

Application Number	2023/0897/FUL
Case Officer	Jennifer Alvis
Site	Laurel House Farm Main Frome Road To Foghamshire Lane Trudoxhill Frome Somerset
Date Validated	15 June 2023
Applicant/ Organisation	Helen Marjoram
Application Type	Full Application
Proposal	Erection of annexe/outbuilding with ancillary use to the main house and associated change of use of a parcel of land from agricultural to residential for the siting of the annexe.
Division	Mendip Central And East Division
Parish	Trudoxhill Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

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What3Words - overused.flagged.hips

Scheme of Delegation:

In accordance with the scheme of delegation, this application is referred to the planning committee for a decision. This is because the proposal represents a departure from the Local Plan.

Description of Site, Proposal and Constraints:

The application site relates to a property known as Laurel House Farm, Trudoxhill. The host property is an existing detached dwellinghouse set within the named settlement of Trudoxhill with open agricultural land to the east, and neighbouring properties to the north and south. The access to the site is from Main Frome Road to Foghamshire Lane to the east. Trudoxhill does not have development limits and as such, in planning terms, the site lies in the open countryside but it is not an isolated location. Laurel House Farm is also a Grade II Listed Building.

The proposal seeks a change of use on a section of land, approx 45sqm, to the west of the main property from agricultural to residential in order to site a single storey ancillary structure to house a garage, workshop, home office and w/c.

Relevant History:

2021/1344/LBC - Erection of annexe with ancillary use to the main house. Replacement gates to the road. - Withdrawn July 2022

2021/1343/HSE - Erection of annexe with ancillary use to the main house. Replacement gates to the road. - Withdrawn July 2022

2022/1588/L4PA - Erection of outbuilding/garage/ancillary use with pastureland to residential garden use

2023/0272/HSE - Erection of annexe / outbuilding with ancillary use to the main house. - Withdrawn May 2023

2023/0273/LBC - Erection of annexe / outbuilding with ancillary use to the main house. - Withdrawn May 2023

2022/1581/LBC - Replacement of existing access gates. - Approved - June 2023

2022/1580/HSE - Replacement of existing access gates. - Approved - June 2023

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

Ward Member: No response

Parish Council: Recommend refusal for the following reasons

- Site is too close to neighbouring properties
- Proposed building is too large and out of character
- Impact on the setting of the listed building
- Impact on neighbouring residential amenity through its large scale
- Proposal is on agricultural land which could set a precedent and is contrary to development plans for the village

Environmental Protection: No comments to make

Archaeology: No objection

Conservation Officer: Comments as per pre-app 2022/1588/L4PA

The principle of a single-storey outbuilding is acceptable within the site provided it is of an appropriate design, scale and position, ensuring subservience to the listed building.

Following discussions on site, it is my recommendation that the building be positioned further back into the site, keeping towards the northern edge where the current tarmac driveway is but not as far back as was originally proposed (under withdrawn applications 2021/1344/LBC and 2021/1343/HSE). This is due to concern that a building in the south-west corner of the site, as was initially proposed, would be in too elevated/prominent a position due to the steep incline of the land.

It is also recommended that revisions be made to the design of the garage doors. A set of side-hung timber doors in a more traditional style would be more sympathetic in the context than a standard modern/metal design. In terms of materials, I recommend reverting to the corrugated metal roof covering. I also recommend positioning the proposed solar panels further towards the south-west end of the building. Rooflights should also be kept to a minimum and where possible limited to the north-west roof slope.

I suggest that further context is provided in the drawings submitted with any forthcoming application in order for us to fully assess the impact of the development (e.g. a section through the site showing relative heights). This is due to the topography of the site and its proximity to adjacent buildings. The impact of the outbuilding could also be softened through the introduction of some further planting, and it would be necessary to see any associated landscaping proposals.

We will need to see samples of any facing materials for the development as well as full specification of any solar panels and rooflights and joinery details for windows and doors. If these are not submitted during the course of the application, we could secure this via condition.

