

Committee date 13/02/2024

Application No: 45/20/00019

Application Type: Full Planning Permission

Case Officer: Adrian Noon

Registered Date: 28/09/2020

Expiry Date: 22/11/2020

Parish: Spaxton

Division: Quantocks

Proposal: Erection of an agricultural worker's dwelling and formation of access.

Site Location: Higher Halsey Cross Farm, Radlet Road, Spaxton, Bridgwater, Somerset, TA5
1JA

Applicant: Mr Barrow



Committee decision required

This application is referred to committee at the request of the chair and vice chair to enable the matters raised by Over Stowey Parish Council and the ward member to be debated.

Background

Higher Halsey Cross Farm is located off Radlet Road, Spaxton, to the south of Halsey Cross, c.1.5km south east of Nether Stowey. The original farmhouse, an annexe and the associated agricultural buildings, comprising a mix of traditional and modern structures are all located on the east side of Radlet Road.

The farming activities at Higher Halsey Cross Farm are spread over c. 330 acres (134 ha) in three blocks around the main agricultural buildings and to the west of the adjacent lane. Additionally the farming enterprise includes a number of other holdings

- Marsh Mills Barn, c. 1.5km to the west – a dwelling and 19 acres (7.8 ha) of arable land,
- Higher Hockpitt Farm – c. 2km to the west, an agricultural workers dwelling, a former agricultural building with planning permission for conversion to 4 dwellings and 52 acres (21 ha) of arable land.
- Great Knowles Farm – and agriculturally tied bungalow, a range of former agricultural buildings used for equestrian purposes and 52 acres (21 ha) of arable land.

The proposal is for the erection of an agricultural worker's dwelling and access on undeveloped land on the west side of the lane. A public right of way (30/16) runs across the site which would be diverted to run around the west side of the site. The access would be to the south side of the site – this has been amended to address concerns raised by the highway officer..

The proposed 4 bedroom dwelling would have a gross floor area of c. 266sqm, a footprint of approximately 13.25m x 9m and would be 10.5m high. It would be finished in natural stone and slate to reflect the existing farm house on the opposite side of the road. The windows would be aluminium framed with stone cills and brick soldier courses. An external brick chimney breast is included to the west elevation.

Relevant History

None

Supporting information supplied by the applicant

- Application form
- Farm Business Details by Acorus dated June 2022
- Design Statement by Acorus
- Landscape Strategy
- Landscape & Visual Appraisal by Anne Priscott Associates dated June 2022
- Preliminary Ecological Appraisal by Richard Green Ecology October 2022
- Shadow HRA

Consultation Responses

Ward Member (Cllr Caswell) – Fully Supports, observes that:-

The application is NOT in the QH AONB in fact [1.35km] away so the comments made by their officer are null and void.

Spaxton Parish Council: initially objected:

- *The proposed site will obstruct footpath f/p 30/16*
- *Location - if approved, this would amount to a new build in a prominent position in the open countryside. This could be overcome by siting the development on the opposite side of the road, in a grouping with the other farm buildings.*
- *Scale - this is a substantial development far in excess of what would generally be required for an agricultural worker's dwelling.*
- *Visual amenity - the proposed development is large, visually intrusive and out of keeping with other buildings nearby.*
- *Further, it will obscure views of the AONB from the road.*

Subsequently maintain two objections:-

We believe that the need for an agricultural dwelling has been demonstrated beyond question, and that the size and scale proposed is commensurate with the needs of this growing family.

However, in our opinion the proposed footpath diversion remains an issue. We cannot support the proposed diversion for reasons of maintenance and access, but we don't consider this to be insurmountable. If the proposed new access to the south could be utilised as access to the PRoW, then the PRoW could continue in its current route, traversing the field diagonally, as now.

The other problem for us as a consultee is the dwelling's proposed location in open countryside - which we believe will irreparably damage the visual amenity of this rural site. We understand the desire to move slightly away from the main farming activity in order to provide the family with rest and relaxation as far as possible, but we are aware of another potential paddock within the property - currently used for lambing - that would serve this purpose equally as well.

If the revised footpath route and location of the dwelling could be agreed according to our suggestions, then we would withdraw our objection.

