

Application Details	
Application Reference Number:	27/21/0009
Application Type:	Full Planning Permission
Earliest decision date:	21 May 2021
Expiry Date	23 June 2021
Extension of time	30 Nov 2023 (requested)
Decision Level	Delegated
Description:	Removal of dutch barn and conversion of agricultural building into 1 No. single storey dwelling at the barn located to the west of Manor Farm, Oake
Site Address:	BARN LOCATED TO THE WEST OF MANOR FARM, MANOR FARM LANE, OAKE, TAUNTON, TA4 1BA
Parish:	27
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
AONB:	N/A
Case Officer:	Harrison Moore
Agent:	
Applicant:	MR R KING
Committee Date:	N/A
Reason for reporting application to Committee	Recommendation contrary to views of Parish Council and other comments received.

1. Recommendation

1.1 That permission be REFUSED.

2. Executive Summary of key reasons for recommendation

2.1 The proposal fails to comply with policies SP1, SD1, DM2, SP4, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan due to its unsustainable location.

3. Planning Obligations and conditions and informatives

3.1 None as recommendation is to refuse. Refused (full text in appendix 1)

The site is located outside of any defined settlement boundary in a countryside location.

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is for the removal of Dutch barn and conversion of agricultural building into 1 No. single storey dwelling at the barn located to the west of Manor Farm, Oake. A previously Class Q application (27/20/0024CQ) was refused due to the unauthorised works having been undertaken to the rear wall and the erection of a new roof which were carried out without the benefit of planning permission.

4.2 Sites and surroundings

The site is located outside of the main village settlement, close to the Church of St Bartholomew's, which is to the north, with other residential dwellings to the east, south and west. There is an existing entrance to the site, which it is proposed to retain. The Dutch barn proposed to be removed is to the rear. The boundaries are existing hedge with some trees, though there are some gaps which give views into the neighbouring dwellings amenity space.

Manor Farm itself is located to the south-west of the site, with the highway separating it from the development site.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
27/20/0024/CQ	Prior approval for proposed change of use of agricultural building to dwelling house (Class C3) and associated building operations at barn located west of Manor Farm, Oake.	Prior Approval refused	19/01/2021

6. Environmental Impact Assessment - NA

7. Habitats Regulations Assessment

The site lies within the catchment area for the Somerset Levels and Moors Ramsar site. As competent authority, Somerset West and Taunton Council has determined that a Habitats Regulations Assessment (HRA), proceeding to an Appropriate Assessment is required under the Conservation of Habitats and Species Regulations 2017. This is discussed further below.

8. Consultation and Representations

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

8.1 Date of consultation: 30/04/2021

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 30/04/2021

8.4 Site Notice Date: 04/05/2021

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

Consultee	Comment	Officer Comment
OAKE PARISH COUNCIL	Support – Major improvement to a derelict building. It was felt this was a good way to get new homes into the area.	Noted.
SCC - ECOLOGY	Requests conditions regarding: - European protected species licence Bio-diversity net gain	The recommendation is to refuse, however conditions would need to be attached to the permission if approved.
SCC - TRANSPORT DEVELOPMENT GROUP	Standing Advice applies	Noted.
WESSEX WATER	No objection subject to an informative regarding new water and drainage connections	Noted.
TREE OFFICER	No objection however requests conditions regarding: -	Noted but recommendation to refuse. C

	<ul style="list-style-type: none"> • Protection of the neighbours off-site trees and their roots along the boundaries to the east and west which should not be damaged during the demolition and construction works. • It would be good if the boundary along the north side was a hedge with trees, rather than a fence. 	
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8.6 Local representations

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

Seven number of letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections	Officer comment
N/A	
Support x 7	Officer comment
I feel there are many reasons this would benefit the local area (no other details provided).	Noted.
Full support (no other details provided)	Noted.
The proposed conversion of this barn seems to be entirely appropriate for the location and can only be considered as an improvement to current arrangement	Noted.
We feel that the changes requested will only enhance the area without changing it's rural feeling.	Noted.
I believe the additional housing this will	Noted.

