

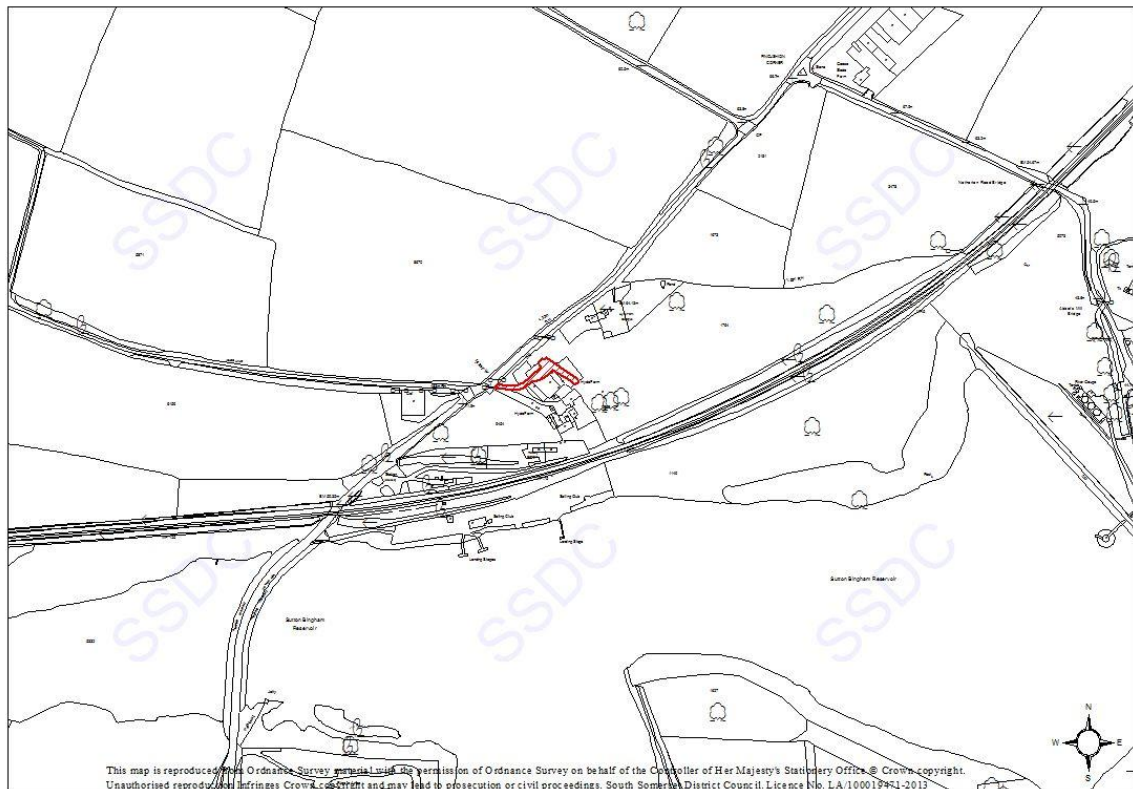
**Officer Report On Planning Application: 13/02088/FUL**

