

10/19/0023

MR S YOUNG

Change of use of 3. No agricultural buildings to 1 No. 3 bedroom dwelling (Class C3) and associated works at Pay Farm, Willand Road, Churchstanton

Location: PAY FARM, WILLAND ROAD, CHURCHSTANTON, TAUNTON, TA3 7RJ

Grid Reference: Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A2) DrNo 1683/PL/01d Location and Site Plans
(A2) DrNo 1683/PL/02c Site Plans
(A2) DrNo 1683/PL/03c Site Plans
(A2) DrNo 1683/PL/04b Floor Plans Plot 1 Strip Elevations
(A2) DrNo 1683/S/10A Site Survey
(A2) DrNo 1683/S/11A Buildings Survey
(A2) DrNo 1683/PL/06c Elevations Plot 1
(A2) DrNO 1683/PL/09c Site Sections
(A2) DrNo 683/S/10A Site Survey
(A4) Location Plan

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

3. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available

planting season from the date of commencement of the development.

(iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

Pre-Commencement Reason: To ensure that the natural beauty of the surrounding Blackdown Hills Area of Outstanding Natural Beauty is maintained.

4. Prior to the conversion of the buildings, samples of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the buildings and the surrounding Blackdown Hills AONB.

5. Works shall not in any circumstances commence unless the local planning authority has been provided with either:
 - a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
 - b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition is in the interests of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

6. Works shall not commence until:
 - a) Demolition/construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist.
 - b) An improved cavity bat box, to accommodate any discovered bat(s), will be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. A photograph showing its installation will be submitted to the Local Planning Authority

- c) Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist

Reason: A pre-commencement condition in to ensure the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

7. Prior to completion, a “lighting design for bats” shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the Favourable Conservation Status of populations of European and UK protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

8. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds’ nests immediately before vegetation is removed the building is demolished and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist.

Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Core Strategy.

9. Provision will be made for nesting swallows, for example within a structure providing shelter, such as an open fronted log store or bespoke box attached to the wall, and with the provision of artificial two artificial nest cups within. A scheme showing how this will be implemented should be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The approved scheme will be implemented in full and maintained thereafter.

Reason: In accordance with Government policy for the maintenance of biodiversity as set out in the National Planning Policy Framework (170d).

10. Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and left for a minimum period of 48 hours of warm suitable weather

(limited rain and wind, with overnight temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land in the active period. This work may only be undertaken in the active period for reptiles between April and October. Written notification of the date when the operation will be carried out will be submitted to the Local Planning Authority prior to works commencing.

Reason: In the interests of UK protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

11. A Beaumaris Woodstone maxi bat box or similar will be mounted under the apex of the north elevation and maintained thereafter. A photograph showing the installed feature will be submitted to the local planning authority prior to occupation of the building.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework.

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure, shall be erected on the site other than that expressly authorised by this permission, shall be carried out without the further grant of planning permission.

Reason: To ensure that the proposed development does not harm the character and appearance of the surrounding Blackdown Hills AONB.

13. The two existing barns to the south of the proposed barn conversion, as shown on plan number 1683/PL/03B, shall be demolished prior to the first occupation of the barn conversion hereby approved.

Reason: To protect the residential amenity of the future residential occupiers of the barn conversion.

Notes to Applicant

1. Any proposed works must not encroach onto the width of the PROW.

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

A PROW being made less convenient for continued public use:

- New furniture being needed along a PROW.
- Installing any apparatus within or across the PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
 - create a hazard to users of a PROW,
- then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure.

2. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Proposal

Planning permission is sought to convert 3 barns into a single 3 bedroom dwelling house, with a new detached double garage. The two attached barns (known as Barn B) will be converted into a two bedroom dwelling. The detached barn (Barn A) in the north east corner will be converted into a master bedroom with ensuite. A new detached open fronted garage will be built to the south of Barn A.

This is a revised application following an earlier application to convert Barns A and B into a dwelling and to replace Barn D with a new dwelling (see planning history below).

Site Description

The application site lies at the end of a long unsurfaced track which leads from the unclassified Willand to Higher Munty road, in Churchstanton. It lies amongst a group of former agricultural buildings within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The application relates to three barns of a traditional design

located in the north east and north west of the site. Immediately to the south are a further 2 barns, one of block construction (Barn C) and the other clad in corrugated iron (Barn D). These two barns have been used for low key storage use. They are located within the red line of the application site but do not form part of the proposal. To the east of the access track lies Paye Barton, a barn conversion which once formed part of Pay Farm. To the south lies a barn within separate ownership which is used to stable horses. Further south, a bungalow known as Pay Farm is in separate ownership.

