

## **Officer Report On Planning Application: 19/00801/FUL**

<b>Proposal :</b>	Demolition of existing garages and the erection of a new dwelling with carport.
<b>Site Address:</b>	Land North Of Creech View Dropping Lane Bruton TA10 0NQ
<b>Parish:</b>	Bruton
<b>BRUTON Ward (SSDC Member)</b>	Cllr Lucy Trimnell
<b>Recommending Case Officer:</b>	David Kenyon
<b>Target date :</b>	16th May 2019
<b>Applicant :</b>	Mrs Jane Coombes
<b>Agent: (no agent if blank)</b>	Mr Roger Gallannaugh Plox Studio Plox Bruton Somerset BA10 0EF
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

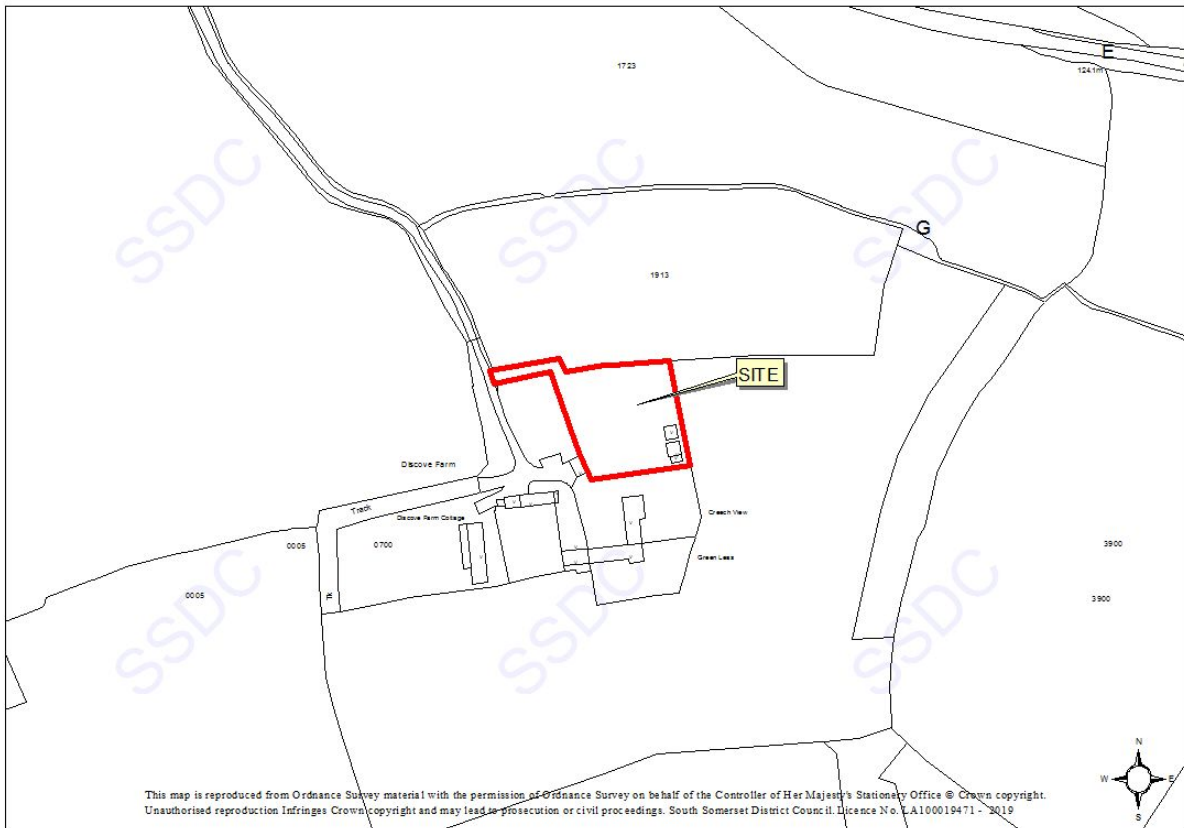
### **REASON FOR REGULATION COMMITTEE REFERRAL**

This application has been two-starred (\*\*) in line with the scheme of delegation and is referred to the Regulation Committee following the resolution of the Area East Committee, at its meeting on 14th August 2019, to approve the application contrary to the officer recommendation. This referral is due to the remote rural location of the site, the lack of justification for approval and to ensure consistency of decision-making across the district.

The Area East Committee has resolved, unanimously, to approve the application for the following reasons:

1. The distance to the Town Centre is the same as other developments at Cuckoo Hill.
2. The site is not remote due to it being adjacent to 4 other properties.
3. There are safe means of pedestrian access to the Town Centre.

