



This is an application for the re-development of farm to include alterations to the farmhouse, erection of 2 new build dwellings and alterations, extensions and conversion of barns to form 3 further dwellings (section 73 application to vary condition 2 (approved plans) of approval 17/01176/FUL and 17/01177/LBC to replace units 2 and 3 with a single unit and associated garage) (part retrospective) at Butterwell Farm, Lower Pitney.

Butterwell Farm is a livestock holding located within the middle of the village of Pitney. The farmstead sits between two roads, the classified C highway Upper Pitney Road to the north and the narrower and unclassified highway Lower Pitney Road to the south. The farm is currently accessed via two separate accesses leading on to Lower Pitney Road to the south. There is also a further access on the north side, however, this involves passing through a ford with pedestrian access over a narrow footbridge, however this appears to be little used.

The farmhouse is grade II listed and several of the old stone built barns are considered to be curtilage listed in association with the house and the remaining farm buildings being of modern construction and of no historic or architectural merit. The site sits partially within an area of high archaeological potential.

A stream passes through the site from east to west. The site is within flood zone 1.

HISTORY

17/01176/FUL: Re-development of farm to include alterations to the farmhouse, erection of 2 new build dwellings and alterations, extensions and conversion of barns to form 3 further dwellings. - approved

17/01177/LBC: Re-development of farm to include alterations to the farmhouse, erection of 2 new build dwellings and alterations, extensions and conversion of barns to form 3 further dwellings. - approved

History relating to replacement farm site:

16/01227/REM: Erection of a temporary agricultural dwelling (Reserved matters following 15/03809/OUT). Permitted.

16/01228/REM: Erection of a hay store (building 2) (Reserved matters following 15/03809/OUT). Permitted.

16/01229/REM: Erection of a machinery store (building 3) (Reserved matters following 15/03809/OUT). Permitted.

16/01231/REM: Erection of a calf rearing barn (building 4) (Reserved matters following 15/03809/OUT). Permitted.

16/01232/REM: Erection of a livestock shed (building 5) (Reserved matters following 15/03809/OUT). Permitted.

15/03809/OUT: Use of land for the creation of a new farmstead and temporary dwelling (Outline with all matters reserved except access, scale and layout). Permitted.

POLICY

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

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in rural Settlements

Policy SS4 - District Wide housing Provision

Policy SS5 - Delivering New Housing Growth

Policy HG5 - Achieving a mix of market housing

Policy EQ2 - General Development

Policy EQ3 - Historic Environment

Policy EQ4 - Biodiversity

Policy EQ7 - pollution control

Policy TA1 - Low Carbon Travel

Policy TA5 - Transport impact of New Development

Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 2: Achieving Sustainable Development

Chapter 5: Delivering a sufficient supply of homes

Chapter 12: Achieving well-designed places

Chapter 15: conserving and enhancing the natural environment

Chapter 16: Conserving and enhancing the historic environment

National Planning Practice Guidance
Design

Other Material Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2015)

National Design Guide - September 2019

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

Pitney Parish Council:

There has been a long history with regard to planning applications and pre-planning application consultation with regard to this site. The development was only ever supported on the basis that it would provide a mix of housing sizes including the smaller size units of 2 & 3. It was directly commented on at the time of the original application, at the meeting, that these must not allowed to become one unit as it defeated the purpose of supporting the application.

Unfortunately on viewing the plans on 5/7/2021 the build area is increasing with an extra garage and the joining of the units invalidates the ethos of the support for any planning on the site. The Parish Council reviewed whether this view point with regard to the smaller units had changed. It was agreed that the situation was unchanged and that there was a need for smaller properties, not larger ones.

The applications for these amendments therefore met with the objection of the Parish Council."

County highways:

No comments to make

Natural England:

No comments received

SWHT Archaeology:

No objection

Ecology:

No comments received

REPRESENTATIONS

Thirteen neighbours were notified and a site notice was displayed. No comments received.

CONSIDERATIONS

The principle of the development has been agreed during the 2017 application. This application is made to vary the approved plans condition to alter plot 2 and 3 into one unit of accommodation. The Parish have objected as on the original consent they wished for the development to have a mix of housing. The

Officer at the time within her report stated:

"It is noted that the Parish Council has asked for a condition to restrict units 2 and 3 from being merged into a single larger unit in order to keep them more affordable. Whilst their reasons for seeking such a restriction is understood unfortunately planning policy does not support such a limitation, as such it would be unreasonable to impose a condition of this nature."