A plan showing the location of Barns A, B, C and D will be shown in the Committee presentation.

Relevant Planning History

10/18/0027/LE - Certificate of Lawfulness for use of farm buildings as B8 storage. Still under consideration. This relates to Barns C and D to the south of the site.

10/18/0014/LE - Certificate of Lawfulness for use of barn as dwelling. Refused 2018. This relates to Barn A.

10/18/0017 - Conversion of barns into 2 no. dwellings including the erection of single storey link extensions and associated works. Still under consideration. This application relates to the conversion of Barns A and B into a dwelling, incorporating a link extension between the two barns. It also involves the demolition of the corrugated Barn D to the south and its replacement with a new dwelling. Officers have advised the applicant that this application cannot be supported due to the extent of new build. The agent has indicated that this application will be withdrawn if the current application is permitted.

10/02/0015 - Change of use and conversion of agricultural building dwelling. Refused in September 2002.

10/01/0015 - Change of use and conversion of agricultural building dwelling. Refused in September 2001.

10/01/0005 - Change of use and conversion of agricultural building dwelling. Refused and dismissed on appeal in February 2002.

Consultation Responses

CHURCHSTANTON PARISH COUNCIL -The Parish Council **object** to this application on the following grounds:

Incapacity to convert / Buildings not capable of conversion and would require at least 70% rebuild.

Access is inappropriate and therefore the site is not accessible.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice.

WESSEX WATER - No comment.

SOMERSET WILDLIFE TRUST - Support the findings of the Ecological survey subject to conditions.

COUNTY ECOLOGIST - I would require the following conditions to be applied:

Works shall not in any circumstances commence unless the local planning authority has been provided with either:

a) a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or

b) a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interests of the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

This should ensure that the barns are checked for bats / roosting potential prior to works commencing. I would not apply the above if the survey was up to date based on its findings. If nothing has changed since 2016 a statement should be submitted as above. However, if bats are found then the licence would be required. This and the following condition would also ensure that the LPA fulfils its legal duty of strict protection of European protected species, which also follows the recommendation in the report:

Works will not commence until:

a) Demolition/construction operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist.

b) An improved cavity bat box, to accommodate any discovered bat(s), will be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. A photograph showing its installation will be submitted to the Local Planning Authority. Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Reason: A pre-commencement condition in to ensure the strict protection of European protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

Given that no bat activity surveys were carried out I have to assume the presence of light averse species on the site. The following needs to be conditioned:

Prior to completion, a "lighting design for bats" shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent species using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external

lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the Favourable Conservation Status of populations of European and UK protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy.

Nesting birds were present in two of the barns to be converted including swallows. Therefore, the following condition will be required. Swallows occupy nests into September. This needs to be conditioned as follows:

No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before vegetation is removed the building is demolished and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority by the ecologist.

Reason: In the interests of nesting wild birds and in accordance with policy CP8 of the Taunton Deane Core Strategy

Swallows are loyal to nesting sites and have been in decline since the 1970's across Europe. Provision for a replacement was recommend by Country Contracts and I consider should be installed to ensure no net loss of biodiversity in accordance with Government policy. I recommend that the following be conditioned:

Provision will be made for nesting swallows, for example within a structure providing shelter, such as an open fronted log store or bespoke box attached to the wall, and with the provision of artificial two artificial nest cups within. A scheme showing how this will be implemented should be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The approved scheme will be implemented in full and maintained thereafter.

Reason: In accordance with Government policy for the maintenance of biodiversity as set out in the National Planning Policy Framework (170d)

The report states that that there was abundant potential / favourable reptile (slow worm) habitat was recorded on site. Therefore , the following condition will be required:

Any vegetation in the construction area should initially be reduced to a height of 10 centimetres above ground level by hand, brushings and cuttings removed and left for a minimum period of 48 hours of warm suitable weather (limited rain and wind, with overnight temperatures of 10°C or above) before clearing to minimise the risk of harming/killing any reptiles that may be present and to encourage their movement onto adjoining land in the active period. This work may only be undertaken in the active period for reptiles between April and October. Written notification of the date when the operation will be carried out will be submitted to the Local Planning Authority prior to works commencing.

Reason: In the interests of UK protected species and in accordance with policy CP8 of the Taunton Deane Core Strategy

The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. I would recommend that the following is conditioned.