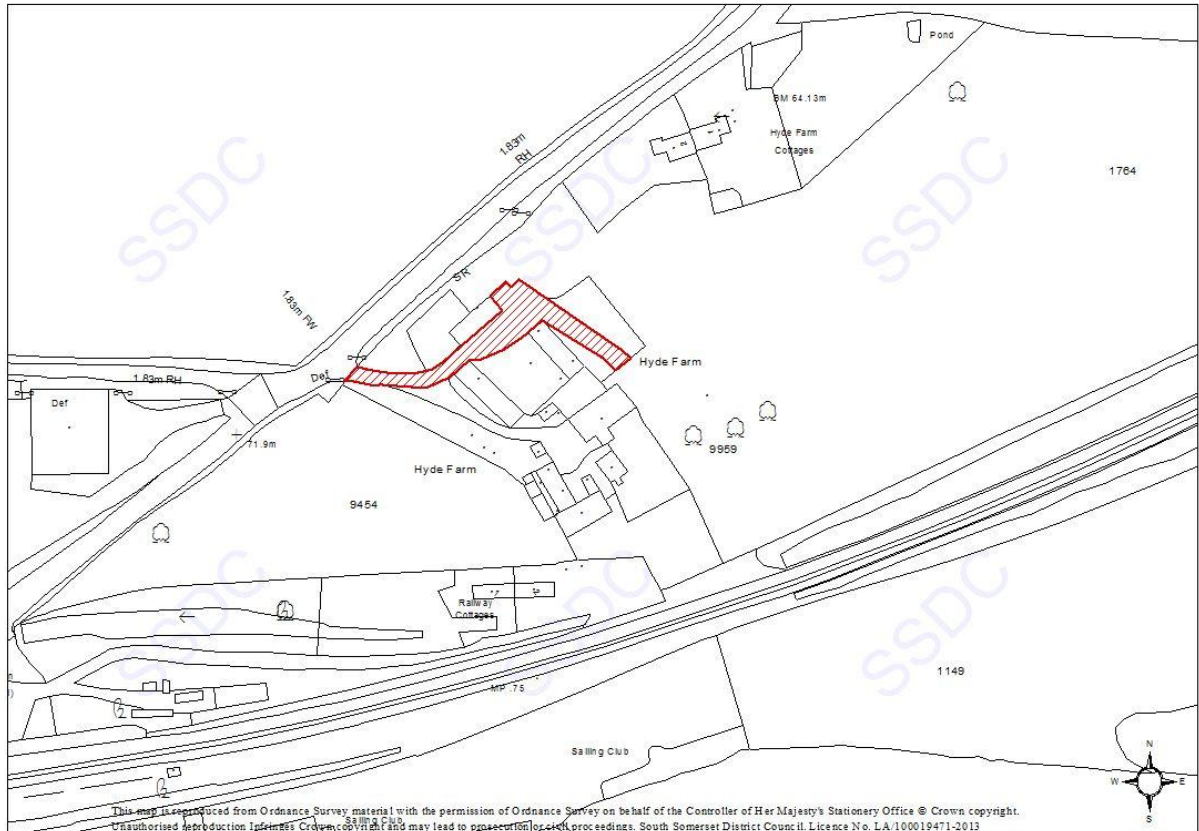
<b>Proposal :</b>	Change of use and conversion of barn to holiday let/seasonal workers accommodation (revised application) (GR 355014/111572)
<b>Site Address:</b>	Hyde Farm Sutton Bingham Yeovil
<b>Parish:</b>	Closworth
<b>COKER Ward (SSDC Member)</b>	Cllr G Seaton Cllr Cathy Bakewell
<b>Recommending Case Officer:</b>	Diana Watts Tel: (01935) 462483 Email: diana.watts@southsomerset.gov.uk
<b>Target date :</b>	19th July 2013
<b>Applicant :</b>	Mr W Rawlings
<b>Agent: (no agent if blank)</b>	Mr Peter Watkins Rossdale 162 St Michaels Avenue Yeovil BA21 4LL
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

**Reason for Referral to Committee**

This application is to be considered by the Area South Committee at the request of the Area Chairman. It is felt that the application should be given further consideration by members due to the highway objection.

**Site Description and Proposal**





Hyde Farm is a grade 2 listed detached farmhouse constructed in natural stone with a part clay tiled and thatched roof. It is situated on the edge of the Sutton Bingham Reservoir.

This application seeks planning permission for the conversion of a stone barn with a slate roof to the north of the farmhouse to a 2 bedroom holiday let or for seasonal worker accommodation. It follows the refusals earlier this year and subsequent negotiations.

A Design and Access Statement has been submitted to support and justify proposal, together with a bat survey which found no evidence of bat activity.

