

28/18/0004

THE CROWN ESTATE

Conversion & extension of agricultural building to residential dwelling at Orchard Portman Farm, Orchard Portman Road, Orchard Portman

Location: ORCHARD PORTMAN FARM, ORCHARD PORTMAN ROAD,
ORCHARD PORTMAN, TAUNTON, TA3 7BQ

Grid Reference: 324482.121283 Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposal, by reason of the size and position of the extension, inappropriately projecting and elongating the barn, the resultant profile of which would be transformed in a way that would not reflect its simple utilitarian form, together with the resulting increase in residential curtilage, exacerbated by the obtainable views of the site from the road, would unacceptably harm the character and appearance of the host building thereby being incompatible and adversely affecting the setting and open, rural countryside location. The proposal would therefore be contrary to policies DM2, DM4 and CP8 of the Core Strategy and Policy D7 of the Site Allocations and Development Management Plan.

Recommended Conditions (if applicable)

Notes to Applicant

1. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
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 looked 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

The application seeks permission for the conversion and extension of an agricultural barn to create a new 4 bedroom dwelling. Externally the building would be finished with a slate roof, timber windows and doors and a mix of render and timber cladding to the walls. In addition, car parking and turning is provided in the front area as well as a small garden area. The agent has submitted a revised design for the extension to the barn since the original submission and this drawing (409447/02D) is the subject of this report.

Site Description

The barn is situated in a prominent position adjacent to a rural lane around 2 miles south east of Taunton. The barn is a modest single storey L-shaped former agricultural building set back from the road with a walled courtyard in front. The site is served by a vehicular access in the north-eastern corner and an access gate in the wall. The building has a corrugated metal roof, is open fronted with block walls and the south-eastern wall is constructed in stone. The building has a footprint of approximately 127sq. The remainder of the Orchard Portman Farm buildings are located on the other side of the road. The site is mostly surrounded by open fields and there is an active farmyard directly opposite.

The yard area to the front of the building is enclosed on the eastern boundary (adjacent to the roadside) by a stonework wall which is approximately 1.2 metres in height.

The barn is highly visible from the road and has a simple traditional appearance. A native hedge forms the boundary with the road to the immediate west of the site. Glimpse views of the field beyond are obtainable through the hedge from the road.

Relevant Planning History

Prior approval for the change of use from agricultural building to dwelling house granted 9/10/2017. A number of conditions were attached including details of materials, contamination survey and no structure or erection exceeding 0.9 metres in height shall be placed within the splay area 2.4m x 24 m either side of the access point.

Pre-application Enquiry (ref. 28/17/0004/ENQ) was submitted prior to the 'Class Q' Prior Approval application. The response (dated 12th April 2017) states that: *“Once the Class Q rights are established you would then be able to apply for minor modifications to the curtilage, minor extensions or flues should you require these as enhancements to the design. Preference would be for a minor extension to the north east elevation rather than the south east, although this would be subject to its design”*.

Consultation Responses

NEROCHE PARISH COUNCIL (ORCHARD PORTMAN) - Supports this application as it would provide suitable accommodation for long standing members of the community in an area where there is little alternative accommodation. Furthermore,

planning permission already exists to convert the building to residential use and this application seeks to provide more suitable multi generational accommodation.

SCC - TRANSPORT DEVELOPMENT GROUP - refer to Standing Advice

DRAINAGE ENGINEER - No response

ENVIRONMENT AGENCY - No response

BIODIVERSITY - I support the findings of the Ecological Appraisal and recommend the following conditions:

The development hereby permitted shall not be commenced until details of a strategy to protect bats and birds has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environmental's submitted report, dated August 2017 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species

4 Lighting details

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented

Reason: To protect and accommodate bats and birds.

Representations Received

1 letter of no objection

5 representations in support have been received which make the following comments:

- We have acted for Mr Garland and his family in the past and support the plan so Mr Garland can remain living in the area with his elderly father.
- Lived at Orchard Portman farm for 42 years and the local parishes for the last 100 years and really want to stay in the place where we love. The building will provide a suitable home.
- As long as construction materials match those of traditionally built buildings in the vicinity and given due consideration to supporting residency to a family with a long association spanning generations, don't have an issue with the design or

- conversion.
- Improvement on previous application.
- Fully support design which shows it has been extended and is well screened from the road.
- Desire is to build a modest family home which is sufficient to accommodate the needs of my elderly father as well as a design in keeping with existing dwellings in the immediate area.

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,
DM1 - General requirements,
DM2 - Development in the countryside,
A1 - Parking Requirements,
DM4 - Design,
SP1 - Sustainable development locations,
SB1 - Settlement Boundaries,
CP8 - Environment,
D7 - Design quality,
CP1 - Climate change,

Local finance considerations

Community Infrastructure Levy

Creation of dwelling is CIL liable.

Proposed dwelling measures approx. 126sqm.

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 £15,750.00. With index linking this increases to approximately £21,000.00.

New Homes Bonus

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

1 year Payment

Taunton Deane Borough	£1,079
Somerset County Council	£270

6 Year Payment

Taunton Deane Borough	£6,474
Somerset County Council	£1,619

Determining issues and considerations

Extant permission/fallback position

Whilst the site is within the open countryside where Development Plan policy and National policy would seek to resist residential development due to its unsustainable location, the building enjoys an extant permission for conversion to residential use under Class Q of the Town and Country Planning (General Permitted Development) Order 2015. This fallback position is a material consideration in the determination of the application. As part of this approval the resultant building would be a three-bedroom dwelling with glazing inserted in the open fronted element of the building. The courtyard would be retained for parking.

