

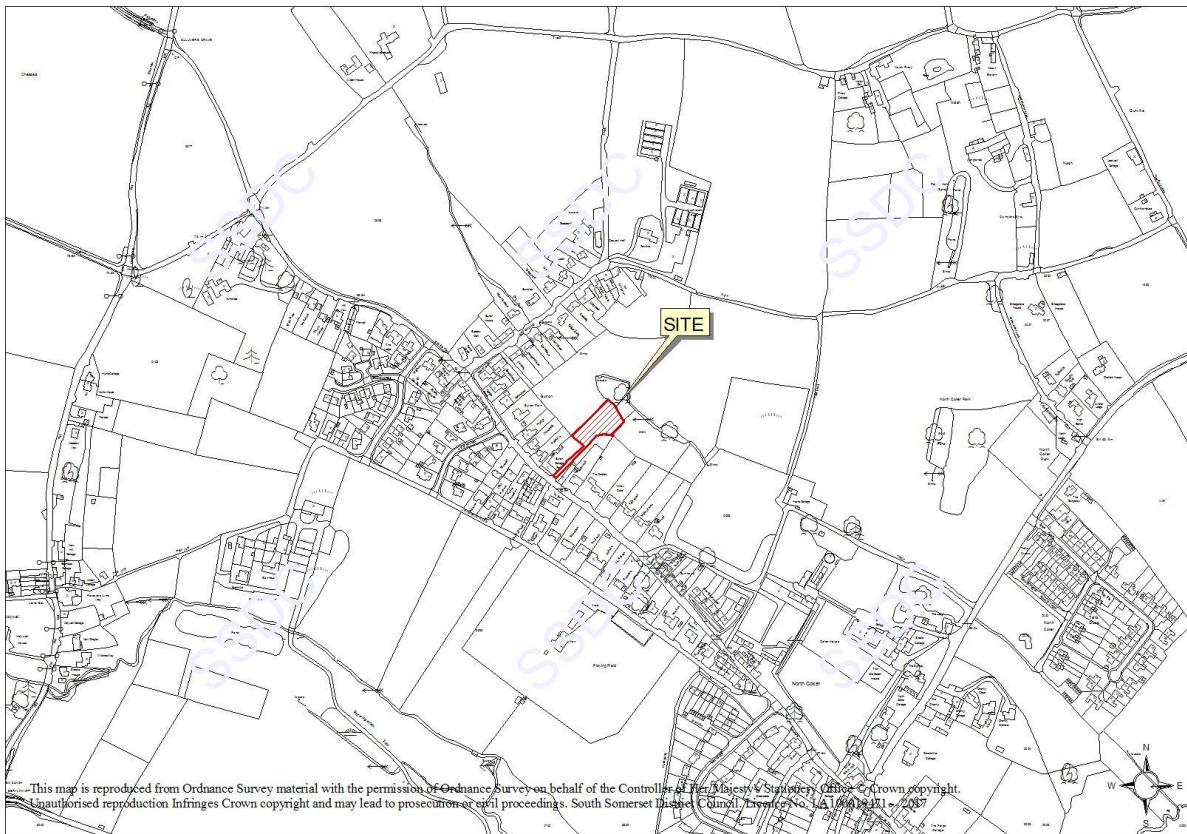
## Officer Report On Planning Application: 17/03689/FUL

