

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool on 16 January 2019 at 6.15 pm.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee on the 5 December 2018 to follow
- 3 Public Question Time.
- 4 Declaration of Interests.

To receive declarations of Disclosable Pecuniary Interests or personal or prejudicial interests, in accordance with the Code of Conduct, in relation to items on the agenda. Such interests need to be declared even if they have already been recorded in the Register of Interests. The personal interests of Councillors who are County Councillors or Town or Parish Councillors will automatically be recorded in the minutes.
- 5 09/18/0012 (Pages 5 - 12)

Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/ horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken)
- 6 11/18/0015 (Pages 13 - 20)

Variation of Condition No. 02 of 11/08/0007 to enable holiday let to be used as a permanent dwelling on land to the east of Yarde Farm, Combe Florey
- 7 28/18/0004 (Pages 21 - 28)

Conversion & extension of agricultural building to residential dwelling at Orchard Portman Farm, Orchard Portman Road, Orchard Portman
- 8 36/18/0043 (Pages 29 - 36)

Replacement of agricultural buildings with the erection of 2 No. dwellings with associated works at Crossways Farm, Slough Lane, Stoke St Gregory

- 9 38/18/0429 (Pages 37 - 42)
- Erection of a single storey extension to the rear and conversion of loft at 6 Birch Grove, Taunton
- 10 42/18/0040 (Pages 43 - 52)
- Erection of 1 No. four bedroomed dwelling with detached single garage and ancillary works on land to the side of The Old Rectory, Wild Oak Lane, Trull
- 11 Latest appeals and decisions received (Pages 53 - 56)

Bruce Lang
Assistant Chief Executive

8 January 2019

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under "Public Question Time" is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council's Planning Committee and details of the "rules" which apply at these meetings can be found in the leaflet "Having Your Say on Planning Applications". A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



The meeting rooms at both Brittons Ash Community Centre and West Monkton Primary School are on the ground floor and are fully accessible. Toilet facilities, with wheelchair access, are available.

Lift access to the Council Chamber on the first floor of Shire Hall, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are available through the door to the right hand side of the dais.



An induction loop operates at Shire Hall to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact the Governance and Democracy Team on 01823 356356 or email democraticservices@tauntondeane.gov.uk

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Planning Committee Members:

Councillor R Bowrah (Chairman)

Councillor M Hill (Vice-Chair)

Councillor J Adkins

Councillor M Adkins

Councillor W Brown

Councillor S Coles

Councillor J Gage

Councillor C Hill

Councillor S Martin-Scott

Councillor I Morrell

Councillor S Nicholls

Councillor J Reed

Councillor N Townsend

Councillor P Watson

Councillor D Wedderkopp

09/18/0012

MR B & MISS S STAMP & LAGHOS

Change of use of agricultural building to mixed use of agricultural and equestrian use with formation of circular collecting yard/ horse training arena at Woodland Way Farm, Raddington, Wiveliscombe (retention of part works already undertaken)

Location: WOODLAND WAY FARM, RADDINGTON, TAUNTON, TA4 2QR

Grid Reference: 302518.126168

Retention of Building/Works etc.

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:

(A4) Site Location Plan
(A4) Block Site Plan
(A4) New Barn Floor Plans as Proposed
(A4) New Barn Floor Plans as Existing
(A4) Collecting Ring/ Horse Training Arena Elevation & Floor 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 such a scheme being implemented. 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.

4. Details of the means for the disposal of sewage and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority and provided on the site to serve the development hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

Reason: To prevent discharge into nearby water courses / To ensure the adequate provision of drainage infrastructure.

5. There shall be no exterior lighting installed on the site without the prior submission of a planning application.

Reason: To protect the amenity and character of the area.

Notes to Applicant

Proposal

Change of use of agricultural building to mixed use agricultural and equestrian, with formation of a circular collecting yard/horse training arena (retrospective)

Site Description

The site is a former agricultural building located in the hamlet of Raddington.

Relevant Planning History

09/13/0022 - ERECTION OF AN AGRICULTURAL BARN FOR HOUSING OF LIVESTOCK AND STORAGE OF MACHINERY AT KINGSTON MILL, RADDINGTON - CA 20/12/13

Consultation Responses

CHIPSTABLE PARISH COUNCIL - Objects to the proposal. We are being asked to comment on ancillary buildings, when/before we are asked to comment on the

dwelling already on site. We should be asked to look at the development of this site as a whole not piecemeal. It is unclear if an application for the dwelling has been submitted to Taunton Deane at this time

PLANNING ENFORCEMENT - This application has been submitted in an attempt to regularise the current unauthorised situation which is the result of an Enforcement Investigation

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice

LANDSCAPE - The site currently looks very raw and untidy within the landscape. It would benefit from some landscaping

ENVIRONMENTAL HEALTH - NOISE & POLLUTION -

HISTORIC ENGLAND - The grade I listed Church of St Michael is located on a spur that projects into a linear valley running east to west of the protrusion. It holds a primacy within the locality due to its elevated position, which reinforces its role as a spiritual landmark within the valley setting. The church was built to serve the local rural farmsteads that dot the valley in small clusters of buildings and that retain clear inter-visibility with the church.

Consequently, this relationship is clearly experienced in views from the church and along the existing route-ways, which helps to articulate the function and role of the church within its landscape to its surrounding settlements.

The proposals relates to a site at the base of the valley to the east. The proposal is a retrospective application for a change of use from agricultural general purpose building to agricultural and equine usages and the retention of a circular horse training compound. The site sits adjacent to a small cottage and a farm cluster, characterised by a tight grain and modest scale, which reflects the historic character of development within the valley.

The development on this site includes the proposed barn (seeking permission for change of use), the horse pen (retrospective) as well as a number of other structures. It has a more linear pattern of development that has begun to encroach along the base of the valley. These views along the valley are prominent in key views from the churchyard and also on the approach to the church across the field from the north. The contrast in the form of development between the application site and the existing has made the development a conspicuous feature within the church's setting.

Consequently, the development has started to erode the strong settlement pattern experienced within the valley and their relationships to the church.

The NPPF identified that in determining applications, the local planning authority should take account of the desirability of new development making a positive contribution to local character and distinctiveness (Para 192). In cases were

development affects the setting of the asset, the LPA should look for opportunities for the new development to enhance or better reveal the asset's significance (Para 200).

This application proposes an intensification of use on the site, which through the incremental changes being set out is resulting in a change of character within this aspect of the church's setting. The horse ring is a modest development but it further emphasises the linear nature of the site and creates further encroachment into the valley through the loose grain of the development. The council need to be satisfied that the impact of the scheme has been clear and convincingly justified (194, NPPF) and should seek to take steps to avoid or minimise the impact when it is identified as conflicting with the conservation of the heritage asset (190, NPPF). Any harmful impact needs to be considered within the wider planning balance and be outweighed by the public benefits offered by the scheme (196, NPPF).