The report was referred to the Ward member who requested that a condition was added, which subsequently was.

It is considered that there has been no change to policy which would alter the view made by the case officer in 2017. Currently this council cannot evidence a 5 year land supply and as such local housing policies carry little weight. Policy HG5 of the SSLP states:

"On small sites, housing types and sizes should be provided that, taken in the context of existing surrounding dwellings, contribute to the provision of sustainable, balanced communities."

The other properties on the site that form part of this development will be two 5 bedroomed units and one 4 bedroomed unit, it is considered that in the context of the existing dwellings an additional 4 bedroomed unit would be acceptable. The main part of the policy in relation to ensuring there is mixed housing types and sizes is in relation to large sites and equally as stated above this policy carried little weight due to the lack of a 5 yr. land supply.

As the principle of development has been agreed for residential development in this location and policy HG5 carried little weight in regard to house types and sizes, then the main considerations to the proposed variation are its impact on visual amenity, historic environment, residential amenity, ecology and highway safety.

Visual amenity and historic environment:

The application site encompasses a farmstead that comprises a listed farmhouse and associated curtilage listed stone barns and a collection of modern but dilapidated barns and structures. The proposal seeks the removal of the modern agricultural structures and concrete yard area to be replaced by the two new build dwellings, with the curtilage listed barns converted to two dwellings.

The scheme as amended does not result in any increase in living floor area to the original approved scheme and merely see the one bedroomed and two bedroomed unit merged to make a four bedroomed unit. The altered internal floor space results in some additional windows/doors, however these are all considered to be acceptable. The proposed garage to serve the unit is in keeping with the other approved garages on the site and matches that of unit 4 which sits alongside it.

No objections to the design have been raised it is considered that the amendments are acceptable and preserve and respect the special historic and architectural interest, character and setting of this listed farmstead and the rural character of the wider locality and do not adversely affect visual amenity in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan and the NPPF

Residential Amenity:

The proposed amendments do not result in any changes that would adversely impact on residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028).

Biodiversity:

The site is within the catchment area for phosphates affecting the Somerset Levels and Moors. There is an extant permission for two dwellings on the site and this is to make it into one dwelling and as such a reduction in the occupancy level. Natural England and Ecology have not commented.

It is considered unreasonable to refuse this proposal due to the impact on the Somerset Levels and Moors, as there will be no increased impact of waste water/phosphates above the level created by the extant consent in place, in fact it will be less.

It is considered that there will be no adverse impact on ecology in accordance with policy EQ4 of the South Somerset Local plan and the NPPF.

Highway Safety:

The amendments to the original scheme see no changes to the access arrangements. Units 2 and 3 will become one unit with 4 no bedrooms and as such there is a requirements of 3.5 spaces. The plan shows that the unit will have 4 parking spaces available including those in the garage. County highways have no comments to make.

It is considered that the proposal will accord with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028)

Affordable Housing Contributions and CIL:

Following a court of Appeal decision, South Somerset District Council will not be seeking affordable housing contributions from schemes of 10 or less dwellings or where the gross floor area of buildings in less than 1000 sq. m. in line with the statement made by the Minister for Housing and Planning.

The proposal will be liable for CIL, Form 1 has been submitted.

Conclusion:

The site is considered to be in a location where future residents will have good access to an appropriate range of day to day services and facilities and it is considered that the proposal would not result in any substantive adverse impacts with regards to the onsite and nearby heritage assets, landscape character, ecology, visual amenity, residential amenity, flooding and drainage, or highway safety. Therefore, the proposed development is considered to constitute a sustainable form of development that accords with the aims and objectives of LP policies SD1, TA5, TA6, EQ2, EQ3, EQ4 and EQ7 and the provisions of the NPPF. Accordingly, the application is recommended for approval.

RECOMMENDATION

Approve with conditions

01. The proposed development, by reason of its scale, nature, layout and design, respects and safeguards the special historic and architectural interest of this listed property without causing any demonstrable harm to visual amenity, residential amenity, highway safety, ecology, flooding and drainage or other environmental concern and therefore accords with the aims and objectives of policies SD1, TA5, TA6, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the commencement of the use hereby approved.

