

Application Number	2023/0663/FUL
Case Officer	Carlton Langford
Site	Vereker House Pitcot Lane Stratton On The Fosse Shepton Mallet Somerset
Date Validated	16 June 2023
Applicant/	J O'Nians
Organisation	Lightcraft Developments Ltd
Application Type	Full Application
Proposal	Extension Of Residential Curtilage To Barn 1 To Include Change Of Use Of Land From Agricultural To Residential & Reorganisation Of Curtilage To Barn 2 In Order To Facilitate Amended Vehicular Access To Highway.
Division	Mendip Hills Division
Parish	Stratton On The Fosse Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

6. **Referral Process**

Referred to the Planning Committee (East) due to the application being a departure from the Local Plan and the officer recommending approval.

Description of Site, Proposal and Constraints:

The application site comprises paddock land with stable buildings located to the south of Vereker House. The site is situated within the open countryside within an area of high archaeological potential, a bat consultation zone and partly within a high-risk coal consultation zone (historic mining works).

This application seeks the extension of residential curtilage To Barn 1 to include change of use of land from agricultural (paddock) to residential & reorganisation of curtilage to barn 2 in order to facilitate amended vehicular access to the highway.

Relevant History:

Numerous applications approved at Vereker House to include extensions and alterations to the main house and the conversion of garaging and stables to holiday accommodation and then a single dwellinghouse.

2019/2248/FUL - Conversion of redundant stables and hay store to single dwelling – Approved June 2020.

More recently, the conversion of a redundant rural building to a two-bedroom dwelling, along with associated change of use of land to form a garden and creation of a new access. (2021/1754/FUL)

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

Ward Member: No response.

Parish Council: No response.

Highways Development Officer: Standing advice.

Archaeology: No objections.

Coal Authority: No objections (Development outside the Higher Risk Zone) apply Standard Informative.

Local Representations: None received.

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)
- Mendip District Local Plan Part II: Sites and Policies (December 2021)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- CP4 – Sustainable rural communities.

- DP1 – Local Identity and distinctiveness
- DP4 – Mendip Landscapes
- DP5 - Ecology
- DP6 – Bats
- DP7 – Design and Amenity
- DP9 – Transport
- DP10 – Parking

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- 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:

This application relates only to the proposed additional change of use of land with the buildings on site already having been given planning permission for conversion to dwellings under separate permissions which will not be superseded by this application.

Having regard for the assessment below, the proposal is considered to be sustainable development and therefore acceptable in principle. However, as the proposal is not linked to any development which might be considered as an exception under development plan policies CP1 or CP4 of the Local Plan, the proposal represents a departure from development plan policy.

However, having regard for paragraph 11 of the National Planning Policy Framework (NPPF), decisions should apply a presumption in favour of sustainable development and based on the assessment below, there are no significant or demonstrable harms which would outweigh the benefits of the development.

Principle of the Use:

The application site is situated within the open countryside where development is strictly controlled. However, in accordance with Policies CP1 and CP4 of the Local Plan, development may exceptionally be permitted in line with the provisions as set out in Core Policy 4 (sustainable rural communities) of the Local Plan especially where they involve the conversion of existing buildings under policy DP22 of the Local Plan.

In this regard, the application relates to 2 number previous planning permissions which were acceptable under policy DP22 and therefore, subject to the proposal before us, in that these approved schemes will continue to meet all the 6 key criteria for and acceptable conversion as set out within the policy (DP22) and where the scheme will lead to an enhancement to the immediate setting (assessed below), the proposal is generally acceptable in principle albeit a departure from development plan policy as explained above.

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

Under planning permission ref: 2021/1754/FUL for the conversion of barn 2 a new access was created together with change of use of paddock land to accommodate a drive and create garden space and off-street parking provision which was considered sufficient to ensure the character of the immediate setting was not adversely impacted upon.

This current application seeks to slightly extend further into the paddock in order to create a modest garden area for barn conversion 1 which currently has no garden which isn't taken up by parking provision.

The proposal also seeks to relocate the access for barn 2 adjacent to the existing paddock access further to the east.

The proposal is not considered unreasonable, and neither will it have an adverse impact on the immediate setting over or above those extensions to curtilage already allowed subject to ensuring appropriate landscaping which will maintain the open rural character of the existing paddock which can be controlled through condition, and to ensure permitted development rights are removed for curtilage buildings.

The scheme will continue to accord with Policies DP1, DP7 and DP22 of the LP.

Impact on Residential Amenity:

The further extension to curtilage raises no additional adverse amenity concerns for any nearby neighbours or other land users. The relocation of the access and realignment of the drive as from initially approved will continue to ensure much of the paddock is retained. The scheme accords with Policies DP7 and DP22 of the LP.