## HISTORY

- 08/04741/LBC - Replacement windows - permitted
- 05/02903/FUL - Alterations and conversion of saddler to residential accommodation - permitted
- 05/02900/LBC - Alterations and conversion of saddler to residential accommodation - permitted
- 06/02585/LBC - Internal alterations to from kitchen - permitted
- 10/02962/LBC - Alterations and single storey extension to rear - permitted
- 10/04550/LBC - Minor external alterations - withdrawn
- 12/00479/LBC - Alterations and repairs - permitted
- 13/00447/FUL - Conservatory and porch - refused (form, design and materials)
- 13/00448/LBC - Conservatory and porch - refused (form, design and materials)
- 13/00455/FUL - Conversion of barn to holiday let/seasonal workers accommodation - refused (design and materials)

13/00457/LBC - Conversion of barn to holiday let/seasonal workers accommodation - refused (design and materials)  
13/01630/FUL - Conservatory and porch (revised design and materials) - permitted subject to conditions  
13/01631/LBC - Conservatory and porch (revised design and materials) - permitted subject to conditions  
13/02090/LBC - Conversion of barn to holiday let/seasonal workers accommodation - permitted subject to 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.

South Somerset Local Plan (Adopted April 2006)

ST3 - Development Areas

ST6 - Quality of Development

ST5 - General Principles for Development

EH5 - Setting of listed buildings

EH3 - Change of use and alterations to listed buildings

EC3 - Landscape character

EH6 - The conversion of buildings in the Countryside

ME10 - Tourist Accommodation

ME5 - Farm/rural diversification

Policy related material considerations

National Planning Policy Framework - March 2012

Chapter 3. Supporting a Prosperous Rural Economy

Chapter 4. Promoting Sustainable Transport

Chapter 7. Requiring Good Design

Chapter 12 - Conserving and Enhancing Historic Environment. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

## **CONSULTATIONS**

Closworth Parish Council:

No comments received (due 24/6)

Technical:

Surface water disposal via soakaways

County Highway Authority:

1. Whilst I would refer you to the observations made in respect of planning application 13/00455/FUL and that the previous comments equally apply to the present application, I have the following detailed observations to make.

In detail, the approach roads leading to the site vary in width and alignment, in addition there are no footways or street lighting. Access to the highway is from/onto a classified unnumbered highway which is subject to the national speed limit of 60mph, although the observed speed of traffic is likely to be travelling below this speed.

The existing access onto/from the highway is substandard in terms of visibility, and not commensurate with vehicle speeds on the adjoining highway, this can be seen in the photos at the end of this letter.

I would not welcome new development in this location unless essential improvements can be made, i.e. to visibility. Visibility splays need to be provided within the red line of the application site, within the Applicants ownership, it is also acceptable for splays to encroach onto highway verge, however not third party land. An extract of Road Record denoting the highway limits can be provided by contacting the Road Records Team on 01823 356010.

My colleague previously advised that splays based on co-ordinates of 2.4m x 215m is applicable with speeds of 60mph, however I would accept a lesser 'Y' distance as I consider speed would be lower than this as they approach this access.

However, there could be issues with the provision of an appropriate splay to the south west of the access as this appears to be outside of the Applicant's control.

It would need to be ensured that sufficient onsite parking and turning commensurate with the use but not to the detriment of the existing use is provided within the site, so that all vehicles can enter and exit the highway in a forward gear it would not be acceptable for any vehicles to have to reverse onto the highway at this point, particularly given the substandard visibility at the access. The site appears to be of an appropriate size to accommodate sufficient parking and turning, but I would seek that the red line is extended to include turning too.

I would seek that issues raised above are addressed to enable me to conclude my observations.

2. In response to additional information being supplied by the agent:

Further to my letter dated 20 June and the additional information received on 1 July 2013.

As previously advised access to the highway is from/onto Sutton Hill, which is a classified unnumbered highway which is subject to the national speed limit of 60mph, although the observed speed of traffic is likely to be travelling below this speed. I concur that speeds are likely to be in the region of 40mph.

My colleague previously advised that splays based on co-ordinates of 2.4m x 215m is applicable with speeds of 60mph, however I would accept a lesser 'Y' distance, therefore

splays based on co-ordinates of 2.4m x 120m to the nearside carriageway edge are considered appropriate in this location which is commensurate with speeds of 40mph.

The splay denoted to the north-east on the submitted plan only measure 20m and not 200m as stated, further more it is not included within the red line of the application site to enable its provision in perpetuity.

