

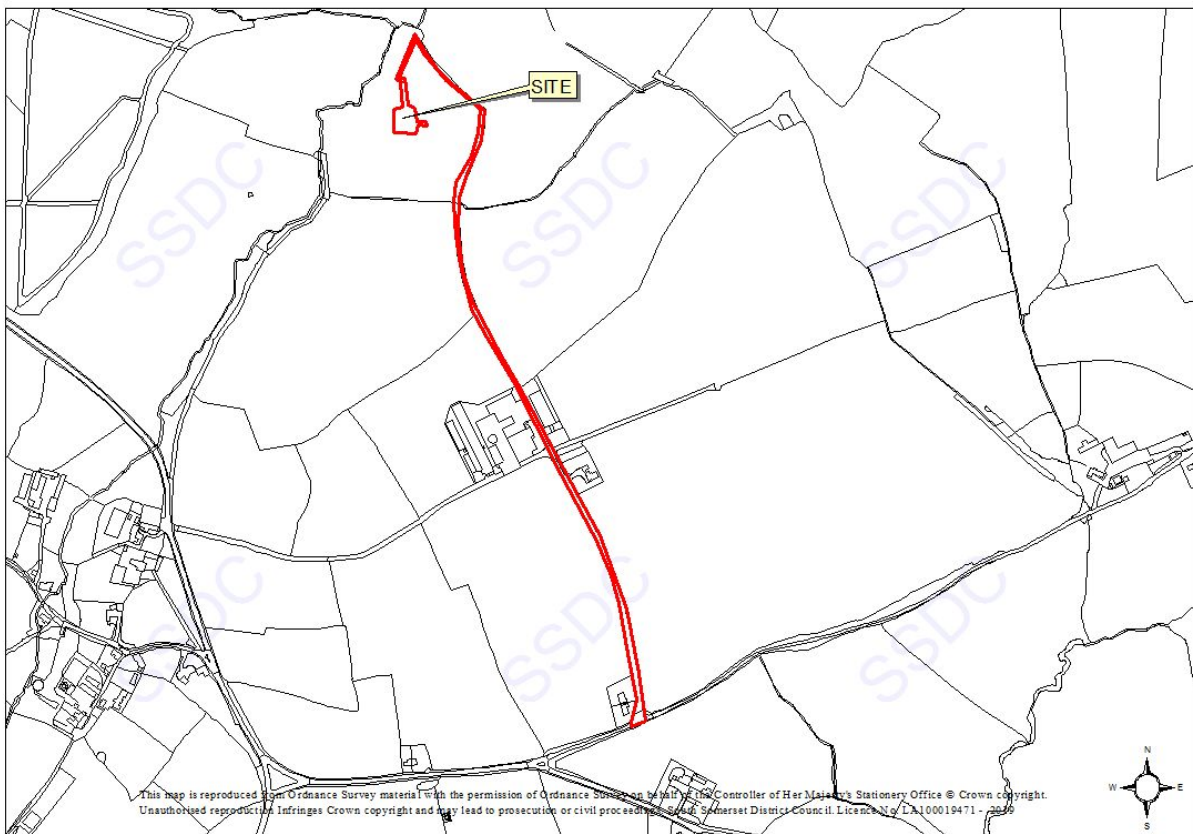
Officer Report on Planning Application: 19/01133/FUL

Proposal:	The erection of a single dwelling, access, landscaping and ancillary works.
Site Address:	Land North Of Stoke Farm, Barrow Water Lane, Charlton Musgrove
Parish:	Shepton Montague
TOWER Ward (SSDC Member)	Cllr R Bastable
Recommending Case Officer:	David Kenyon Tel: 01935 462091 Email: david.kenyon@southsomerset.gov.uk
Target date:	12th June 2019
Applicant:	Mr & Mrs G. Swift & S. Beeny
Agent: (no agent if blank)	Grass Roots Planning Ltd Unit 106, 86-88 Colston Street Bristol BS1 5BB
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR COMMITTEE REFERRAL

This application is referred to Area East Committee for determination at the request of the Ward Member, and with the subsequent agreement of the Chair, on grounds that this is an application for a dwelling in open countryside and it is felt that the design of the proposed house does not in any way mitigate its positioning on a greenfield site a long way away from the existing farm buildings. A grant of permission for this proposal would, in the opinion of the Ward Member, set an unacceptable precedent for building in the open countryside.

SITE DESCRIPTION AND PROPOSAL





This is a detailed application seeking full planning permission for the demolition of an existing dwelling and the erection of a replacement dwelling, access, landscaping and ancillary works, at land to the north of Stoke Farm House, Stoney Stoke, Charlton Musgrove (within the Parish of Shepton Montague). The site lies within the boundaries of Stoke Farm and to the north of the existing farm house which has an extant permission for a replacement dwelling and replacement agricultural building (ref: 07/05533/FUL) and amended in 2015 (ref: 14/04839/FUL).

The existing farm complex comprises the farm house and garage and a large number of steel-framed portal agricultural barns and buildings lie to the north-west of the house. Some of these agricultural buildings are to be demolished as they are no longer required by the farm business (which is rented out to a farmer with plant and buildings elsewhere).

The farm house was built in the mid 1970's and comprises a 4 bedroom detached house with attached double garage - it is currently occupied. A high screen of conifer trees stand between the house and the group of farm buildings to the north-west. The existing dwelling has a domestic floor space of 297m².

The application site itself measures 0.55 hectare in area and lies within an existing farm holding known as Stoke Farm (approximately 90 hectares) and is currently agricultural land. The farm holding is bordered by Barrow Water Lane to the south, the B3081 to the west, and to the north and east by neighbouring agricultural land and woodland. In essence, the surrounding context is rural in character and appearance comprised of agricultural fields and woodland in an undulating landscape with sporadic dwellings and farm buildings with lanes bounded by established hedgerows either side.

