

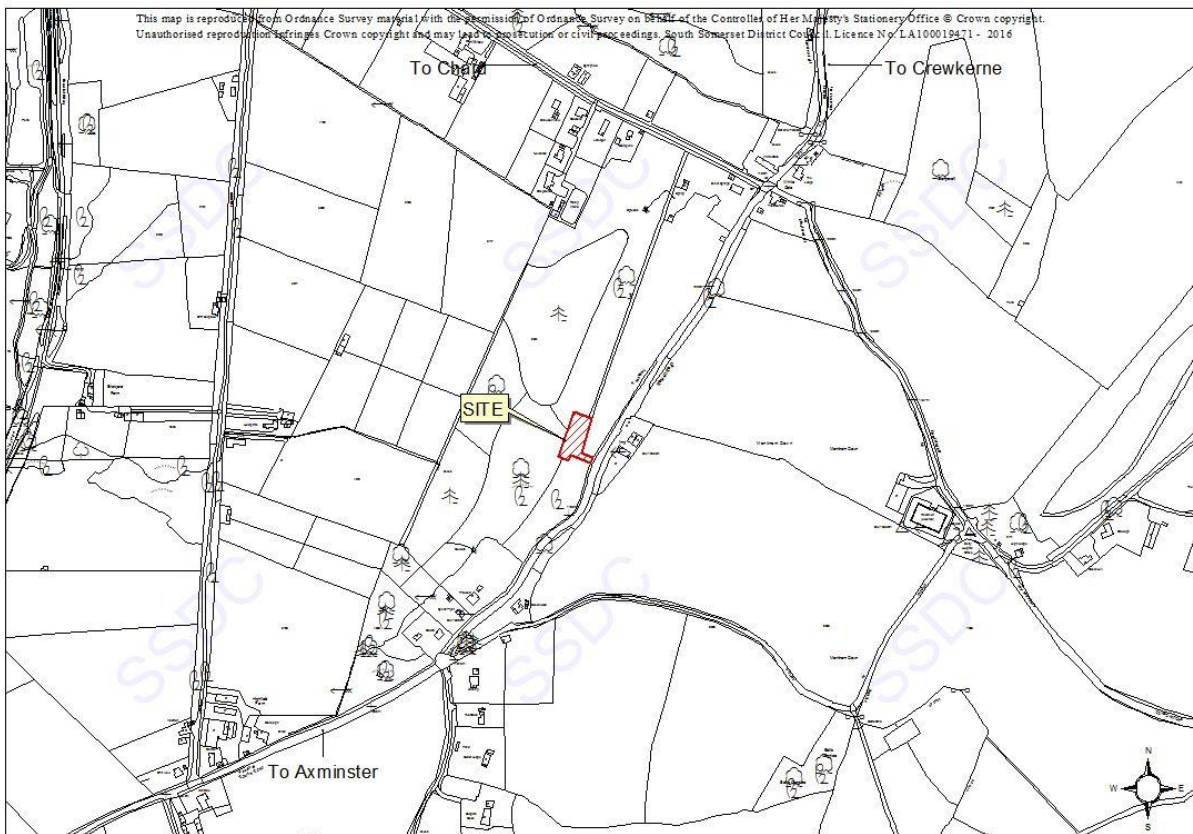
## Officer Report On Planning Application: 16/00331/FUL

<b>Proposal :</b>	Alterations, raising of roof and conversion of building to form two storey dwelling (Revised Application).
<b>Site Address:</b>	Turbury Woods Forton Chard
<b>Parish:</b>	Tatworth And Forton
<b>TATWORTH AND FORTON Ward (SSDC Member)</b>	Cllr A Turpin
<b>Recommending Case Officer:</b>	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
<b>Target date :</b>	8th April 2016
<b>Applicant :</b>	Mr R Shepherd
<b>Agent: (no agent if blank)</b>	Michael Williams Sanderley Studio Kennel Lane Langport Somerset TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application is referred to Area West Committee at the request of the Ward Member and with the agreement of the Chair in to allow the views of the Parish Council to be debated.