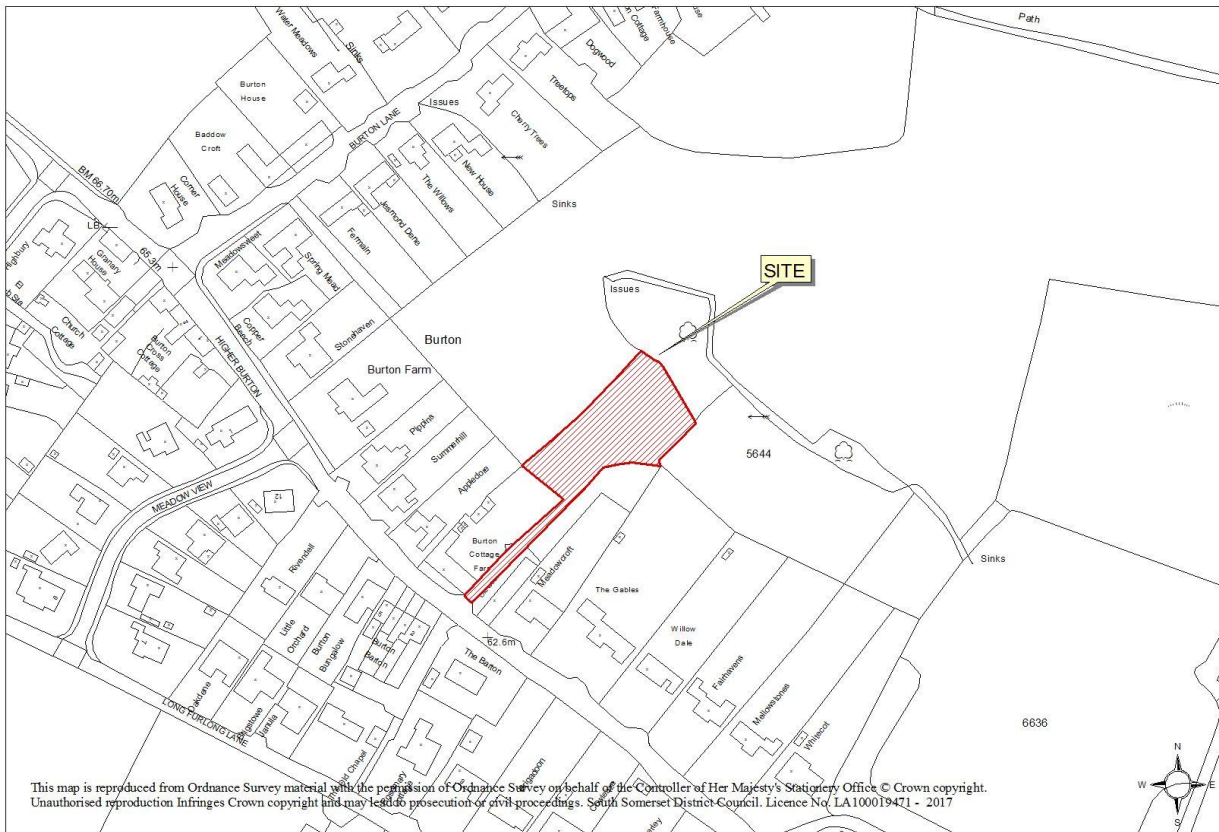
<b>Proposal :</b>	Erection of a detached dwelling with associated driveway and landscaping.
<b>Site Address:</b>	Land Rear Of Burton Cottage Farm Higher Burton East Coker
<b>Parish:</b>	East Coker
<b>COKER Ward (SSDC Member)</b>	Cllr G Seaton Cllr Cathy Bakewell
<b>Recommending Case Officer:</b>	Andrew Collins – Planning Officer
<b>Target date :</b>	6th November 2017
<b>Applicant :</b>	Mr & Mrs Mornement
<b>Agent: (no agent if blank)</b>	Brimble Lea And Partners Wessex House High Street Gillingham SP8 4AG
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### Reason for Referral to Committee

This application is referred to the Area South Committee in agreement with the Area Chairman at the Ward Members request in order to consider the merits of the application, the character of the area and the impact upon the listed building.

### Site Description and Proposal





Burton Cottage Farm is located on the North-eastern side of Higher Burton at the western end of the settlement of East Coker. Burton Cottage Farm is a detached Grade II partly thatched listed building. To the southeast of the property is Old Stable Cottage, which is a barn conversion, formerly associated with Burton Cottage Farm approved in 1998. Between the 2 properties is a vehicular access which currently serves these 2 properties. To the rear of Burton Cottage Farm is a parking area, behind timber gates. Further to the northeast is a paddock / orchard area surrounded by trees, divided by a field gate and a 2 bar fence from the dwelling.