Over Stowey Parish Council (adjacent PC): no objection, note that

1. *Although in sight of the AONB, the distance from the boundary is 0.81miles away*
2. *The ground level of the proposed dwelling is 9.8m below the nearest property*

3. *The proposed dwelling will be 189 metres away from the nearest property*
4. *The proposed location of the garage will be brought forward to allow for the footpath, which will then run around the back of it*

Somerset Highways: No objection subject to conditions, notes that there is a public footpath running through the middle of the site so PROW should be consulted.

SCC Ecologist – initially object as the ecology information was deemed to be out of date. Subsequently additional lighting details were requested and the following comments made:-

Whilst SES welcome such a full and thorough lighting assessment, we would advise in the first instance that some amendments are made to the external lighting design to lessen the adverse effect on bats given the setting of the site within Band A of the Exmoor and Quantock Oakwoods SAC (designated in part of Annex II barbastelle bats), and on the assumption that bats, including barbastelle bats, are using the hedgerow network surrounding the site.

The Preliminary Ecological Appraisal Report states: 'Any external lighting should be restricted to where necessary, i.e., to provide access, with the use of passive infrared (PIR) sensors on short duration timers (<1 minute) to further reduce light spill'.

Whilst the use of timers for external lighting is noted, the external lighting design proposed far exceeds what is considered necessary.

The Preliminary Ecological Appraisal Report goes on to recommend: '...an integrated bat tube... be installed on the west gable of the new dwelling, facing the open countryside. The bat tube should be installed near the apex and remain unlit'.

Whilst it is acknowledged that the height of the lighting on the west gable of the new building will be below the height of a bat tube, it will nonetheless be affected by external light spill.

In summary, effort should be made to remove all but necessary external lighting. Where external lighting is considered truly necessary (i.e., from a safety perspective), it should be located such that light spill on to boundary hedgerows be avoided or, as a worst case, suitably minimised (less than 0.5lux).

Indication of the external lights to be removed was provided and an updated lighting plan has been provided. This has been accepted by the ecology, subsequently an shadow HRA has been provided which suggested that subject to appropriate safeguarding conditions any impact on bats could be appropriately mitigated.

As a result it is confirmed that:-

as the above is deemed acceptable by Natural England and is implemented as worded, SES

have no further comments.

Natural England: Initially requested further information to determine impacts on Designated Sites: Exmoor and Quantock Oakwoods SAC

As submitted, the application could have potential significant effects on the above designated site. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

This proposed development is within the Band A consultation zone of the Exmoor and Quantock Oakwoods SAC which, aside from its habitats, is primarily designated for Barbastelle bats. No assessment of impacts has been submitted as part of this application. The Exmoor and Quantock Oak Woodlands SAC guidance states that for proposals within bands A and B of the bat consultation zone, full season surveys will be needed and must include automated bat detector surveys, unless minor impacts can be demonstrated (p. 6).

In relation to the shadow HRA provided by the applicant:-

...agrees with the conclusions of the HRA and considers that harm to the Exmoor and Quantocks Oakwoods SAC will be avoided provided that the mitigation identified is secured through appropriate planning controls.

Environmental Health: no objection suggests ownership be tied to Higher Halsey Cross Farm so that it cannot be sold separately to prevent any complaints of nuisance from farm operations.

OFFICER NOTE: if approved as an agricultural workers dwelling this would not be necessary as it would be reasonable to assume that an agricultural worker would be tolerant of farming activities

Office for Nuclear Regulation: no objection

Rights of Way Officer: No objection, advises that footpath BW30/16 would be obstructed if the proposed development were to proceed as planned. In the event of approval a Grampian condition to require the diversion to be implemented prior to commencement and and informative to remind the developer not to allow works to obstruct the foot path.

Landscape Officer: Objects:-

I concur with the view of the Quantock Hills AONB officer that the proposal will impact on the landscape character of the area. The proposed visibility splays will require the removal of the adjacent hedgerow and inevitably will have a detrimental impact on the rural character of Radlet Lane.

The proposed dwelling will clearly be an intrusion into the open countryside which will be visible

from the public right of way that runs adjacent to the site. The proposed dwelling is large in scale and, although not located within the AONB, would have a harmful impact on the rural character of the landscape.

