

Application Details	
Application Reference Number:	<u>37/22/0008</u>
Application Type:	<u>Full Planning Permission</u>
Earliest decision date:	15 December 2022
Expiry Date	<u>17 October 2022</u>
Extension of time	
Decision Level	
Description:	Change of use of land from agricultural to residential curtilage with earth bund to boundary, erection of extension to garage block including games room and garden store and construction of tennis court with associated fencing at Haydon Farm Barn, Haydon Farm Lane, Stoke St Mary.
Site Address:	<u>HAYDON FARM BARN, HAYDON FARM LANE, STOKE ST MARY, TAUNTON, TA3 5AB</u>
Parish:	37
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	No
Case Officer:	<u>Mike Hicks</u>
Agent:	
Applicant:	MR N BEDDOE
Committee Date:	
Reason for reporting application to Committee	Called in by Chair

1. Recommendation

1.1 That permission be REFUSED

2. Executive Summary of key reasons for recommendation

2.1 Refuse permission as the development would be detrimental to the setting of the Grade II listed barn.

3. Informatives (bullet point only)

- Proactive statement

4. Proposed development, site and surroundings

4.1 Details of proposal

The application seeks consent for the extension of the garden, a tennis court, an extension to the existing double garage to accommodate a garden store and a detached garden building that would accommodate an office and recreation room.

The garden store would extend the garage by 4.8 metres. It would extend the depth of the garage. The pitched roof would be in line with the existing.

The office building would measure 15 metres in length by 6.56 metres in width. It would have a dual pitched roof with a maximum height of 5.08 metres. The building would incorporate an open canopy at its northern end. Materials would be a mixture of natural stone, render and slate.

4.2 Sites and surroundings

The site consists of a dwelling (Haydon Barn) and associated curtilage. The dwelling is Grade II listed as it is located within the curtilage of Haydon Farm, a Grade II listed farmhouse. The dwelling has already been extended previously by way of a single storey extension to the west elevation and a single storey open sided lean to on the east elevation. The existing modern double garage is located to the east of the barn with gravel driveway in between.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
37/20/0005	Erection of a single storey extension to the rear, porch to the front, installation of first floor window and formation of car port at Haydon Farm Barn, Haydon Farm Lane, Stoke St Mary	Permitted with conditions	02/10/2020
37/20/0006/LB	Erection of a single storey extension to the rear, porch to the front, installation of first floor window and formation of car port at Haydon Farm Barn, Haydon Farm Lane, Stoke St Mary	Permitted with conditions	02/10/2020
37/14/0009	Change of use and conversion of barn into dwelling, conversion of barn C into ancillary accommodation to main residence with the erection of a detached garage	Permitted with conditions	13/06/2014

6. Environmental Impact Assessment

N/A

7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the proposed development is an extension to an existing dwelling it does not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 24 August 2022

8.2 Date of revised consultation (if applicable):
24 November 2022

8.3 Press Date: 02 September 2022

8.4 Site Notice Date: 02 September 2022

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer Comment
STOKE ST MARY PARISH COUNCIL	Support the application	
SCC - ECOLOGY	CEMP condition required to cover: Planting as per report No works in nesting season Protection of existing trees Reptile condition Badgers 3 x Bat box 1 x Bird box Lighting condition If mature trees to be removed, have they been checked for bats 24/22/	Refer to ecology section
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice applies	

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment
HERITAGE	Second response: The amended plans do not address the previous Conservation Officers comments set out on the email dated 21st September 2022 due to the amount of development proposed. As such there would be harm to the setting and significance of the heritage asset. Original comments- The proposal represents overdevelopment of the site and dilutes the heritage significance of the asset. The proposal is therefore harmful to the heritage asset.	Refer to heritage section
LANDSCAPE	No comments received	

8.7 **Local representations**

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

Following consultation, four representations have been received in support of the proposal. The following comments are made:

- The development would screen the site from the Nexus 25 development.
- The development would not affect anyone.