Recommendation

In determining this application you should bear in mind the statutory duty of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Your authority should take these representations into account and seek amendments, safeguards or further information as set out in our advice. If there are any material changes to the proposals, or you would like further advice, please contact us.

Representations Received

Approximately 25 letters of representation received objecting to the proposal due to landscape impacts, setting of listed building, light pollution, flooding and drainage. highways concerns, the applicants gaining retrospective permission and impacts on biodiversity.

Approximately 4 letters of support have been received noting how young couples should be encouraged to live in Raddington, the business is good for area and there are no substantial landscape impacts.

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.

Local finance considerations

None

Determining issues and considerations

Principle of Development

The proposed development is for a change of use of a former agricultural building to a mixed agriculture and equestrian. The site is in an open countryside location set into the valley encompassing the hamlet of Raddington. Policy DM1a stipulates that developments should make the most effective use of land with a preference for previously developed land, and DM1d requires that the appearance and character of a landscape will not be adversely impacted by proposed developments. Policy CP8 requires that developments conserve and enhance the natural and historic environment. Therefore for the proposal to be acceptable in principle it should make good use of land and extant developments and should not significantly harm landscape and designated heritage assets, and if minor harm is being caused then appropriate mitigation should be put in place to lessen any detrimental effects of proposals. The site is within a valley and the training arena is located close to the road. At the top of the valley there is a grade I listed church. There are residential properties next to the site.

Proposed change of use

The main issue in regards to this application is for a change of use to allow for equestrian uses of an extant agricultural barn. The site is currently operated as a horse training facility and the proposal would allow for use of the barn for the keeping of horses. Given that such facilities require access to considerable land parcels for grazing and exercising of horses it is considered appropriate to permit the proposed use subject to other considerations given below. The location is rural and equestrian developments are largely located in pastoral landscapes due to the needs stated above. The agricultural element of the proposed use is for the keeping of a small flock of sheep. Whilst currently there are no agricultural animals at the site the proposed part agricultural use is acceptable and is a continuation of the current consented use of the building. Therefore the principle of a mixed use for the building is accepted.

Design

The proposed change of use of the barn would have very limited design impacts as most of the changes would be internal. The only external changes are the installation of a toilet to the rear of the barn which is hidden from public receptors

because of its position. The proposed works to the barn include the internal installation of stalls for horses. The proposed works to the barn are considered to be acceptable and are in conformity with policy requirements.

The proposed training arena is circular and has kick boards and close board fencing to the lower part with post and rail above forming the boundary. The design is acceptable subject to an assessment of landscape and heritage impacts

Landscape

The site is in a sensitive location as it impacts on both the setting of the church (see below) and the overall character of the area. Whilst the training arena is unduly prominent at present it is acknowledged that road-side plantings have not yet matured and further plantings would act to screen the development from main public receptors. Therefore subject to a detailed and appropriate landscaping scheme it is considered that the proposed works are not sufficiently harmful to the landscape to warrant grounds to refuse the application.

Heritage

The grade I listed church of St Michael is located close to the site and the proposals have an impact upon its setting. Historic England have commented that steps should be taken to avoid or minimise impacts on the setting of this designated heritage asset but have not directly objected to the application. It is considered that the planning benefits of a proposal to develop an equestrian business at the site outweigh the harm to the setting of the heritage asset and any harm can be successfully mitigated through appropriate landscaping and protection of land in the same ownership from further equestrian development through conditions attached to any permission granted.

Biodiversity

There are not considered to be any abiding ecology concerns related to the proposed development. However given its rural setting and the potential for light pollution it is considered appropriate to restrict the use of exterior lighting to preserve dark skies and stop impacts on protected species such as bats. This would be set by condition attached to any permission granted.

Amenity and impacts on neighbours

There is a residential property adjacent to the site to the north-west, however due to the topography and existing boundary treatments there are not considered to be any significant concerns related to residential amenity.

Highways and parking

The site has a pre-existing highways access and parking potential for at least ten cars. The Highway Authority has not objected to the application. It is considered that

the proposed use of the site would not significantly increase vehicular movements over and above that of its current lawful agricultural use and, as such, there are no highways grounds to refuse the application.

Drainage

The proposed works include the provision of a toilet block attached to the rear of the existing barn and installation of a digester. However no detailed plans have been supplied in terms of discharge and disposal of surface water and it is considered appropriate to set a condition requiring drainage and surface water details.

Other matters

There is a log cabin style dwelling currently occupying land within the site. This is a separate issue to the current application and is part of an enforcement case with the LPA and as such is not a material consideration in terms of the current application.

Several (approx. 25 - number to be updated at committee) letters of representation have been received objecting to the proposal due to landscape impacts, impacts on the setting of the church, highways concerns, flooding and drainage issues, and impacts on amenity. There have also been some letters of support noting that the LPA should support a young couple developing a business in the area and arguing that landscape and heritage impacts are minimal.

Conclusion

The proposed development is considered to be in compliance with policy DM1(a)(d) and DM2 and is recommended for approval. Whilst it is acknowledged that there are harmful aspects to landscape impacts and impacts on the setting of the listed church, however these are not considered to be severe and subject to appropriate conditions could be mitigated with an appropriate landscape scheme.

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

Contact Officer: Mr Alex Lawrey

11/18/0015

MR D MIDDLETON

Variation of Condition No. 02 of 11/08/0007 to enable holiday let to be used as a permanent dwelling on land to the east of Yarde Farm, Combe Florey

Location: LAND TO THE EAST OF YARDE FARM, COMBE FLOREY

Grid Reference: Removal or Variation of Condition(s)

Recommendation

Recommended decision: Refusal

- 1 Having regard to sustainability considerations, the site is not considered to be an appropriate location for use as a permanent dwelling. In such circumstances, the proposal to vary the condition to allow a permanent residential dwelling (Class C3) within the countryside would be contrary to the principles of sustainable development, adopted development plan policies and Guidance which seek to avoid the development of 'isolated' homes in the countryside and to reduce reliance on the car. In circumstances where the proposal would fail to enhance the vitality of rural communities, there is no identified need for a countryside location, the permanent use would be likely to increase reliance on the car, the proposal for use as permanent residential accommodation would result in identified harm contrary to Policies CP1, CP8, DM1, DM2, SD1, SP1 and CP6 of the Taunton Deane Core Strategy 2012 and Policies SB1 and A5 of the Taunton Site Allocations and Development Management Plan 2016 and paragraphs 78,79, 103 and 108 of the Framework.

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

Permission has been granted under reference 11/05/0009 for the erection of a

holiday let unit. A subsequent permission 11/08/0007 amended the wording of the holiday use condition to read:

02 The chalet shall be occupied for tourism purposes only and shall not be occupied as a person's sole or main residence. The site operator and owners shall maintain an up-to-date register of the names of all owners/occupiers, including their guests, of the individual chalet on the site and of their main home addresses, and shall make this information available at all reasonable times to the Local Planning Authority.