Local Representations: Four letters of objection have been received raising the following concerns

- Proximity of the annexe to the neighbouring property
- The difference in ground levels are not accurately shown
- Overbearing impact
- Contrary to policy as it's on agricultural land
- Light and noise pollution
- Change of use of this land would set a precedent
- Surface water run off issues
- Overdevelopment

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)
- Somerset Waste Core Strategy

The following policies of the Local Plan Part 1 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
- DP3 - Heritage Conservation
- DP7 – Design and Amenity of New Development
- DP9 – Transport Impact of New Developments
- DP10 – Parking Standards
- DP23 - Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework
- National Planning Practice Guidance
- The Countywide Parking Strategy (2013)
- House Extension Design Guide

Assessment of relevant issues:

Principle of the Use:

The application relates to a small parcel of land that is directly adjacent to the existing residential curtilage of the host property and, although the site is outside development limits, the parcel of land in question is closely associated with the main house. While the site is outside developments, the proposal is for the extension of the existing residential curtilage to facilitate the siting of an ancillary building in association with the existing dwelling and not for an independent use. As such the development would not be

considered to result in an increase in vehicle movements or other impact that would make this an unsustainable development.

Given the siting and size of the plot it is not considered that the change of use to residential curtilage will affect the agricultural use of the remaining field area.

Concerns were raised by the parish council and local residents regarding this change of use setting a precedent for future changes of use of agricultural land within the village, however each case must be considered independently and on its own merits. In addition, the parcel of land in question only measures 45sqm and is a tarmacked former agricultural track which is no longer in use and blocked at one end, and as such would not be considered prime agricultural land.

Therefore, although the proposal for the change of use would not have policy support and therefore be considered a departure from the Local Plan, it would be considered acceptable in terms of potential harm and the manner in which the new use will function in association with the existing dwelling.

The proposed ancillary structure is to operate as a garage and workshop with a home office and w/c, all of which are uses considered incidental to the enjoyment of the dwellinghouse and would therefore be considered acceptable in this location.

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

The section of agricultural land proposed for a change of use to residential is currently tarmacked and was formally a access track to the agricultural buildings to the rear. This access has now been blocked to the south west and is no longer in use. Given that the area of land is already laid to hardstanding, it's not considered prime agricultural land and it's use for the siting of an ancillary structure would not impact on the character of the area.

The parish council raised concerns over the scale of the proposal and its impact on the character of the area. The structure will be set back from the highway and, while still visible from this public vantage point, it will be largely innocuous given the distance and the screening from the existing property and access gates. The site consists of a fairly large garden with a section of agricultural land to the rear which is sufficient to site a building of this scale without it appearing cramped or overdeveloped.

Given the above, it's considered that the proposal won't result in a significant detrimental impact on the character of the area and therefore complies with DP1, DP4 and DP7 of the Mendip Local Plan Part 1.

Impact on the Setting of the Listed Building

While the Conservation Team were not directly consulted on the current application, comments were provided by a conservation officer at pre-app stage and it's those comments that have been used to form the conclusion below.

There is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 195 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 194-204 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

As the structure itself isn't connected to the listed building, or any associated listed structures within it's curtilage, Listed Building Consent isn't required and it's only the impact on the setting of the listed building that needs to be considered.

As per the conservation officers comments at pre-app stage, it was recommended that the annexe be sited on the existing tarmac track to the northern edge but not as far back as previously proposed under 2021/1344/LBC and 2021/1343/HSE due to the slope of the land. A meeting held on site at pre-app stage established that the currently proposed positioning was favourable in terms of lessening the impact on the setting of the listed building.