# SITE DESCRIPTION AND PROPOSAL



The site is located in open countryside, to the south west of Bruton, 300m south of Dropping Lane. The site is accessed via an unclassified highway linking the farmyard area with Dropping Lane. The site currently forms part of the garden of Creech View one of several former barns, now in use as dwellinghouses, around a main farmhouse.

The application is made for planning permission for the demolition of a set of garages, and erection of a new dwelling. It is also proposed to provide a carport for the future occupiers of the proposed development, and provide a parking area for use of the occupiers of Creech View, to the south. The proposed dwelling would comprise single and two-storey elements, with a barn type appearance, and would be constructed from a mix of timber cladding, natural stone and render, with slate roof

## **HISTORY**

The following history relates to a variety of buildings within the complex of barn conversions adjoining the site;

18/01427/FUL: Raise level of existing roof, installation central heating system and associated insulation improvements. renewal and replacement of doors and windows approved with conditions 20/06/18

12/01259/S73: Application to remove condition 3 of planning approval 890692 dated 10/05/1989 (holiday accommodation for the disabled) approved with conditions 15/10/2012

03/02634/FUL: Changed of use from holiday let to permanent residential; let 15/09 2003

951577: The election of a building to provide two holiday units for disabled 21/03/1996

895611: Conversion of barn to a dwelling Conditional permission 23/01/1989

891798: Alterations to elevations and extension of barns to be converted into 2 dwellings conditional approval 09/09/1989

890692: Conversion of barn into holiday accommodation for the disabled conditional approval 10/05/1989

890531: Conversion of barn to 2 dwellings conditional permission 10/05/1989

861549: The conversion of store rooms into a dwelling conditional permission 12/08/1986

49824: Erection of overhead power lines deemed approval 27/09/1960

## **POLICY**

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.

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

SD1, SS1, SS2, SS4, SS5, TA5, TA6, EQ1, EQ2, EQ4, EQ5

National Planning Policy Framework

Chapters 2, 4, 5, 8, 9, 12, 14, 15

National Planning Practice Guidance

Design, Natural Environment, Rural Housing, Planning Obligations

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

## CONSULTATIONS

**Bruton Town Council:** Recommend approval.

**SCC Highway Authority:** Standing Advice Applies.

**SSDC Highway Consultant:** I recall providing comments recently on a proposal for a new dwelling in the approximate location of this site. I recall mentioning the suitability of this site in terms of safe and convenient accessibility and connectivity by all modes of transport, the width of the lane to the site and its ability to accommodate two-way traffic, and the standard of the junction where the lane meets the public highway, particularly in respect of visibility splays. I note the comments the agent has made in the supporting letter but any evidence relating to previous permissions, appeal decision letters, etc., need to be provided by the agent so that they can be assessed in relation to the current scheme.

**Wessex Water:** No objections.

**SW Heritage Trust (Archaeology):** The application area lies immediately north of the site of the deserted medieval village of Discove. It is therefore possible that this proposal may impact upon remains relating to medieval occupation. For this reason I recommend that the applicant be required to provide archaeological monitoring of the development and a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 199). This should be secured by the use of the following conditions attached to any permission granted:

*"Programme of Works in Accordance with a Written Scheme of Investigation (POW) Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological investigation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."*

**SSDC Ecologist:** Following consideration of information provided in respect to the construction of the garages to be demolished, no comments are made.

## REPRESENTATIONS

None

## CONSIDERATIONS

### Principle of Development

In policy context, national guidance contained within the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development, advising that "local planning authorities should avoid new isolated homes in the countryside unless one or more of a certain set of circumstances are met." Paragraph 78 of the NPPF also states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Policy SD1 of the South Somerset Local Plan (2006-2028) also recognises that applications should be considered in the context of the presumption in favour of sustainable development.

Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements are 'Rural Settlements', which policy SS1 states "will be considered as part of the

countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

*"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:*

- *Provides employment opportunities appropriate to the scale of the settlement; and/or*
- *Creates or enhances community facilities and services to serve the settlement; and/or*
- *Meets identified housing need, particularly for affordable housing.*

*Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."*

In this case, the application site lies within a small group of dwellings, many of which are converted former farm buildings, approximately 1 km to the south west of Bruton, the nearest large settlement with access to essential key services. Otherwise the site is remote from key services, and is therefore subject to the same degree of protection as the open countryside. It is therefore considered to be unsustainable by virtue of its distance from key local services. Furthermore, there are no footpaths from the site along the B3081, which is a busy main road, approaching Bruton. As such, any occupiers would be reliant on the use of a motor vehicle, unless they wished to walk along an unpaved and unlit stretch of this classified highway, which would clearly not be desirable from a public safety point of view.