<p>provide will result in more of a community feeling at this end of Oake. An additional dwelling will improve security with neighbours 'keeping an eye out for one another' Having live here for 6 years now I see no negatives in the changes planned whatsoever.</p>	
<p>I can see no negative effects on the community with what's planned only positives. This is a beautiful area to live in and the development will afford other people the same opportunity as me to enjoy this corner of Oake. The Dutch barn is not an attractive building and what's planned will be far more attractive and in keeping with other buildings locally</p>	Noted.
<p>In general we would support the findings of the Assessment. We would also fully support the recommendations for Mitigation and Enhancement as outlined in Sections 3.5 and 4.3 together with any additional recommendations which may be made following the subsequent Bat surveys. We would request that all of these recommendations should be included in the Planning Conditions if it is decided to grant Planning Permission</p>	See section 10.1.8 of the main report which addresses the point raised.

8.7.1 Summary of objections - non planning matters

8.7.2 Summary of support - non planning matters

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 strongly 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).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

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

SD1 - Presumption in favour of sustainable development

CP1 - Climate Change

CP4 - Housing

CP6 - Transport and accessibility

CP8 - Environment

SP1 - Sustainable Development Locations

DM1 - General Requirement

DM2 - Development in the Countryside

A1 - Parking Requirements

A5 - Accessibility of development

I4 - Water Infrastructure

D7 - Design Quality

D8 - Safety

D10 - Dwelling Sizes

D12 - Amenity Space

SB1 - Settlement Boundary

Supplementary Planning Documents

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).

Neighbourhood plans: N/A

10. Material Planning Considerations

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

- The principle of the development
- Design
- Housing land supply
- Access, highway safety and parking
- Impact on character and appearance
- Neighbour amenity • Impact on trees
- Impact on ecology, biodiversity and Somerset Levels and Moors Ramsar Site

10.1.1 The principle of development

The proposal relates to a barn that has had unauthorised works undertaken without which it would not be capable of occupation as a dwelling and without the benefit of any planning permission. The site is outside of any defined settlement boundary and within a countryside location as defined by Policy SP1 and therefore the principle of development will be subject to the proposal successfully addressing Policies SB1 which requires further assessment against Core Strategy policies CP1, CP8, SP4 and DM2 of the Core Strategy.

Policy SP1 defines sustainable development locations and clearly states that 'outside of the settlements identified above, proposal will be treated as being within Open Countryside'. The location for this proposal is not identified within SP1 as a major or minor rural centre, nor is it within one of the villages listed that retain settlement boundaries and have no further allocations made though the site allocations and development management DPD, but some scope for small scale proposals. The proposal is therefore considered to be in the open countryside and not within a sustainable location.

In the submitted planning statement the agent refers to Planning Appeal APP/D3315/W/17/3179264G1630/W/14/3001706 (Bagley Road), dated July 2018 for the erection of up to 205 dwellings and up to 60 bed apartments with care (C2), with public open space, landscaping, a sustainable drainage system and vehicular access points from Exeter Road. As the application under consideration is for one open market dwelling with no wider community benefit, it is considered that the appeal site is not a fair comparison and does not change the view of this local planning authority that the proposed development does not comply with policy SP1 due to its countryside location.

Core Strategy policy SP4: Realising the vision for the Rural Area, directs development to the Major Rural Centres in the first instance and secondly to the Minor Rural Centres as defined in policy SP1. When the proposed development is assessed under policy SP1, see above, it was found to be contrary to policy. Consequently, the proposed development is considered contrary to policy SP4.

- Policy SB1 seeks to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in the Core Strategy policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:
 - A *It accords with a specific development plan policy or proposal: or*
 - B *Is necessary to meet a requirement of environmental or other legislation;**and*
In all cases, is designed and sited to minimise landscape and other impacts.

The proposed development follows on from an unsuccessful Class Q application for a similar development, of an open market dwelling and its associated development. The proposed dwelling does not however accord with A or B outlined above. Policy SB1 re-enforces the need to shape "*patterns of development to reduce the need to travel, reducing pollution and CO2 emissions.*" By having defined settlement boundaries, the local authority is seeking to apply strict control over development in the countryside to contribute towards meeting the wider aims of sustainability. Furthermore, policy SB1 states "The designation of settlement limits or boundaries provide clarity for the application of these policies". The proposed development would contribute to urban sprawl without any wider community benefit, reduce the visual impact of the rural location and would not reduce the consequences of unsustainable development. The proposed development is therefore considered not to have minimised the impacts on landscape as required by policy SB1 due to its unsustainable location.