This application is seeking full planning permission for a single dwelling. In detail a single storey dwelling is proposed on the site. The existing parking area would be subdivided, with a hedgerow and a new vehicular access provided along the south-eastern boundary that leads to a parking area and the new dwelling. The submitted plans show a mainly circular 3 bed dwelling. This has 2 small wings facing northeast and southeast and an orientation towards the northeast with large glass folding doors. The roof has a steep pitch and eyebrow dormers are show round the windows. The submitted plans and application form indicate that the dwelling to be constructed of lime render straw bale for the walls and either sedum or straw for the roof. The roof material differs from the application forms and drawings and clarification has been south from the agent.

The application is supported with a Heritage and Planning Statement.

During the course of the application amended plans have been received confirming no first floor accommodation.

## HISTORY

98/01434/FUL - The conversion of existing workshop/shed into a single storey dwellinghouse (re-submission) - Application permitted with conditions - 06/08/1998

98/00666/FUL - The conversion of existing stable/store into a single storey dwellinghouse - Application Refused - 29/05/1998

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 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.

South Somerset Local Plan (2006 - 2028)

On the 5th March 2015 this new local plan was adopted and constitutes the development plan. The most relevant policies are:-

SD1 - Sustainable Development  
SS1 - Settlement Strategy  
SS2 - Development in Rural Settlements  
HG4 - Provision of Affordable Housing Sites of 1-5 Dwellings  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ2 - General Development  
EQ3 - Historic Environment  
EQ4 - Biodiversity  
EQ5 - Green Infrastructure

National Planning Policy Framework

Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 11 - Conserving and Enhancing the Natural Environment  
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Paragraph: 031 Reference ID: 23b-031-20160519 (This follows the order of the Court of Appeal dated 13 May 2016, which give legal effect to the policy set out in the Written Ministerial Statement of 28 November 2014). This basically says that contributions should not be sought for developments less than 10 dwellings.

Other Relevant Documents

Somerset Parking Strategy  
Somerset Standing Advice

Other Relevant Considerations

Steer v SSCLG [2017] EWHC 1456 (Admin) - This High Court Case concerned two applications. The first application was for outline planning permission for the erection of up to 400 dwellings and a convenience store. The second application was for outline planning permission for the erection of up to 195 dwellings in the southern half of the same site. Historic England had objected to the proposals but a planning inspector had allowed permission on appeal. The key considerations in this case were the setting of the Grade I listed Kedleston Hall and its Historic Park and Garden. The case centred on setting. The judge quashed the decisions on the basis that the setting of a heritage asset was a much

wider concept than mere visibility.

Historic England Setting of Listed Buildings guidance

## **CONSULTATIONS**

EAST COKER PARISH COUNCIL - *"Have no objections to make and support this application"*

SSDC LANDSCAPE ARCHITECT - *"It is pertinent that the settlement pattern associated with housing to the north of Higher Burton, and that of Burton Lane, is emphatically linear, and one plot depth, and this linear arrangement of housing running along and facing onto Higher Burton, with its undeveloped land to the rear, is a prime characteristic of the settlement. The application site is a former orchard, now primarily a mix of amenity planting and mown grass, and is one of a number of plots that originated as small paddocks/orchards to the north of Higher Burton.*

*This undeveloped backland open area contrasts with the strong built frontage of Higher Burton, and provides the undeveloped setting to the linear grain of the adjacent village streets, whilst enabling a transition from the strong pattern of buildings to the wider belt of countryside that provides separation of Yeovil from the Cokers. Viewed in this context, the proposed domestic development of this plot that is undeveloped green space; unrelated to the strong linear, roadside pattern of the adjacent housing; and at variance with the historic pattern of the locality, fails to meet the objectives of policy EQ2."*

SSDC CONSERVATION OFFICER - *"I note Robert Archer's comments and very much agree. Robert raises concern about the linear character of the built form here, and how isolated the development at the rear will be, taking into account the strength of the existing character.*