Whilst the Applicant has stated there would be adequate sight lines for 40mph traffic, this is clearly not the case currently, nor has it been demonstrated that it can actually be achieved to the satisfaction of the Highway Authority and denoted accordingly on the submitted plans. In the event that the splays cannot be entirely achieved, it should be shown what can actually be achieved, within the Applicant's ownership/highway land. It would not be acceptable for splays to encroach onto/over third party land.

Any works to create the splays is likely to involve works to the highway verge in addition to work on the Applicant's an extract of Road Record denoting the highway limits can be obtained by ringing 01823 356010.

Irrespective of what exists currently, the purpose of planning applications is to enable an assessment to be made and the Highway Authority have a duty of care to ensure that there are no safety issues to both users of the proposed development or those on the adjoining highway network as a result of new development taking place.

It could be argued that the proposed development would not result in a significant increase in traffic over and above what exists here currently, however it is clearly a new and additional use which will incrementally increase the risk of safety of road users in this location.

Taking the above points into consideration I would recommend refusal for the following reason:

The proposal is contrary to policy ST5 of the South Somerset Local Plan, since the existing access, by reason of its severely restricted visibility in both directions is considered unsuitable for use in connection with the development proposed.

Conservation Officer regarding the associated listed building application 13/02090/LBC:

Following lots of negotiations we are now in a position where I feel able to support the proposal. The simple form and appearance of the barn will be respected by using a limited number of openings that have been well arranged. The curtilage area is very limited. The setting and character of the building will be maintained. I therefore have no objection.

The red line does clearly define just a small 'garden' area to the northeast of the barn. You should consider how we make it clear to the applicants that the garden area must be limited to this area only - we do not want to see the parcel of land to the northwest of the barn used as a garden. Perhaps an informative could be used to clarify this.

The success of the scheme will be dependent on good detailing. Therefore I suggest the use of the following conditions, which I consider to be necessary:

No work shall be carried out on site unless particulars of the materials (including the provision of samples where appropriate) to be used for the lean-to slate roof and the

timber boarding have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

No work shall be carried out on site unless details of the design, materials and external finish for all new doors, windows and lintels have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

No work shall be carried out on site unless details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out on site unless details of all new services to all bathrooms, kitchens etc, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out on site unless details of all new external fixtures have been submitted to and approved in writing by the Local Planning Authority. This shall include details of any metre boxes, lighting, signage and TV / satellite dishes. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

No work shall be carried out on site unless details of the finish of the new metal flue have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the flue shall have a matt black finish.

Environmental Protection Officer:

Bearing in mind that the site lies within the farmyard of a working farm, it is only suitable for seasonal workers or holiday makers, and not as permanent residential accommodation. I have no objection to the application but recommend that the accommodation is tied to the use of the farm.

Ecologist on previous application and the bat survey:

No comments

## **REPRESENTATIONS**

A site notice was posted at the site (listed building) and nearby properties have been notified. No representations have been received.

## **CONSIDERATIONS**

The main issues in this case are:

### Planning policy and principle

The site lies outside the Development Area where policies ST3 and STR6 aim to strictly control development in the countryside to that which benefits economic activity, enhances the environment and does not foster the growth the need to travel. Policy ME10 permits proposals for new tourist accommodation outside Development Areas provided that their scale is consistent with their rural location and subject to their compliance with other plan policies. Policy ME5 states that well conceived proposals for farm diversification schemes for business purposes will be permitted subject to their compliance with other plan policies. Policy EH6 permits the change of use of a building in the countryside to a tourism use provided that a number of criteria are met. These include that the building should be 'capable of conversion without major reconstruction' and 'the bulk, form, scale and general design of the building is in keeping with its surroundings'. The Council's Supplementary Planning guidance advises how to convert an agricultural building sympathetically.

It is considered that the holiday let/seasonal worker proposal is acceptable in principle and given its location close to the reservoir could make a valuable contribution to the local tourist economy as well as giving the applicant the opportunity to provide accommodation for seasonal workers on the farm. This is a simple traditional stone barn which is listed by its association with the house and is worthy of retention and reuse.

### Visual Impact

This is an important building, particularly as it forms part of the farmyard complex and is prominent in the landscape.