The proposed relocation of the dwelling lies approximately 400 metres to the north of the existing farm house on land that is at a lower level (approximately 8 metres) within the overall landscape than the land on which the existing dwelling and agricultural buildings are situated.

Access to the site itself is gained by a single width track running, from its junction with Barrow Water Lane to the south, in a northerly direction and past the existing farmhouse to the east of the track and through the complex of agricultural buildings further north west until it descends to the field in which the application site is located.

As originally submitted, the proposal sought approval for the new dwelling to be served by a new access point off the B3081 and driveway enclosed with electric gates which would be formally planted. That part of the proposal has been removed from the application submission. Instead, the proposed new dwelling would be served by the existing access off Barrow Water Lane and the existing track currently serving the farmhouse and other buildings, with the creation of a new access drive bounding the eastern boundary of the field in which the dwelling is proposed with a formal driveway approaching the dwelling from the north.

The proposed new dwelling seeks to adopt a neo-Georgian design approach (with Jacobean/Victorian elements) with a wide entrance hall and grand staircase, inner hall, separate dining and living room space, and utility / boots room. The upper floors contain solely bedrooms and bathrooms. The design approach includes high floor to ceilings on the ground floor which would reduce in height on the upper floors to a mansard style roof behind a parapet wall. The proposed building would be largely square in shape with a small single storey rectangular shaped utility/boot room addition (measuring approximately 7 metres x 2.7 metres x 3.5 metres in height). The square element of the dwelling would measure approximately 16 metres x 15 metres with maximum roof height of approximately 8.8 metres. The ground floor layout would comprise the main entrance hall, kitchen / breakfast room, dining room, living room, office, WC and coats room. The first floor would contain 5 bedrooms (all en-suite), with a further 3 bedrooms (two en-suite), a bathroom and a play room accommodated at second floor level within the roof area.

In terms of design and appearance, there would be an emphasis on vertical fenestration utilising classical French doors on the ground floor, sash windows on the middle floor and rooflights and dormer windows on the upper floor. Other features reflecting traditional architecture would include circular windows, decorative ashlar lintels and quoins, dormer windows, external cornices, large chimney breasts and a canopy / veranda. Materials would be of a high quality, utilising building stone (Oolithic Limestone) dressed with ashlar stone, timber frames for the windows (painted with Mylands "Shoreditch"), and a natural slate roof.

One of the applicants' stated aims is to demonstrate how traditional architecture can be delivered in an energy efficient and sustainable way using modern high-performance building products and practices. The chosen product for the walls would be the Nudura insulated concrete form (ICF) due to its thermal performance and durability. In addition it proposed to use a Ground Source Heat pump system to provide space heating & hot water.

The proposed ancillary works include further landscaping to restore the historic field patterns in this location through new hedgerows, native planting and new woodland blocks, together with formal gardens in the area surrounding the property, and consolidated parking in the form of a car port.

The site is not subject to any specific protective designations, such as SSSI, SAC, Wildlife Site, Green Belt, AONB, Flood Zone, Conservation Area, Special Landscape Area, nor are there any listed buildings in close proximity. A public right of way runs in a north easterly direction further to the west of the application site. To the north-west of the site lies a Historic Park and Garden (Redlynch Park, Stoney Stoke) which is a Grade II Registered Park and Garden (Somerset Historic Environment Record 55171).

Included within the application submission are:

- a Planning Statement prepared by Grassroots Planning Ltd,

- an Outline landscape and Visual Appraisal prepared by Greenbook Landscape Design,
- Planting Management Notes and Planting Plans nos. PP01 and PP02,
- Ecological Survey results in a letter dated 20th May 2019 prepared by Grass Roots Ecology Ltd,
- a Sustainability Summary report dated 2nd August 2019 prepared by AADNunn Energy Assessors,
- SAP Report Submission for Building Regulations Compliance dated 2nd August 2019 prepared by AADNunn Energy Assessors, and
- various Highways Technical Notes.

In addition, following the request by the Ward Member for the application proposal to be determined by the Committee, the applicant has submitted a letter of support which has been copied in full on the website for the Committee's consideration prior to any decision being taken. This refers to precedent, benefits of the proposed siting of the dwelling, ecological benefits, design of the proposed dwelling and a summary.

HISTORY

07/05533/FUL. The erection of a replacement dwelling and a replacement agricultural building. Refused 28.02.2008 on the grounds that the proposed dwelling, for which an essential need had not been established would not benefit economic activity and would constitute an unwarranted and undesirable intrusion into an area of open countryside to the detriment of the visual amenities of the area.

Appeal allowed and planning permission granted 14.01.2009 subject to a specific condition requiring the demolition of the existing dwelling and all associated garaging/outbuildings within three months of occupation of the new dwelling.

14/04839/FUL. The erection of a replacement dwelling (amended siting) and realignment of access track.

Application permitted with conditions 20.02.2015. Conditions included submission of external finishing materials, details of internal ground floor levels, landscaping, details of foul and surface water disposal and demolition of existing dwelling and garage/outbuildings within three months from occupation of the new replacement dwelling.

To be read in association with this grant of planning permission is a S106 Planning Agreement dated 12th February 2015 which requires:

- (a) prior to the implementation of the 2014 permission the owner will cease the erection of the replacement dwelling and any such residential elements of the 2007 permission.
- (b) The replacement dwelling element of the 2007 permission will be rescinded.
- (c) The 2007 permission will only continue to be used in respect of the erection of the replacement agricultural buildings with a single agricultural building.

18/03114/AGN. Excavation for an irrigation/drinking pond.
Prior approval not required 26.10.2018.