### SITE DESCRIPTION AND PROPOSAL





The application relates to the conversion of an existing building to a dwelling at Turbury Woods. The site is located off the B3167 to the north east of Tatworth. The site comprises a block of mixed semi-natural and plantation species woodland. There is currently a storage building/workshop on site and recently approved access track. The site is relatively isolated, with one residential property on the opposite side of the road and other small groups of individual dwellings placed sporadically in the local area.

The application follows two previous refusals under reference 12/04742/FUL and 15/03125/FUL. The applicant did not appeal either of these previous refusals. Compared to the previous application in 2015, the veranda extension to the front of the building has been removed and the dormer windows replaced with roof lights.

The proposal would involve the raising of the ridge and eaves heights by approximately 1.2 metres to provide first floor accommodation. The resulting ridge height would be approximately between 6.4 and 7.1 metres above adjoining ground level (existing natural ground levels fall from the front to the rear of the site).

The floor plans indicate living areas on the ground floor and a bedroom and separate bathroom to the first floor. Various openings would be formed within the building including three roof lights to the west elevation and two rooflights to the east elevation. Several window openings would be formed within the building to facilitate the conversion.

Existing external materials consist of render and clay tiles.

## HISTORY

15/03125/FUL - Partial demolition, rebuild and external alterations including raising of the roof

of existing building and erection of extension to form two storey dwelling.

12/04742/FUL - Alterations and conversion of building to dwelling and the erection of decking and side extension- Refused- 28/03/2015

Reasons for refusal in 2015:

*The proposed dwelling, by reason of its design, density, form, scale, mass and proportions and by virtue of the introduction of development of a domestic nature within an isolated location, fails to maintain or enhance the character and appearance of the locality causes unacceptable harm*

*to the distinctive character and quality of the local landscape and would not result in an enhancement to the immediate setting contrary to policies EQ2 of the South Somerset Local Plan (2006-2028) and paragraph 55 of the National Planning Policy Framework (2012).*

*The proposal by reason of the level of building works proposed would be tantamount to the construction of a new dwelling and would not represent a 're use' of the existing building as required by paragraph 55 of the NPPF. Additionally the site is located within an unsustainable isolated location, remote from services and facilities where future occupants would be wholly dependent on the motor car. As such the proposal is contrary to paragraph 55 and the relevant sections of the National Planning Policy Framework relating to sustainable development and Local Plan policies SD1 and SS1 of the South Somerset Local Plan (2006-2028).*

Reasons for refusal in 2012:

*The proposal comprising the alteration and extension of an existing building to provide a residential dwellinghouse would result in unjustified development outside of defined development areas, where development is strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. Furthermore, the proposal fails to accord with the presumption in favour of sustainable development within the National Planning Policy Framework. As such the proposal is contrary to policies 5, STR1 and STR6 of the Somerset and Exmoor National Joint Structure Plan, policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan 2006 and the provisions of paragraphs 14, 17 and chapters 4, 6, 7 and 11 of the National Planning Policy Framework.*

*The proposed dwelling, by reason of its design, density, form, scale, mass and proportions and by virtue of the introduction of development of a domestic nature, fails to maintain or enhance the environment, causes unacceptable harm to the distinctive character and quality of the local landscape and fails to respect and relate to the character of its surroundings and as such is contrary to policies 5 and STR1 of the Somerset and Exmoor National Joint Structure Plan, saved policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan and the core planning principles contained within paragraph 17 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.*

08/01686/FUL: Construction of a new access - Permitted with conditions.

07/05394/FUL: Formation of new vehicular access, extension and conversion of existing building to form dwelling - Withdrawn.

831862: The use of land at Turbury Woodlands as a site for a caravan - Approved with conditions.

822175: The use of land at Turbury Woodlands as a site for a caravan - Refused.