Reason: To comply with Section 73A of the Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans drawings numbered 6581-02A, 6581-03A, 6581-04A, 6581-05A, 6949-203, 6949-204, 6949-205, 6949-206, 6949-207, 6949-208, 6949-209

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

03. The following elements (a-h) shall be carried out in accordance with the details submitted and discharged under application 18/03812/DOC in relation to planning approval 17/01176/FUL.
- a) materials to be used for all external walls and roofs;
 - b) areas of repointing
 - c) all new walls including any new boundary walls
 - d) design, materials, external finish and recessing for all external doors, windows, roof lights, boarding and openings
 - e) all roof eaves, verges and abutments, and all new guttering, down pipes and other rainwater goods, external plumbing and lintels;
 - f) all electricity and gas meter boxes and any other utility / service boxes, including their position, design, material and finish;
 - g) all boundary treatment; and
 - h) surface material for the parking and turning area.

The approved details shall be fully implemented and shall thereafter not be altered unless agreed otherwise in writing by the Local Planning Authority.

Reason: In the interest of visual amenity, to safeguard the rural character of the locality and the special historic and architectural interest of this property in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

04. All making good / remedial works to existing walls and roofs for the barn conversion units shall be carried out in accordance with the details submitted and discharged under application 18/03812/DOC in relation to planning approval 17/01176/FUL. The development shall thereafter be carried out in complete accordance with the agreed details unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the special historic and architectural interest of these curtilage listed buildings in accordance with policy EQ3 of the South Somerset Local Plan.

05. The internal ground floor levels of the dwellings shall be carried out in accordance with the details submitted and discharged under application 18/03812/DOC in relation to planning approval 17/01176/FUL

Reason: In the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

06. The Scheme of Landscaping shall be carried out in accordance with the details submitted and discharged under application 18/03812/DOC in relation to planning approval 17/01176/FUL. The approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 10 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of visual amenity to accord with policy EQ2 of the South Somerset Local Plan.

07. The surface water drainage scheme for the site shall be carried out in accordance with the details submitted and discharged under application 18/03812/DOC in relation to planning approval 17/01176/FUL. The scheme shall subsequently be implemented in accordance with the approved details before the development is occupied and shall thereafter be permanently maintained and retained in this fashion unless otherwise agreed in writing by the local planning authority.

Reason: To ensure the development is properly drained in accordance with policy EQ1 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

08. The alternative nest site provision for swallows shall be carried out in accordance with the details submitted and discharged under application 18/03812/DOC in relation to planning approval 17/01176/FUL. The approved details shall be implemented in full unless otherwise agreed in writing by the local planning authority.

No works to nor demolition of buildings or structures that may be used by nesting birds, shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: For compliance with the Wildlife and Countryside Act 1981, and for the conservation of biodiversity (swallows), in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan.

09. The existing ford shall not be used for the purpose of a vehicular access and shall be permanently stopped up in accordance with the details submitted and discharged under application 18/03812/DOC in relation to planning approval 17/01176/FUL. The ford shall thereafter be maintained in this fashion in perpetuity.

Reason: In the interest of highway safety to accord with policy TA5 of the South Somerset Local Plan.

10. There shall be no obstruction to visibility greater than 300 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the accesses and extending to points on the nearside carriageway edge 43 metres either side of the accesses. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interest of highway safety to accord with policy TA5 of the South Somerset Local Plan.

11. The disposal of surface water so as to prevent its discharge onto the highway shall be carried out in accordance with the details submitted and discharged under application 18/03812/DOC in relation to planning approval 17/01176/FUL. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.

Reason: In the interest of highway safety to accord with policy TA5 of the South Somerset Local Plan.

12. Before the dwellings hereby permitted are first occupied, properly consolidated and surfaced accesses shall be constructed (not loose stone or gravel) in accordance with the details submitted and discharged under application 18/03812/DOC in relation to planning approval 17/01176/FUL.

The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interest of highway safety to accord with policy TA5 of the South Somerset Local Plan.

13. The areas allocated for parking and turning, including garages and car ports, shall be kept clear of obstruction and shall not be converted or used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate parking is provided and maintained to meet the needs of the development in accordance with policy TA6 of the South Somerset Local Plan.

14. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past industrial use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy EQ7 of the South Somerset Local Plan.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions shall be erected and no additional windows, including dormer windows, or other openings (including doors) shall be formed in the buildings hereby permitted, without the prior express grant of planning permission.

Reason: To safeguard the agricultural and historic character and setting of this group of buildings in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages, fences, gates or walls shall be erected other than those expressly authorised by this permission.

Reason: To safeguard the agricultural and historic character and setting of this group of buildings in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

Informatives:

01. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or by telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.
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