This application seeks permission to vary this condition to use the unit as residential accommodation.

The building that has planning permission is a timber log cabin measuring 13 m x 10 m with an overhanging roof, the ridge of which is 6 m high. The accommodation therein comprises two bedrooms, kitchen, dining/lounge room, sauna, bathroom, laundry room and storage room at ground floor and a third bedroom and additional lounge in the roofspace. The design of the log cabin is typical for this form of development, incorporating feather-edged timber walls with roof materials to be roman tiles.

The building has not been fully erected and the site currently comprised the foundation. As the development has been implemented through the construction of the foundation, the planning consent is extant.

Site Description

The site is located off the A 358 just north of the village of Combe Florey. Combe Florey is located immediately west of the A358 Taunton to Minehead road and West Somerset Railway, 3km north of Bishops Lydeard. Apart from foundations for the above building, the site is vacant but has the benefit of permission for the erection of a building to be used as a holiday unit. There are eight residential properties to the west and east and a block of garages opposite the site. A no through road serves these properties including the application site which is elevated from it. The A358 has no pavement.

Relevant Planning History

11/05/0009 - Erection of holiday let - Approved 8/7/2005. This permission would expire on 7/7/2010.

11/08/0007 - Amendment to wording of condition 04 (holiday occupancy) of permission 11/05/0009 holiday letting unit - Approved (11/9/2008). This amended wording of the holiday condition effectively change the wording to be in line with Government policy. This permission imposed the previous conditions attached to permission 11/05/0009

Permission 11/05/0009 was subject to the following pre-commencement conditions, which were submitted on 11.3.2010.

02 Materials - This was discharged on 6.10.2010

03 Landscaping - This was discharged on 6.10.2010

05 - Contamination - This was discharged on 24.3.2010

10 - Access and parking - This was discharged on 8.12.2010

A further condition (11) states: The finished floor level (FFL) of the unit shall be as indicated on the approved plan. A meeting was held with the Environment Agency on 22.7.2010 where a reduced FFL was agreed. The Environment Agency subsequently wrote on 13.8.2010 agreeing the new FFL, however the question was raised by them as to whether a formal application to vary the condition was required. It should be noted that an application would be required to vary condition 11 if the reduced FFL is implemented.

A Building Regulations inspection of the foundations was made on 14.6.2010 and a certificate issued on 15.6.2010. (Case reference 47833)

Given the above inspection and the discharge of pre-commencement conditions it is considered that the permission has been implemented and remains extant.

Consultation Responses

COMBE FLOREY PARISH COUNCIL - Support the application and consider that a permanent home would be of greater benefit than a holiday let

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice

ECONOMIC DEVELOPMENT - No response

PLANNING POLICY - No response

SCC - RIGHTS OF WAY - No response

Representations Received

12 letters of support including a Ward councillor on the following grounds:

- Holiday let may result in disturbance to existing neighbours through extra traffic and noise and disruption.
- Private owner more beneficial than numerous people coming and going.
- Consideration for others regarding parking, noise and waste recycling is important. Holidaymakers may park inconsiderately.
- All the barns have been converted to residential accommodation
- Existing community of 8 properties and adding to this would support the local

amenities in the area.

- There is a local bus route between Taunton/Minehead.
- Already a local touring park nearby
- Holiday let may compromise security
- Permanent resident would enhance Yarde Farm community

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.

CP1 - Climate change,
CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,
SB1 - Settlement Boundaries,
SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
A5 - Accessibility of development,
CP6 - Transport and accessibility,

Local finance considerations

Community Infrastructure Levy

N/A

New Homes Bonus

N/A

Determining issues and considerations

The site lies outside any recognised settlement limits therefore Policy SB1 would apply. This states that in order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in Core Strategy policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:

- A. It accords with a specific development plan policy or proposal; or
 - B. Is necessary to meet a requirement of environmental or other legislation;
- and

In all cases, is designed and sited to minimise landscape and other impacts.

The justification for this policy is that the Framework recognises the importance of protecting and enhancing the natural environment. The policy also assists in meeting other core principles such as shaping patterns of development to reduce the need to travel, reducing pollution and CO2 emissions.

Core Strategy policies SP1 (Sustainable Development Locations) and DM2 (Development in the countryside) seek to apply strict control over development in the countryside to contribute towards meeting the wider aims of sustainability. The designation of settlement limits or boundaries provide clarity for the application of these policies.

The principle considerations in relation to this application surround policies and guidance relating to sustainability and countryside protection and whether this unit of accommodation is suitable in isolation, on the individual merits of the case, to be used for permanent residential occupancy, such that it would be unreasonable not to remove the condition. Factors to consider include the level of reliance on the car.

Paragraphs 78, 79 83, 103, 108 and 110 of the Framework which refers to sustainable development, the avoidance of isolated homes, limiting the need to travel and promoting sustainable transport are considered to be of particular relevance.

Having regard to sustainability considerations, a key issue is whether the site is in an appropriate location for use as a permanent dwelling having regard to planning policies and guidance surrounding the accessibility of services. The site is outside of any settlement containing basic services required to meet day to day needs. The characteristics of the nearby roads required to reach those destinations are likely to discourage pedestrians and cyclists resulting in a reliance on the private car. There is a bus service (Taunton to Minehead) which runs along the A358. However the nearby bus stops (the nearest being approximately 400m distance) would have to be reached via the A358 which has no pavement and therefore the walking conditions to the bus stop and waiting conditions when reached are not attractive contrary to Policy A5 of the SADMP. This policy states that " It has been well established that bus ridership falls off substantially where distance to walk to bus stops exceeds 300-400m. Given that bus frequencies in Taunton Deane are relatively low compared with larger urban centres, it is important that walking distances to bus stops are short, and walking and waiting conditions attractive to potential bus users".

Even if the site is not considered to be 'isolated' in one interpretation of the sense expressed by Framework paragraph 79, (there being residential properties adjacent), there is nothing to suggest that a permanent dwelling as opposed to holiday accommodation in this location would offer particular support to rural services in any rural settlement given distances involved and detachment from them. While it is appreciated that opportunities to maximise transport solutions other than use of the private car are likely to be less in rural areas, conflicts do arise with

paragraph 103 of the Framework which promotes limiting the need to travel and offering a genuine choice of transport modes. This is not the case here where public transport is limited and walking and cycling opportunities limited by factors such as the nature of the rural lanes and distances involved. The proposal is not considered to comply with the Framework when considered as a whole.

