

Application Number	2023/0611/FUL
Case Officer	Jennifer Alvis
Site	Little Tynning Charlton Road Holcombe Shepton Mallet Somerset
Date Validated	6 April 2023
Applicant/ Organisation	Mr and Mrs Richard Bennett Markstone Design
Application Type	Full Application
Proposal	The conversion of an existing garage and workshop to residential accommodation and additional hard standing area with drainage.
Division	Mendip Hills Division
Parish	Holcombe Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

7. **What 3 Words** - lavender.deriving.combines

Referral to Chair and Vice-Chair:

Referred to the Planning Committee (East) due to the parish recommending approval contrary to the officer recommendation for refusal

Description of Site, Proposal and Constraints:

This application relates to a garage at Little Tynings, Charlton Road, Holcombe. It is a single story outbuilding granted consent under ref; 120043/001 in 2008, and is constructed of blockwork walls with render finish, a clay tiled roof and uPVC windows and door.

It is located to the rear of the host house, Little Tynings, which lies to the north of Charlton Road and approximately 950m north east of Holcombe village. The garage is accessed via an existing access track off of Charlton Road which also serves the main house.

The site is located outside the defined settlement limits of Mendip District Local Plan Part I: Strategy and Policies (December 2014) (MDLP). It is within a Bat Consultation Zone, Coal Interest Area, Radon Protection Area and a Site of Special Scientific Interest Impact Risk Zone

The proposal seeks to extend and convert this garage into one 3no.bed dwelling for occupation by a family member of Little Tynings. The garage will be extended through an increase in roof height from 4.9 m to 7.6m and a small single storey rear extension.

Relevant History:

- 120043/001 - Proposed detached garage and garden store and extension of domestic curtilage - Approved - March 2008
- 120043/000 - Certificate of lawfulness for existing use of dwelling by persons not solely or mainly or last employed in agriculture - Approved - Nov 2007

Summary of Ward Councillor comments, Parish Council comments, representations and consultee comments:

Ward Member: No comments received.

Parish Council: Approval

Land Drainage: Object. Additional information regarding surface water and foul waste management is required.

Highways: Standing Advice

Local Representations: One letter of support has been received from a neighbouring occupier

- The proposed conversion borders our property
- Little to no impact on us and as such support the application

Full details of all consultation responses can be found on the Council's website www.mendip.gov.uk

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014) (MDLP)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part I are relevant to the determination of this application:

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP22 (Reuse and Conversion of Rural Buildings)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

The application site is situated outside any defined settlement limits, within a location isolated from services and facilities, where development is strictly controlled.

The building in question is currently in use as a garage, workshop and domestic storage and as such it wouldn't be considered redundant as required by Policy DP22 of MDLP which allows, under certain circumstances, the conversion of a redundant rural building to a dwelling.

Policies CP1 and CP2 seek to direct new residential development towards the principal settlements and within defined development limits, which is consistent with the aims of creating sustainable development and protecting the countryside as described in the NPPF.

Policy CP4, amongst other things, seeks to strictly control residential development in the open countryside save for specific exceptions under Development Policies (DP) 12, 13, and 22, which are not considered to apply here, as mentioned above.

While the proposal seeks to create a new dwelling in order to allow family members to live next door and care for their elderly parents, who live in the existing property, there is no local or national policy which identifies such needs as an exception for development in the open countryside.

Given that the Council is currently unable to demonstrate a five-year housing supply of housing land, based on the local housing need figure. Accordingly, the presumption in favour of sustainable development as defined in paragraph 11(d) of the NPPF applies. This means planning permission should be granted, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. An assessment of the Local Plan policies which are the most important to the determination of the application will therefore be made, but the 'tilted balance' should be applied to their assessment. This will be considered in the overall planning balance section of the end of this report.

In addition to the proposed dwelling the application also proposes an area of hardstanding in association with the existing stables and equestrian use on site, in principle this part of the application is considered.

Design of the Development and Impact on the Street Scene and Surrounding Area:

The garage is set to the rear of the existing dwelling and as such is not visible from the street scene. It is fairly contemporary in character and already has domestic features such as uPVC windows and timber doors.

The proposed single storey extension will be to the rear (north east elevation) and is fairly minor in scale. A raise in roof height is also proposed to accommodate a first floor, with timber cladding on the upper external walls. The remaining proposed materials will match the existing property. The remainder of the development will fall within the existing footprint of the garage therefore utilising the existing space available.