9. **Relevant planning policies and Guidance**

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole

District. Since then the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

Relevant policies of the development plan in the assessment of this application are listed below:

CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021
District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

9.1 National Planning Policy Framework

The NPPF is a material consideration. The following chapter is of most relevance: Chapter 16- Historic Environment

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

The site is located outside of defined settlement limits and as such located within open countryside where development is strictly controlled. Accordingly policy DM2 of the Core Strategy applies. This lists specific development that is supported in the open countryside. The extension of domestic gardens is not listed as a supported use. Nonetheless, this omission alone does not preclude such development from being permissible. This was confirmed in the Bagley Road appeal (APP/D3315/W/17/3179264) where the Inspector determined that:

'the fact that a proposal is not one of the uses specifically supported by the policy does not mean that there is conflict'.

As per the Inspector's aforementioned decision, where applications in the open countryside are not supported by Policy DM2 they fall to be assessed against Core Strategy Policy CP8. This states that development will be permitted outside of settlement boundaries where it will:

- be in accordance with national, regional and local policies for development within rural areas (including those for protected Natura 2000 and Ramsar sites);

- and be appropriate in terms of scale, siting and design; and protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements;
- and protect, conserve or enhance the interests of natural and historic assets; and not exacerbate,
- and where possible improve the quality, quantity and availability of the water resource, reduce flood risk (fluvial and surface water);
- and protect habitats and species, including those listed in UK and Local Biodiversity Action Plans,
- and conserve and expand the biodiversity of the Plan Area; and provide for any necessary mitigation measures.

Policies DM1 and CP8 are clearly relevant and up-to-date development plan policies in determining this application. The considerations against the above criteria and other impacts of the development are set out in the relevant sections of the report below.

10.1.2 The impact on the character and appearance of the locality and heritage

Applications affecting a listed building must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that in considering whether to grant planning permission, the Local Planning Authority “shall 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”.

In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting (NPPF para 194). 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance (NPPF para 199). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use (NPPF para 202).

The proposed extension of the garden area is retrospective. The new garden boundary has already been formed by an earth bund. The new boundary extends in an east west direction and links into a historic hedge boundary on the eastern side. The extension to the curtilage would be relatively substantial. It would result in a new enclosure pattern which does not reflect the historic pattern due to the introduction of the bund boundary. Nevertheless, on balance, this change alone would have a neutral impact on the heritage asset as with appropriate planting the bund would not appear incongruous in its context. Furthermore, the area of extended garden was not physically or physically separated from the barn prior to the change of use. The change of use therefore whilst relatively substantial is not overly excessive and represents a logical location for garden land that appears physically and functionally linked to the host dwelling. The planting on the new boundary would assist with assimilating the garden into the wider landscape. Subject to soft landscaping being secured it is considered that the impact of the change of use on the character and appearance of the area and the listed building would be acceptable. Notwithstanding

the above comments, the change of use in conjunction with the extent of other development proposed would result in harm to the heritage asset.

A tennis court when proposed in isolation, on balance may be acceptable subject to control over the finish for the hard surface and fencing, however the amount of development proposed in combination with the outbuildings would represent overdevelopment of the site. The proposed extension to the garage and the new garden building would create a significant amount of new floor space and would have a significant visual impact. The listed barn has already been extended relatively extensively. The further significant amount of development within the extended garden would undermine the prominence of the listed building within the site and would dilute its rural setting and historic significance. Accordingly it is considered that the development would harm the heritage asset. This would result in 'less than substantial harm' as set out within the NPPF.

The neighbour comments have stated that the development is designed to screen the site from the Nexus 25 business park site which will be under development in the future. This site is located a relatively significant distance from the proposed business park, thereby mitigating any impact on the setting of the listed building. This is in contrast to the development proposed which is located in close proximity and will adversely affect the setting and significance of the heritage asset. Furthermore, other methods of screening such as tree planting could be carried out without harm to the heritage asset.

It is clarified in planning case law that a Local Planning Authority cannot treat the desirability of preserving the setting of listed buildings as mere material considerations to which it can simply attach weight as it sees fit. When an Authority finds that a proposed development would harm the setting of a listed building it must give that harm considerable importance and weight and gives rise to a strong presumption against planning permission being granted. This presumption is a statutory one, but not irrebuttable. It can only be outweighed by material considerations powerful to do so. (*The Forge Field Society & Ors (On the Application of) v Sevenoaks District Council, England & Wales High Court (2014)*).

