

Application Number	2023/0153/LBC
Case Officer	Kelly Pritchard
Site	Cold Harbour Farm Withy Wood Lane Cranmore Shepton Mallet Somerset
Date Validated	31 January 2023
Applicant/ Organisation	Smolokowska
Application Type	Listed Building Consent
Proposal	Internal alterations and the conversion of 3 associated outbuildings to ancillary residential use.
Division	Mendip Central and East Division
Parish	Cranmore Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Barry Clarke Cllr Philip Ham

### **What Three Words: usage.distanced.inclined**

### **Referral to Planning Committee:**

In accordance with the scheme of delegation, this application was referred to the Chair and Vice-Chair of the Planning Board following the Divisional Member responses on this Listed Building application which is running tandem to the planning application. The case officer recommendation is to approve with conditions, and the Parish Council recommended approval.

The Chairman requested that this application be considered by the Planning Committee.

### **Description of Site, Proposal and Constraints:**

The application relates to Cold Harbour Farm. The farmhouse is a Grade II listed building and the application site consists of an L-shaped farmhouse, an attached annex/carport building, and ancillary buildings (the barn and stables). The site is accessed from Withy Wood Lane by a long private drive.

The site is located outside defined development limits, it is a grade II Listed Building and within a Site of Special Scientific Interest Impact Risk Zone. There is a public right of way to the north east.

The application seeks listed building consent for internal alterations and the conversion and alteration of 3 associated outbuildings to ancillary residential use.

During the life of the application the plans have been amended in light of conservations concerns. The amended plans addressed most of their concerns but not all. The conservation officer still has concerns about the impacts of the development on the detached building to the north west of the house known as the barn. This will be addressed later in the report.

### **Relevant History:**

- 085267/002 – Temporary use of barn as carpentry workshop. Approval. 25.01.88
- 085267/003 – Renewal of temporary consent to use barn as carpentry workshop. Approval. 22.02.89
- 085267/004 – removal of condition 3 (personal permission) from application 085267/003. Approval. 14.06.95
- 085267/005 - Erection of a two storey extension on the rear (north west) elevation and a two storey extension on the side (south-west) elevation. Approval. 30.09.02
- 085267/006 (LB) - Erection of a two storey extension on the rear (north west) elevation and a two storey extension on the side (south-west) elevation and various minor internal and external alterations to the property. Approval. 30.09.02
- 2014/2722/FUL - The partial re-configuration of the internal layout of the main house including the removal and replacement of staircases and the construction of a glazed kitchen extension. The enclosure of some existing openings. The conversion of a carport into guest accommodation. The conversion of a tractor shed into an office. The conversion and extension of a workshop into an indoor pool and gym involving a change of use from a B1 class use. The erection of a detached garage. Approval. 16.03.15
- 2014/2723/LBC - The partial re-configuration of the internal layout of the main house including the removal and replacement of staircases and the construction of a glazed kitchen extension. The enclosure of some existing openings. The conversion of a carport into guest accommodation. The conversion of a tractor shed into an office. The conversion and extension of a workshop into an indoor pool and gym involving a change of use from a B1 class use. The erection of a detached garage. Approval. 16.03.15

- 2015/0269/FOOT – Diversion of public footpath ref. SM4/16. Withdrawn. 31.03.15
- 2016/2190/APP - Application for approval of details reserved by conditions 3 (joinery details), 4 (rainwater goods and external attachments), 5 (external facing materials in respect of the walls and the roof), 6 (sample panel of the natural stone and mortar) and 7 (sample panel of the infilling/repointing of external facing stonework) on listed building consent 2014/2723/LBC. Approval. 19.10.16
- 2023/0152/FUL is the planning application which is running in tandem with this current application and is therefore still pending consideration.

**Summary of Divisional Member comments, Parish Council comments, representations and consultee comments:**

Divisional Member: No comments on the planning application but does comment on this application , 2023/0153/LBC, as follows

- I have no particular objection to this application, but I think it's a sufficiently significant development that it should be considered by the Planning Board.

Cranmore Parish Council: Approval.

Heritage Conservation: Objection.

The further amended plans comprise merely reverting to the previously approved 2014 scheme for the barn in terms of external alterations, rather than taking account of the comments made and proposing a truly conservation-led scheme which would suit all concerned, most importantly the building. As it stands, if the current applicant was truly committed to the 2014 scheme for the Barn then there would have been no desire to propose otherwise.