In relation to the amended scheme comments:-

I have reviewed the application with regard to the proposed 4 bedroomed , two storey dwelling on land at Higher Halsey Cross Farm, Radlet Road, Spaxton. I concur with the view of the Quantock Hills AONB officer that the proposal will impact on the landscape character of the area. The proposed visibility splays will require the removal of the adjacent hedgerow and inevitably will have a detrimental impact on the rural character of Radlet Lane.

The proposed dwelling will clearly be an intrusion into the open countryside which will be visible from the public right of way that runs adjacent to the site. The proposed dwelling is large in scale and, although not located within the AONB, would have a harmful impact on the rural character of the landscape.

Quantock Hills AONB Officer: Initially objected:-

Although outside the AONB boundary the proposal is clearly an intrusion into open countryside and the wider landscape of the AONB. The house seems beyond the remit for an agricultural worker dwelling. It is indicated that the site is not visible from the highway or any PROW which is misleading. A PROW runs through the site, there is no acknowledgement of this and no mitigation measures.

From the perspective of the landscape and character of the area, a new dwelling and subsequent domestication of the site would have a harmful impact. Before any permission is granted for a new build in open countryside, a more appropriate location within the existing farmstead should be investigated together with other sites in the ownership of the farm partnership.

Subsequently:-

With reference to comments previously submitted on 3rd November 2020, the AONB Service continues to object to this proposal and requests that those comments are considered, especially the final paragraph which is copied below.

“From the perspective of the landscape and character of the area, a new dwelling and subsequent domestication of the site would have a harmful impact. Before any permission is granted for a new build in open countryside, a more appropriate location within the existing farmstead should be investigated together with other sites in the ownership of the farm partnership.”

Since those comments were submitted, the National Planning Policy Framework has been revised (in 2021), and paragraph 176 states that,

Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

The last sentence was an addition to the previous NPPF and should be given the upmost consideration.

Representations

Friends of Quantock: object - development in open countryside that will have an impact on the setting of the AONB and views out from this protected landscape contrary to the NPPF; support the point made by the Quantock Hills AONB service and Spaxton Parish Council that alternative sites, better related to the existing farm buildings, have not been investigated.

Three objections from the occupiers of nearby properties summarised as:

- This building would be a first in terms of construction to the west side of the road and be a prominent property which will obstruct currently uninterrupted views towards the Quantock Hills AONB.
- Could be the thin end of wedge and pave the way for further development
- The case made by Spaxton Parish Council is entirely correct (Over Stowey Parish
- Council appears to have been misled by erroneous information
- The detailed business case establishes the need for a dwelling but it does not attempt to
- establish a need for this site
- The chosen site is outside the curtilage of the farm in open countryside
- It blocks a Public Right of Way and requires a new access onto a narrow lane
- The applicant has other, more suitable, sites available
- Concerned about the obstruction of the definitive Public Right of Way, the route shown on the latest site plan is not the definitive route; the suggested alternative has not been submitted for approval by the public or the Parish Council and it is unsuitable; The plan shows no access from the south and the route passes close to the proposed house; Other Public Rights of Way on the same landholding have been inaccessible for several years and it is unlikely that a route so close to the house will be maintained (The initial application did not even mention the Right of Way)
- If approved, conditions should be applied which prevent work until a publicly acceptable and unobstructed route for the Public Right of Way is in place
- The Authority has taken no measures to prevent the avoidable obstruction of footpath 30/16 and

that officers' time and public money has been used unnecessarily in an attempt to reroute the Queen's highway

- Building is on a greenfield site where no other buildings are situated and it is set away from the main farmhouse and farm buildings
- The building would be in full view of the road and would not be in within character and appearance in a conservation area
- There is a far more suitable site in a paddock on the opposite side of the road within the curtilage of the existing farm, to north-west of the farmhouse (described in the planning application as farm cottages) and farm buildings
- The road access for this site would not be on a bend and would therefore be a safer option, plus the footpath could remain in its current route
- While pleased efforts are being made to mitigate the effects of the proposed development, any development to the west of Radlett lane will set an unwelcome precedent and be detrimental to an uninterrupted view of the nearby Quantock Hills AONB.

Most Relevant Policies

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF require that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On 1st April Sedgemoor District Council ceased to exist, becoming part of the new unitary authority for Somerset, Somerset Council. As part of this transition the 2011-2032 Sedgemoor Local Plan was 'saved' and remains the adopted local plan for the part of Somerset formerly covered by Sedgemoor District Council.