Policy DM2 (Development in the Countryside) specifies a range of acceptable uses in the countryside together with associated criteria which must be met. The justification for Policy DM2 states "In line with Government policy, Policy DM2 therefore seeks to control development outside of settlements to protect and enhance the quality of the local landscapes whilst promoting sustainable patterns of development and allowing for economic growth and diversification." These acceptable uses would only include a residential use in exceptional circumstances for the conversion/re-use of existing buildings and having followed the sequential approach below:

- i. Community uses;
- ii. Class B business uses;
- iii. Other employment generating uses;
- iv. Holiday and tourism;
- v. Affordable, farm or forestry dwellings;
- vi. Community housing;
- vii. In exceptional circumstances, conversion to other residential use;

One of the criteria that must be met under the Policy is that development must "be of a scale, design and layout compatible with the rural character of the area" Whilst the design of the building is not under consideration, it should be noted that the design was approved 13 years ago and took the form of a timber log cabin, the appearance of which is more consistent with holiday accommodation rather than permanent residential use.

Marketing

With any consideration for a change of use from holiday to residential, the application should be supported by evidence regarding the marketing of the business which would show the demand for holiday use in this location. Given the fact that the permission has not been fully implemented and completed, no evidence can be submitted to show its marketing and use of the holiday unit. In the absence of this evidence or justification the application cannot be supported.

Car parking and amenity space

Details of the layout for access and car parking have previously been submitted and discharged. With this in place there would be sufficient garden area left for occupiers of a three-bedroom unit.

Other issues

Support for the proposal has been received for the above reasons. However, the use as a holiday let, which is a residential use is not considered to result in any loss of amenity for neighbouring residential occupiers. Support for a permanent use rather than holiday use is cited as it is considered this would support the Yarde farm

community. This consideration, however, would not override the policy objections raised in this report.

The applicant has sent a photograph and an old ordnance survey plan. He states that the area was the site of the former farmhouse which was burnt down years ago and that the walls on the photograph were part of the farmhouse walls. The ordnance survey does show a former structure and the photograph shows a small section of wall two brick courses high. However any previous residential use of the site would now be abandoned, due to their being no structure on the site and the passage of time and these submissions do not therefore, change any considerations and issues raised above.

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

Contact Officer: Jackie Lloyd

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

36/18/0043

MR P BROOM

Replacement of agricultural buildings with the erection of 2 No. dwellings with associated works at Crossways Farm, Slough Lane, Stoke St Gregory

Location: CROSSWAYS FARM, SLOUGH LANE, STOKE ST GREGORY,
TAUNTON, TA3 6ES

Grid Reference: 334471.127578

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed development site is outside of recognised settlement limits and is considered to be in an unsustainable location which would rely on travel by private motor vehicles, and is not considered to be in conformity with the Taunton Deane Borough Council Core Strategy (adopted 2011) policies CP1a, SP1, DM2, and SADMP policy H1(a), and NPPF (2018) paragraphs 78 and 79.
- 2 The proposed development is considered to be harmful to the pastoral character of the location, and is not considered to be conserving and enhancing the area in relation to the listed building at Crossways Farm in that it would introduce suburban elements into a predominantly rural location, which has designated heritage assets located in close proximity. Therefore the proposal is not considered to be in conformity with the Taunton Deane Borough Council Core Strategy (adopted 2011) policy CP8, and Taunton Deane Site Allocations and Development Management Plan (adopted December 2016) policy D7(A & B) and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Recommended Conditions (if applicable)

Notes to Applicant

- . 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

Replacement of agricultural buildings with the erection of 2 No. dwellings with associated works. The proposal is for the removal of existing agricultural buildings and erection of 2no. detached bungalows with front and rear gardens, parking and shared driveway to an existing highways access.

Site Description

The site is currently made up of large agricultural buildings in concrete blockwork with metal sheet roofing, these buildings have no particular architectural merit, and are functional and utilitarian in design. The development site is located behind several buildings that are either in current residential use or being converted to a residential use. The main village at Stoke St Gregory is located approximately 400 metres to the south of the development site, which is outside of the settlement limits and located in Open Countryside. The extant agricultural buildings sit to the north of several existing residential properties and the wider surroundings are predominately rural in character. The existing farm buildings on site are mainly empty but have been in recent agricultural use. The farmhouse known as Crossways Farm is located to the south of the site and is Grade II listed.

Relevant Planning History

36/18/0008/CQ - Prior approval for proposed change of use from agricultural building to two dwelling houses (Use Class C3) and associated building operations - Prior Approval (conditional) -25/5/2018

(see also 36/17/0030/LB, 36/17/0027, etc for applications for former agricultural buildings converted to residential adjacent to the site but not in same ownership)

Consultation Responses

STOKE ST GREGORY PARISH COUNCIL - We support this application because it will provide two smaller dwellings in a parish in which there is a strong demand for starter homes and houses to downsize to.

BIODIVERSITY - The application is for the replacement of an agricultural buildings with the erection of 2 dwellings at Crossways farm Slough Lane, Stoke St Gregory.

Biodiversity

HalpinRobbins carried out a preliminary ecological appraisal of the site dated August 2018.

The site comprises of a defunct orchard, animal shelters, two barns with associated extensions and lean-tos and earth and concrete yards.

Designated Sites

The site is within the zone of influence of three nationally designated sites – Somerset Levels and Moors RAMSAR, Curry and Hay Moors SSSI and Somerset Levels and Moors SPA

Reptiles - The majority of the site has low potential to support reptiles but the area of vegetated ground to the east has potential. Current proposals are to retain this area but if this changes then a reptile survey must be undertaken

Birds - Buildings A and B showed signs of nesting birds, but there were no signs of usage by owls. Works should be carried out outside of the bird nesting season. Future works on site requiring clearance works should take place outside of the bird nesting season. I support the provision of bird boxes.

Bats - The site held no bat roosting potential and no signs of roosting was noted on site. The site may be subject to foraging bats. No lighting should be directed towards vegetation on site.

Condition for protected species:

The applicant shall undertake all the recommendations made in HalpinRobbins report dated August 2018, and provide mitigation for birds as recommended. 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. The development shall not be occupied until the scheme for the maintenance and provision of the new bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect and accommodate wildlife.

Informative Note

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.

LANDSCAPE - I acknowledge that the site is fairly well screened but consider that this would be development outside of the village boundary.

SCC - TRANSPORT DEVELOPMENT GROUP - standing advice

SCC - RIGHTS OF WAY - no comments received

WESSEX WATER - Wessex Water has no objections to this application and can advise the following information for the applicant:

The Planning Application

The applicant has not indicated how foul sewerage will be disposed of. Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as “surface water”) will be disposed of via soakaway.

Applying for new drainage and water supply connections

If your proposals require new connections to the public water mains, notes and application forms can be found here.

The proposal is some distance from the nearest public foul sewer. The planning authority will need to be satisfied with your private arrangements which will be subject to building regulations.

Are existing public sewers or water mains affected by the proposals?

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the attached map for advice on what to do if an uncharted pipe is located.

Is the surface water strategy acceptable to Wessex Water?

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution. You have indicated that surface water will be disposed of via soakaway.

The strategy is currently acceptable to Wessex Water, subject to agreement to detail with the local planning authority.

The planning authority will need to be satisfied that soakaways will work.

Soakaways will be subject to Building Regulations

There must be no surface water connections to the foul sewer network.