The proposed height, scale and massing of the annexe means it will remain subservient to the main house and the proposed materials of corrugated roofing, timber clad walls and timber side hung garage doors were also recommend by the conversion officer at pre-app stage. While it was recommended that roof lights be positioned on the north facing side of the roof, which isn't the case on the current application, this was only a recommendation and wasn't believed to be harmful to the setting if this couldn't be achieved. Siting the roof

lights on the south elevation means they're facing towards the host garden and agricultural land and as such would mitigate against overlooking to the neighbouring property which could have been an issue were they sited on the north roof elevation as suggested. As such, it's considered that the positioning of the roof lights on the south elevation have adequate justification and do not result in harm to the setting of the listed building.

Additional planting was also suggested by the conservation officer to help screen the structure from the listed building however there is already a line of established trees and shrubs between the proposed location of the annexe and the listed building. In addition, a condition can be added to request further details on landscaping and secure additional/replacement planting.

Conditions can also be imposed to secure further details of the timber joinery for the windows and doors and rainwater goods.

In conclusion, and having regard to the above, no material harm to the designated heritage asset has been identified and therefore, having due regard to Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 and DP3 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014) consent should be approved.

Impact on Residential Amenity:

Several letters of objection have been received from neighbouring occupiers regarding the potential impact of the development on the neighbouring amenity of Wyland to the north. Given the single storey nature of the annexe and that the sloped ground levels will be excavated to allow a level access from the front, it's not considered that the height of the structure would result in harm through overbearing or loss of light. In addition, the neighbouring property is side on to the annexe with no windows on the south elevation which would be impacted by this structure. The two ground floor windows which are to face the boundary serve a w/c and the workshop and as such can be obscured glazed however given that they're at ground floor level, they would look directly at the boundary wall and not result in any overlooking so it's not considered reasonable to condition that these are obscure glazed.

The existing boundary between the properties consists of a large stone wall and high planting which will further screen the structure when viewed from the property to the north.

The use as a garage and home office with personal workshop would not be considered to result in noise levels above those expected within a residential area. The existing parking

area for Laurel House Farm already lies adjacent to the neighbouring boundary and domestic workshops are common features in residential areas/

Therefore, it's considered the siting of the proposed development 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, smell, 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.

Highway Safety:

No alterations to the existing parking and access arrangements are proposed, and the provision of a garage would provide additional secure parking for the occupiers. As such, the proposal maintains highway safety in accordance with policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Drainage:

Concerns were raised by local residents regarding the impact of surface water run off resulting from the proposal given the slope of the land. The area proposed for the siting of the annexe is already tarmacked and while the building will be slightly wider than the existing tarmacked track, it's proposed that this hardstanding is removed and any water run off from the roof of the annexe will be managed through adequate soakaways in line with building regulations. As such, there is likely to be an improvement over the existing situation where there is currently no water surface management of the run off from the tarmacked track.

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, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Planning Balance & Conclusion:

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, it will abut an existing residential property (and will be restricted in terms of its future use). From an assessment point of view, given the scope of the proposals and the extent to which the proposed use of the land is to be controlled, the proposed use is not considered to have a detrimental impact on the adjoining land uses.

The proposed annexe is shown as being for a garage, home office and workshop all of which are considered uses ancillary to the main house and would not be capable of independent occupation or use. A condition to ensure that the structure remains ancillary will be applied should the application be approved.

Subject to conditions in regards landscaping, joinery details and sample panels, it's considered that the proposal would not have a harmful impact on the setting of the listed building.

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 drawings: PP 001 B, PP 005 H, PP 005 I, PP 005 J, PP 005 K, PP 1001 C and PP 1002

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

3. **Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Joinery Details - Submission of Details (Bespoke Trigger)**

No piece of external joinery shall be installed or undertaken unless full details of that piece have been first submitted to and approved in writing by the Local Planning Authority. Such details shall be at full or half scale and shall include cross-sections, profiles, reveal, surrounds, materials, finish and colour. The works shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Ancillary Use - Residential (Compliance)**

The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Laurel House Farm and shall not be occupied as an independent dwelling unit.

Reason: The accommodation hereby approved is not capable of independent occupation without adverse impact on the amenities of existing or future residential occupiers contrary to Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

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/>
5. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.