

23/19/0008

MR & MRS J DAKOWSKI

Conversion of dwelling into workshop/studio with ancillary flat and replacement of garage/outbuildings with erection of detached dwelling with detached garage/store at Olands Lodge, Huntash Lane, Milverton

Location: OLANDS LODGE, HUNTASH LANE, MILVERTON, TAUNTON, TA4
1NS

Grid Reference: 311873.125408

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed development would result in new residential development in a countryside location which is inappropriate and not in an accessible location in the terms within the NPPF and would undermine the sustainable pattern of growth for settlements set out within the Council's Development Plan. In this regard, the development would be contrary to policies SP1, CP8 and DM2 of the adopted Taunton Deane Core Strategy 2011-2028 and policy SB1 of the adopted Taunton Deane Site Allocations and Development Management Plan (December 2016). These policies seek to, amongst other things, prioritise accessible and sustainable locations for development, restrict development in the countryside to ensure a sustainable approach and maintain the quality of the countryside.

Recommended Conditions (if applicable)

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

Planning permission is sought for the conversion of the existing 4 bedroom detached dwelling into workshop/studio space with an ancillary flat above. The accommodation would comprise 3 studios on the ground floor with a kitchenette, bathroom, living room, bedroom/office and roof terrace on the first floor. Part of an existing first floor flat roofed extension will be removed to create a roof terrace at the rear of the

dwelling.

It is also proposed to demolish 3 outbuildings/garage to the rear of the existing dwelling and to erect a new dwelling. The new dwelling will be sited to the east of the existing dwelling, set back from the road frontage. It will be clad in larch boarding with a slate roof. A new triple garage with first floor storage is also proposed and this will be sited in front of the new dwelling.

Site Description

The site is located some 500 metres south of Milverton, opposite the entrance to the village school, at the junction of Huntash Lane and Burns Hill. The site lies 300 metres outside the village settlement boundary within open countryside. Once outside the centre of the village, the east side of Burns Hill is undeveloped with open fields. The nearest dwellings are located some 380 - 400 metres from the application site. The west side of Burns Hill is more developed with the village school opposite and Olands House and Olands Barn set well back from the road frontage.

The existing dwelling is situated right on the roadside and is highly visible. It has extensive gardens to the south and a field to the east. The site is very well screened along the Burns Hill boundary. The eastern boundary with the adjoining field is open and the existing outbuildings are visible from Huntash Lane. Vehicular access to the property is gained via a narrow driveway onto Huntash Lane, with limited visibility. Two of the existing outbuildings are in a very poor state of repair.

Relevant Planning History

23/14/0002/LE - A Certificate of Lawful Use was granted in 2014 for the use of the land to the south of the dwelling as residential curtilage.

Consultation Responses

MILVERTON PARISH COUNCIL - Councillors noted that this application falls outside the village boundary and therefore is not supported by current TDBC planning policies, however, it notes that these policies are mainly aimed at developments of 20 or more houses.

Nevertheless, this proposal is broadly compatible with the Parish Council's view on what represents appropriate 'organic' development for Milverton and this brown field site will be significantly improved by the redevelopment of the redundant and dangerous buildings currently occupying it.

The Parish Council therefore **supports** the application.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice.

DRAINAGE ENGINEER - We believe that this application is a minor application and falls below the requirements for LLFA statutory consultation. Therefore, the LLFA has no comments to make regarding this application.

BIODIVERSITY - Brookside Ecology undertook a Preliminary Bat Roost survey and a subsequently carried out an emergence survey in 2012 but found no evidence of bats at that time. However, lesser horseshoe bat droppings were found in Outbuilding 2, used as a garage in 2012 a building of concrete blocks and with timber lined corrugated roof. According to the ecology report this was not proposed for demolition at that time. However, the current proposals show that a dwelling would be built on the site of this outbuilding.

In addition under current Bat Conservation Trust guidelines, buildings deemed with 'low' roost potential require one emergence survey. Buildings with 'negligible' potential require no survey. Specific details of the emergence surveys are not given in the Brookside Ecology report. As the 2012 survey is a long time out of date I would therefore require an updated survey from a suitably qualified and licensed ecologist so that I can make an informed comment on the application.

TREE OFFICER - There are no significant trees affected by this proposed development, so no objection from me. The owners are keen to plant new trees, so the standard landscape condition will ensure some new native trees around the perimeters.

Representations Received

Thirteen letters of support have been received and are summarised below:

- The applicants support many activities in the village and they would be missed if they left the village;
- The application makes good use of infill land;
- The provision of a small flat in the original dwelling will be ideal for young persons looking for a home;
- It will replace unsightly outbuildings and will enhance the area;
- The design is sympathetic to the environment and it will be energy efficient;
- Nature conservation interests have been considered;
- It will have no impact on neighbours;
- The increase in traffic will not affect the village.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

SD1 - Presumption in favour of sustainable development,

SP1 - Sustainable development locations,

CP4 - Housing,

CP8 - Environment,

DM1 - General requirements,

DM2 - Development in the countryside,

DM4 - Design,

D7 - Design quality,

SB1 - Settlement Boundaries,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Creation of dwelling is CIL liable.
Proposed dwelling measures approx. 285sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £35,500.00. With index linking this increases to approximately £47,750.00.