A Beaumaris Woodstone maxi bat box or similar will be mounted under the apex of the north elevation and maintained thereafter. A photograph showing the installed feature will be submitted to the local planning authority prior to occupation of the building.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

SCC - RIGHTS OF WAY - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs over the access to the site at the present time (public footpath T6/6).

We have no objections to the proposal. A footpath diversion order will be required if any of the garden boundary structures obstruct the footpath.

BLACKDOWN HILLS AONB SERVICE - The Blackdown Hills Area of Outstanding Natural Beauty is primarily an agricultural landscape that has retained a sense of remoteness and remains largely unspoilt by modern development.

It is characterised by expansive views over field patterned landscapes with steep valleys and narrow winding lanes. Pay Farm is located in a quiet out of the way part of the AONB accessed by narrow lanes with a lightly settled character and sense of tranquillity. Consequently, the AONB Partnership believes that any development proposal in a remote location such as this requires very careful consideration as to the potential impact on the natural beauty of the area, and people's enjoyment of its associated special qualities.

The impact of development on the AONB is not simply the visual impact of conversion. The following aspects are of some concern in that regard and would require some careful consideration in respect of conserving and enhancing local character:

- The creation of additional residential development away from recognised settlements.
- The intensification of use and the associated noise, activities and comings and goings of residents and visitors, in particular as related to use of the public right of way.
- The introduction of domestic activity, domestic paraphernalia, vehicles and light spill and creation of garden.
- The construction of a sizeable new building for garaging.

In addition, the application provides no explanation or reassurances as to how one dwelling divided by a courtyard successfully functions, thus raising the question of future pressure for extensions and/or new build links.

Representations Received

Ward Councillor Henley: Objects as the site is in the AONB, poorly served from the road network and constitutes overdevelopment in a rural area.

CPRE SOMERSET - Object. CPRE Somerset strongly believes that this proposal does not demonstrate any exceptional circumstances. Whilst CPRE's core policy is to be pro-development, any development must be in the appropriate place to create beautiful places, this proposal demonstrably not in the appropriate location. The planning documents make no reference to meet the requirements of sequential testing as required by Policy DM2 and therefore CPRE Somerset considers there are no 'exceptional circumstances' to justify residential conversion as required by DM2.

CPRE Somerset considers that the 'split' build design of the dwelling constitutes two residential related buildings, not 1no. residential dwelling, and thus is not of good quality design as it will not function properly as one residential unit. Therefore, CPRE Somerset considers this proposal to be contrary to CP8; 'be appropriate in terms of scale, siting and design', and NPPF para 55.

CPRE Somerset is concerned that this proposal will be detrimental to Dark Night Skies, considering this application is contrary to NPPF (2019) para 180 (c), which states;

'Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely affect(including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise from development. In so doing they should:

(c)limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

At present Paye Farm, Stapley produces <0.25nanoWatts/cm2/sr of light pollution, classed as 'darkest skies' i.e. emanating little or no light pollution. Dark night skies is one of the Special Qualities of the AONB therefore CPRE Somerset requests that should the case officer be minded to approve the application then Taunton Deane BC is mindful of and ensures that appropriate lighting conditions are put in place to conserve the dark night skies of the AONB.

CPRE Somerset requests that should the case officer be minded to approve this development proposal then any external lighting should be downward emitting lighting with clear glazing to reduce light scatter is used. Maximum permitted colour temperature of light sources to be 3000K, light switching to be via Passive Infra-Red (PIR) detectors with daylight sensing.

Six letters of objection have been received and are summarised below. Of these objections, three have come from outside the district (Collumpton, Basingstoke and Vale of Glamorgan):

- The extent of rebuilding proposed is tantamount to a new dwelling;
- The site is in the open countryside and the Blackdown AONB where new dwellings are not permitted;
- The private access lane goes through the middle of Pay Farm with the house on one side and fields on the other, this will cause noise and disturbance;

- The lane is in poor condition and will worsen with the traffic from an additional dwelling;
- It is not known whether a new residential dwelling would benefit from a right of access over the lane;
- The site is not served by waste collection services so all waste/recycling needs to be carried down to the junction with the road. There is limited space on the verge to store waste;
- No sequential test for alternative uses has been carried out under Policy DM2;
- A new occupier of one of the barns walks their 8 horses across the lane to the field opposite;
- Hazard from construction traffic;
- An up-to-date bat survey should be carried out during dusk;
- The detached bedroom is impractical and at some point in the future there will be an application to link it to the main barn;
- There is a planning history relating to this barn with 3 refusals and an appeal dismissed. The barn in question was considered of insufficient merit or historic interest. In addition, the extent of the alterations were considered to constitute a re-build rather than a barn conversion;
- Reference is made to 3 other similar cases refused in the last 2 - 3 years.