National Planning Policies

National Planning Policy Framework (December 2023)

National Planning Practice Guidance

Sedgemoor Local Plan 2011-2032

S1 Presumption in Favour of Sustainable Development

S2 Spatial Strategy

C01 Countryside

D1 Flood Risk and Surface Water Management

D2 Promoting High Quality and Inclusive Design

D10 Rural Workers Dwellings

D14 Managing the Transport Impacts of Development

D15 Economic Prosperity

D19 Landscape

D20 Biodiversity and Geodiversity

D21 Ecological Networks
D22 Trees and Woodland
D23 Bat Consultation Zones
D24 Pollution Impacts of Development
D25 Protecting Residential Amenity

Quantock Hills AONB Management Plan 2019-2024

Quantock Landscape Partnership Scheme Landscape Character Assessment. 2019

Annex A to former Planning Policy Statement 7 (PPS7), was adopted by the Council as the National Planning Policy Framework did not include comparable functional and financial tests for the justification for new agricultural worker's dwellings.

Community Infrastructure Levy (CIL)

The application is for residential development in Spaxton where the Community Infrastructure Levy (CIL) is £105.20sqm of additional gross internal floor area created. Based on current rates, the CIL receipt for this development would be in the region of £26,318.15. This amount does not take into account any existing floor space on site that may be converted or demolished, or any CIL exemption or relief that may be eligible.

Main Issues

Principle

The application is located outside of any settlement boundary and therefore is defined as located within the Countryside where policy C01 seeks to restrict development to that for which a rural location is essential and is supported under another policy of local plan that provides for exceptional development in the countryside. Policy D10 is such a policy and supports the development of rural workers dwellings where an essential need has been demonstrated for a dwelling to support a rural enterprise. This requires applicants to demonstrate that, functionally:

- The dwelling is required to satisfy a clearly established existing functional need to live at or near their place of work in the countryside, that cannot be met within the defined settlement boundaries; and
- The functional need could not be fulfilled by an existing suitable and available dwelling either on the unit or in the area; and
- The need could not be fulfilled by another existing building capable of conversion on the unit, or any other building capable of conversion in the area; and
- The dwelling is well related in relation to the rural business reflecting its functional need and wherever possible, is sited within a hamlet or existing group of buildings; and
- The dwelling is of a size commensurate with the essential need and should be able to be

supported long-term by the rural enterprise.

And that financially:-

- The rural business has been established for at least three years, has been profitable for at least one of them, is financially sound, and has a clear prospect of remaining so;

Functional need

The guidance states 'a functional test is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.' Such a requirement might arise if workers are needed on hand day and night for example if animals need essential care at short notice.

The overall farming enterprise operates as a long-standing family-run partnership with stock rearing activities based at Higher Halsey Cross Farm and further arable activities at the smaller satellite holdings at Marsh Mills Barn, Higher Hockpitt Farm and Great Knowles Farm.

The beef rearing is based on dairy-cross calves which are purchased at 7-10 days of age and reared to 17-20 months for beef. At the time of the submission of the application there were 641 head of cattle:-

- 174 – 0 to 6mths
- 245 – 6 to 12mths
- 191 – 12 to 18mths
- 31 – 18 to 24mths

The sheep enterprise is based on a closed flock of 700 breeding ewes. The flock typically lamb in January and February in a single batch with an output of approximately 185% (c.1,300 lambs). The lambs are reared on and sold in June/July at around 40kg liveweight for slaughter.

The application is supported by evidence that demonstrates a need for 4.5 fulltime workers and the proposed dwelling is for a partner in the business who works full time on the holding. The 3 other working partners live at Marsh Mills Barn and Higher Hockpitt Farm.

It is stated that the intended occupier's presence on site is necessary to undertake his role effectively and provide the necessary 24 hour supervision of housed livestock in particular. His current accommodation, an annexe to the farmhouse, is no longer considered appropriate. Whilst it has been accepted that there is a genuine functional need, it is necessary to consider whether this need could be met by existing properties or through the conversion of existing buildings.