18/03969/AGN. Excavation for an irrigation/livestock drinking pond.
Prior approval not required 07.01.2019.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and paragraphs 2, 11 and 12 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
HG8 - Replacement Dwellings in the Countryside
TA1 - Low Carbon Travel
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General development
EQ3 - Historic Environment
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework - February 2019

Chapter 2 - Achieving sustainable development
Chapter 4 - Decision-making
Chapter 5 - Delivering a sufficient supply of homes
Chapter 8 - Promoting healthy and safe communities
Chapter 9 - Promoting sustainable transport
Chapter 11 - Making effective use of land
Chapter 12 - Achieving well-designed places
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change
Chapter 15 - Conserving and enhancing the natural environment

National Planning Practice Guidance

Other Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

Shepton Montague Parish Council

The Parish Council noted that the house plan replaces an existing permission to build a substantial house close to the existing farmhouse and buildings and raised no objections to the proposed house as it is sited further north and on a lower site making it less intrusive and visible. However, the Parish Council did raise road safety concerns about the proposal to provide a separate entrance onto the B3081 and driveway. However, following the withdrawal of that part of the proposal, the Parish Council has stated that the proposal addresses its concerns and is entirely in keeping with its initial recommendations. The Parish Council has confirmed its full support for the development.

Charlton Musgrove Parish Council

The Parish Council recommended refusal on the grounds that this proposed development is for an unsustainable dwelling in open countryside in contravention of local planning policy and without any historical context. In addition it is considered that the proposed new access points

would have potential to increase the risk of accidents on the B3081.

Following the withdrawal of that part of the proposal to create the new access and driveway off the B3081, the Parish Council acknowledged this revision but, regardless of that, the issue of constructing a large dwelling on a greenfield site in open countryside that is not contiguous with the main farm buildings and without any historical context remains.

SCC Highway Authority

Standing Advice applies.

SDDC Highway Consultant

Initially raised detailed and technical comments about the proposed new access and drive off the B3081. Further to the deletion of the proposed new access and route to the dwelling, he notes the intention to access the new dwelling from an existing entrance and driveway off a minor road. On this basis, no objection is raised. Any improvements to the existing entrance, such as improvements to visibility splays and the surface of the access for the first initial length would be welcomed but cannot be insisted upon.

County Public Rights of Way Team

There is a public right of way (PROW) recorded on the Definitive Map that runs adjacent to the site at the present time (public footpath WN 24/7). The PROW Team has no objections to the proposal.

SDDC Trees Officer

No objections subject to tree/hedge protection and landscape conditions.

SCC Ecologist

No objection subject to conditions to protect biodiversity interests, including submission of a copy of a natural England licence, a Bat Mitigation Strategy, a lighting scheme and timings of demolition works and any vegetation removal in relation to nesting birds.

SDDC Environmental Protection

No comments to make.

The Gardens Trust

The Gardens Trust has replied in its role as Statutory Consultee as the proposed development affects the setting of Redlynch Park, a historic designed landscape of national importance which is included by Historic England on the Register of Parks and Gardens of Special Historic Interest at Grade II. The Gardens Trust has considered the information provided in support of the application and liaised with colleagues in Somerset Gardens Trust. On the basis of this the Gardens Trust confirms that it does not wish to comment on the proposals at this stage but does wish to emphasise that this does not in any way signify either its approval or disapproval of the proposals.

REPRESENTATIONS

Ten representations have been received from third parties. Nine of the objections specifically raised objections to the initial proposal to create the new access and driveway off the B3081 on road safety and visual impact grounds. That element of the proposal has now been withdrawn, thus these objections are no longer overriding material considerations.

Several of those objections stated that there were no objections to the proposed re-siting of the new dwelling.

One objection concurs with the comments made by Charlton Musgrove Parish Council, in that

the construction of a large dwelling with no historical context, on a greenfield site in open countryside and not contiguous with the main farm buildings is an issue. There is plenty of scope to create a new property where the existing one is using the driveway already in place and thus not creating another driveway winding around the fields.

CONSIDERATIONS

The main issues to assess as part of this application are the principle of permitting a replacement dwelling on this rural site, the impact on visual amenity in general, impact on residential amenity, flood risk and drainage, biodiversity and highway safety.

Principle of Development

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

The site lies in the heart of the countryside outside of any development area as identified in the Local Plan. When considering development proposals, the Council takes a proactive approach to reflect the presumption in favour of sustainable development and seeks to secure development that improves the economic, social and environmental conditions within the District. Planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise. This reflects Local Plan Policy SD1 and the general thrust of policy guidance within the NPPF.

In terms of principle, the site is located in an open countryside location, where residential development is normally strictly controlled by local and national planning policies. In this case however, the proposal is for the replacement of an existing dwellinghouse.

Policy HG8 of the South Somerset Local Plan supports the principle of replacement dwellings, as follows:

The replacement of existing dwellings in the countryside will only be permitted where:

- *The scale of the replacement would not result in an unacceptably large increase in the height or size of the original dwelling; and*
- *The development is compatible with and sympathetic in scale, design, materials, layout and siting to the character and setting of adjoining buildings, and to the landscape character of the location; and*
- *The replacement is on a one for one basis and evidence is provided that the use of the existing dwelling has not been abandoned.*

Considering each of these three criteria in turn:

a) The scale of the replacement would not result in an unacceptably large increase in the height or size of the original dwelling

A material planning consideration when determining this current application is the recent planning history of Stoke Farm.