Three letters of support have been received, two of these are not from the local area. The proposed conversion is welcomed in terms of bringing old buildings back into use and tidying up the site, to the benefit of the surrounding AONB.

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.

CP4 - Housing,
 CP8 - Environment,
 DM1 - General requirements,
 DM2 - Development in the countryside,
 DM4 - Design,
 SD1 - Presumption in favour of sustainable development,
 SP1 - Sustainable development locations,
 D7 - Design quality,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.

Proposed development measures approx. 160sqm.

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 £20,000.00. With index linking this increases to approximately £26,750.00.

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

Under Policy SP 1, a number of villages are identified as sustainable locations for development. The village of Churchstanton is not identified as one of these settlements which means that the site has to be considered as lying within open countryside. Policy DM2 allows for the conversion of existing buildings provided that they are of a permanent and substantial construction and of a size suitable for conversion without major rebuilding or significant alteration or extension. A sequential approach must be followed in the following priority:

- i. Community uses;
- ii. Class B business uses;
- iii. Other employment generating uses;
- iv. Holiday and tourism.

The applicant has submitted an Economic & Commercial Viability Report in support of the application. It concludes that the buildings are not suitable for community use as the site is remote from the village and accessed down a long track. There are already community facilities at Churchstanton primary school and the village halls at Churchinford and Hemyock. The buildings are not suitable for Class B uses such as offices, light industry or storage due to the restricted access down a rough track. The low eaves height will deter commercial occupiers as will the existing poor internet connectivity. Holiday lets are considered to be unviable. For all of the options, the cost of construction would be higher than the capital value of the units.

The application is supported by a structural survey which assesses the condition of the barns and concludes whether they are suitable for conversion. The small barn in the north east corner of the site (Barn A) is single storey and of stone construction with a clay pantiled roof. The front elevation is rendered with doorway openings boarded up. There is some evidence of historic movement so that the tying and

bracing of the roof structure is required. The building is structurally sound and apart from the rebuilding of the front elevation, little change is proposed other than the insertion of windows.

The small barn in the north west corner (Barn B) is of stone construction with a corrugated iron mono-pitch roof. The external stone walls are in a sound condition. It is attached to a larger stone barn with a pitched roof clad in a mix of cladding and sheeting. This barn has been extended at the front at some point so that it projects in front of the smaller attached barn. The front elevation is of blockwork and this section will be rebuilt. It will also be necessary to remove the roof cladding and re-tile with clay pantiles. The existing roof trusses will be realigned and strengthened.

The structural survey demonstrates that the barns are of permanent and substantial construction. The barns are also of a suitable size for a residential conversion without the need for significant alteration or extension. It will be necessary to replace sections of the front blockwork elevations and to re-clad the roof to Barn B. However, the roof structure and profile is retained. These works are not considered to amount to "major rebuilding" under Policy DM2. It is worth noting that if the site was not within the Blackdown Hills AONB, these works would be permitted development (under Q of the GPDO 2015). The building operations would be considered as being reasonably necessary to convert the building into a dwelling.

It is concluded that the proposal meets the requirements of Policy DM2. The works relate to the conversion of existing barns and not to the erection of a new dwelling in the open countryside.

Planning History

Objectors have made reference to the history of planning refusals and the appeal dismissed in 2002. This history relates to Barn B, the two attached barns in the north west part of the site. The barn conversion was refused on the grounds that the building was of insufficient quality and that substantial alterations were required. This included a new roof structure with a different roof profile and an increase in height of the front elevation. The Inspector concluded that the building was of little merit but was in keeping with its surroundings. However, the proposed alterations would make the barn "significantly different in its form and appearance".

The planning policy context at that time was slightly different in that both national and local plan policy supported the conversion of more traditional farm buildings. Hence, the officer at the time concluded that the quality of the barn was poor. There is no such test in the current planning policy context, which supports the conversion of modern and functional farm buildings. Furthermore, the proposed conversion would have resulted in a totally new roof structure and an increase in the height of the building. This is not the case in the current application. A clear distinction can be made between the appeal proposal and the current application.

Objectors have also made reference to three comparable planning applications within the Parish which were refused permission. Officers have looked at these applications and can advise Members that they related to the erection of new dwellings within the open countryside. No comparison can be made to the current proposal which seeks to convert existing buildings into a dwelling. In any event, each application is considered on its own merits.