HERITAGE - No comments received

Representations Received

None

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.

CP1 - Climate change,
CP6 - Transport and accessibility,
CP8 - Environment,

DM1 - General requirements,
DM2 - Development in the countryside,
H1A - Permanent housing for rural workers,
D7 - Design quality,
ROW - Rights of Way,
EN12 - TDBCLP - Landscape Character Areas,

Local finance considerations

Community Infrastructure Levy

Creation of dwellings is CIL liable.
Proposed dwellings measure approx. 215sqm.

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 £27,000.00. With index linking this increases to approximately £35,750.00.

New Homes Bonus

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

1 Year Payment

Taunton Deane Borough	£2,058
Somerset County Council	£ 540

6 Year Payment

Taunton Deane Borough	£12,948
Somerset County Council	£ 3,238

Determining issues and considerations

The main issues are the principle of development, design and materials, landscape impacts, impact on heritage assets, parking and access, amenity, sustainability, and ecology.

The proposed development would be within a site which is currently in agricultural use with a range of agricultural buildings. It is located outside of the settlement limits to the village of Stoke St Gregory which is classified as a village as per Core Strategy policy SP1 Sustainable Development Locations, it is also beyond the settlement limits of North Curry to the west. The proposed site is therefore within Open Countryside and accordingly policy DM2 (Development in the Countryside) applies. It does not meet the tests for residential development as set out in this policy, or in the SADMP policies for essential rural workers H1(a) and H1(b), nor is support, in principle, given through the NPPF (2018) paragraphs 77 and 78 as the

proposal is for 2no. open market dwellings with no agricultural ties or affordable housing provision. As such the proposal must be recommended for refusal due to its incompatibility with relevant local and national policies.

There is an extant permission for a Class Q conversion and change of use of a former agricultural building to 2no. residential dwellings reference 43/18/0008/CQ, on land which overlaps with the proposed development site although this application does not have an identical red line, and the curtilages to this current application are considerably larger than that consented under 43/18/0008/CQ. Nor would the current application replace the same buildings. The buildings which were the subject of the Class Q approval are to the east, and outside of, the area shown on submitted plans for the proposed garden and eastern boundary to plot 2 (although included within the red line to this proposal).

The agent in the submitted Planning, Design and Access Statement cites the *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314 decision as evidence that the Local Planning Authority should recognise a so-called 'fall-back' position where the likely intention to develop residential units, as evidenced by a Class Q approval, could allow for a departure from the development plan. Whilst this decision is a material consideration it is considered that it should be attributed limited weight due to the different circumstances between the current application and the cited case, principally that this application does not utilise the extant agricultural building, and the differences between the extent of the curtilage in this application and previous Class Q approval, and the potential impacts on the character of the countryside and heritage assets located in close proximity to the site.

It is acknowledged that the site has residential properties to the south but it is outside of the recognised village settlement line and in an Open Countryside location. The proposed dwellings are on a site which has built development close by, but it is in a rural location with no services in the immediate vicinity and no footway along the road. There are fields in current agricultural use to the north, west and east of the site, and to the south side of the main farmhouse and adjacent buildings. In terms of character therefore, it is reasonable to conclude that the area is an open, predominantly rural location with overwhelmingly pastoral characteristics.

Applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that "In considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses". The proposed design is for 2no bungalows with dual pitched, roofs, with one using a cruciform plan and the other an L shaped plan. The design is reminiscent of 1930s bungalows and with a suburban feel. The dwellings would have a front garden with parking provided for two spaces for plot 1 and four spaces for plot 2, and a shared access using an existing driveway and highways access. In design terms the properties are not historically characteristic of the area. The greatest impact would be from the scale of the curtilage and overall suburban feel to the design, which, it is considered, would be out of place in the context of the site. The existing buildings are agricultural and preserve the pastoral character of the

area and provide important context for the listed building and associated curtilage-listed structures (Crossways Farm). The submitted statement notes that the proposal is at a 'similar scale' to the approved class Q conversions, which is true in so far as it relates to the footprint, but does not take into account the scale of the curtilage and the likely domestication of land within the curtilage, which could have a material impact on character and setting in this locality, and it is considered that this would have a detrimental impact which would fundamentally change the land to the rear of the listed structures. The consented Class Q conversions would retain the utilitarian design of the agricultural buildings and would provide two semi-detached dwellings in one former agricultural building, by comparison the current application is for two detached bungalows significantly increasing land used for residential purposes and achieving low rates of residential density, set against the loss of agricultural land and buildings. Whilst it is acknowledged that there may be some planning benefit in terms of residential amenity to neighbouring properties this is not considered to be sufficient to outweigh the harm to character and clear policy departures.

The location of the proposed development is in open countryside which is considered to be an unsustainable situation for residential development due to issues related to the need to use private car and lack of access to services in the vicinity, and, as such, is incompatible with policy CP1a.

In regards to landscape impacts the proposed development could be conditioned to provide an adequate landscaping scheme and any harm to the landscape, in visual terms, would be minor and not warrant grounds for refusal.

The proposed highways and parking arrangements are considered to be acceptable and would utilise an existing highways access.

There are no significant amenity concerns for residents in existing or consented dwellings, due to distances and the proposed design in terms of fenestration and relationships to other dwellings.

In regards to biodiversity impacts the proposed development included the submission of an ecological assessment and no direct evidence of protected species being present was noted. It is recognised that any abiding biodiversity concerns could be addressed through appropriate conditions and/or informatives, and current biodiversity issues would not warrant grounds for refusal.

In conclusion it is considered that the proposal represents a significant departure from the adopted development plan and would provide for two dwellings in an open countryside location which is deemed to be unsustainable. It is further considered that the proposed development would add suburban aspects into a predominantly pastoral setting changing the character of the area and negatively impacting on the adjacent listed buildings. Therefore the application is recommended for refusal.

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

Contact Officer: Mr Alex Lawrey

38/18/0429

MR A MOSS

Erection of a single storey extension to the rear and conversion of loft at 6 Birch Grove, Taunton

Location: 6 BIRCH GROVE, TAUNTON, TA1 1EE

Grid Reference: 322248.125188

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:

(A4) DrNo 5097_PL_001 Location Plan

(A4) DrNo 5097_PL_002 Site Block Plan

(A3) DrNo 5097_PL_200 Rev C Proposed Floor Plans

(A3) DrNo 5097_PL_201 Rev C Proposed Elevations & Section

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

Notes to Applicant

1. 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.
2. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to

ensure that no part of the development, including the foundations and roof overhang will encroach on, under or over the adjoining property.

Proposal

The erection of a single storey lean-to extension, which will project 3.9m from the rear, the full width of the property and a single storey flat roof extension to fill-in the side return between the Applicant's two storey projection and the neighbour's at number 7. This flat roof extension will project one metre further than the existing two storey. The extension will be finished in matching brick and is proposed to have a lean-to standing seam roof to reduce the pitch of the lean-to roof. The flat roof extension contains one roof lantern.