Planning permission has been granted, on appeal in January 2009, for the demolition of the existing dwelling and the erection of a replacement dwelling. The proposed replacement farmhouse allowed on appeal would occupy a position some 10m forward of the existing farm house orientated to face onto the access track (as the existing farm house). The approved plans indicate that it would have a domestic floor space of some 571 square metres (compared to the existing farm house's domestic floor space of 297 square metres) and would be of single

storey, two storey and two and a half storey appearance finished in stone and clay tiles. The ground floor accommodation/layout would include a double garage and barn, a laundry room, orangery, kitchen and breakfast room, dining room, large hall, a drawing room and a study. On the first floor would be 5 bedrooms, a study and a large dressing room with en-suite. Stairs would lead to attic rooms above.

This appeal permission granted in 2009 was commenced in 2011 and therefore remains extant.

Subsequently, an application to revise the siting of the proposed dwelling and realignment of the access track was approved in February 2015. This permission amended the location of the dwelling on the opposite side of the existing access track. As the proposed dwelling would be in a slightly different position from the already approved dwelling, to avoid the possibility of an applicant attempting to implement both permissions and erect two dwellings, or at least argue that any approval set a precedent for two dwellings to be allowed on site, a S106 Agreement was completed rescinding the residential element of the 2009 approval should the 2015 approved scheme be implemented.

As such the principle of a replacement dwelling in close proximity to the existing farm house is established.

The overall volume of the approved dwellinghouse is 2,162m³. In comparison the proposed dwelling, the subject of this current application, would have a volume of 2,160m³. This is a very small reduction but in reality is a very similar volume to the approved replacement dwelling. Nevertheless there would not be a significant increase in volume of the proposed dwelling compared to the approved replacement dwelling.

In terms of heights, the proposed dwelling would be approximately 0.5m higher than the approved replacement dwelling when measured from their respective ground levels to highest parts of the respective roofs. This is not considered to be 'an unacceptably large increase' in height.

In addition, it should be noted that the proposed dwelling would be more 'compact' and 'less spread out' than the approved replacement dwelling which is considered to be a benefit. This would not involve an 'unacceptably large increase' in the size of the development.

Another significant benefit is considered to include the re-siting of the dwelling to lower level land (circa below 8m lower in AOD terms) on a more contained, less prominent site which is surrounded by tree / hedgerow planting, resulting in a reduction in overall landscape impact compared to the approved scheme.

Mindful of these benefits, the scale of the proposed dwelling is considered acceptable in terms of design when compared to the extant permission and there is considered to be no unacceptable conflict with criterion (a) of Policy HG8.

b) The development is compatible with and sympathetic in scale, design, materials, layout and siting to the character and setting of adjoining buildings, and to the landscape character of the location

It is acknowledged that the proposed dwelling would be sited approximately 400 metres to the north of the existing farm house and agricultural buildings. Nevertheless, as stated above, the scale of the current proposal has been slightly reduced compared to the extant scheme and the proposed re-siting is considered to be a benefit in terms of impact on the character of the immediate landscape and visual amenity in general, being on lower level land and located

within a well-contained part of the holding.

In terms of design, this is a subjective matter. The submitted Planning Statement offers the following assessment:

With respect to design, the previous scheme comprised a 'super-sized' farm cottage which, although referenced the local context, was not wholly appropriate for a dwelling of that scale. In comparison, the proposed design of the current scheme exhibits a neo-Georgian style of architecture, with a Jacobean/Victorian west wing, and examples of this can be found on grander properties in the local area, including Shanks House in Cucklington, Redlynch Park in Bruton, Marston House near Frome, and other buildings.

The materials used will be high quality and comprise building stone (Oolithic Limestone) dressed with ashlar stone and lintels, timber frame windows (painted in "Shoreditch" Maylands) and a slate roof.

The re-siting of the property to a location which is more visually contained is appropriate to the landscape character of the area and a Landscape and Visual Impact Assessment (LVIA) has been prepared in support of the application. This demonstrates the positive benefits associated with the dwelling's relocation and assesses key views of the site from the local area.

It is noted that the proposed re-siting of the dwelling would separate the main agricultural buildings from this residential element, however, a significant proportion of the agricultural buildings will be demolished as they are no longer required by the farm business and / or are unfit for purpose following a structural survey undertaken. Traditionally the primary residence would also be separated from the agricultural buildings in order to emphasise the perception of grandeur and formality.

Proposed landscaping will soften the built form and a landscaping plan has been prepared, both on a strategic scale to show the holistic approach being taken to the farm holding and a detailed landscaping plan for the curtilage of the property.

Officers concur with such an assessment. It is considered that the proposed development is sympathetic in scale, design, materials, layout and siting to the landscape character of the location and there is no overriding conflict with criterion b) of Policy HG8.

c) The replacement is on a one for one basis and evidence is provided that the use of the existing dwelling has not been abandoned

It is evident from site inspections carried out by SSDC officers that the use of the existing dwelling has not been abandoned given that the applicants are currently living there. The property is in good physical condition and it was not apparent from any site inspections that it had been used for any purposes other than Class C3 residential use.

It is considered that a S106 Planning Obligation be entered into with the applicants rescinding the 2009 permission and ensuring the demolition of the existing dwelling within three months from occupation of the new replacement dwelling. This latter point would be reinforced by the imposition of a planning condition. This would allow the applicants to have a home on the site for the duration of the construction works but would ensure that the proposed development is indeed on a one-for-one basis requiring the demolition of the existing dwelling at an appropriate stage of proceedings.

As such, the proposal would not result in any unacceptable conflict with criterion (c) of Policy HG8.

As well as relevant Local Plan policy, due regard must be given to guidance within the NPPF, in particular paragraph 79 of the NPPF which states:

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;*
- b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;*
- c) the development would re-use redundant or disused buildings and enhance its immediate setting;*
- d) the development would involve the subdivision of an existing residential dwelling; or*
- e) the design is of exceptional quality, in that it:*
 - is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and*
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.*

Of relevance is criteria e). As already stated, the proposal is considered to be of a high quality design and would significantly enhance the immediate rural setting and would be sensitive to nearby landscape characteristics, such as the setting of Redlynch Park. As such, there would be no unacceptable conflict with the aims and objectives of the NPPF in terms of the development of isolated new homes in the countryside, having regard also to the planning history set out above and the fact that this proposal is, in effect, for a replacement dwelling albeit on a site some 400 metres away from the existing property.