Firstly it is noted that across the holding there are a number of dwellings available which are considered as follows:-

- The farmhouse at Higher Halsey Cross Farm occupied by retired partners. It would not be reasonable to expect them to vacate their home to make way for the applicant, nor would be reasonable to expect them to meet the functional need
- an annexe to the farmhouse at Higher Halsey Farm, occupied by the applicant who is an active partner. The supporting information states that this is no longer suitable,
- the agricultural workers dwelling at Higher Hockpitt Farm is occupied by active partners. With the residential conversion of the adjacent agricultural building it is unclear what functional purpose is served by this dwelling and why the occupier could not meet the needs at Higher Halsey Cross Farm. Additionally, it is not explained why one of the approved dwellings could not meet the claim functional needs. Although it is indicated that the intention is to let the units for tourist accommodation as farm diversification, the permission that has been granted does not restrict the occupation of these units to holiday accommodation. Again clarification has been sought and will be reported to committee
- The barn conversion at Marsh Mills Barn is occupied by an active partner. Again there are no agricultural buildings at this site and it is unclear what functional need this dwelling serves or why the occupier could not provide the functional need at Higher Halsey Cross Farm. The applicant has been asked to clarify this
- The agricultural workers bungalow at Great Knowles Farm is understood to be rented to a unrelated third party. Clarification has been sought as why this agricultural worker's dwelling could not meet the needs at Higher Halsey Cross Farm

The applicant has advised for that none of these would meet the agricultural needs at this site. It is accepted that it would not be reasonable to expect the retired occupiers of Higher Halsey Cross farm to vacate their home and the annex is not suitable to meet the family needs of the intended occupier of the proposed house. Accordingly notwithstanding the issues identified above it is accepted the agricultural needs at this site can only be met by a worker residing at this site and that a new dwelling is the only way of providing the needed accommodation

Secondly it is necessary to consider whether other properties in the area could meet the need. The applicant has searched for available and suitable properties but has failed to identify any for sale or rent within a ½ mile radius of the postcode. It is accepted that this reasonably addresses this requirement.

Thirdly it is expected that applicant's should consider the possibility of providing the additional worker's accommodate through the conversion of suitable buildings at the holding. There are a number of potential buildings at Higher Halsey Cross Farm which are noted as follows:-

- Former pig sty - 8.13 m x 3.1 m traditional stone construction.
- Stables - 4.1 m x 11.17 m comprising three stables
- Former cow stalls – 20.1 m x 4.92 m concrete block construction with traditional stone lean-to
- Barn - 6 m x 6.15m 2 story traditional barn with lean-to 5.4 m x 3 m

- Wagon house - 6.74 m x 15 m traditional stone construction
- Machinery store - 6.44 m x 11.32 m steel portal frame, block/traditional stone
- Lambing shed - 6.86 m x 12.71 m with a 3.1 m x 11.14 m lean-to
- Calf shed - 12 m x 5.36 m concrete block construction
- Calf shed - 32.28 m x 29 m steel portal frame building
- Pig shed - 8 m x 18.43 m steel portal frame building
- Grain store - 13.59 m x 23.62 m steel portal frame building with 9.15 m x 23.72 m lean-to
- Calf shed - 27.64 m x 9 m steel portal frame building
- Calf shed - 36.55 m x 30 m steel portal frame building
- Calf shed - 32.36 m x 12.32 m steel portal frame building
- Calf shed - 32.36 m steel portal frame building
- Straw shed - 6.12 m x 10.56 m and 16.11 m x 10.25 m steel frame building, part used for cattle housing
- Stable block - 6.23 m x 13.03 m steel frame building with four stables
- Stable block - 5.83 m x 20.14 m steel frame building part block/stone with five stables and a foaling box
- Timber stables - five stables and tackroom, to be demolished
- Spray store - 9.23 m x 13.84 m steel portal frame building
- Livestock shed - 73.15 m x 19.09 m steel portal frame building with internal feed passage
- Livestock shed - 73.15 m x 19.09 m steel portal frame building with internal feed passage
- Livestock shed - 28.84 m x 36.59 m open-sided steel portal frame building with internal feed passage

Following a visit a number have been identified as having potential for conversion:-

- A 'Dutch' hipped barn adjacent to the main farmhouse.
- 1- A large set of vacant stables, in an L shape with 8 sections.
 - 2- A large building adjacent to the Dutch hipped barn, with breeze block reinforced doorway.
 - 3- A black profiled sheeting and stone building.