Ecological Impact

An ecological survey was carried out two years ago which identified that there is evidence of nesting birds within the barns. There was no evidence of bats. Objectors have suggested that a further evening bat survey should be carried out. However, the County Ecologist is satisfied that further survey work prior to the commencement of the development can be secured by condition. These conditions will require that the buildings are inspected by a licensed ecologist for the presence of bats and a licence obtained if bats are found. Mitigation measures are also proposed for nesting swallows and potential slow worms on the site. A lighting specification will be required to ensure that there is no disturbance to potential bats. Subject to the satisfactory implementation of these conditions, the ecological impact of the development will be limited.

Visual Impact on the Blackdown Hills AONB

The site is visible from the public footpath to the east but is not prominent from wider views in the surrounding AONB. The existing buildings to be converted are of a traditional stone structure and are grouped around a former farm yard. Whilst they are structurally sound, the corrugated roof cladding and the unkempt nature of the site detracts from the natural beauty of the surrounding AONB. The proposed conversion works will remove the unsightly corrugated iron and sheeting to be replaced with traditional clay tiles. The roof structures and roof profiles to Barn A and the main part of Barn B will be retained. It will be necessary to replace the monopitch on the small attached barn with a pitched roof. This will match the height of the adjoining barn. The rendered block work on the front elevations of the existing barns will be replaced by timber cladding. A new detached open fronted garage will be erected to the south of Barn A, faced in local stone. Whilst this element is new build, it will be sited adjacent to the existing group of buildings and is modest in scale. It is considered that the alterations to the barns are sympathetic to its rural surroundings. The proposal will give a new use to existing buildings and will visually improve the appearance of the application site. The AONB officer has suggested that a condition is imposed to limit any light pollution from external lights.

Highways and Public Right of Way

The site is accessed via a long and narrow track which serves Pay Farm, Paye Barton, an equine unit and the site itself. There is a public right of way (T6/6) which runs along this track, across the vehicular access to the site, then turns north west to the rear of the site. The plans have been revised to show that no part of the built development will encroach onto the right of way. There is therefore no requirement for a formal footpath diversion order to be carried out. Vehicles accessing the proposed barn conversion will drive along this right of way but this is no different from vehicles currently accessing the low key storage use on site. The question over whether the applicant has a right of way over this access track is a separate civil matter. Nevertheless, the applicant and his family have used this track for 20 plus years from when the site was in use as a mushroom farm.

Concerns have been raised about the increase in traffic on the access track which will result in noise and disturbance. It is also claimed that the safety of horses crossing from the barn to the fields opposite will be affected. Officers consider that the creation of a single additional dwelling will not result in a significant increase in traffic to and from the site. It is also worth noting that if the existing barns on site were used for agricultural, industrial or storage purposes, the traffic generated would be likely to be greater with the use of larger vehicles.

With regard to waste collection, it is acknowledged that waste vehicles are not able to use the existing access track. Future occupiers will be required to transport their own waste to the public roadside for collection, in common with the two existing dwellings close to the site. County Highways has raised no objection to the proposal.

Impact on Residential Amenity

There are two existing residential properties in the vicinity of the application site, with Paye Barton situated 25 metres away to the east behind substantial screening. The bungalow at Pay Farm is located 80 metres away to the south. Pay Farm is accessed from a private driveway off the access track, with the access to Paye Barton and the site to the east of Pay Farm. Officers do not consider that the proposed barn conversion will adversely affect the residential amenity of the neighbouring occupiers, who are located some distance away.

Some objectors have questioned the practicality of having the master bedroom in a separate building on the opposite side of the courtyard. Concerns have been expressed that there will be pressure in the future to approve a link extension between the main barn and Barn A. Should such an application be submitted, it will be assessed on its merits against current planning policy.

Officers are concerned that the future occupiers of the barn conversion may be adversely affected by the proximity of the former agricultural buildings on the site. Barn C is located 6 metres away to the south east and Barn D is 1.5 metres away from a proposed bedroom window and door in the south elevation of the new dwelling. The existing low key storage use within these barns could be intensified in the future and this would have a detrimental impact on the future occupiers of the barn conversion. It is therefore considered appropriate to impose a condition requiring the demolition of these barns prior to the occupation of the barn conversion.

Conclusion

It is considered that it has been satisfactorily demonstrated that the barns are structurally sound and capable of conversion with substantial rebuilding or extension. Furthermore, the proposed residential use would have less of an impact on the adjoining occupiers and on highway safety than an industrial/employment or community use. The proposal complies with Policy DM2 and it is recommended that planning permission is granted subject to suitable conditions including the removal of rights for extensions/alterations and outbuildings.

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

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