*Policy CP1 addresses Climate Change and requires that 'development proposals should result in a sustainable environment and will be required to demonstrate that the issue of climate change has been addressed by:
a 'Reducing the need to travel through locational decisions and where appropriate, providing a mix of uses' and/or*

The development site is outside of a defined settlement boundary in a countryside location where future occupants will be reliant on use of the private motor vehicle rather than public transport.

The nearest railway stations are Taunton approximately 6 miles to the east and Tiverton approximately 15 miles to the west. The nearest bus stop is approximately 0.8m from

the development site to the north of Oake and is sited on the B3227. The village itself has limited facilities of shop, church, and primary school.

This lack of local services, facilities and amenities will increase both the use and reliance on the private motor vehicle for future occupiers of the proposed dwelling who will be unable to shop, work, access secondary and further education, eat out or participate in everyday activities without the use of a private motor vehicle which is contrary to policy. It is therefore considered that the proposed development has not demonstrated that it has addressed policy CP1.

Policy CP8 of the Core Strategy further reinforces this Authority's aims of protecting the environment from development in locations outside of settlement boundaries. Policy CP8 states that unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced. Development outside of settlement boundaries will be permitted in limited circumstances subject to several criteria including "*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 provide for any necessary mitigation measures.*" The proposal is for an open market dwelling to be sited in a field, in a countryside location where the use of the site for residential purposes would result in domestic paraphernalia that would detract from and result in the urbanisation of the countryside. It is therefore considered not to conserve, protect or enhance the rural landscape. The proposed development is therefore considered to have failed to meet the criteria set out in Policy CP8 as it does not protect, conserve or enhance the rural setting.

Policy DM2, Development in the Countryside does not prohibit new residential development, however it offers no support for such developments.

Under Part 7 of policy DM2, '*Conversion of existing buildings*' are allowed provided: -
a. the building must be of a permanent and substantial construction and of a size suitable for conversion without major rebuilding or significant alteration or extension.

b. a sequential approach must be followed in the following priority:

In terms of a). above, the barn has had substantial works undertaken including a new roof and works to re-build the rear wall. These works formed the refusal reason for the Class Q application. Furthermore, without these unauthorised works which include an increase in the barns roof height the barn would not be capable of being occupied as a dwelling.

At a recent site visit to establish the extent of the works it was apparent that in addition to the new roof, the roof had also been raised as the internal pillars were

extended by approximately 6 courses of bricks. No planning application has been submitted to regularise the unauthorised works highlighted by the Class Q and no agricultural notification was submitted prior to the works being undertaken.

The proposed development is therefore considered not to accord with policy DM2.7.a) as ‘*substantial construction*’ and ‘*significant alteration or extension*’ has already been undertaken on the barn that is proposed to be converted.

The barn is not considered appropriate for conversion as set out above, however an assessment under part b. has been undertaken for completeness in assessing the proposed development under policy DM2.7.

b. a sequential approach must be followed in the following priority

i. Community uses;

ii. Class B business uses;

iii. Other employment generating uses;

iv. Holiday and tourism;

v. Affordable, farm or forestry dwellings;

vi. Community housing;

vii. In exceptional circumstances, conversion to other residential use;

The original submitted Planning Statement was considered to be insufficient to fully address the above policy requirements, therefore additional information was submitted by the agent’s consultant.

i. Community uses; - The consultant confirmed that “*Parish Council has not indicated at any stage that there is a community need for the building. Furthermore, given that the village of Oake already benefits from a number of existing community facilities, including a village hall, there is absolutely no evidence that there is a need for any further community uses within this area which the site would be suitable for*

ii. Class B business uses; - Information relating to the vacant commercial units in the area has been submitted and was accepted at the time of submission as showing more suitable existing units available for class B business uses in Taunton. A recent search on Rightmove has revealed that this remains the case for Class B business uses due to the number of vacant premises to rent/buy in the Taunton area.

iii. Other employment generating uses; - The information submitted for (ii) is considered to also show that the site is not suited to other employment uses, due to the level of vacant commercial units still available.

iv. Holiday and tourism; - The agents consultant has referred in their original Planning Statement to the successful appeal at Pen Elm where the inspector

considered that *“Paragraph 6.19 of the supporting text to Policy DM2 is clear and unambiguous when read in a straightforward manner and as a whole. It states that, due to evidence of holiday homes outstripping demand, tourism and holiday home uses should be restricted to the conversion of existing buildings in instances of rural diversification. Consequently, this step of the sequential test does not apply to the circumstances of the appeal proposal”*.