On the basis that this comprises a one for one replacement, the proposal is considered to be acceptable in principle and accords with Local Plan Policies SD1, HG8 and EQ2.

Landscape Character and Visual Amenity

Policy EQ2 states that development needs to preserve or enhance the character and appearance of the district. Development proposals, extensions and alterations to existing buildings will be considered against various criteria, including conserving and enhancing the landscape character of the area, reinforcing local distinctiveness and addressing local context. In addition, infrastructure, service availability and accessibility are material considerations to be taken into account, together with the protection of the residential amenity of neighbouring properties.

A Landscape and Visual Appraisal (LVA) has been undertaken by Green Book Landscape. It identifies key viewpoints from the surrounding area and recommends suitable mitigation in the form of additional planting and landscaping across the site. Key issues identified are as follows:

- The overall effect on on-site landscape features and elements is assessed as beneficial. There would be no direct effect on off-site landscape features and elements;
- The proposed new site has benefits in visual terms to the consented location resulting from its lower level and greater visual enclosure;
- The landscape character of the area, while attractive, is not specifically designated or unique; and
- The reintroduction of historic hedgerows and new tree planting would greatly enhance the landscape character of the area.

Whilst the proposed dwelling will be sited further away from the existing dwelling and from the

two locations where the approved replacement dwelling has been permitted, nevertheless the replacement dwelling, as currently proposed, would be located in the same general area and would be of an appropriate siting, scale, design and materials. Whilst the current proposal would be visible in the local landscape setting, such resultant visual impact would be less than that which exists in respect of the existing dwelling or the alternative locations of the approved replacement dwelling. As such, it is considered that the proposed development would not result in demonstrable and unacceptable harm to the appearance and rural character of the locality and is in accordance with Policy EQ2.

In order to safeguard the character and appearance of, not only the development itself, but that of the wider locality, a condition is recommended removing various 'permitted development' rights, including those relating to extensions and alterations to the building (including roof alterations), outbuildings and means of enclosure.

Highway Safety

Local Plan Policy TA5 requires all new development to securing inclusive, safe and convenient access on foot, cycle, and by public and private transport that addresses the needs of all, and to ensure that the expected nature and volume of traffic and parked vehicles generated by the development would not have a detrimental impact on the character or amenity of the area and would not compromise the safety and/or function of the local or strategic road networks in terms of both volume and type of traffic generated.

Policy TA6 states that parking provision in new development should be design-led and based upon site characteristic, location and accessibility. The parking arrangements within SCC's parking Strategy will be applied within the District.

Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 106 of the NPPF advises that maximum parking standards for residential and non-residential development should only be set where there is clear and compelling justification that they are necessary for managing the local road network.

The proposed replacement dwelling would be served via the existing access track from Barrow Water Lane (which is currently used to access the existing farm house and agricultural buildings) and a new access and driveway constructed in the field in which the new dwelling would be erected. No objections to this means of access have been raised by the County Highway Authority or by SSDC's Highway Consultant and is the preferred means of access expressed by a majority of third parties who have commented on access issues.

In effect, the highway impacts will be the same as the extant scheme. Traffic generation to and from the site for one dwelling would not be 'severe' (to use the terminology in the NPPF) and thus a refusal of permission for this proposal would be unreasonable.

Mindful of the comments and recommendation from the Highway Authority and the Highway Consultant, it is considered that there would be no significant adverse impact on highway safety. As such, the proposed development is in accordance with Policies TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Residential Amenity

The proposed dwelling would be sited in an isolated location well away from any nearby residential properties outside of the application site so as to have no unacceptable significant impact on residential amenity in terms of dominance, overbearing impact, overlooking, loss of privacy, overshadowing, unacceptable noise and odour pollution and loss of outlook. As such,

the development is in accordance with the relevant parts of Policy EQ2 of the Local Plan and the aims and provisions of the NPPF.

Flooding and Drainage

The site lies within Flood Zone 1. The current proposal does not conflict with Policy EQ1 and relevant guidance within the NPPF.

Biodiversity

Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

The existing farm house to be demolished was surveyed for roosting bats by Grass Roots Ecology in May 2019. This found evidence that the house was being used by roosting serotine and probably pipistrelle bats. Three activity surveys will be required to determine the status of the roost. It is planned that the replacement roost would be constructed in the form of a roof space in the proposed garage of the replacement dwelling.

The application red line does not include the farm house to be demolished but the Planning Statement clarifies that the application includes the demolition of the farm house. The demolition of the farm house will require a Natural England European protected species licence. The County Ecologist recommends the imposition of such a condition in order that the LPA fulfils its legal obligation of strict protection of European protected species in accordance with the Habitats Regulations 2017, together with the requirement for an appropriate bat mitigation strategy.

In addition, the County Ecologist recommends the imposition of conditions in respect of a proposed lighting scheme and timing of demolition and vegetation removal works.

The various conditions recommended by the County Ecologist will be reflected in conditions and informatives (using more appropriate wording) forming part of the formal officer recommendation.

With the incorporation of such conditions, it is considered that the proposed development would not conflict with the aims and aspirations of Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

Planning Obligations and CIL

As this proposal is for less than 10 units the LPA will not be seeking any contributions towards leisure and recreational facilities or other local or district wide obligations, in accordance with the High Court of Appeal decision (SoS CLG vs West Berks/Reading) made in May 2016, which clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. For the same reason the LPA does not seek any affordable housing obligation.