822174: The use of existing building as a yoga/educational centre with living accommodation and existing garage as store/work area - Refused.

810618: The erection of a bungalow and garage for occupation by a forestry worker - Refused.

53299: The construction of forest road at Whitegate - Approved with conditions.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that the decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the Local Planning Authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the South Somerset Local Plan (2006-2028). The Local Plan was adopted by South Somerset District Council in March 2015.

The National Planning Policy Framework (NPPF) is a material consideration.

The following chapters are of most relevance:

Achieving Sustainable Development  
Chapter 4- Promoting Sustainable Transport  
Chapter 6- Delivering a wide choice of high quality homes  
Chapter 7- Requiring good design  
Chapter 8- Promoting healthy communities  
Chapter 11- Conserving and enhancing the natural environment

Local Plan (2006-2028)

The following Local plan policies are considered to be relevant:

SD1- Sustainable development  
SS1- Settlement Strategy  
EQ2- General development  
TA5- Transport impact of new development  
TA6- Parking standards

National Planning Practice Guidance:

The following sections have the most relevance:

Determining an application

National Planning Policy Framework - March 2012

Chapter 6. Delivering a Wide Choice of High Quality Homes

Chapter 7. Requiring Good Design

Other Policy Considerations

Somerset County Council Parking Strategy (March 2012)

## **CONSULTATIONS**

### **Tatworth and Forton Parish Council:**

Recommend Approval

Reasons for approval:

The property be tied to the care and ownership of the woodland in perpetuity.

It sits well within neighbouring properties.

It would enhance the existing setting.

It would improve the general welfare of the woodland by being properly managed.

It is within walking distance of the No 99 bus service to both Chard, Yeovil and Crewkerne Station and the national rail network and is wholly sustainable.

### **County Highway Authority:**

Standing advice applies.

Comments under application reference 12/04742/FUL-

The proposal is for the alteration and conversion of a building to a dwelling with an extension to accommodate a work office.

The site is served from an access off the B3167, which is a County Route. A new access and parking area was approved under a previous planning application No.08/01686/FUL and there are no proposed changes to this application which will affect the existing access and parking. Therefore, given that the conversion and alterations are for a residential development and it would not appear likely to result in an increase in vehicle movements to the site, nor would it have a detrimental effect on the existing highway network there is no objection to this proposal from the Highway Authority.

### **SDDC Highway Consultant:**

Consider sustainability issues (transport). Traffic impact on the approach road is unlikely to be significant. Consider the standard of the site access junction despite any previous proposals, particularly in respect of the extent of visibility splays. The first 6.0m of the access should be properly consolidated/surfaced (not loose stone or gravel) with appropriate surface water drainage measures. On-site parking should accord with SPS optimum standards and appropriate on-site turning facilities should be provided.

### **SDDC Ecologist:**

First response

I note this application site is situated directly between two closely located areas that are mapped as 'broadleaved woodland stepping stones' which are a component of the ecological networks mapping for South Somerset. NPPF and Local Plan policy EQ4 require the creation and protection of coherent ecological networks. I consider the introduction of domestic development at this location would be contrary to the planning policy and hence recommend refusal.

Second response:

Ecological networks

The National Planning Policy Framework (NPPF) added 'ecological networks' to the features of the natural environment that should be conserved and enhanced by the planning system. This

stems from a requirement under the Habitats Directive 1992.

The Somerset Local Nature Partnership has used cutting edge modelling software to examine how species may move across and survive within Somerset's landscapes, resulting in mapping of key elements (core areas, dispersal areas, stepping stone habitats) of the natural infrastructure.

The application site is located within stepping stone habitat (woodland) that forms part of the identified and mapped ecological network infrastructure.

Although the development is small scale, I still consider it is contrary to the NPPF requirement of 'preservation, restoration and re-creation of priority habitats, ecological networks ...' (para. 117).

Local Plan policy EQ4 (Biodiversity) states that 'All proposals for development ... will minimise fragmentation of habitats and promote coherent ecological networks'.