I am, therefore, disappointed that we are in an unfortunate position where it seems that harm will be caused which would not be outweighed by any public benefits, but it is unlikely that this will be refused as it is viewed that this is a “fallback position”.

New owners of this site, and new architects, should have presented an ideal opportunity to find a scheme for this Barn which would cause the least harm, and I maintain that had there been an opportunity to meet with the applicants and discuss their wishes directly, the result may have been different.

Should the overall scheme be approved with these amended plans, conditions as suggested should be added to the decision.

Ecology: No objection subject to conditions

Local Representations:

None received.

Full details of all consultation responses can be found on the Council's website [www.mendip.gov.uk](http://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)
- 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:

- Policy DP3 – Heritage Conservation
- Policy DP5 - Biodiversity and Ecological Networks
- Policy DP6 – Bat Conservation

### **Other possible Relevant Considerations (without limitation):**

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Historic Environment Good Practice Advice in Planning Notes issued by Historic England

### **Assessment of relevant issues:**

## **Impact on Listed Building:**

The site is set within its own grounds accessed from a long drive, the alterations proposed will have minimal impact on the surrounding wider area.

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 201 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 200-210 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.

The building to the north west known as The Barn has been considerably altered. As discussed earlier there is an extant permission for this site (reference 2014/2722/FUL and 2014/2723/LBC), which included works to the house and several of the outbuildings, including the barn, some of the works have been implemented.

The conservation officer is particularly but not exclusively concerned about the works proposed to the north west elevation of The Barn. As currently existing, the only opening to this rear elevation is a single door, approximately halfway along its length. The elevation is otherwise unbroken with no evidence that the historic stonework has ever been breached. This feature is a key part of this building's significance; not only due to it having survived intact, but also as primary evidence of the design of traditional farm buildings whereby all openings (except the door) faced into the farmyard.

The scheme originally submitted proposed a number of large glazed doors and windows in the north west elevation. The conservation officer commented that, the loss of such a substantial amount of historic fabric, fundamentally altering the character of this rear elevation and of the barn itself where such large openings would have been created only for practical reasons associated with farming, cannot be justified purely by a wish to see

the view and allow more light in. She goes onto comment that the rooflights proposed were domestic in appearance.

The plans were amended following these comments and the number of openings on the north west elevation were reduced but the number of rooflights increased. The revised rear elevation proposed one large plate glass opening, the replacement of the existing timber plank door with a wholly glazed door, and two tall, narrow, aluminium-framed windows.

Following further objection, the plans were finally amended in September last year, where the conservation officer comments that the further amended plans comprise merely reverting to the previously approved scheme for the barn in terms of external alterations. However, you will see from her comments quoted above that whilst she is disappointed with the development proposed, conditions are recommended. Conditions controlling the delivery of certain elements of the scheme will be secured on the listed building application. The north west elevation now proposes five rooflights, two arrow slit windows and a glazed door which is reflective of the previously consented drawings.

The NPPG para 15 states,

“Harmful development may sometimes be justified in the interests of realising the optimum viable use of an asset, notwithstanding the loss of significance caused, and provided the harm is minimised.”

There are similarities between the historic consents and this proposal and the north west elevation is the same as what has been consented. The comments of the conservation officer are appreciated and maybe a more sensitive scheme could be achieved, but we have to consider the plans as now submitted.

It is recognised that the public benefits of the works are limited as this is a private residence, but the proposed uses are accepted as “optimum viable” use by the planning history. It is considered that the harm is minimised as a result of the amended plans and the fact the proposals for the north west elevation of the barn have reverted to what is already consented.

It is considered that the amended proposals, would result in less than substantial harm to the significance of the designated heritage asset, but having regard to the extant permission and in relation to continuing the optimum viable use of the buildings which would be in the public interest.

Here it is considered that the proposals are consistent with the aims and requirements of the primary legislation and planning Policy and guidance. The proposals would preserve

the significance of the listed building, thereby resulting in less than substantial harm to the significance of the designated heritage asset. The proposal accords with Policy DP1, DP3 and DP7 of the adopted Local Plan Part 1 (2014) and parts 12 and 16 of the National Planning Policy Framework.