The scheme will be liable for the Community Infrastructure Levy (CIL) at £40 per m² and it is noted that the applicant has submitted a completed Form. It must be for the developer to establish, at the appropriate juncture, whether any exemptions or relief applies. An appropriate informative will be added to any permission, advising the applicant of their further obligations in this respect.

In order to make this proposal acceptable from a visual impact perspective and to ensure the proposed dwelling is provided on a "one for one basis", a Planning Obligation under Section

106 of the 1990 Act needs to be entered into to rescind the extant 2009 permission for, not only the erection of that approved dwelling, but also in respect of the single large replacement agricultural building that formed part of that permission.

Second, it has been suggested by the applicants that several of the existing agricultural buildings are no longer required and are to be removed. The S106 Obligation should ensure the removal of such buildings, identified on a plan to be submitted to the LPA, within 3 months of the date of occupation of the new replacement dwelling, such date of occupation having been previously notified in writing to the LPA by the applicants prior to said occupation commencing.

Thirdly, from a highways safety perspective and to ensure all traffic serving the farm holding (identified by the land edged blue on the submitted Site Location Plan no. 13127/001 Rev A) is directed away from existing entrances onto the holding from the B3081, the S106 Obligation is to require the permanent closure of all existing accesses onto the holding from the B3081 within 3 months of the date of occupation of the new replacement dwelling, such date of occupation having been previously notified in writing to the LPA by the applicants prior to said occupation commencing. The means of such permanent enclosure shall be by means of hedgerows and/or copses of trees to match existing boundary hedges and woodland in the locality, the details of which shall be previously submitted to and approved in writing by the LPA, including the timetable for the carrying out of such planting and means of future management and maintenance.

Fourth, all proposed planting of woodland, trees, hedges and wildflower meadows on the farm holding as a whole shall be carried out in accordance with the approved Planting Plans nos. PP01 and PP02 and, together with retained hedgerows and trees, subsequently managed and maintained in accordance with the details indicated on the drawing and document 'Stoke Farm - Management Notes' dated 2nd August 2019 prepared by Greenbook Landscape Design, unless any variations to this landscaping scheme are subsequently agreed in writing by the LPA. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwelling or the completion of the development, whichever is the sooner.

If within a period of ten years from the date of the completion of the dwelling or completion of the approved landscaping scheme (whichever is the later), any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Finally, current planning policy permits in principle the provision of isolated new dwellings in the countryside if there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work. Mindful that the proposed replacement dwelling is to be sited approximately 400 metres away from retained agricultural buildings, the LPA is concerned that there may be a future desire from the applicants or future owner(s) of the land to provide an additional dwelling closer to the existing buildings within "sight and sound" of such buildings. The LPA seeks legal provision to ensure that no planning application is submitted to the LPA seeking planning permission for the erection of an agricultural dwelling on any part of the farm holding (identified by the land edged blue on the submitted Site Location Plan no. 13127/001 Rev A).

Conclusion

The proposed replacement dwelling in this rural location outside the development limits of any

settlement, by reason of its size, scale, design and materials, would cause no demonstrable harm to the setting of any designated heritage asset (Redlynch Park) and would cause no significant or demonstrable adverse impact on the general character and appearance of the area, residential amenity, highway safety, flood risk or biodiversity. Due regard is also given to the extant 2009 appeal decision which has allowed the erection of a replacement dwelling and large agricultural building elsewhere on the Stoke farm agricultural holding. As such the proposal accords with Policies SD1, SS1, SS2, HG8, EQ1, EQ2, EQ3, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance in the NPPF and is recommended for approval.

RECOMMENDATION

Permission be granted subject to the prior completion of a section 106 agreement (in a form acceptable to the Council's Solicitor) before the decision notice granting planning permission is issued to secure:

a) the rescinding / revocation of the extant 2009 permission for, not only the erection of that approved dwelling, but also in respect of the single large replacement agricultural building that formed part of that permission.

b) within 3 months from the date of occupation of the new replacement dwelling (such date of occupation having been previously notified in writing to the Local Planning Authority by the applicants prior to said occupation commencing), the demolition of the existing farm house (and all associated garaging/outbuildings) and those existing agricultural buildings on the farm holding as identified for removal on the submitted Plan ref: 409_A4_001_Demolition Plan_Rev A, together with the removal of all materials from the farm holding resulting from said demolitions, other than those materials to be crushed and used for recycling purposes such as hardcore/aggregate as part of the sub-base of the new dwelling, for hardsurfacing of new trackways, new gates or fencing, or for other recycling purposes the details of which shall be notified to and agreed in writing by the Local Planning Authority.

c) the permanent closure of all existing accesses onto the farm holding (identified by the land edged blue on the submitted Site Location Plan no. 13127/001 Rev A) from the B3081 within 3 months of the date of occupation of the new replacement dwelling, such date of occupation having been previously notified in writing to the Local Planning Authority by the applicants prior to said occupation commencing. The means of such permanent enclosure shall be by means of hedgerows and tree planting to match existing boundary hedges and woodland in the locality, the details of which shall be previously submitted to and approved in writing by the Local Planning Authority, including the timetable for the carrying out of such planting and means of future management and maintenance.

d) the carrying out of all proposed planting of woodland, trees, hedges and wildflower meadows on the farm holding as a whole in accordance with the approved Planting Plans nos. PP01 and PP02 and, together with retained hedgerows and trees, their subsequent management and maintenance in accordance with the details indicated on the drawing and document 'Stoke Farm - Management Notes' dated 2nd August 2019 prepared by Greenbook Landscape Design, or alternatively any proposed amended new landscaping, management and/or maintenance schemes to be carried out on the farm holding the details of which shall be previously submitted to and approved in writing by the Local Planning Authority by means of applications submitted under Section 73 or Section 96A of the Town and Country Planning Act 1990 (as amended), whichever form of application is deemed appropriate by the Local Planning Authority.

