

**OFFICER: John Millar (01935) 462465**  
**APPL.NO: 06/04122/COU APPLICATION TYPE: Change of Use**  
**PARISH: Ash WARD: MARTOCK**  
**DESCRIPTION: Retrospective planning application for the retention of extension to residential curtilage (GR 347642 / 121449)**  
**LOCATION: Ashdown Farm, Witcombe Lane, Ash, Martock, Somerset TA12 6AJ**  
**APPLICANT: Mr & Mrs M A Curtis**  
**DATE ACCEPTED: 15 November 2006**

### Reason For Referral To Committee

The application is before Area North Committee at the request of Cllr Patrick Palmer, as it is felt that further consideration should be given by Members.

### Site Description and Proposal



The site is located on the west side of Witcombe Lane. It is located in the open countryside and is not within any defined development area. The nearest property is the grade II listed Manor Farm House, to the north. This dwelling is separated from the site by an open paddock. The properties in this immediate area are generally dispersed with land/fields between sites forming the local landscape character.

The historic curtilage of the main house is a small area fronting onto Witcombe Lane with farm grounds to the west and open field/paddock to the north. There is an approved residential annex within these grounds but the much of the farm grounds have been domesticated, being incorporated within the residential garden curtilage. This land, which does not form part of the existing residential curtilage of Ashdown Farm has recently been

developed, including the creation of a new entrance with suburban gates, private way, swimming pool and carport.

This is a retrospective application to regularise the situation by allowing for the retention of developed agricultural land within the property's residential curtilage. It is noted that this application is for the change of use only and does not include the development that have taken place, namely the erection of gates, the creation of an access, private way, swimming pool and car port, which require planning permission in their own right.

## **History**

06/01848/FUL: Erection of classic car garage/workshop - Refused

05/03295/FUL: Erection of Pool Building - Refused

04/02630/FUL: Conversion of garage/games room to form self contained annex/flat - Permitted with conditions

03/02106/FUL: Alterations to outbuilding to form garage - Permitted with conditions

03/01660/FUL: Proposed alterations and extensions - Permitted with conditions

## **Policy**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

### Relevant Development Plan Documents

#### Regional Spatial Strategy:

VIS 2 - Principles for Future Development

EN 1 - Landscape and Biodiversity

#### Somerset and Exmoor National Park Joint Structure Plan:

STR1 - Sustainable Development

STR6 - Development outside Towns, Rural Centres and Villages

Policy 5 - Landscape Character

#### South Somerset Local Plan 2006:

ST3 - Development Areas

ST5 - General Principles of Development

ST6 - The Quality of Development

EC3 - Landscape Character

EH5 - Development Proposals Affecting the Setting of Listed Buildings

#### Planning Policy Guidance:

Planning Policy Statement 7 - Sustainable Development in Rural Areas

## **Consultations**

Town/Parish Council: No objections.

SSDC Technical Services: No comments.

County Highway Authority: No observations.

County Archaeology: No objections on archaeological grounds.

SSDC Principal Landscape Officer: A certain amount of domestication is already evident in the rather grandiose gates, which is contrary to the rural character of the surround. The garden extension does not relate to the landscape pattern, and physically erodes the paddock, which intervenes between this property and the next. Consequently, I do not support this application, for it;

- 1) erodes the countryside (PPS7 and ST3) - by virtue of domestic expansion, and;
- 2) impact on landscape character (ST5 and EC3) - erosion of the landscape pattern, and visual encroachment of paddock.

SSDC Conservation Officer: I have not visited the property in respect of this consultation, but I do note that the extended garden does take in agricultural land and moves towards the adjoining listed building. I am concerned that this would detrimentally affect the setting of the listed building in the rural context.

## **Representations**

None

## **Considerations**

This application relates to a retrospective application for change of use of agricultural land to residential garden curtilage. The land referred to extends to the north of the main dwelling at Ashdown Farm, into the adjacent open paddock. There has been recent development of this land including the creation of a new entrance with suburban gates, private way, swimming pool and carport. Retrospective applications for planning permission have been made for both the swimming pool and carport, both of which have been refused by the Local Planning Authority.

The site is located in open countryside and outside any defined development area. As such, Local Plan Policy ST3 applies. Policy ST3 states that outside development areas of towns, rural centres and villages, development will be strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster the need to travel. Policies ST5 and EC3 state that any proposal should respect the form character and setting of the locality (ST5) and respect or enhance the characteristic pattern and features of the surrounding landscape and avoid built forms whose visual profiles would be out-of-keeping with and uncharacteristic of the surrounding landscape when viewed from publicly accessible vantage points (EC3).

The site is located along Witcombe Lane, in open countryside, which is generally characterised by a few dispersed properties with land/fields between sites, forming the local landscape character.

An objection has been raised by the Council's Principal Landscape Officer regarding the impact on the surrounding landscape. The proposal is considered to be contrary to Local Plan policies ST3, ST5 and EC3 and advice contained within the Government's Planning Policy Statement 7. It is considered that the garden extension fails to relate to the landscape pattern and physically erodes paddock, intervening between this property and the next.

The Conservation Officer has also raised concerns. While the proposal does not altogether impact directly on the appearance of the listed building, it is considered that the movement of residential curtilage closer to the listed buildings is likely to have a detrimental affect on its setting within its rural context.

It is considered that the proposed development is out of keeping with the local countryside character and represents unwarranted domestication of open countryside. It constitutes development outside development limits that does not respect or enhance the characteristic pattern and features of the surrounding landscape, respect the form, character and setting of the locality and neither maintains or enhances the environment.

Therefore, the recommendation to members is to refuse planning permission for this change of use.

## **RECOMMENDATION**

### **Refuse**

#### Application Refused

01. The proposal would result in the undesirable and unwarranted extension of residential curtilage into the open countryside, which represents domestication of the countryside and as such is out-of-keeping with the local countryside character. The proposal neither maintains or enhances the environment and does not respect the form, character and setting of the locality or respect or enhance the characteristic pattern and features of the surrounding landscape. The proposal would result in the loss of open countryside, a finite resource, that needs to be protected for its intrinsic value. As such the proposal is contrary to advice contained within Planning Policy Statement 7, policy EN 1 of the Regional Spatial Strategy, policies 5, STR1 and STR6 of the Somerset and Exmoor National Joint Structure Plan Review and policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan 2006.
-