*Further to this I suggest that this strong linear built form is a significant component of the listed building's setting. The setting of a listed building is defined as the surroundings in which the asset is experienced - see Historic England's setting advice:*

*<https://content.historicengland.org.uk/images-books/publications/gpa3-setting-of-heritage-assets/gpa3.pdf/>.*

*To the rear the listed building enjoys an historically established open relationship with the existing agricultural land. This is considered to make a positive contribution to the setting of the heritage asset. Building at the rear will cause harm to the setting of the building, and therefore fails to accord with paragraph 132 of the NPPF."*

SSDC TREE OFFICER - *"Provided appropriate measures are ensured, the protected trees subject to the SSDC (East Coker No 3) TPO 1996 appear unlikely to be affected by the proposal.*

*The proposed access-drive and new hard-standing appear unlikely to be harmful to the trees. The proposal does seem likely to require the removal or be damaging to a small number of orchard trees (including a notable Pear) and adjoining Willow. Whilst these trees do provide some ecological and screening values, I do not consider that they are sufficient to represent a significant constraint to development.*

*If consent is to be granted, I'd be grateful if you could consider imposing conditions." [Conditions regarding tree protection and planting]*

WESSEX WATER - Notes that the new dwelling will require water supply and waste connections. New

sewer systems for drainage would be required, no connection of surface water will be allowed to the foul sewer system and that there is an existing foul sewer on the site whereby a 3m easement would be required.

HIGHWAYS AUTHORITY- Refers to standing advice. Notes that the red line does not accord with the road record.

HIGHWAYS CONSULTANT - *"The extent of visibility splays available at the point of access from the public highway needs to be established and shown on a plan. The width of the access should also be annotated. It would be useful to understand how many properties have rights to use the access."* [These comments were further discussed with the Highway Consultant. The access would serve a total of 3 dwellings, visibility was restricted, but Higher Burton was slow moving due to road width and there were a number of existing accesses. Therefore did not consider an objection could be made.]

## **REPRESENTATIONS**

None received.

## **CONSIDERATIONS**

### Principle

Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. As at September 2017 it was recorded in the Five-year Housing Land Supply Update that the Council's supply was 4.2 years. The Council, at present, therefore cannot demonstrate a five-year supply of deliverable housing land

Given this, the relevant policies for the supply of housing should be considered out-of-date and the implication of Paragraph 49 of the NPPF is engaged.

In the case of East Coker it is evident that it has a pub, primary school, village hall, play area/sports field and faith facility and as such is considered to be a sustainable location within the definition of Policy SS2. In addition the site is within the village confines with development to the North and West.

On this basis the provision of a single additional dwelling in this location is accepted.

Therefore the principle of providing an additional dwelling in this location is accepted. However this does not mean that every application has to be granted. All material considerations need to be weighed up to assess whether it is appropriate.

### Visual Amenity / Character of Area

Concern has been raised by the Landscape Architect and a full copy of his comments is detailed above. In summary the north-eastern side of Burton is predominately linear and single dwelling in depth, the exception to this being the rear projection of Burton Lane and the development surrounding Coker House. This defined character represents the historic streetscene and this grain adds to the distinctiveness in this part of the village.

Inserting a new dwelling in this backland location and the creation of a new access is clearly at odds with the established built form in the vicinity. The openness of this area allows a distinction to be made between the Burton area of East Coker, Nash and the built form of Yeovil.

On this basis it is clear that the formation of a separate dwelling in this location is harmful to the character of the area and therefore are contrary to Policy EQ2 of the adopted South Somerset Local Plan.

There are a number of trees on the site and protected trees on the adjacent site. These have been assessed by the Council's Tree Officer and are not considered to be a constraint to development.

The highest point of the dwelling is 6.7m in height and this is relatively high for a single storey dwelling. The form of the dwelling is also considered to be contrary to the character of the area. This is another reason how the proposal fails to represent the form and character of the area or reflect local distinctiveness.