The principle of conversion to residential is therefore considered acceptable and the considerations to be made for this application are whether the proposal is acceptable in all other respects; particularly in terms of design, scale and character.

Design and character of the area

This application seeks to convert the building and extend the northern elevation so that its appearance would change from an 'L' shape to form a 'T' shape. The extension measures 7m in length and 4.4m in width and would provide a master en-suite bedroom. A small part of the extension which links it to the existing building would be flat roofed and glazed. The remaining extension would be constructed under a slate pitched roof with timber clad walls, including a timber gable end and timber full length windows. There is a feature corner window on the south-west elevation which wraps around to the south-east elevation. With the new extension, the northern elevation, cumulatively, would be 24.4m in length. This elongated shape is exacerbated by the northern elevation being punctuated by 9 windows as well as a large corner full length window on the south-west elevation. The walls of the existing barn would be rendered except those facing the courtyard which would be timber-clad. Fenestration would be timber with seven new openings formed in the rear (northern) elevation of the existing barn. Walls would be formed in the open elevation fronting the courtyard and road incorporating new full length timber windows.

The existing barn has an internal floor area of approximately 127sqm. The extension would add 30.8sqm which is a 24% increase on the existing floorspace.

Currently the surrounding field encloses the barn on its northern and western boundaries. The new extension would project into this field by 7m with a further 4.7m indicated for the new residential boundary. A new residential garden/curtilage

would be formed of approximately 129 sqm on the south-west part of the site, to the front of the new extension, the land use of which is currently agricultural. A further curtilage to the north of the barn is proposed projecting 2.5m from the building.

Whilst there is existing hedging along the road frontage, glimpse views of the extension and its curtilage could be obtained from the road. It is considered that the barn has a simple appearance, the profile of which would be altered by the construction of the extension along its north western elevation, and its outward appearance would be transformed in a way that would not reflect its simple utilitarian form, resulting in an elongated shape and excessive projection which would unacceptably harm its character and appearance and adversely affect the rural character of the area.

It is considered that the building could be converted successfully into a 3-bedroom dwelling maintaining its simple form without the need for extension and introduction of a larger residential curtilage.

A site meeting took place with the agent to discuss a way forward to extend the barn which included the suggestion to increase the building on the north-eastern elevation thereby preventing an erosion of surrounding agricultural land and containment of the building in existing hard surfaced areas. However this suggestion was not pursued.

Personal issues

The submitted application does not consider the future occupiers as this is rarely a planning consideration. However given the above representations a response should be given on these points. It is understood that the future occupier would be a local person who has lived in the local Parish for many years. Personal circumstances seldom justify over-riding planning policy. The extant planning permission creates a 3-bedroom dwelling 127sqm in size which offers a good standard of internal accommodation.

Ecological appraisal

An ecological report has been submitted with the application. An ecological desk study comprising a 2km search for records of bats was undertaken together with an ecological building survey. The report concluded that

"There are four records of bats and bat roosts within the search area, the closest record comprises a roost for common pipistrelle bats approximately 0.5km north of the site.

The building is accessible to bats and birds primarily via the open southern and eastern elevations and mesh present at the top of a blocked door. Additionally, raised metal sheeting and gaps at the ridgeline provide access. No evidence of bats or bat activity such as droppings was identified within the barn, it is considered unlikely that bats would use the barn for roosting due to the open eastern and southern elevations resulting in internal temperature fluctuations and the metal sheeting roof which provides few roosting opportunities. For these reasons, the barn has been assessed with negligible roosting potential, although it is highly likely to be used by foraging bats."

No further bat surveys were recommended; however it should be noted that crevice roosting bats are relatively opportunistic roosters and there is some potential that a bat could be uncovered during the conversion works. It is recommended that the contractors are made aware of the potential for roosting bats to be present.

Mitigation is therefore limited to precautionary measures and biodiversity enhancements.

Access/car parking

The site is accessed off a road that runs immediately past the site and is bounded by a stone wall to the frontage with a farm access gate set within it. The access to the north east of the site has limited visibility at the junction with the road. The Highway Authority refers to standing advice. The land here is controlled by the applicant, and so visibility can be maintained and controlled through a condition, although the proposed plan shows the vegetation and wall reduced to 900mm to improve visibility. The increase in traffic from the proposal is considered minimal and there are no changes proposed to the width of the existing access which is considered acceptable.

Car parking and turning area is provided in the front courtyard area and this is considered acceptable.

Other issues

The building would not be related to other farm buildings and so there are not considered to be significant noise issues to affect residents, although the field to the rear could still be used for agricultural purposes. The previous use of the barn could possibly give rise to contamination and so if all other issues were acceptable the need for the standard contamination condition for barns to address potential contamination is considered necessary. The building is not listed and it is considered to be located so as not to adversely affect the setting of the nearest listed building, which is in excess of 60m away.

Flood risk

The building lies in flood zone 1 which is the lowest risk of flooding. However as part of the highway is located within Flood Zones 2 and 3 a Flood Risk Screening Appraisal has been submitted. This concludes:

“the public highway to the east of the site is partially located within Flood Zones 2 and 3 (medium and high risk) associated with Broughton Brook; however, it is likely that access/egress will be possible in a northerly direction during the 1.0% AEP flood event. Furthermore, if access was impeded, safe refuge could be provided within the barn.”

No objection is therefore raised regarding Flood Risk.

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

Contact Officer: Jackie Lloyd