The proposed area of hardstanding will be to the north of the stables and consist of groundworks only so won't be visible within the street scene or wider landscape area.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Policies DP1, DP4 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

The immediate neighbours to the south are the occupiers of the main house Little Tynning which is owned by the applicants parents, and Southmead Farm to the east who have written in support of the proposal. Given that the proposed dwelling is to be occupied by a family member of the closest neighbouring occupiers, Little Tynning, so care can be provided if and when required, it's not considered inappropriate for there to be a close relationship between these properties.

In addition, there are no first floor windows proposed on the elevation facing Little Tynnings and the outdoor amenity space for the neighbouring property is to the south, the opposite side of the house to the proposed conversion. As such, while the two dwellings would have a close relationship, there is no direct overlooking and the proposed conversion would be unlikely to result in a loss of light or an overbearing impact to the existing dwelling.

The first floor rear windows, which would face Southmead Farm, are either to be high level or serve a bathroom and as such will be obscure glazed. To prevent possible

overlooking in the future, it's considered reasonable to impose a condition which restricts any other windows being installed in this rear elevation at a first floor level and for the proposed windows to be obscure glazed and non-opening below 1.7m when measured from internal floor level and retained as such in perpetuity.

Given the design, scale, massing and siting of the proposed development, and subject to the conditions mentioned above, the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, odour, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

While the site does lie within a Bat Consultation Zone for the Mells Valley, the building proposed for conversion is in a good state of repair and of fairly modern construction. In addition, the building is also in frequent use as a garage and storage shed which would make it unlikely to be supporting bat roosts.

It is considered that, subject to a condition requiring biodiversity net gain, that the proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

The proposal will utilise the existing access for Little Tynings and the creation of one additional property on this site is unlikely to result in a significant increase in vehicle movements.

There is adequate space within the site for the parking and turning of vehicles even after the loss of this garage which is currently used to house hobby cars rather than vehicles used daily by the occupiers. The proposal also seeks to create an area of hardstanding on a section of existing paddock to the west which will allow additional space for the parking of equestrian vehicles in association with the stables.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Land Drainage:

Although the land drainage engineer did raise an objection, the site is located in Flood Zone 1 and is shown to be at very low risk of surface water flooding.

This is the conversion of an existing building, which does not currently appear to have a formal arrangement for the disposal of surface water. The proposed extension to the building will be on an existing area of hardstanding and as such the impermeable areas of the site in relation to the conversion will remain unaffected.

The proposed hardstanding for the stables will be created using semi-permeable materials, loose gravel, which will still allow surface water to infiltrate into the ground. In addition, a soakaway will also be used, as shown on drawing 3082 - 101, to deal with any additional run off. Given the open nature of the site and the drainage system proposed, it's not considered reasonable to impose a reason for refusal on these grounds.

Foul drainage will be to a new package treatment plant and drainage field which will also be used by the existing dwelling, currently served by an old septic tank, and as such the overall foul drainage system on the site will be upgraded. Building regulations and a permit from the Environment Agency will control the installation and ongoing operations of this package treatment plant to ensure its compliance with current legislation.

As such, the proposed development is not considered to have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Refuse Collection:

The site is considered capable of providing adequate storage space for refuse and recycling.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Equalities Act:

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Planning Balance/Conclusion

The development lies approximately 1km from the development limits of Holcombe village and therefore would represent a departure from local plan policies regarding its spatial strategy for new residential development as set out at policy CP1 and CP2.

Given that the Council does not have a five year housing land supply the tilted balance of Paragraph 11 (d) of the NPPF applies. The additional dwelling will make a modest contribution to housing in the district, which is of some weight. There will also be limited economic benefits through the construction period. This again has limited economic and social benefits.

The assessment of the application has not identified any harm in terms of landscape and visual impact, and/or highway safety concerns.

The proposal does not represent sustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities. The site does not meet exception criteria set out in the NPPF or Local Plan.

The limited economic benefits stemming from the construction of the unit and its modest contribution to the housing figures in the district are not in this case considered to outweigh the harms in terms of the unsustainable location of the application site.

It is recommended that planning permission is refused.

Recommendation

Refusal

1. The proposed development lies in the countryside outside defined development limits where development is strictly controlled. The site's distance and poor accessibility and connectivity to local services and facilities would foster growth in the need to travel by private vehicle and is therefore unacceptable in principle. The limited economic benefits do not outweigh the harm identified. The proposal is therefore contrary to the provisions of Policies CP1, CP2 and CP4 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th December 2014), the National Planning Policy Framework and Planning Practice Guidance.

Informatives

1. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be

made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
3. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
4. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <https://buildingcontrol.somerset.gov.uk/>