If within a period of ten years from the date of the completion of the dwelling or completion of

the approved landscaping scheme (whichever is the later), any retained tree, hedge or shrubs are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, it/they shall be replaced by planting as originally approved, unless the Local Planning Authority gives its written approval to any variation. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

e) no planning application being submitted to the Local Planning Authority seeking planning permission for the erection of an agricultural dwelling on any part of the farm holding (identified by the land edged blue on the submitted Site Location Plan no. 13127/001 Rev A).

And for the following reason:

01. The proposed replacement dwelling in this rural location outside the development limits of any settlement, by reason of its size, scale, design and materials, would cause no demonstrable harm to the setting of any designated heritage asset (Redlynch Park) and would cause no significant or demonstrable adverse impact on the general character and appearance of the area, residential amenity, highway safety, flood risk or biodiversity. Due regard is also given to the extant 2009 appeal decision which has allowed the erection of a replacement dwelling and large agricultural building elsewhere on the Stoke Farm agricultural holding. As such the proposal accords with Policies SD1, SS1, SS2, HG8, EQ1, EQ2, EQ3, EQ4, TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance in the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved drawings and documents:

- o Drawing no. 13127/001 Rev A: Site Location Plan
- o Drawing no. 13127/003 Rev A: Proposed North Elevation
- o Drawing no. 13127/004 Rev A: Proposed West Elevation
- o Drawing no. 13127/005 Rev A: Proposed South Elevation
- o Drawing no. 13127/006 Rev A: Proposed East Elevation
- o Drawing no. 13127/007 Rev B: Proposed Ground Floor Plan
- o Drawing no. 13127/008 Rev B: Proposed First Floor Plan
- o Drawing no. 13127/009 Rev A: Proposed Second Floor Plan
- o Drawing no. 13127/010 Rev A: Proposed Roof Plan
- o Drawing no. 13127/011 Rev A: Proposed Site Plan
- o Drawing no. 13127/012: Car Port Plans and Elevations
- o Drawing no. 13127/013: Proposed Section A-A
- o Drawing no. 13127/014: Building Overlay
- o Drawing no. 409_A4_001_Demolition Plan_Rev A: Buildings to be demolished
- o Drawing no. MP01 Rev C: Masterplan
- o Drawing no. MP02 Rev C: Masterplan
- o Drawing no. PP01: Planting Plan
- o Drawing no. PP02: Planting Plan
- o Planting Management document entitled "Stoke Farm - Management Notes" dated 2nd August 2019 prepared by Greenbook Landscape Design

- o Ecological Survey results in a Letter dated 20th May 2019 prepared by Grass Roots Ecology Ltd - ecological considerations,
- o Sustainability Summary report dated 2nd August 2019 prepared by AADNunn Energy Assessors
- o SAP Report Submission for Building Regulations Compliance dated 2nd August 2019 prepared by AADNunn Energy Assessors.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, barrier tape shall be tied to/fixed along the whole length of the existing field boundary fencing alongside the proposed new access driveway to be used during the phase(s) of construction. Such barrier tape shall remain tied to/fixed to said boundary fencing in its entirety for the duration of the construction of the development and shall only be moved, removed or dismantled prior to completion of the development with the prior written consent of the Local Planning Authority.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

04. No removal of potential bird nesting habitats, comprised of hedgerows, trees, scrub, shrubs and ruderal vegetation, or works to or demolition of any buildings or structures, shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of buildings and vegetation for active birds' nests immediately before works proceed and vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority and written agreement from the Local Planning Authority so obtained.

Under no circumstances should blocking bird access to certain areas and features in using plastic bird netting hung over the gaps and apertures be carried out, as this can lead to entrapment from birds caught in netting.

Reason: To provide adequate safeguards for nesting birds, which are afforded protection under the Wildlife and Countryside Act 1981 (as amended), having regard to Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

05. Notwithstanding the details indicated on the submitted drawings, prior to construction of any part of the dwelling hereby permitted above slab level/ground floor level, a schedule of materials and (colour) finishes (including samples and trade descriptions/brochure details where appropriate) of materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. Such a schedule shall include:

(a) details of all materials to be fixed to the roofs of the dwelling and car port, including the type, size, colour and profile of natural slate, together with type, colour and profile of ridge tiles;

(b) a sample panel of the type of stonework, type of pointing and the mortar to be used, measuring not less than two square metres, shall be provided for inspection and written approval by the Local Planning Authority prior to the construction of any new walls and

thereafter kept on site for reference until the stonework is completed. Machine cut faces shall not be used in the walls or for quoin stones;

(c) the colour and finish of the timber cladding/weatherboarding to be used on the car port and a drawn section to show its profile, lapping and finish;

(d) elevational, plan and vertical sectional drawings at an appropriate scale of all external windows (including dormer windows) and doors indicating details of their design, appearance (including thresholds), profiles, position in wall reveals, opening lights (if any), materials, finish and colour, including their method of opening, and materials and finish of all lintels and sills;

(e) constructional details at an appropriate scale of all eaves, verges and barge boards. Unless otherwise agreed in writing by the Local Planning Authority, all new (and any subsequent replacement) fascia boards shall be fitted tight to the wall face and the barge shall be finished either with a close fitting timber board or the wall finish taken directly up to the underside of the roof covering;

(f) the locations, heights, sizes, materials of construction and colour finishes of all flues, ducts, rainwater goods, external vents, extracts, meters and any other external attachments;

(g) the type, size, siting and method of fixing of all rooflights to be used. All rooflights shall be fitted flush to the roof plane wherever possible; and

(g) materials, design, appearance and (colour) finish of all railings, decorative metalwork and other decorative features.