### **Impact on Ecology:**

A bat activity survey was undertaken, where three of the buildings were confirmed as housing bat roosts and as such the applicants will need to obtain a European Protected Species Licence.

Somerset County Ecology have been consulted and do not object subject to securing conditions as set out in their consultation response. The conditions include, mitigation measures for bats and birds and bio diversity net gain. Whilst the ecologist recommends a condition that no vegetation removal works around the site shall take place between 1st March and 31st August inclusive in the interests of protecting nesting birds, the development proposed is on or with the built development already on site and does not impact on the wider vegetation. In this instance the condition is not considered necessary especially when nesting birds are protected by other legislation.

Subject to suitably worded planning conditions, 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.

### **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.

### **Recommendation**

Approval

### **Conditions**

1. **Standard Time Limit - Listed Building Consent (Compliance)**

The works hereby approved shall be begun before the expiration of three years from the date of this consent.

**Reason:** To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

2. **Plans List (Compliance)**

This decision relates to the following drawings:

Plans received 31.01.23

22/788/ES11 Existing studio north east and south west elevations.

22/788/E320 Existing studio section.

22/788/E310 Existing studio north west and south east elevations.

22/788/E301 Existing studio roof plan.

22/788/E300 Existing studio ground floor plan.

22/788/E221 Existing Stable Sections 3 and 4.

22/788/E220 Existing Stables Sections 1 and 2.

22/788/E211 Existing stables south east and north west elevations.

22/788/E210 Existing stables north east and south west elevations.

22/788/E201 Existing stables first floor plan.

22/788/E200 Existing stables ground floor plan.

22/788/E110 Existing house elevations.

22/788/E105 Existing house sections.

22/788/E103 Existing house roof plan.

22/788/E102 Existing house second floor plan.

22/788/E101 Existing house first floor plan.

22/788/E100 Existing house ground floor plan.

22/788/E002 Site block plan.

22/788/E001 Site location plan.

22/788/E202 Existing stables roof plan.

22/788/E003 Rev A Existing landscape site plan.

Plans received 14.07.23

P211A Stables Proposed South East and North West Elevations.

P210A Stables Proposed North East and South West Elevations.

P202A Stables Proposed Roof Plan.

P201A Stables Proposed First Floor Plan.

P200A Stables Proposed Ground Floor Plan.

P110A Annex Proposed Elevations.

P104 Annex Proposed Floor Plans.

P003A Proposed Landscape Plan.

P100 House Proposed Ground Floor Plan.

P101 House Proposed First Floor Plan.

P102 House Proposed Second Floor Plan.

P103 House Proposed Roof Plan.

Plans received 26.09.23

P300C Barn Proposed Ground Floor and Roof Plan.

P310C Barn Proposed North West and South East Elevations.

P311C Barn Proposed North East and South West Elevations and Section.

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

3. **Joinery Details (Bespoke Trigger)**

No installation of internal and external joinery, to include any glazed or timber panels or partitions, stairs and rooflights, shall commence until full details comprising full or half scale and shall include cross sections, profiles, reveal, surrounds, materials, finish and colour, have been submitted to and approved in writing by the Local Planning Authority. Thereafter the work shall be carried out only in accordance with the approved details.

**Reason:** To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Development Policy 3 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Interior Treatments and Finishes - submission of details (Bespoke Trigger)**

No works shall be undertaken to the interior walls, floors or ceilings of any building on site unless details of the proposal for that building have been first submitted to and approved in writing by the Local Planning Authority. The details should include a schedule to describe the proposed treatments and finishes for walls, floors and ceilings, including a justification and a method statement for each proposed treatment or finish, and the location of each treatment and/or finish should be made clear in a written schedule and/or annotated drawings as necessary. The works shall thereafter be carried out only in accordance with the approved details.

**Reason:** To safeguard features of special architectural and historical interest and preserve the character and appearance of the building in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (adopted 2014).

5. **Ducts, Pipes, Rainwater Goods - Submission of Details (Bespoke Trigger)**

No ducts, pipes, rainwater goods, vents or other external attachments shall be fitted or installed unless in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority. All such attachments shall

thereafter be retained in that form.

**Reason:** In the interests of the appearance of the development and the surrounding area in accordance with Development Policies 1, 3 and 7 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 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see 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.