Lack of justification

I don't consider woodland management neither requires nor will necessarily benefit from having a dwelling on site. Most woodland management is undertaken for short periods (days/weeks), on a seasonal basis. I don't know of any other woodlands in Somerset that contain a dwelling to facilitate woodland management.

Conclusion

I consider this proposal is contrary to NPPF and Local Plan policy EQ4 requirements for the conservation of ecological networks and consequently I recommend refusal.

**SSDC Landscape Officer:**

I recollect the earlier application that similarly sought the conversion of a woodland store for residential purposes. The landscape issues raised at that time remain pertinent, and much of what follows is a re-statement of those issues, amended where pertinent to the specifics of this application.

The store is a singular small-scale utilitarian building, which lays alongside the wood's SE edge, which may once have had a purpose relating to the management of Turbury Woods. The proposal is a change of use of the building to residential, and an increased mass of built form due to the roof being raised. The site plan indicates a red line site extent, which infers a domestic curtilage, though this does not fully relate to boundaries indicated on the (proposed) site plan.

The woodland itself is a mix of semi-natural woodland and plantation species that is predominantly broadleaved. It lays adjacent and to the south of a woodland block of ancient origins, to provide contiguity of habitat, and it is clearly a long-established landscape feature that is part of the wider pattern of mixed woodlands that characterise the lower slopes of Windwhistle Hill. Consequently the general area is considered to be sensitive, and of landscape value. The site is clearly rural, and lays outside the development area of local settlements, and the displacement of grassland by an increased development footprint offers no intrinsic environmental benefit. Whilst there are sporadic groups of individual dwellings dotted alongside the B3187 between Lydmarsh and South Chard, they do not create a settlement to which this site would be linked, and the woodlands and intervening open fields are the dominant characteristics of this landscape.

With conversion to domestic use, the building and its associated curtilage would present a domestic incursion into this rural landscape, that given the wood-edge context; and the negative landscape impact of adding to domestic form in this rural area, will adversely impact upon local character. In addition, whilst built-form is established on this site by the barn's presence, there is a substantial difference between its utilitarian form, and occasional functional use, and the domestic use of a site in a non-domesticated environment, which introduces the incongruous characteristics of night-lighting; domestic vehicular activity and parking space; and the appearance of domestic paraphernalia within the curtilage of the dwelling. Consequently, I would advise that a domestic conversion in this location would respect neither the woodland setting nor character of the locality, and thus there are landscape grounds, local plan policy EQ2 upon which to base an objection to this proposal.

## **REPRESENTATIONS**

The application has been advertised by site notice for the requisite period. Two letters have been received from nearby residential occupiers objecting to the proposal on the following grounds:

Visual amenity:

- Raising the roof will make the building more visible. Introduction of rooflights/potential for removal of more trees will result in light pollution.
- Concerns that the building will be extended in the future.

Ecology:

- Concerns over the ecological value of the woods and site. The buildings may be used by Barn Owls and other protected species such as bats. The locality is a haven for wildlife such as deer and adders.
- The presence of a dwelling will result in noise and light pollution.
- The application does not necessarily secure the wider woodland.

Other matters:

- There are other areas of woodland in the vicinity and this application would set an undesirable precedent for owners of these other woods to reside within them.
- There have been a number of other properties recently available in the vicinity which the applicant could have purchased.
- It is surprising that the structure can support the upward extension without demolition and rebuild.
- The building was originally a wood store built without permission.
- Concerns that there will not be an additional entrance/exit for vehicles at the Whitegate Lane end of the woodland.
- Concerns that the site could be used for noisy activities such as shooting or tree felling.