The development shall be constructed in accordance with the approved details and completed before the development is first occupied (or completed to a stage previously agreed in writing by the Local Planning Authority) and thereafter shall be retained and maintained in that form, unless the Local Planning Authority gives prior written approval to any subsequent variation.

Reason: To enable the Local Planning Authority to consider the details of all external finishing materials prior to their installation/construction at an appropriate stage in the course of the development to ensure that the development displays good design practise and reflects local distinctiveness, having due regard to safeguarding visual and residential amenity and designated historic assets and in accordance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

06. Prior to the commencement of any works to demolish the existing farm house, a 'Bat Mitigation Strategy' shall be submitted to and approved in writing by the Local Planning Authority. The Strategy shall include, but not exclusively, a copy of the Natural England European protected species licence for the existing farm house and details of the proposed roost construction within the car port hereby permitted.

The car port shall be constructed in strict accordance with the approved 'Bat Mitigation Strategy' unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of the strict protection of European protected species and in accordance with Policy EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

07. Prior to occupation of the dwelling hereby permitted, a 'lighting design for bats' shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting, including any amenity or security lighting, will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent in writing from the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

08. Prior to occupation of the dwelling hereby permitted, a scheme of foul drainage and effluent disposal shall be implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.

Reason: in order to safeguard against pollution, having regard to Policies EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

09. Prior to occupation of the dwelling hereby permitted, a scheme of surface water disposal from all new buildings and hardened areas shall be implemented in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained and maintained thereafter.

Reason: in order to safeguard against pollution and flooding, having regard to Policies EQ1, EQ2 and EQ7 of the South Somerset Local Plan and relevant guidance within the NPPF.

10. The dwelling hereby permitted shall not be occupied until an electric vehicle charging point (EVCP) rated at a minimum of 16 amps has been provided for within its associated garage / parking space. Such provision shall be in accordance with details indicating the siting, design, rating and appearance of the EVCP which shall be previously submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure provision of an EVCP for low emission vehicles as part of the transition to a low carbon economy, having regard to Policy TA1 of the South Somerset Local Plan and relevant guidance within the NPPF.

11. The landscape planting scheme set out on the submitted drawings nos. PP01 and PP02, both titled "Planting Plan", prepared by Greenbook Landscape Design shall be fully implemented and thereafter retained and maintained. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of any dwelling or the completion of the development, whichever is the sooner.

Reason: To safeguard the character and appearance of the area, and to accord with Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

12. For a period of ten years after the completion of the landscaping scheme pursuant to condition 11, the newly planted trees, hedges and shrubs, together with retained trees and hedges, shall be protected and maintained in a healthy weed free condition and in accordance with details set out in the document "Stoke Farm - Management Notes" dated 2nd August 2019 prepared by Greenbook Landscape Design.

Any new or retained trees, hedges or shrubs that cease to grow or are felled, removed, uprooted, destroyed or die, or become in the opinion of the Local Planning Authority seriously damaged, diseased or defective, shall be replaced by trees, hedges or shrubs of similar size and species, or other appropriate trees, hedges or shrubs as may be approved in writing by the Local Planning Authority. This replacement planting shall be undertaken before the end of the first available planting season (October to March inclusive for bare root plants), following the removal, uprooting, destruction or death of the original trees or plants.

Reason: To safeguard and enhance the landscape character and visual amenity of the area; to help assimilate the development into its immediate surrounds; and to provide ecological, environmental and biodiversity benefits, having regard to Policies EQ2 and EQ4 of the South Somerset Local Plan and relevant guidance within the NPPF.

13. Within three months from the date of first occupation of the new dwelling hereby permitted (such date of occupation having been previously notified in writing to the Local Planning Authority by the applicants/developer prior to said occupation commencing), the existing dwelling (and all associated garaging/outbuildings) and those agricultural buildings to be demolished as indicated on the submitted Plan ref: 409_A4_001_Demolition Plan_Rev A shall be demolished and the site reinstated to form part of the agricultural land within the Stoke Farm agricultural holding.

Reason: In the interests of visual amenity and sustainable development in accordance with Policies Hg8 and EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

14. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (additions etc to the roof of a dwellinghouse);
- (c) Part 1, Class C (other roof alterations);
- (d) Part 1, Class D (porches)
- (e) Part 1, Class E (incidental buildings, enclosures, swimming or other pools);
- (f) Part 1, Class F (hardsurfaces);
- (g) Part 1, Class G (chimney, flues, soil or vent pipes);
- (h) Part 1, Class H (microwave antenna);
- (i) Part 2, Class A (gates, fences, walls or other means of enclosure);
- (j) Part 2, Class B (means of access to a highway);
- (k) Part 2, Class C (exterior painting);
- (l) Part 14, Classes H and I (wind turbine for microgeneration).

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions to the dwelling, to ensure there is no resultant detriment to ecological, environmental and biodiversity interests and to safeguard on-site parking and circulation areas; having regard to Policies EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Informatives:

01. **CIL**

Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk

02. **Bats and Roosts**

The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

Development should not commence (including any site clearance and demolition works) until demolition/construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats by a licensed bat ecologist.

03. **Lighting**

In respect of condition 07, light could cause nuisance to ecological interests. Any lighting should be screened to minimise direct illumination falling on land outside of the development. Appropriate shields, baffles, louvres or diffusers should be installed prior to their use to ensure that nuisance to nearby properties is minimised. As well as giving consideration to direct glare, any lighting scheme shall also take into account upward reflection. Any lighting scheme should be designed in accordance with the Institute of Lighting Engineers "Guidance Notes" for the Reduction of Light Pollution (2011) or similar guidance recognised by the Council, and also Guidance Note 08/18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.