Impact on Ecology:

Under permission ref: 2021/1754/FUL a number of conditions to ensure wildlife protection and enhancement were imposed and will still need to be complied with. This small addition to domestic curtilage will not require and additional enhancements over or above

those already being sought but an additional wildlife protection condition will be necessary.

Subject to the imposition of a wildlife protection conditions to include lighting design for bats, the proposal will not adversely impact on wildlife or wildlife habitats and will continue to accord with Policies DP5, DP6 and DP22 of the LP.

Assessment of Highway Issues:

The relocation of the access will again be onto a light trafficked access lane off Pitcot Lane which is acceptable in terms of visibility in this instance. Traffic generation from the scheme will be comparable to its existing use as paddock and stables and sufficient off-street parking together with on-site turning is proposed.

Overall, the proposal will avoid causing traffic or environmental problems within the wider transport network nor generate any requirements for transport improvements which would harm the character of the area in accordance with policies DP9, DP10 and DP22 of the LP.

Refuse Collection:

Sufficient space on site for roadside storage and collection.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement 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, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Conclusion & Planning Balance:

The proposal is not considered unreasonable, not having an adverse impact on the immediate setting over or above those extensions to curtilage allowed previously, and the proposal will continue to avoid causing traffic or environmental problems within the wider

transport network or generate any requirements for transport improvements which would harm the character of the area and is recommended for approval.

In terms of the proposed change of use on part of an existing agricultural field, whilst it is acknowledged that the development will be outside development limits and can not be supported by the relevant policies that for the strategic policy framework (ie policies CP and CP4), it is proposed and will function as part of the residential curtilage of two dwellings which have previously been approved and built out with development plan policy support.

On this basis the application scheme is considered on balance to represent a sustainable form of development, and it is therefore recommended that planning permission be granted as a departure from the development plan.

Recommendation

Approval

Conditions

1. Standard Time Limit (Compliance)

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. Plans List (Compliance)

This decision relates to the following drawing:
456/P-002-D

Reason: To define the terms and extent of the permission.

3. Access, Parking and Turning Areas (Bespoke Trigger)

Prior to the first use of the access hereby approved, the access, parking and turning areas shall have been constructed in accordance with details shown on the approved plans. The vehicular access, parking and turning shall thereafter be kept clear of obstruction and shall not be used other than for the access and parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that suitable access, parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Hard and Soft Landscaping (Pre-occupation)**

Prior to the first use of the access hereby approved, a hard and soft landscape scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the following details:

- (a) size, species and positions for new trees and plants,
- (b) boundary treatments,
- (c) surfacing materials (including roadways, drives, patios and paths) and
- (d) any retained planting.
- (e) a detailed programme of implementation

Any trees or plants indicated on the approved scheme which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced during the next planting season either with the same tree/plant as has previously been approved, or with other trees or plants of a species and size that have first been approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure the provision of an appropriate landscape setting to the development in accordance with Policy DP1, DP3, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Wildlife Protection (Pre-commencement)**

No site clearance or removal of vegetation to include grass cutting shall take place on site, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests, Great Crested Newts and Reptiles, immediately before works commence and provides written confirmation that no birds, Great Crested Newts or reptiles will be harmed and/or that there are appropriate measures in place to protect their interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of the protection of wildlife and in accordance with policy DP5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **External Lighting (Bespoke Trigger)**

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. **Removal of Permitted Development Rights - No outbuildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage land hereby approved, other than those granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding rural landscape and residents in accordance with Policies DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. 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.

2. **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.

3. The applicant is advised of the need to consult the Highways Department, Somerset Council (Tel:- 0300 123 2224) prior to commencing works adjacent to the public highway.
4. Under Section 163 of the Highways Act 1980 it is illegal to discharge water onto the highway. You should, therefore, intercept such water and convey it to the sewer.

5. Before commencing any works to trees, please note that, under the provisions of the Wildlife & Countryside Act of 1981, between the 1st MARCH to 31st AUGUST, no works should be undertaken to trees which would result in disturbance or loss of habitat of nesting birds. Contravention of the Act is a criminal offence. It should also be noted that bats and their habitats are protected by law and if bats are found to be present in the trees works should immediately cease until specialist advice has been obtained from Natural England.

6. Development Low Risk Area - Standing Advice

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

7. 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.

8. Notwithstanding any details submitted, details pursuant to condition 4 landscaping, shall ensure that the open character of the paddock is maintained, ensuring limited planting and boundary treatments which respect the agricultural character of the area.