The applicant's agent has advised that none are suitable as:-

all are used by the farm business for storage or livestock housing and therefore not available. I would also contest that they are not suitable in terms of their location and proximity to livestock buildings, manure spray shed, from a nuisance perspective (noise, smell, dust etc), and passing farm traffic (health and safety). If I was considering the buildings for Class Q for example, and I hasten to add that the applicant has no interest in doing so on this unit, these would likely fail due to their unsuitable location. As a further note, the buildings are insufficient for a 4 bed property which is necessary for the applicant and offer no amenity space.

This is in part at odds with statements made in support of applications for new agricultural buildings at Higher Halsey Cross Farm which have included:-

“...the traditional buildings which are no longer suitable for use with modern farming methods i.e. they cannot be cleaned out with a tractor due to the restricted head height and they are not flexible in the ability to create lambing pens and separate live stock”

The applicant has been asked to provide a more robust assessment of these buildings and in particular to justify the contention that it is not suitable for an agricultural worker to live in close proximity to farming activities, as is the situation with the original farm house and annex at Higher Halsey Cross Farm. In response it is maintained that these buildings are not suitable for the activities accommodated in the new buildings, but are still useful for some activities.

With regard to the location of the dwelling, this is on the opposite side of the road, further away from the livestock buildings than the current annexe accommodation. It is not considered that this is supportive of the essential functional need that is cited in support of the proposal and contrary to the requirements of policy D10. There are considered to be options to site the building on the other side of the road where it would have a better relationship with the claimed functional need, being within sight and sound for welfare reasons. The applicant has declined suggestions to re-site the proposed agricultural worker's dwelling.

It is considered that the proposed siting on the west side of the road, away from livestock buildings weighs against the proposal and undermines the case advanced on the basis of meeting a functional need.

Finally in terms of meeting the need Policy D10 suggests that agricultural worker's dwellings should be of a size commensurate with the essential need and should be able to be supported long-term by the rural enterprise.

For comparison purposes, the Nationally Described Space Standards for a 4 bed house vary between 97sqm and 124sqm depending on the number of occupiers (between 5 and 8 persons). Whilst the overall size gives rise to concerns about affordability to an agricultural worker, it is noted that in this instance the proposal is for a partner in the enterprise and as such a larger house is not considered fundamentally objectional. However the overall size of the dwelling creates concerns about the visual impact of the proposal given the highly visible, prominent siting away from all other dwellings and buildings as considered below.

On this basis whilst it is accepted that the farming activities at Higher Halsey Cross Farm generate a functional need for a worker to be onsite it has not been clearly demonstrated that that functional need cannot be met from one of the other dwellings available to the holding or through the conversion of an existing building at the site. Additionally the chosen siting on the opposite side of the road, at distance from the livestock buildings, would not meet the claimed functional need.

As such, although the principle of an agricultural worker's dwelling to meet the needs of the agricultural activities at this site is accepted in principle, the chosen siting, on the opposite side of the lane, would not be within sight and sound of the agricultural activities creating the functional

need to live on site. As such the proposal is contrary to policy D10.

Financial Need

The guidance requires evidence to be supplied that the enterprise has been planned on a sound financial basis. The application is supported by evidence of significant recent investment and shows that the enterprise is in profit at an appropriate level with every indication that it will remain so.

Concern has been raised that proposed dwelling is of such a size that it would not be affordable to an agricultural worker. The proposed dwelling is large. The footprint has been slightly reduced during consideration but, remains a generous dwelling. The ground floor includes a lounge/kitchen/diner, second separate lounge, WC, farm office and farm utility room. On the first floor are four double bedrooms (2 en-suite), a further study and family bathroom. Ground and first floors each have c.117sqm internal floor space, a total of 234sqm. The gross floorspace, upon which the construction costs would be based is 266sqm.

Whilst this is a material consideration when looking at proposals for new agricultural workers dwellings, the decision maker must also be mindful of the nature and type of agricultural business. In this instance evidence has been provided to show that the business is highly profitable and able to pay a significant wage for certain workers. On this basis it is accepted but the agricultural workers dwelling proposed in this instance is commensurate with the likely income of the intended occupier and as such the financial test is considered to be met.

