Likewise the extremes of the working day present issues of monitoring and control.
6. External lighting can be conditioned.
7. A condition can be used to have the temporary access road removed.
8. A condition can be used to secure further details of drainage, anon.

As is stated elsewhere in the officer report there is no straightforward 'swap' involved. The two sites are clearly different. Penhouse Farm offers certain constraints that are not apparent with Belmont Farm. The personal and restrictive conditions with an expectation of a return to use by future occupants of the main dwelling is a reasonable assumption, not easily transferrable to Belmont Farm that is clearly a more standalone site. In supporting a commercial use here it can be only anticipated that the resulting higher value of a commercial presence in the long term discourages a return to agriculture. In terms of the

Parish Council's comments there would be difficulties monitoring traffic movements and hours of use, and while conditions are not impossible, as noted above, they are not necessarily always enforceable.

Concluding Remarks

This is a countryside location set away from sustainable settlement locations and dependent on a significant level of new build, significantly extending the site's area to accommodate the non-land based use. Policy EP4 deals with the expansion of existing on site businesses, which this is not. The scale of new build is problematic in support a relocating new business. A 'swap' of permission with Penhouse Farm is not considered appropriate given the specific constraints of the one site in contrast to the other. There can be no personal use or a return to an agricultural use conditioned at Belmont Farm. In consequence there is no support for the proposed change of use and associated development.

RECOMMENDATION

a) Refuse

and

b) Enforce against by serving an enforcement notice requiring reinstatement of the site in accordance with a schedule of works.

SUBJECT TO THE FOLLOWING:

01. The proposed development is located in the countryside, removed from nearby sustainable locations and involves a significant amount of new build, including a substantial increase in the site's area, without any special circumstance in support of the use, that would result in an undesirable intensification, to the detriment of the scattered pattern of rural development, in an unsustainable location that fosters the need to travel. As such the proposal is contrary to Policy SD1, SS1, SS2, SS3, TA1, TA5, EP4 and EQ2 of the South Somerset Local Plan 2006- 2028 and the policies of the National Planning Policy Framework.
02. There is insufficient information submitted in support of the application to demonstrate that the proposed development would not cause or increase the risk of flooding downstream. In the absence of such information, the proposed development would be contrary to Policy EQ1 and EQ2 of the South Somerset Local Plan 2016- 2028.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions other than to have enquired about possible permitted development rights and after this the principle of conversion before starting work on site ahead of submitting the application.