The original submitted Planning Statement in paragraph 5.4 refers to works undertaken to the existing roof and northern elevation as being in accordance with Permitted Development Rights under Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (GDPO). Part 6 of the GPDO allows for certain works under permitted development rights provided that they relate to “Agricultural and forestry” units. It would therefore appear that the agent considers that the barn proposed to be converted is in agricultural use, in relation to an existing agricultural business. It should be noted that no agricultural notification was submitted for the works to the roof and rear wall of the barn.

As a result of the agents consultant confirm that the barn has agricultural/forestry permitted development rights the barns proposed conversion should be considered under (iv) Holiday and tourism for which it would appear to be suitable as part of rural diversification ‘as set out in the Pen Elm appeal and in accordance with policy DM2.7.

Furthermore, it is noted in paragraph 3.1 of the original Planning Statement that *“The application proposes the change of use of an existing agricultural building to a dwelling.”*

Whilst the agent has stated that the proposals are not associated with a farm or other service, this is in contradiction to the original Planning Statement where the agents consultant previously claimed in paragraph 5.4 that the barn could have made use of permitted development rights for agricultural and forestry units for works to the roof and rear wall for the barn. It should also be noted that there has been no retraction of the claim made in the original Planning Statement in paragraph 3.1 that *“The application proposes the change of use of an existing agricultural building to a dwelling”*.

From the information submitted it would appear that the barn is an existing agricultural building, and is therefore suitable for consideration under part (iv)

v. Affordable, farm or forestry dwellings; - Again the agents consultant has referred to the Pen Elm appeal decision which states *“With regard to the suggestion that the scheme could provide a farm or forestry dwelling for an operation elsewhere, I am mindful that it is common for such a need to be generated by a requirement to be within sight and sound of the relevant activity. Also, if there was off site demand as*

suggested, it seems to me that it could equally be met by the mixture of housing available within Taunton. These issues cast significant doubt in my mind about how realistic the site would be as a candidate for such uses”.

It is accepted that Oake is further away from the Pen Elm site, though an easy commute from the available accommodation within the Taunton. An agricultural worker however does not however need to be within sight and sound of an agricultural activity as this is not always relevant.

The agents consultant has stated in paragraph 5.16 of the original Planning Statement that *“Whilst the building the subject of this application has a lawful agricultural use, its proposed conversion to a dwelling is not required in connection with an existing farming or forestry enterprise and it would therefore be inappropriate to restrict the occupancy of the dwelling in this way.”*

No evidence of the farm holding that relates to the barn have been submitted, only a statement that it would have the benefit of Permitted Development Rights under Part 6 of the GPDO, therefore it is not possible to confirm that the barn is not required for an agricultural or forestry worker in connection with that or any other local rural business.

vi. Community housing; - No information has been provided regarding community housing however it is noted that Oake village has recent consent for affordable housing within the village boundary. Furthermore, it is noted that the proposed development would not accord with the criteria set out for community housing which should be modest in size and have a maximum of 2 bedrooms (3 is proposed).

vii. In exceptional circumstances, conversion to other residential use; - The proposed development is not considered suitable for residential use as it would appear that part (iv) Holiday and Tourism, of the sequential approach should be considered prior to accepting that there is exceptional circumstances for the barn to be converted to open market dwelling.

However it should be remembered that the barn to be converted was found not to accord with part a) of policy DM2.7, *“a permanent and substantial construction and size suitable for conversion without major rebuilding or significant alterations of extension”* as unauthorised works have previously taken place for a new roof, the roof to be raised and a new rear wall.

The proposed development is therefore considered not to accord with the requirements of policy DM2.7 a) and b(iv).

Given the above it is considered that the proposed development conflicts with

policies CP1, CP8, SP4 and DM2 of the Core Strategy and SB1 of the SADMP therefore the principle of the development is not supported.

10.1.2 Design of the proposal

The low wall to the fore of the existing barn is largely to be removed however a small section will remain to form part of the boundary wall to the parking/turning area. The existing concrete apron will be used to form a patio area.