## **CONSIDERATIONS**

### **Principle of Development**

National policy guidance:

The site is located within an area of woodland and is remote from any local settlements, services and facilities. There are two dwellings on the opposite side of the road, near to the site entrance. However, given the remoteness from any discernible settlement, services and facilities, it is considered that this is an 'isolated location' in planning terms. Paragraph 55 of the NPPF relates to residential development in such locations and states (inter alia) that:

"To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their
- place of work in the countryside; or
- where such development would represent the optimal viable use of a
- heritage asset or would be appropriate enabling development to secure
- the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or"

The 'golden thread' running through the NPPF is the aim to achieve sustainable development and the three dimensions of this are set out within paragraph 7 as economic, social and environmental. The primary instruction of paragraph 55 is to 'avoid new isolated homes' and it lists three 'special circumstances' which can be exceptions to this restrictive approach.

In this instance, the final bullet point is relevant; "where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting";

This is assessed in the section of the report below titled 'scale and appearance'.

#### **Site history/Section 106 agreement:**

In the past, applications have been made for the provision of residential accommodation on this site, all of which have been refused, two refusals have been issued since the NPPF was published in 2012. The site is located in open countryside and is remote from any local services or public transport links, making this a clearly an isolated and unsustainable location when assessed against the definition of sustainability as set out by the NPPF.

It has been argued previously that there is a need for a dwelling to maintain the woodland appropriately but there appears to be no business or active management of the woodland. In any case, the management required would not be sufficient to justify a dwelling on the grounds of essential need for a forestry worker. Additionally it is understood that the building has not been used for forestry purposes for some time. The current application proposes a S.106 legal agreement to tie the dwelling to the woodland. Given the above, it is considered that this would not meet the relevant tests for the imposition of such an agreement. These tests require that such an obligation would be necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind.

#### **Scale and appearance:**

The principal consideration relates to whether the proposal would constitute 'special circumstances' to justify an exception to the restrictive approach to residential development in isolated locations, specifically whether the proposal would lead to an 'enhancement of the immediate setting' of the site as required by paragraph 55 of the NPPF. It is considered that 'special circumstances' to overcome otherwise unacceptable development is a strict policy test.

It should be noted that the Council's Landscape Architect has commented on the proposal, raising an objection on the basis of the impact on landscape character. Of significance the



Landscape Officer states:

With conversion to domestic use, the building and its associated curtilage would present a domestic incursion into this rural landscape, that given the wood-edge context; and the negative landscape impact of adding to domestic form in this rural area, will adversely impact upon local character. In addition, whilst built-form is established on this site by the barn's presence, there is a substantial difference between its utilitarian form, and occasional functional use, and the domestic use of a site in a non-domesticated environment, which introduces the incongruous characteristics of night-lighting; domestic vehicular activity and parking space; and the appearance of domestic paraphernalia within the curtilage of the dwelling.

For the reasons given above and the increase in height of the building it is considered that the proposal would not respect its immediate woodland setting, and would appear incongruous. As such the proposal would be contrary to Local Policy EQ2. Additionally, the harm to landscape character identified above would be a contrary to the policy requirement for 'enhancement' to the setting of the site. Even it is accepted that the proposal would have a neutral impact on landscape setting, it is considered that this would still be some way short of the requirement for 'enhancement'

#### **Sustainability:**

Paragraph 2.2 of the applicant's design and access statement maintains that the previous reason for refusal on sustainability grounds is no longer valid since the government introduced the permitted development right for agricultural buildings. This comment is not considered to be relevant as this guidance relates solely to the permitted development right under Class Q of Part 3 of the GPDO 2015 rather than planning applications which are considered against the relevant development plan policies and the NPPF, particularly paragraph 55.

Paragraph 2.3 of the applicants design and access statement states that applications cannot be refused on the basis of a site occupying a site which is considered unsustainable. This is considered to be incorrect. The primary instruction of paragraph 55 is to 'avoid isolated new homes in the countryside', the rationale being the overall aims of the NPPF to achieve sustainable development, specifically social and environmental sustainability (permitting housing in and adjoining settlements where there are local facilities and services and where occupiers would not be dependent on the car to service daily needs). Where a development does not meet the special circumstances it is contrary not only to paragraph 55 and also the other relevant sections of the NPPF such as paragraph 32 which states that decisions should ensure developments are located where the need to travel is minimised and the use of sustainable transport modes can be maximised. As such it is considered that the proposal is located in a remote and unsustainable location where occupants would be wholly dependent on the car for servicing daily needs contrary to the aims of the NPPF to achieving sustainable development.