The scheme was initially submitted with the extension projecting the same distance from the rear of the property however, the extension had a flat roof and was proposed to be clad with Standing Seam Cladding with the flat roof finishing at the same level as the cill of the first floor window. The design was considered unacceptable in terms of the height in general and its proximity to the boundary, the angular boxy appearance and the use of the cladding on the walls of the extension.

Site Description

6 Birch Grove is a mid terrace period property finished in brick under a slate roof; it lies within the Staplegrove Conservation Area. The end gable wall of the two storey projection is rendered as are the other adjoining properties. There is a lean-to against this two storey element which is traditional to the age of the property and is replicated along the other properties in the terrace and a wooden lean-to with a corrugated roof attached to this.

There is a stone wall along the boundary with no 7 and on the other boundary there is a brick wall on the Applicant's side and a fence in the garden of number 5.

There is a flat roof, rendered extension to the rear of number 5.

Relevant Planning History

No relevant planning history.

Consultation Responses

HERITAGE - No comments received.

Representations Received

Ward Councillor - Cllr Horsley - I object to the revised application as it is still not in

keeping with the other properties in the neighbourhood and is contrary to the policies of the conservation area. Whilst it is recognised that the revised plans include brick to match the existing material, the proposed use of the roofing materials is equally inconsistent with the TDBC Conservation policies.

Letters have been received from 4 properties in the terrace. All four objected to the original proposal due to the height, design, materials and projection.

3 letters have been received regarding the amended proposal;

4 Birch Grove - object to the extended footprint which will overshadow and block natural light to adjacent properties. The dimensions are not in keeping with the remainder of the properties in the terrace. The proposed roofing materials are not consistent with the conservation policy, not enhancing the character of the area.

5 Birch Grove - object to the height and finish of the roof and height of the ceiling within the extension. The proposed toilet will be alongside their dining room where a flushing toilet could be heard. A laundry room if proposed at first floor, therefore a washing machine or tumble dryer could cause vibrations

7 Birch Grove - The revised plans set an out of character precedent for future planning that would detract from the historic nature of the of the buildings. The proportion of the extension is of an acceptable level and will cause significant overshadowing and loss of light into habitable rooms, the sitting room and kitchen. The loss of the side return is out of character with the with the neighbouring properties.

1 letter of support from owners of 9 Birch Grove - we note other houses within the Elms Grove Estate have had recent renovations and extensions. The proposed reclaimed brick seems very fitting to match the rest of the property and the contemporary roofing materials presumably is needed given the pitch of the roof and does not seem like it would interfere with the character of the conservation zone when only visible from an enclosed rear garden.

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.

DM1 - General requirements,
D5 - Extensions to dwellings,
CP8 - Environment,

Local finance considerations

Community Infrastructure Levy

Not payable in this instance.

Determining issues and consideration

Amended plans have been submitted that improves the overall design of the extension, reduces the height and changes the external finish. The initial submission was not considered to be acceptable due to the property's position within the Conservation Area and the height along the boundary. The revised design overcomes these concerns with regards to the height of the extension and the materials, including the roofing materials. It is accepted that the use of slates to match the existing dwellinghouse would result on the pitch of the roof being increased and therefore the sheeting is a compromise in terms of a finish and keeping the roof lower. The in-filling of the side return will have no adverse impact on the adjoining properties as it will be built between the two storey elements of no 6 and 7, any notice under the Party Wall Act is a civil matter and should be dealt with accordingly. Whilst the extension will project one metre further than the existing two storey element of number 7 Birch Grove and the existing lean-to extension, it is not considered that this will cause an unacceptable loss of light to the adjacent properties. Whilst there is a window in the side of the lean to at number 5 resulting in them seeing the extension, a right to a view is not a matter of consideration. In addition, this is a secondary window giving a source of light to the room as there is also a window in the rear elevation, looking towards the garden.

It is accepted that the roof is higher than the existing lean-to, it has also been taken into consideration that an extension could be erected in a similar position to replace the existing lean-to or attached a further 3m to end of this lean-to providing the height did not exceed 4 metres or the eaves 3m in height, under permitted development.

Section 72 of the Planning (Listed Building and Conservation Areas) Act requires that special regard is paid to the desirability of preserving or enhancing the character and appearance of the conservation area when deciding to grant planning permission. The single storey extension is at the rear of the property, the design reflects the existing and uses facing brick to preserve the appearance of the dwellinghouse. Whilst it may have be more desirable to have a slate roof, this would have increased the pitch of the roof which could impact on the neighbouring properties. The amendments to the scheme have reached a good compromise and are not considered to harm the character of the conservation area and the application is therefore acceptable.

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

Contact Officer: Mrs S Melhuish

42/18/0040

MR S MARTIN-SCOTT

Erection of 1 No. four bedroomed dwelling with detached single garage and ancillary works on land to the side of The Old Rectory, Wild Oak Lane, Trull

Location: THE OLD RECTORY, WILD OAK LANE, TRULL, TAUNTON, TA3
7JT

Grid Reference: 321592.122356

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:

(A1) DrNo 3056.001 Tree Survey & Constraints
(A1) DrNo 3056.002 Rev B Structure Planting Plan
(A4) DrNo S0_229_101 Location Plan
(A4) DrNo S0_229_102 Block Plan
(A1) DrNo 229_103 Existing Site Plan
(A1) DrNo 229_104 Proposed Site Plan
(A1) DrNo 229_201 Proposed Ground Floor Plan
(A1) DrNo 229_202 Proposed First Floor Plan
(A1) DrNo 229_203 Roof Plan
(A1) DrNo 229_204 Site Elevations and Images
(A1) DrNo 229_205 Dwelling and Garage Elevations

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

3. Prior to the wall construction of the building 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 building/area.

4. The applicant shall undertake all the recommendations made in jh Ecology's report dated September 2018, and provide mitigation for bats as recommended. 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.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect and accommodate wildlife.

5.
 - (i) Prior to its implementation, the landscaping scheme shall be carried out as per drawing 3056.002 Rev.B.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (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, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway, in the interests of highway safety.

7. There shall be no obstruction to visibility above 900mm from the adjoining carriageway level within the splays indicated on drawing 2229_104:6. Such visibility splays shall be provided prior to the occupation of the dwelling hereby permitted and shall thereafter be maintained as such.

Reason: In the interest of highway safety.

8.
 - i) Before construction commences (including site clearance and any other preparatory works) the scheme for the protection of the TPO tree to be retained shall be implemented.
 - ii) Such fencing shall be erected prior to commencement of any other site operations and at least two working days' notice shall be given to the Local Planning Authority that it has been erected.
 - iii) It shall be maintained and retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities whatsoever shall take place within the protected areas without the prior written agreement of the Local Planning Authority.

Reason: To ensure the enhancement of the development by the retention of the existing tree and natural features during the construction phase.