The plans as now amended provide a sympathetic scheme which would preserve the character and appearance of the listed building. It is considered that the agricultural character of the barn would be safeguarded due to the proposed limited and non-domestic style openings. In particular, the large vertical opening on the south elevation has now been carefully addressed. The proposed use of timber left to weather naturally and/or the more contemporary graphite coloured aluminium window frames are felt to be appropriate but the final details need to be clarified through the imposition of a condition.

The land associated with the barn is limited to access, parking and turning within the existing farmyard and a small paved area immediately to the north-east of the barn. This is clearly defined by the red line of the application site. As mentioned by the Conservation Officer, it is important that no further garden area is created to serve the barn which would detract from its setting. A note could be attached to the decision to this effect.

### Sustainability and Highway safety

Some concern has been raised by the County Highway Authority about the proposal generating sole dependency on private vehicles for travel conflicting with government guidance regarding sustainable development. However, bearing in mind the level of traffic which could be generated by the farm and the fact that the reuse of such a building would be sustainable in itself, it is felt that refusing the scheme on highway sustainability grounds would be unjustified in this case.

There is ample parking and turning space within the existing farmyard to serve the proposal and this is outlined by the red line of the application site.

Following the concerns raised by the Highway Authority in respect of the previous application, the agent looked at the visibility at the entrance and originally showed a

proposed lowering of the embankment to improve current visibility to 200m. However, it became apparent that this land and much of the visibility shown was outside the applicant's control. The agent has looked again at the situation and has commented as follows:

- It is stated that the speed limit is 60mph but this would be a dangerous speed to pass the farm entrance as the road is narrow at this point and up to the bridge. A more realistic speed would be 40mph or less
- There is regular use by tractors, farm vehicles and horse riders using the exit and other sites on this road but no record of accidents caused by vehicles leaving this farm
- The sight lines given are from within the site and the entrance gate is set back from the road to allow tractors with trailers to park prior to opening the gate
- The entrance is splayed back from the road and it is unreasonable that the sight line should be within the site and not from where the driveway meets the edge of the road
- The sight lines which can be achieved (80m to the left/south-west and 80-100m to the right/north-east) are appropriate for vehicles travelling at 40mph
- There would never be a need for vehicles to reverse onto the road as there is adequate space for turning and parking in the farmyard.
- The farm used to be a dairy with a saddlery with much greater traffic, including milk tankers

The Highway Authority still believes however, that the visibility available is unacceptable and whilst the proposal would not result in a significant increase in traffic over and above that which currently exists, it would be a new use which would incrementally increase the risk of safety for road users in this location. The Highway Authority would like to see splays based on coordinates of 2.4m by 120m in both directions. The agent states that there is 80m currently available in each direction (taken 2m back in the centre of the access). When scaled off the plan it originally appeared to be only 20m but the agent has actually paced these distances out on site, confirmed that they are achievable and provided a further accurate plan. These splays however, lie mainly outside the ownership of the applicants i.e on highway land and as the Highway Officer points out, there is no guarantee that they can be provided in perpetuity. It also appears that a telegraph pole partly obscures visibility to the north-east. Highway owned grass verges lie either side of the access within the splays.

This is a sensitive and important issue. It is unfortunate that the visibility cannot be improved by the applicants but on balance, it is considered that bearing in mind the following points, it would be extremely difficult for the Planning Authority to demonstrate that the proposal would have a 'severe' impact on highway safety, as referred to in the NPPF, to justify refusing the scheme on these grounds.

When planning permission was granted in 2005 for the conversion of a saddlery on the site to residential letting accommodation, it was considered acceptable in highway safety terms as the saddlery would have generated more traffic. It could be argued that the barn itself could generate traffic but more importantly this is a working farm (cattle, sheep and part arable) believed to extend to about 145 acres. This access is frequently used by farm traffic, the applicants living in the farmhouse and tenants of the let accommodation attached to the house. The visibility does not meet today's recommended safety standards but 80m is relatively good, and it is a wide and obvious farm entrance, where the Highway Authority acknowledges that passing traffic would be more likely to be travelling at about 40mph rather than at the speed limit of 60mph. Holiday makers would be likely to use a domestic scale vehicle and enter/leave the site on average twice a day.