The existing barn has 5 brick pillars on its open south elevation. The openings between the pillars will be in-filled by glazing panels/French doors, mainly floor to ceiling with 4 standard size windows with timber cladding below on the south-west corner of this elevation. Timber cladding is also proposed for the pillars, any areas in need of in-fill and for the areas above the glazing. The west elevation will make use of an existing opening for a doorway, with the north (rear elevation) using an existing opening for French doors. The existing opening on the east elevation is to be in-filled with timber.

The all over appearance of the existing barn will be retained, however it is noted that the barn has already undergone significant works, including the raising of the roof. If the proposed development is approved it is considered necessary to removed Permitted Development Rights to ensure that the converted barn does not become overdeveloped, or for the amenity area to be dominated by domestic paraphernalia.

To the rear of the barn to be converted is a Dutch barn open on all sides, with a stone wall and gate adjoining the stone/brick barn to be converted. This barn is in close proximity to the barn proposed to be converted. There is however no objection to its removal.

10.1.3 Quality of Accommodation

The proposed development would provide 3 bedrooms, one with en-suite, a family bathroom, utility, separate W.C. lobby and utility room. The kitchen, dining and living area is open planned. The CIL officer has measured the proposed dwelling as 127sqm which is slightly less than calculated by the agent. Policy D10 of the SADMP states that a 3-bedroom, 6-person, single storey dwelling with one en-suite should have a minimum floor space of 98. Sqm. The amount of amenity space is considered to be acceptable in terms of policy D12 of the SADMP and includes land to the fore, rear and west of the proposed dwelling.

The quality of the accommodation is therefore considered acceptable, however this is insufficient to overcome the agricultural barns unsustainable location.

10.1.4 Access, Highway Safety and Parking Provision

The Transport Development Group has stated that their standing advice should be

applied to the development.

The existing barn has an agricultural access, however there is a telegraph pole to the west of the access and in proximity to the access. If the proposed development is approved, it is considered that this pole is likely to need to be moved or removed. Furthermore, the public right of way sign is also located adjacent to the telegraph pole and this too is likely to be required to be moved/removed, should the proposed development be granted consent. The public footpath will not be impacted on by the proposed development as the nearest path runs along the rear of the site for access to the Church.

The submitted plan shows parking and turning provided for the proposed development, however the surface is proposed as 'rough grass'. A development in this location offering 3 bedrooms will need to provide parking for 3 vehicles. The submitted plans appears to show that the parking and turning area is capable of according with this policy requirement (A1). If the proposed development is approved it is considered necessary to condition the parking and turning area to be kept free of obstruction and only used in connection with the proposed dwelling, a properly consolidated access over the first 6m and for any entrance gates to be set back from the highway by 6m.

Policy A5 of the SADMP requires residential development to be within "*walking distance of, or should have access by public transport to, employment, convenience and comparison shopping, primary and secondary education, primary and secondary health care, leisure and other essential facilities*". As set out in the section 10.1.1 The Principle of Development in respect of the location and ease of access to services etc, the proposal is not considered to comply with policy A5.

The village of Oake lies to the north of the site, within walking distance (approximately 500m), however there is no public footway and no street lighting until you reach Oake Close, which is within the village limits. Oake village does have a church, village hall, shop, primary school and playing field. The village itself does not have a bus stop, however a bus stop is located on the B3227 approximately 1 mile to the north of the development site. The village Primary School is to the north, however as previously stated there is no public footpath linking the site with the village, and the street lighting only begins at Oake Close, which is approximately 400m to the north of the development site. There is a sharp bend approximately 37m, to the north-west of the development site on a section of the highway with no public footpath and no street lighting. This lack of safe and secure footpath is considered a likely hindrance for future occupants in terms of walking and cycling when wishing to access the village facilities.

In terms of secondary schools, the village is in the catchment area for Kingsmead

School, Wiveliscombe which is approximately 6 miles to the north-west. Cyclists wishing to access school would have no safe, secure cycle path on which to ride.

The level of local services could be considered to assist the proposed development in terms of reducing the need to travel however the lack of a public footway and street lighting to link the development site with the facilities within the village is likely to result in the use of the private motor vehicles and an increase in traffic movements.

Policy CP6 states that "Development should contribute to reducing the need to travel, improve accessibility to jobs, services and community facilities, and mitigate and adapt to climate change".

As previously stated in the section 10.1.1 The Principle of Development, and reiterated in the above paragraphs regarding policy A5, the development is considered to increase the reliance on the private motor car for the occupiers of the proposed new dwelling due to its unsustainable location.