Reason for pre-commencement: To ensure protection of the TPO tree during construction.

Notes to Applicant

1. In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.
2. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

Trees with features such as rot holes, split branches or gaps behind loose bark, may be used as roost sites for bats. Should a bat or bats be encountered while work is being carried out on the tree(s), work must cease immediately and advice must be obtained from the Government's advisers on wildlife, Natural England (Tel. 0845 1300 228). Bats should preferably not be handled (and not unless with gloves) but should be left in situ, gently covered, until advice is obtained.

Proposal

This application seeks full planning permission for the erection of a new dwelling. It is a revised design for a dwelling previously given approval on Plot 2 in 2015. This is a full application, as the proposal revises the height and design of the dwelling previously granted permission. The proposed dwelling would be 4 bedrooms over 2 storeys. The proposal reflects the levels of the adjacent new build although is marginally higher. The dwelling would be finished in render and brick with a tile roof. A gable projection is proposed to the front together with a detached garage.

The dwelling would be staggered back slightly from the front of the adjacent dwelling and provides parking and turning for two cars, including a single garage. It is proposed to create an access in the same position as that previously approved. The north (side) boundary is proposed to be delineated by a 2 metre high rendered wall to the rear of the property, which would be lowered to a low retaining wall on the element that protrudes to the front of the property.

Site Description

The site comprises part of the large garden of The Old Rectory, which is a substantial render and tile property set back from and on a higher level than the road. The site lies just outside of the Conservation Area and there is a large tree on the roadside, which is subject to a Tree Preservation Order. There is a mix of size and style properties along Wild Oak Lane, with substantial dwellings set within large plots to the north and a mix of semi-detached and terraced dwellings to the south. These terraced/semi-detached properties are largely red brick with slate/tile roofs, set on a higher level than the road.

Relevant Planning History

Outline planning permission was initially granted for the erection of two dwellings in the southern part of the garden in 2007, which was renewed in January 2011. That outline application reserved all matters for future consideration, with the exception of means of access. A subsequent application sought approval of reserved matters for the erection of the dwelling on Plot 1, which was granted in February 2012 and has since been constructed. A further reserved matters application was approved in February 2014 for Plot 2.

Consultation Responses

TRULL PARISH COUNCIL - Support

SCC - TRANSPORT DEVELOPMENT GROUP - refer to Standing Advice.

WESSEX WATER - The applicant has indicated that foul sewerage will be disposed of via the main sewer.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as "surface water") will be disposed of via soakaway.

LANDSCAPE - As the proposal involves the felling of a tree , I would like to see a replacement tree planted.

BIODIVERSITY - The site comprises of amenity grassland with occasional trees and shrubs bounded by native and garden hedges.

The application includes the removal of a section of hedge (15m) fronting Wild Oak Lane and up to six trees.

Biodiversity

Jh Ecology carried out a preliminary ecological appraisal of the site dated September 2018.

Birds

Hedges, shrubs and trees on site provide potential habitat for nesting and foraging birds.

In order to avoid potential impacts , hedge, shrub and tree clearance should be undertaken outside of the main bird-breeding season i.e. between September and February inclusive; or subject to a check by an ecologist.

Hedgehogs

Hedge bottoms provide potential for hedgehog.

Hedge clearance should be preceded by a thorough search (by operative undertaking work) for sheltering hedgehog. Any hedgehog found should be moved to alternative suitable habitat (at base of dense vegetation / hedge).

Bats

None of the trees on site supported suitable potential roost features (PRFs.)

The intensively managed grassland was of limited botanical diversity and considered

to provide low value foraging habitat for bats, and as the site is small in size, in the context of the surrounding landscape it is unlikely to be an important resource for foraging.

I support the erection of bat box onto a mature tree to be retained.

To avoid the impacts of night-time lighting on bats, light levels around the

external parts of the new dwelling should be kept to an absolute minimum.

Badgers

The surveyor found no field signs of badger or evidence of entrance holes which might suggest a sett located on or immediately adjacent to the site.

Reptiles

The short mown grassland and hardstanding which comprised the majority of the site provided negligible potential foraging opportunities and lacked cover suitable for reptiles.

Condition for protected species:

The applicant shall undertake all the recommendations made in jh Ecology's report dated September 2018, and provide mitigation for bats as recommended.

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.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: to protect and accommodate wildlife.

Informative Note

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.

Representations Received

None

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.

CP1 - Climate change,
CP4 - Housing,
CP8 - Environment,
DM1 - General requirements,
A1 - Parking Requirements,

D10 - Dwelling Sizes,
D7 - Design quality,
ENV1 - Protection of trees, woodland, orchards and hedgerows,

Trull Neighbourhood Plan
Policy H2: Housing in Keeping
Policy H5: External Space
Policy H6: Development within the Village

Local finance considerations

Community Infrastructure Levy

Creation of a dwelling is CIL liable.
Proposed dwelling measures approx. 240sqm.

The application is for residential development in Taunton where the Community Infrastructure Levy (CIL) is £70 per square metre. Based on current rates, the CIL receipt for this development is approximately £16,750.00. With index linking this increases to approximately £22,500.00.

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

Planning permission has already been granted on the site for a dwelling and there is an extant permission, which could be implemented at any time. As such, the principle is already established. The matter for consideration is therefore whether the revised scheme would result in any increased harm to the character and appearance of the area, the residential amenities of neighbouring residents and highway safety.

Character and appearance of the area

The application site sits within a varied, historic street scene. Properties to the north are largely Victorian, both terraced and semi-detached. To the south is the Arts and Crafts style Old Rectory. All of these are rich in their architectural detailing.

Immediately to the north, adjoining this site, is the recently constructed Higher Lea, which, by contrast, is simple. On the opposite side of the road are a number of bungalows, although there are further older properties to the north.

The proposed dwelling will be of modern design but has been altered from the previous scheme so it is of traditional proportions. There is a large projecting gable on the front of the property which reflects the projecting gable on the adjoining Old Rectory. The proposal is of a more traditional two storey design without the previous level of glazing and this has led to there being no local objections to this revised scheme.

The dwelling will be a little higher than Higher Lea to the north, although this dwelling does appear a little too small alongside its Victorian neighbours, and in height terms, the proposal will sit between this and the Old Rectory to the south. Given the set back from the road, subject to suitable front boundary landscaping, the proposal is considered to be acceptable in terms of its impact on the street scene.

The site is close to the boundary with the Conservation Area, but in light of the considerations above, it is not considered to detract from the character and appearance of the area. The development is supported by policies in the Neighbourhood Plan.

Impact upon neighbouring residents

The proposed dwelling would be sited largely alongside the gable end of Higher Lea, where there are no windows to be affected. Whilst it would protrude to the rear, this is not considered to be by an amount that would result in any overbearing impact or loss of light to the garden or rear windows. There are no windows in the side elevation that would face Higher Lea. Given the height of the boundary there is not considered to be any unacceptable overlooking of this property. The detached garage projects 4m in front of the neighbour, however given the orientation of the properties this would not impact on the outlook or light.