#### **Building operations:**

One of the reasons for refusal under the previous application was that the level of works to the building would go beyond a conversion. The applicant has submitted further information stating that the four existing walls would be retained and extended prior to the roof being replaced onto the building. There are no local plan policies in relation to the ability to convert a building without major reconstruction. Given the evidence relating to the structure of the building it is considered that there is sufficient evidence to demonstrate that it is convertible without substantial demolition.

## **Highways:**

The provision of the access to serve the building was granted in association with the storage use of the building. It is noted that under the previous application, the Highway Authority did not object as the existing access could generate a similar number of movements in association with the management of the woods. The previous permission was allowed subject to conditions requiring amongst other things that visibility is maintained to the south of the site in accordance with a submitted plan. As such, subject to a condition relating to the maintenance of visibility splays it is considered that the proposal would be acceptable in relation to highway safety.

## **Ecology:**

An ecological survey has been submitted with the application which has found no evidence of bats within the building. The Council's ecologist agrees with the findings of this report.

The Council's ecologist has objected to the proposal on the basis that it is located within an area designated as a 'broadleaf wood stepping stone' which is a sub category of the ecological network wildlife designation. The council's ecologist has further commented that the NPPF requires the preservation of ecological networks. Additionally Local Plan policy EQ4 requires that 'all proposals for development ... will minimise fragmentation of habitats and promote coherent ecological networks'.

The concept of ecological networks within the planning system is relatively new and relatively untested at appeal. It is noted that the land area across the district under this designation is small and the designation underlines the general unsuitability of developing this woodland for residential purposes. It is considered that the development, including the associated disturbance to wildlife, permanent loss of tree cover in this location and potential pressure for future tree felling would fail to preserve the designated habitat.

## **Residential Amenity:**

The site is located sufficiently distant from other dwellings in the locality so that there would be no impact on neighbour amenity.

## **CONCLUSION**

Overall it is considered that the proposal by reason of its isolated location would constitute unsustainable development. It would fail to respect and relate to the character of the area, resulting in a detrimental impact on the landscape character of the locality and would not meet the 'special circumstances' set out by paragraph 55 of the NPPF for allowing isolated dwellings in the countryside.

## **RECOMMENDATION**

Refuse

## **SUBJECT TO THE FOLLOWING:**

01. The proposed dwelling, by reason of its design, density, form, scale, mass and proportions and by virtue of the introduction of development of a domestic nature within an isolated location, fails to maintain or enhance the character and appearance of the locality, causes unacceptable harm to the distinctive character and quality of the local landscape and would not result in an enhancement to the immediate setting contrary to

policies EQ2 of the South Somerset Local Plan (2006-2028) and paragraph 55 of the National Planning Policy Framework (2012).

02. The proposed dwelling, by reason of its siting within an unsustainable isolated location, remote from services and facilities where future occupants would be wholly dependent on the motor car. As such the proposal is contrary to paragraph 55 and the relevant sections of the National Planning Policy Framework relating to sustainable development and Local Plan policies SD1 and SS1 of the South Somerset Local Plan (2006-2028).
03. The proposed dwelling, by reason of its siting within a site identified as being of wildlife importance being designated as a 'broadleaved wood stepping stone', a designated component of ecological networks would introduce a development and future use that would fail to preserve or promote the ecological network contrary to Local Plan policy EQ4 and paragraph 117 of the NPPF (2012).

**Informatives:**

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

In this case the application follows a previous refusal. The applicant has engaged with the Council through pre application advice and the applicant was advised that a revised submission was unlikely to overcome the previous reasons for refusal.

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