Whilst the proposed development can accord with policies A1 of the SADMP, it does not accord with policy A5 of the SADMP and policy CP6 of the Core Strategy. Paragraph 85 of the NPPF states that "*Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist*". The proposed development could be one that would meet a local business or community need as the agent's consultant has confirmed it is an existing agricultural building, however the proposed development is for open market housing and therefore does not accord with paragraph 85 of the NPPF.

10.1.5 The impact on the character and appearance of the locality

The site has a traditional farm appearance with a Dutch barn and a traditional construction barn on site. The loss of the Dutch barn is not considered to adversely impact the rural character and appearance of the locality.

The barn to be converted will retain an agricultural feel, with glazing used to in-fill the south elevation, which is the principal elevation when viewed from the highway.

There is no change to the existing height of the barn, which has been previously raised through unauthorised building works. The footprint of the existing barn appears to have remained the same, however as the north wall has had substantial work done to it, it is not possible to confirm this.

The development site has residential neighbours to the east and west and the village church to the north. The site could therefore be acceptable for a residential unit subject to overcoming the relevant conflicts with planning policy highlighted elsewhere in this report.

Policy CP4: Housing, of the Core Strategy seeks to maintain a flexible supply of housing stock. This policy states that the delivery should be consistent and within the settlement hierarchy established by policy SP1. The design of the dwelling could be considered acceptable, however when assessed under policy SP1 in paragraph 10.1.1 it was found not to be policy compliant due to its unsustainable location. It is considered that the proposed development will have minimal impact on the character and appearance of the locality.

The provision of one open market dwelling is however not considered sufficient to overcome the recommendation to refuse due to the proposed developments open countryside location.

10.1.6 The impact on neighbouring residential amenity

The change in use from agricultural to residential use will result in a loss of agricultural noise and an increase in domestic noise. As there is some vagueness over the existing use of the agricultural building it is not possible to confirm if the existing and future noise levels would balance each other out.

In order to retain the existing levels of amenity for the adjacent neighbour to the east, if the proposed development is approved, it will be necessary to include a condition on any consent to protect the neighbours' trees along the eastern boundary.

Policy D10 of the Site Allocations and Development Management Plan set the minimum gross internal floorspace for new properties. A three bedroom, 6 person single storey dwelling should have a minimum internal floorspace of 95sqm. The proposed development exceeds this with an internal ground floor space of 127 sqm. The plot can accommodate the proposed open market dwelling and supply amenity space of an appropriate size to accord with policy D12. In view of the above, if the recommendation was to approve the proposed development, a condition would be required to removed permitted development rights for additional floors, in order to protect the existing level of amenity. This would not however be sufficient to overcome the unsustainable location.

10.1.7 The impact on trees and landscaping

The Arboricultural Officer has no objection to the proposed development and the removal of a small tree (cherry tree) to the north of the existing barn, which is not worthy of retention. If the proposed development is approved, they have requested the protection of the neighbour's off-site trees and their roots during the demolition and constructions works plus, a hedge with trees boundary along the north rather than a fence.

Whilst there is no objection to the conditions requested which would protect existing trees and provide a suitable boundary between the development site and the listed Church to the north of the site, the recommendation remains for the development to be refused due to its unsustainable location and its non-compliance with policy DM2.7.

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

SCC Ecology has confirmed that additional ecological survey information would not be required.

SCC Ecology confirmed that the activity surveys undertaken by Greena Ecology Ltd (December 2021) indicated Two Common pipistrelle bats were recorded roosting in the roof, one emerging inside and coming out of the front so this will be affected by the proposals, the second coming out from between tiles at the rear if the roof is left undisturbed this one will not be affected. To carry out the proposed development a low impact bat licence would be required, this would require one bat box to be installed before works start and licensed ecologist attend to check interior (below it is closed up) and whilst any roof is removed. Therefore, a bat licence and enhancement and compensation measures conditions would need to be attached to any planning consent should the proposed development be approved.

In terms of phosphates the development will result in an increase in potential phosphorus emission into the catchment of the Somerset Levels and Moors SPA and Ramsar site; equivalent to 0.57kg/y.

To balance the nutrient load increase created by the wastewater discharge from the proposed development the applicant proposes to upgrade a septic tank, adjacent to the site, to a new biological package treatment plant.

With mitigation, the development could be considered to be nutrient neutral.