Highways Safety

The location of the existing field access, which also serves a Public Right of Way (PRoW) BW 30/16, is opposite the main farm access and close to the northern extent of the owned land. The lane rises south to north. The site is capable of providing the required off-street car parking and turning , however the visibility as initially proposed was considered substandard for a new dwelling. Consequently the application has been amended in order to achieve the required 43m visibility splay in each direction.

The application land is much higher than the lane and considerable engineering work would be needed, with the existing hedge removed and land excavated/retained. Although a hedge would be reinstated behind the new visibility splay. This would be a visually substantial intervention and is considered in the following section.

Presently vehicles and animals can cross to the land directly across the lane using the field access. This is to be stopped up and moved south. This means farm vehicles and animals will have to use the short stretch of lane. While less convenient and arguable less safe, it is by no means unusual and not deemed unsafe.

The PRoW which currently runs straight across the field is to be re-routed around the perimeter of

the site to run north behind the proposed garage with have a minimum of 2m width. Whilst this would be marginally less convenient the PRow officer does not object to the development in subject to securing the appropriate diversion of the footpath,

On this basis it is considered that the proposal would comply with policy D14.

Visual Impact

The site is not within the Quantock Hills AONB, but close to it and potentially development could affect the setting of the AONB. The boundary of the AONB lies c. 1.1km to the west and 2.5km to the south.

The Council has a duty under the Under the Countryside and Rights if Way (CROW) Act, to ensure all decisions have regard for the purpose of conserving and enhancing the natural beauty of the AONB. Decisions must consider the potential effect development will have within the AONB and on land outside its boundary. Policies D2 and D19 of the Local Plan and the Quantock Hills AONB Management Plan are also relevant.

The as noted by the AONB officer there are concerns about the visual impact of the proposal. These derive from the fact that the land on the west side of the lane is undeveloped, with all the other farm dwellings and buildings located on the east side of the lane. Such concerns are exacerbated by the size of the proposed dwelling. Although its appearance has been refined and amended and the footprint slightly reduced, it remains a large dwelling.

The design, originally in brick, has been amended to more closely reflect the original red stone farmhouse. However, due to its span, the roof is extremely high and presents a more modern, suburban character than most narrower span traditional buildings. That it is detached and isolated from other buildings compounds the visual impacts and would make this development appear highly visible, prominent and conspicuous within the landscape.

The AONB officer advised that although outside the AONB boundary, they consider the proposal to be a clear intrusion into open countryside and the wider landscape setting of the AONB. As a PRow runs through the site there would be close public views. The AONB are concerned at the harmful impacts of domestication on this site.

Furthermore, the proposed visibility splays will require the removal of the adjacent hedgerow and inevitably have a detrimental impact on the rural character of Radlet Lane. The proposed dwelling will clearly be an intrusion into the open countryside which will be visible from the adjacent PRow. The proposed dwelling is large in scale and, although not located within the AONB, would have a harmful impact on the rural character of the landscape.

Within the Quantocks itself and its setting, the AONB management plan reflects that new development can 'easily change the character and beauty of the area'. The Management Plan

recognises the issue of small, cumulative development, which although seemingly minor, can and does over time, gradually erode the key characteristics of a landscape; weakening the landscape pattern. The AONB Service sees cumulative changes as a significant element of overall change within the Quantock Hills and surrounding area.

These landscape concerns are acknowledged and at a localised level the impacts are even greater from the revised proposal, involving a much greater extent of hedgerow loss and widening/alterations to the character of the lane than originally proposed, necessary to achieve safe visibility.

While this hedgerow loss would be replaced over time, local impacts from widening would be significant and permanent. The rural lane character would be eroded through eroding the narrow banks to provide a much wider lane for visibility reasons. Visibility would be extended into the land and altogether, this compounds the suburbanising effect of the large modern dwelling proposed, albeit there are references within the design to some traditionally distinct elements, including the use of materials. The landscape strategy includes planting an orchard to the south.

Having regard to the Council's duty under the CROW Act, it is considered that, given the distance from the AONB, the setting considerations - views of the AONB from near the site and views of the site at distance from within the AONB - are such that impacts are more localised and would not necessarily amount to a failure to conserve and enhancing the natural beauty of the AONB. It is appreciated this is a subjective judgement and not shared by the AONB Service.