### Setting of Listed Building

Concern has also been raised by the Conservation Officer in relation to the setting of the Grade II listed dwelling. The strong linear character of the settlement contributes to the setting of the listed building. As detailed in Historic England's guidance and the recent Kedleston Hall court decision, the setting of a listed building can be more than mere visibility from public viewpoints. The listed building currently enjoys an open outlook to the rear, with an open relationship to the land to the rear. The erection of a dwelling in this rear garden area erodes this character and fails to make a positive contribution to the setting of the heritage asset.

As such it is clear that the proposal fails to meet the requirement of safeguarding the setting and local distinctiveness of the heritage asset. Therefore the proposal is contrary to Policy EQ3.

### Residential amenity

The submitted amended plans confirm that the dwelling is single storey and notwithstanding any comments raised above, the dwelling by reason of scale, siting and positioning on the site does not adversely affect residential amenity. Additional traffic would be associated with the new dwelling but this is not considered to affect the amenity of existing properties.

Based on the above the proposal is considered to comply with Policy EQ2.

### Parking and highway safety

Parking would be retained for the existing property and provision made for the new dwelling. This is in line with the Somerset Parking Strategy.

Access to the southeast is restricted with the provision of a listed wall to the front of Old Stable Cottage. However this access is historic and already serves 2 existing dwellings. Also the width of the road at this point is narrow with single width at this point with natural stone walls on either side. Also there is no pavement along Higher Burton. Therefore vehicle speeds are generally low thereby ensuring that there would be no vehicle conflicts. In addition there are a number of other similar accesses along Higher Burton. As such it is considered unreasonable to raise an objection to this proposal.

The proposal therefore complies with Policies TA5 and TA6 of the adopted Local Plan.

### Planning Balance

It is acknowledged that the site is located in a rural settlement and that in some circumstances new dwellings are appropriate in this area. It is also noted that the Council cannot demonstrate a 5 year supply of housing and CIL would be applicable from this development. However that does not result in

having to approve any development in this area.

In assessing the 3 dimensions of suitable development, the following comments can be made. The provision of a single dwelling could albeit for a single dwelling add to the economic role and the provision of a smaller dwelling could add to the vibrancy of the community and the materials proposed minimises natural resources. But the proposal fails to contribute to protecting our natural, built or historic environment, as required by the environmental dimension of sustainable development. Due to the identified harm to the distinctive character of the area, the form and design of the dwelling and its adverse setting over the setting of the listed building, the only conclusion is a recommendation for refusal.

#### Other issues

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district. In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore the Local Planning Authority are not seeking an affordable housing obligation from this development.

#### CIL

This development if approved would be CIL liable at £40 per m2.

#### Conclusion

The proposed dwelling fails to represent the character and local distinctiveness of the area and fails to respect the setting of the listed building. As such the proposal is minded for refusal.

### **RECOMMENDATION**

Refuse permission

#### **SUBJECT TO THE FOLLOWING:**

01. The proposal by reason of its location, siting and design fails to conserve or enhance the linear character and fails to reinforce local distinctiveness to the detriment to the character of the area. As such the proposal is contrary to Policy EQ2 of the adopted South Somerset Local Plan (2006 - 2028) and the aims and objectives of the NPPF.
02. The proposal by reason of its siting erodes the historically established open relationship with the existing agricultural land. The proposal would therefore adversely affect the setting of the Grade II Burton Cottage Farm to detriment of the significance of the historic asset. As such the proposal is contrary to Policy EQ3 of the adopted South Somerset Local Plan (2006 - 2028) and the aims and objectives of the NPPF especially paragraph 132.

#### **Informatives:**

01. Please be advised that any subsequent approval of this application by appeal 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.

In the event of an approval at appeal, you would be required to complete and return Form 1

Assumption of Liability as soon as possible after the grant of permission 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](mailto:cil@southsomerset.gov.uk)

02. 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;

- o offering a pre-application advice service, and
- o 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 Local Planning Authority offered pre-application advice and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.