The Old Rectory is set on a higher level and although close, the proposal is not considered to result in significant harm to the residential amenities of that property. Whilst The Old Rectory faces towards the plot, due to the orientation, the main windows face the parking area to the front and there are no habitable room windows in the side. The proposed 2 metre high boundary wall would prevent overlooking between gardens. As such, there are no concerns regarding overlooking and an element of private amenity space is available to the proposed dwelling.

There are further neighbouring properties to the rear, but again, the distance from these is considered to be acceptable; the boundary being approximately 13m from the house at the closest point.

Highway safety

The proposal provides adequate space for two car parking spaces and a turning area within the site. The proposed access lies in the same position as that previously approved under the outline permission. As such, the scheme is not deemed to result in any increased impact beyond that of the extant permission.

Highway standing advice requires the provision of visibility splays. The splays indicated on the submitted drawing are considered adequate given the traffic speeds of between 20 and 25mph along the lane and will be conditioned.

Other matters

The receipt of the New Homes Bonus and Community Infrastructure Levy is noted, however, it is considered that this matter carries very limited weight in this case.

Conclusions

The proposed development is considered to be acceptably designed and would not impact unreasonably upon the amenities of neighbouring property, the street scene, character and appearance of the adjoining conservation area or highway safety. It is, therefore, considered to be acceptable and it is recommended that planning permission is granted.

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

Contact Officer: Matthew Banks

Appeal Decisions December 2018

Site: Meare Green House, Meare Green, Wrantage, Taunton TA3 6DA

Proposal: Insertion of window to side of garage at ground floor level and alterations to rear dormer at Meare Green House, Meare Green, Wrantage

Application number: 47/18/0006

Appeal decision: ALLOWED

Enforcement Appeal

Site: [Insert site address]

Alleged Breach of planning control: [Insert alleged breach]

Reference Number: [insert our reference]

Appeal decision: [INSERT DECISION]



Appeal Decision

Site visit made on 6 November 2018

by I Bowen BA(Hons) BTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 December 2018

Appeal Ref: APP/D3315/W/18/3205663

Meare Green House, Meare Green, Wrantage, Taunton TA3 6DA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr Robert Hewton against the decision of Taunton Deane Borough Council.
 - The application Ref 47/18/0006, dated 4 April 2018, was approved on 12 June 2018 and planning permission was granted subject to conditions.
 - The development permitted is the insertion of window to side of garage at ground floor level and alterations to rear dormer at Meare Green House, Meare Green, Wrantage.
 - The conditions in dispute are Nos 2 and 3 which state that:
 2. *"Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) within three months of the date of this approval the ground floor window in the eastern elevation of the extension shall be obscured glazed to the equivalent of Pilkington Level 5 and non-opening. The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained"* and;
 3. *"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), the garage shall be used solely for the parking of cars and/or for domestic storage and shall not be used for additional living accommodation without the further grant of planning permission"*.
 - The reasons given for the conditions are:
 2. *"To protect the amenities of adjoining residents"* and;
 3. *"To ensure that the proposed development does not harm the residential amenity of adjoining properties"*.
-

Decision

1. The appeal is allowed and the planning permission Ref 47/18/0006 for the insertion of window to side of garage at ground floor level and alterations to rear dormer at Meare Green House, Meare Green, Wrantage granted on 12 June 2018 by Taunton Deane Borough Council, is varied by deleting conditions 2 and 3.

Preliminary Matters

2. A revised National Planning Policy Framework (the revised Framework) was published on 24 July 2018, replacing the previous 2012 version. I have had full regard to the revised Framework in determining this appeal.

3. I saw on my site visit that the proposed window has already been installed and it appeared to match that shown on the submitted plans. I have determined the appeal on that basis.

Background and Main Issue

4. The Local Planning Authority (LPA) granted planning permission for the insertion of a garage side-window and alterations to a dormer window in a domestic extension. This appeal seeks the deletion of conditions relating to the installation of the window in, and use of, the garage. Consequently, the main issue is whether the conditions are reasonable and necessary having regard to the living conditions of neighbouring occupiers, with particular regard to privacy.

Reasons

5. The appeal property is one of a number of substantial modern detached dwellings on the north side of Meare Green. The neighbouring dwelling to the east, known as Tee Jan, lies some 15m or so from the garage.
6. The 2 properties are separated by a drainage ditch, a substantial boundary wall to Meare Green House and a further boundary wall and timber fence demarcating Tee-Jan's property.
7. The boundary wall to Meare Green House is sited very close to the window which is the subject of this appeal. I observed that the view, when looking out of that window from inside the garage, is dominated by the wall and as a consequence, none of the ground floor of Tee-Jan was visible. I was also able to view the window from both within the house and rear garden of Tee-Jan. From these vantage points I saw that, as a result of the boundary treatments, only a very small proportion of the top part of the window is visible from that neighbouring property. I am therefore satisfied that there is negligible inter-visibility between the garage window and any part of the ground floor of Tee-Jan. The retention of the window without modification would not therefore cause any material harm in terms of loss of privacy for occupiers of Tee-Jan. Moreover, given how it is substantially concealed by the boundary treatment there is no reasonable basis to conclude that the window, if clear-glazed, would give rise to the perception of overlooking as suggested by the LPA. Similarly, no other properties in the area would be affected.
8. The occupiers of Tee-Jan are concerned that the appellant may choose in the future to convert the garage into a habitable room and raise its internal floor level. However, the appellant has indicated he has no such intention to undertake any such work and it is not for me, in determining this appeal, to speculate on his future intentions. In any event, the current size and positioning of the window are such that any such changes to the internal floor level would not lead to any appreciable increase in overlooking. It is also suggested that the window has been placed at a higher level than other ground floor windows in the property. However, I saw that there are no other windows in the appeal property's eastern elevation for comparison and, in any case, I have no reason to doubt that it has been positioned in accordance with the approved plans.
9. In conclusion therefore, the installation of the window complies with the adopted Taunton Deane Core Strategy (September 2012) Policy DM1 and the

adopted Taunton Deane Site Allocations and Development Management Plan (December 2016) Policy D5. These policies, amongst other matters, require proposals for development to avoid unacceptable harm to the residential amenity of other dwellings. I therefore find that Conditions 2 and 3 are not reasonable or necessary in the interests of the privacy of neighbouring occupiers.

Other Matters

10. West Hatch Parish Council suggests certain unauthorised works have taken place at the appeal site. However, these would be a matter for the LPA to investigate in its enforcement function and are not a matter before me in this appeal.
11. Similarly, ongoing concerns about the effects of the development which was the subject of previous planning permissions are not a matter for me to consider in determining this appeal.

Conclusions

12. For the reasons given above, I conclude the planning permission should be varied as set out in the formal decision.

Ian Bowen

INSPECTOR