The site lies within the Lowland Hills, Quantock Foothills Landscape Character Area (LCA) sub-category. Characteristics include gently hilly permanent pasture and arable cropping in larger fields, with field boundaries generally hedgerows, often with mature trees. The land is typical of the LCA in this regard.

While accepting that the proposal would not fail to conserve or enhance the setting of the AONB, it is considered that the visual impact of the development would amount to an unacceptable local landscape harm by eroding the natural hedgerow features and widening the lane which contribute to the distinctive character of the locality and opening up views into the site of this large, modern, suburban dwelling is contrary to the aims of landscape protection policies and guidance.

The lane and a PRow directly pass the site and from most public vantage points the dwelling would not be viewed in the context of the existing buildings on the other side of the lane. Development is favoured on the east side of the lane, against the backdrop of the existing farmstead. While options may be limited and are resisted by the applicant, opportunities exist for a less intrusive development in the landscape and without the harmful effects on the character of the lane. Unfortunately alternative site options have been rejected and a decision must be made on the merits of the case and in this instance the harm is considered to outweigh the benefits of providing an agricultural workers dwelling.

As such the proposal is contrary to policies D2 and D19 of the Local Plan.

Ecology

The land is within consultation Band A for the Exmoor and Quantocks Oak Woodlands SAC and within a County Wildlife buffer zone for ancient plantation with species rich areas of semi-natural broadleaf woodland. The application is supported by a preliminary ecological appraisal and lighting impact assessment. A lighting plan has also recently been submitted.

The council's ecologist has confirmed that these demonstrate that the proposal's impacts could be mitigated and the applicant has been asked to provide a shadow habitat regulation assessments to fully consider any potential impact on the bat SAC. This concludes that:-

Alone

It is considered extremely unlikely that the proposal would significantly affect the SAC population of barbastelle bats.

In combination

A review of the Local Plan and applications within 1 km of the Site revealed no other applications likely to have impacts on barbastelle bat foraging or commuting habitats. Given the extent of the SAC consultation zone and the de minimus impacts of the proposal, further review was not considered necessary.

It is concluded that there would be no significant effect on the Conservation Objectives or the integrity of Exmoor and Quantocks Oakwoods SAC.

This HRA has been accepted by the council's ecologist and Natural England. Accordingly subject to the safeguarding conditions recommended by the HRA it is considered the application would comply with the requirements policies D20 and D23 of the Local Plan.

Other considerations

Living conditions

Policy D25 seeks to safeguard neighbours from development proposals that would unacceptably impact upon their residential amenity. Given the distance between the proposed dwelling and its nearest neighbours, the proposal would not give rise to any significant impact on the amenities of the adjoining occupiers. No policy conflict arises.

Flood Risk/Drainage

The site lies within flood zone 1, at lowest risk of flooding. No undue concerns arise and surface water drainage could be dealt with by condition

Conclusion

Having regard to the financial and functional tests being met, an agricultural worker's dwelling could be supported in principle without adverse impacts on highways safety, biodiversity, neighbour amenity or drainage. However the visual impacts of the proposed dwelling and associated access works on the chosen site are such that the proposal cannot be supported.

RECOMMENDATION

REFUSE PERMISSION

- 1 The proposed dwelling by reason of its siting on the opposite side of the road, would not be within sight and sound of the agricultural activities that are claimed to create the functional need for an additional worker to live at this site. As such the proposal is contrary to the requirements of policy D10 of the Sedgemoor Local Plan 2011-2032.
- 2 The proposed dwelling, due to its siting, scale and size, the loss of hedgerow and the engineering works necessary to create the access and necessary visibility splays, would result in visually prominent and conspicuous form of development to the detriment of the visual amenity and the local landscape character. As such the proposal is contrary to policies D2, and D19 of the Sedgemoor Local Plan 2011-2032 and the advice contained within the NPPF.

Schedule A

Location & Block Plan Drg No. 100-00
Proposed Site Plan Drg No. 100-60 Rev E
Proposed Ground Floor Plan Drg No. 100-10 Rev B
Proposed First Floor Plan Drg No. 100-20 Rev B
Proposed Roof Plan Drg No. 100-30 Rev B
Proposed Side Elevations Drg No. 100-50 Rev C
Proposed Front & Rear Elevations Drg No. 100-40 Rev C
Topographical Plan BS3457-10.2021-02-MK

DECISION