There are no public benefits arising from the proposal. Even if there were, the threshold for these being sufficient to override the presumption against granting permission is very high. Having regard to the above it is considered that the proposal would result in harm to the historic interest, character and appearance of the listed building and there would be no significant public benefits which would override this harm. Accordingly it is considered that the proposal would be contrary to Policies CP8 and DM1 of the Core Strategy and the guidance in Chapter 16 of the NPPF.

10.1.4 Access, Highway Safety and Parking Provision

The proposal would not affect the existing access, parking and turning areas. It would not intensify the existing vehicular movements to and from the site. Accordingly it would be acceptable in relation to highway safety and parking.

10.1.5 The impact on neighbouring residential amenity

The proposed tennis court and out buildings and extended garden would be for private domestic use. Accordingly there would be no additional or unusual impacts

over and above those expected for a domestic use. The proposal is therefore acceptable in this regard.

10.1.6 The impact on trees and landscaping

It was noted that the bund has been extended close to the existing tree on the eastern boundary. This may have damaged the tree roots, however the applicant revised this aspect of the scheme on the amended layout. In the event of permission being granted, a planning condition could be imposed to ensure these works are carried out within a set time period. Subject to conditions, the impact on existing trees would be acceptable in accordance with Policy ENV1 of the Taunton Site Allocations and Development Management Plan.

10.1.7 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

The applicant submitted an ecological report for the application site. This concluded that the garage has the potential for nesting birds. An eDNA test was conducted which concluded that great crested newts are absent from the pond. All other ponds within 250 metres of the site were identified as dry and accordingly it was concluded that greater crested newts are absent from the site. The report further concludes no bat roosting potential within the site, no evidence of badgers and water vole or otters. Finally the report concludes that there is potential for nesting birds in trees and the garage building. The presence of reptiles within the tall ruderal vegetation is assumed.

The County Ecologist has considered the contents of the report. They have commented that they do not object to the application subject to conditions requiring to secure new planting, restrictions on works during the nesting season, protection of existing trees and vegetation, a reptile friendly vegetation clearance and bat friendly external lighting. A condition is recommended to secure ecological enhancements including 3 bat boxes and 1 bird box.

Subject to the above conditions it is considered that there would be no harm to protected species or the ecological interests of the site. Enhancements would be secured via new planting and bat/bird boxes. Having regard to the above the proposal would comply with Policy CP8 of the Taunton Deane Core Strategy.

The site is located within the Somerset Levels and Moors Ramsar Site. However Council is satisfied that as the proposed development is an extension to an existing dwelling it does not increase nutrient loadings at the catchment's waste water treatment works.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

This proposed development measures approximately 117 sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is

approximately £14,750.00. With index linking this increases to approximately £20,750.00.

12 Planning balance and conclusion

12.1 It is considered that the proposal would undermine the prominence of the listed building within the site and would dilute its rural setting and significance resulting in harm to its setting and significance. There would be no significant public benefits which would override this harm. Accordingly it is considered that the proposal would be contrary to Policies CP8 and DM1 of the Core Strategy and the guidance in Chapter 16 of the NPPF.

12.2 For the reasons set out above, having regard to all the matters raised the application is recommended for refusal.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Reason for refusal/Informative

The site consists of garden associated with a Grade II listed building. The proposed extended garden, tennis court and fencing, new building and extension to the existing garage would represent overdevelopment of the site by reason of the extent and scale of development. Accordingly, the proposal would undermine the prominence of the listed building within the site and would dilute its rural setting and significance resulting in harm to its setting and significance. There is no overriding justification for the proposed development or public benefit to justify the harm. Accordingly, the proposal is contrary to Policies CP8 and DM1 of the Taunton Deane Core Strategy, Chapter 16 of the National Planning Policy Framework and the District Wide Design Guide Supplementary Planning Document December 2021.

Notes to applicant.

In accordance with paragraph 38 of the National Planning Policy Framework 2021 the Council works in a positive and creative way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