New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Somerset West and Taunton	£1,079
Somerset County Council	£270

6 Year Payment

Somerset West and Taunton	£6,474
Somerset County Council	£1,619

Determining issues and considerations

The Principle of Development

The application site lies 300 metres outside the defined settlement boundary in open countryside, some 500 metres from the centre of the village. Core Strategy Policy SP1 establishes the desire to provide sustainable development focusing development at the most sustainable and accessible locations. This policy states that outside of the settlement boundaries, development will be treated as within open countryside. Policy DM2 then identifies the type of development considered as acceptable within the open countryside. New residential development is only supported in the countryside if it is a replacement dwelling or affordable housing, which is not proposed here. The new dwelling cannot be considered as a replacement dwelling as the existing dwelling will be retained, albeit with studio/workshop space, capable of being occupied as a self-contained unit separate from the new dwelling. Consequently, there is an in principle conflict with the development plan.

Reference has been made by supporters and the Parish Council that the site is "brownfield land" as it contains dilapidated buildings. This term has been re-named as "previously developed land" within the National Planning Policy Framework (NPPF). This definition specifically excludes private residential gardens so the site cannot be considered as being previously developed land. In addition, the site cannot be described as "infill development" which refers to the infilling of a small gap

between existing buildings. The proposed new dwelling will be in open countryside and will not fill a gap between existing dwellings/buildings.

Also of relevance is an appeal decision dated October 2018 for a site just north west of the current application site, west of the primary school and within the grounds of Olands House. The proposal was for 4 new dwellings outside the settlement boundary and in the open countryside (ref: 23/17/0020). The Inspector noted that the proposal was located close to the settlement boundary and also close to other dwellings. However, the appeal was dismissed principally because the site lay outside the settlement boundary; the site was poorly connected to the village by way of lack of footpaths and lighting and there was a clear conflict with Policies SP1 and DM2. It is pertinent to note that the appeal proposal was closer to the settlement boundary and also closer to other built development than in this current application. This is a material consideration that must be taken into account when weighing up the merits of this application.

Visual Impact

The proposal also has to be considered under Core Strategy Policy CP8, which states that unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced. Development within such areas will be strictly controlled in order to conserve the environmental assets and open character of the area. The application site is largely well screened from Burns Hill. However, the proposed new dwelling will be sited very close to the open eastern boundary. Whilst it is accepted that the existing outbuildings are right on this boundary, the new dwelling will be substantially larger in scale and prominence when viewed from Huntash Lane. The existing outbuildings are smaller in scale and lower in height. The proposed new dwelling will have a greater visual impact when viewed from Huntash Lane, contrary to Policy CP8.

The proposed new dwelling will not result in any loss of privacy or light to any neighbouring residential occupiers, due to the distances involved.

Sustainability of the Location

As already described, the site is located outside the village in open countryside. It is not well connected to the village centre as Burns Hill has no footpaths or street lighting. There is a short section of a kerbed grass verge running from the school towards the village but this does not constitute a footway. Furthermore, it does not connect all the way into the village. Pedestrians would have to walk along a busy narrow road with tall hedgerows. Comparisons can be drawn to the appeal decision summarised above, where the Inspector concluded that Burns Hill "would not provide a suitably accessible location for a new dwellings having regard to planning policies that seek to create sustainable patterns of growth." It is therefore concluded that the proposed development is in an inaccessible location under Policy SP1 and the NPPF.

Highways

The existing access onto Huntash Lane is to be retained to serve both the existing and proposed new dwellings. No alterations to this access are proposed. This access is narrow and has restricted visibility due to the boundary hedgerows. The County's Standing Advice requires that accesses serving 2 dwellings should be 5 metres wide for a minimum length of 6 metres to enable 2 cars to pass. In addition, improvements will be required to achieve satisfactory visibility splays. These revisions have not been sought from the applicant due to the "in principle" objection

to the development. The revisions could be accommodated on the site but would require partial removal of hedgerow. This would open up the site and make the development more visible from the road.

Ecology

The application is supported by an ecological report dating from 2012 which principally considered the potential impact on bats by extending the existing dwelling. The outbuildings were surveyed and there was limited evidence of bats. However, the report is outdated and the County Ecologist requires an updated report to fully assess the potential implications for bats. However, this is a matter that could be dealt with by planning condition if planning permission was to be granted. The Ecologist has advised that the absence of an up-to-date report would not be sufficient grounds to refuse the application.

Conclusion

The proposed development would represent the introduction of new residential development into a countryside location which is inappropriate. It is not an accessible location in the terms within the Framework and would undermine the sustainable pattern of growth for settlements set out within the Council's Development Plan.

In this regard, the development would be contrary to policies SP1, CP8 and DM2 of the adopted Taunton Deane Core Strategy 2011-2028 and policy SB1 of the adopted Taunton Deane Site Allocations and Development Management Plan (December 2016). These policies seek to, amongst other things, prioritise accessible and sustainable locations for development, restrict development in the countryside to ensure a sustainable approach and maintain the quality of the countryside.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Ms A Penn