Not being familiar with the area, it would also be hoped that they would use the local roads with caution. When the barn would be occupied by seasonal workers on the farm, traffic movements to and from the farm would be reduced. In addition, the farm could change its activities and increase traffic on this site without any need for planning permission.

#### Residential amenity

Bearing in mind that the site lies within the farmyard of a working farm, the proposed accommodation is only suitable for seasonal workers or holiday makers, and not as permanent residential accommodation. This concern is reiterated by the Environmental Protection Officer and a condition would need to be imposed accordingly.

The barn is located some distance (over 100m from the nearest cottages and it is considered that there would be no adverse impact on residential amenity. No objections have been received.

### **RECOMMENDATION**

Grant consent for the following reason:

01. The proposal, due to its design, materials and use, would preserve the character and appearance of the listed building, and the significance of this heritage asset, would safeguard residential amenity, would not result in a severe impact on highway safety and would provide new tourist accommodation or seasonal worker accommodation consistent with its location, in accordance with the aims and objectives of policies ST3, ST5, ST6, EH3, EH5, EH6, ME5 and ME10 of the South Somerset Local Plan (Adopted April 2006) and the advice contained within the National Planning Policy Framework 2012.

#### **SUBJECT TO THE FOLLOWING:**

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan received on 24 May 2013, Block Plan received 28 June 2013, Section and Construction details and Elevations, Roof Plan and Existing Floor Plan received 24 May 2013, and Sight Lines and Stopping Distances received 19 July 2013.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. No development hereby approved shall be commenced unless details of the design, materials and external finish for all new doors, windows, boarding and lintels have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policies ST6 and EH3 of the South Somerset Local Plan (Adopted April 2006).

04. The windows comprised in the development hereby permitted shall be recessed in accordance with details to be submitted to and approved in writing with the Local Planning Authority before any work on the development hereby permitted is commenced.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policies ST6 and EH3 of the South Somerset Local Plan (Adopted April 2006).

05. No development hereby approved shall be commenced unless details of all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policies ST6 and EH3 of the South Somerset Local Plan (Adopted April 2006).

06. No development hereby approved shall be commenced unless details of all new services to all bathrooms, kitchens etc, including details of routes of foul water and any ventilation or extraction have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policies ST6 and EH3 of the South Somerset Local Plan (Adopted April 2006).

07. No development hereby approved shall be commenced unless details of all new external fixtures have been submitted to and approved in writing by the Local Planning Authority. This shall include details of any metre boxes, lighting, signage and TV / satellite dishes. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policies ST6 and EH3 of the South Somerset Local Plan (Adopted April 2006).

08. No development hereby approved shall be commenced unless details of the finish of the new metal flue have been submitted to and approved in writing by the Local Planning Authority. Unless otherwise agreed in writing the flue shall have a matt black finish.

Reason: In the interests of the special architectural and historic interests of the listed building and in accordance with policies ST6 and EH3 of the South Somerset Local Plan (Adopted April 2006).

09. The accommodation hereby permitted shall be occupied for holiday purposes only or by agricultural seasonal workers employed on Hyde Farm and such occupation

shall not exceed a continuous period of 56 days and the building shall not be occupied as a person's sole or main residence. The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of the accommodation hereby permitted on the site and of their main home addresses, and the duration/purpose of their stay and shall make this information available at all reasonable times to the Local Planning Authority.

Reason: The unit is not suitable as permanent residential accommodation given its proximity to a working farm, the need for a limited curtilage to protect the setting of the listed building and the surrounding landscape and because the Local Planning Authority wish to ensure the accommodation is available for tourism or seasonal worker accommodation in accordance with policies EC3, EH5, ME5, ME10 and EH6 of the South Somerset Local Plan 2006.

10. The parking and turning spaces shown on the approved plan shall be kept available at all times for use by the occupants of the accommodation hereby approved.

Reason: In the interests of highway safety and to accord with policy ST5 of the South Somerset Local Plan 2006.

**Informatives:**

01. The applicant should note that the garden area associated with the barn conversion must be limited to that shown on the approved plans. Any extension of this area would require planning permission for the change of use of the land and such a planning application would be unlikely to be supported.
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