The applicant carried out pre-application negotiations with the Local Planning Authority, in which it was advised that a planning application for new housing in this location would not be supported. Nonetheless an application has been made, in which the applicant seeks to justify the proposal on the basis that it is not remote. It is further suggested that the development of a gallery and restaurant to the north west of the site, approximately halfway between the site and the edge of Bruton, has provided a permanent pedestrian link to the town, which is easily accessible from the site. In response, it is acknowledged that the distance is not considerable, and the site is not 'isolated due to its close relationship to other built development, however it is still not deemed to be a suitable site for new residential development, having particular regard to the accessibility for future residents to essential services. The reference to the nearby gallery is noted, however any access between this site and Bruton is still reliant on an unlit public footpath, with future occupiers of the application site still having to walk some distance, and cross the busy B3081, before reaching this footpath.

For the above reason, the proposed development of the site is not considered to meet the aims of sustainable development identified within the Local Plan and NPPF.

### **Highway Safety**

In assessing highway safety, the County Highway Authority has advised that Standing Advice should apply. The Council's Highway Consultant has offered further comment, noting that he had previously commented on an application, questioning the connectivity of the site, along with the width of the access track and the quality of the junction onto the B3081. Notwithstanding this, it is acknowledged that several households already use these existing access arrangements. It is not considered that an additional household would generate sufficient increase in vehicle movements to represent a severe impact on highway safety. Therefore subject to the imposition of appropriate highway related conditions, should permission be granted, the proposal is not considered to be unacceptable from a highway safety point of

view.

### **Scale, Design and Appearance**

The proposed development comprises a relatively large four bedroom property, with a two storey element to the north, and single storey element projecting southwards. It is proposed to be constructed with a mix of timber cladding, natural stone and render, with slate roofing.

The majority of the buildings within the small group of dwellings in the immediate location, are converted barns, which this proposal seeks to replicate to a degree. Overall, the proposed design and scale is considered to be acceptable, as such, there are no objections in principle to the proposed dwelling in terms of appearance. Similarly, the site is relatively large so as to accommodate the proposed dwelling comfortably.

Overall, the proposed development is considered to be acceptable from a visual perspective.

### **Residential Amenity**

The proposed development is sited at a reasonable distance from the nearest properties so as to prevent any overshadowing or overbearing impact. Furthermore, the openings have been designed to avoid any direct overlooking.

### **Other Issues**

It is noted that the site is within the vicinity of a deserted medieval village. While not raising an objection, the SW Heritage Trust have requested that an appropriate condition be imposed to any permission requiring the investigation of any archaeological remains.

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply). An appropriate informative will be added, advising the applicant of their obligations in this respect, should permission be granted at a later date.

### **Planning Balance**

It is noted that the District Council's is currently unable to satisfactorily demonstrate a five year land supply. As such, development proposals should be considered in the context of the National Planning Policy Framework, which states that policies, such as Local Plan policy SS2, should be considered out of date, as they are relevant to the supply of housing. In such circumstances, it is advised that planning permission should be granted unless *1) the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or 2) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.*

In giving this consideration, it is noted that there will be some minor benefits, in particular in providing a dwelling to meet district-wide demand, however this is considered to be significantly outweighed by the lack of suitability of this location, which is remote from key local services.

### **Conclusion**

Notwithstanding the Council's lack of five year land supply, the proposed development is considered to be unacceptable by virtue of the remoteness of the site from key local services.

The development proposal is therefore considered to be unacceptable and fails to meet the aims of sustainable development, as highlighted within both the South Somerset Local Plan, and the NPPF.

## **RECOMMENDATION**

Refuse

### **FOR THE FOLLOWING REASON(S):**

01. The proposal would represent new residential development in an isolated rural location, for which an overriding essential need has not been justified. By virtue of distance and lack of safe means of pedestrian access, the application site is poorly related to local services and as such will increase the need for journeys to be made by private vehicles. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan and to the aims and objectives of the National Planning Policy Framework.

### **Informatives:**

01. In accordance with paragraph 38 of the NPPF, the council, as local planning authority, approaches decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area by:

- offering a pre-application advice service, and
- as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant did enter into pre-application discussions, in which the LPA's concerns in respect to unsuitable location of the site were raised. Despite this, an application was made contrary to the advice given. Notwithstanding this, there were no minor or obvious solutions to overcome the significant concerns caused by the proposal.

02. 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).