The NNE & Mitigation Strategy and the sHRA have been reviewed by SWT Council's Nutrient Neutrality Officer and Natural England. Both concluded that the mitigation

proposed would be acceptable. It is therefore considered that the applicant has provided suitable information to be able to conclude that there would no adverse effect on the integrity of the Ramsar site.

SWT Council's Nutrient Neutrality Officer has also confirmed that the shadow Habitats Regulations Assessment (sHRA) would be suitable for the Local Authority to adopt as the project-level Appropriate Assessment for this application in order to fulfil its responsibilities under Regulation 63 the Conservation of Habitats and Species Regulations 2017. This has been agreed with Natural England.

Whilst the proposed development could be considered acceptable in terms of ecology and phosphate matters this does not change the local planning authority's view that the proposed development does not accord with the relevant planning policies highlighted above and in particular policy DM2.7.

10.1.9 Waste/Recycling facilities

The site is of a sufficient size to be able to accommodate waste and recycling facilities therefore if the proposed development is approved, it is not considered necessary to use a condition to secure these facilities.

10.1.10 Flood risk and energy efficiency

The site is outside of flood zones 2 and 3 therefore it is not considered to be at risk of flooding.

The reuse of an existing barn would be welcome as it would result in few 'new' materials being required to development the site, however this is insufficient to overcome the local planning authority's objection to the proposed development in this particular location.

10.1.11 Any other matters

Seven letters of support have been received. Some only offered 'general' support and provided no further reasons.

It is unclear why the conversion of a barn in a rural location is considered to be an 'improvement', or an enhancement when such buildings are naturally required in rural locations. The converted barn may/may not be used in the way one supporter is hoping will result in additional security. As an open market dwelling the completed dwelling could be used as a holiday / second home and so be empty for many months. If used in this way the additional security will not be provided.

The loss of an agricultural barn, and in this case two, can be considered a 'negative' impact in agricultural terms as their removal/conversion will result in a loss of storage facilities for the associated farming business, therefore it is unclear why the

proposed development is considered to have 'no negative' affects.

The development area is considered to be 'beautiful' and the proposed development will allow other people to enjoy the countryside, however protection of the countryside for the enjoyment of all is considered to offer wider community benefit. It is therefore unclear why development for residential use in this rural location is considered acceptable. It is unclear how a converted barn can be considered as '*far more attractive and in keeping with other buildings locally*', when the development site relates to two agricultural barns on agricultural land in a rural location.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of a dwelling is CIL liable regardless of size and the proposed development measures approximately 127 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 £16,000.00. With index linking these increases to approximately £24,000.00.

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 The NPPF in paragraph 197 identifies the following three points that local planning authorities should take into account when determining planning applications:-

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Points a) and b) above are not relevant to this application as they relate to heritage

assets, however c) relates to the "desirability of new development to make a positive contribution to the local character and distinctiveness". The proposed developments design is considered acceptable in the surrounding development, which has a mixture of design types and plot sizes, however the main issue is one of an unsustainable location, which this planning application has failed to overcome.

12.3 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused due to the proposed development sites unsustainable location as identified in planning policy as outlined above.

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/s for Refusal

- 1 The proposed development is outside the defined settlement limit of Oake, within open countryside. The site is located in an unsustainable location with no bus service and limited facilities nearby. Occupiers of the proposed development will be reliant on private cars to access services, facilities and amenities that are not available within safe walking distance of the site. The proposal is therefore contrary to Policies SP1, SD1, DM2, SP4, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan.

- 2 Policy DM2.7 part a requires the building to be converted :-
a. the building must be of a permanent and substantial construction and of a size suitable for conversion without major rebuilding or significant alteration or extension.

The barn has had a new unauthorised roof and rear wall, whilst the roof has also been raised. These works are considered to be 'major rebuilding or significant alterations or extension' and therefore the proposed development is contrary to policy DM2.7 a.

- 3 The application fails to demonstrate the sequential approach set out in policy DM2, and in particular DM2. part 7.b for Development in the Countryside. The proposal is considered therefore to be contrary to policy DM2. part 7.b of the Core Strategy. The proposal as submitted relates to the conversion of an existing agricultural barn to a residential dwelling and is therefore considered to be tantamount to a new dwelling in an unsustainable location contrary to policy SP1 of the Core Strategy and policy SB1 of the Site Allocations and Development Management Plan.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 21 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.