

Application Number	2023/0937/HSE
Case Officer	Kirsty Black
Site	Little Pomeroy Church Farm Lane Farleigh Hungerford Frome Somerset
Date Validated	23 May 2023
Applicant/ Organisation	D & R Allen
Application Type	Householder Application
Proposal	Construction of double garage
Division	Frome North Division
Parish	Norton St Philip Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Adam Boyden Cllr Dawn Denton

### **Referral to Ward Member/Chair and Vice Chair/Planning Board**

In accordance with the Scheme of Delegation this planning application is being referred to the Vice Chair and Chair of the Planning Committee as the recommendation of the Planning Officer is contrary to that of both the Parish Council and Divisional Member.

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

This application concerns the detached residential dwelling of Little Pomeroy in Farleigh Hungerford. It occupies a large, wedge-shaped site that is bordered by a detached residential property to the west, agricultural fields to the south and the public highways of Church Lane and Tellisford Road to the north and to the east of the site respectively. Little Pomeroy lies in the outer fringes of Farleigh Hungerford and has an open, rural character. It is situated within the Green Belt.

This application seeks consent for the demolition of the existing outbuilding and construction a large carport building to the east of the existing driveway near the main site entrance. The existing outbuilding has a footprint measuring 3 x 4 metres whilst the proposed car port is 5 x 6 metres and stands 4 metres high. The carport would house two cars and comprises three boarded hardwood, larch or cedar walls and a hipped, recycled clay, tiled roof. The proposed roof tile would match those of the existing residential property.

During the lifespan of the proposal the proposed design of the carport building has been revised in response to Planning Officer concerns. The overall footprint has reduced and the

front doors to the carport, the proposed external storage and EV charging points have been omitted from the proposal.

### **Relevant History:**

2002. 021234/002. Erection of a two storey extension on the rear (west) elevation (CATA). Approved with conditions.

1996. 021234/001. Part demolition of single storey lean-to and erection of two storey extension. Approved with conditions.

### **Summary of Ward Councillor comments, Town/Parish Council comments, representations and consultee comments:**

Ward Member: Raises no objection to the proposal but comments that it may benefit the Green Belt through the removal of an outhouse and siting of a carport closer to the house.

Parish Council: Supports the proposal on the basis that the proposed development would be a significant improvement to the Green Belt including its openness, with the benefits outweighing any harm.

The reasoning provided includes the following:

- The applicant has made significant amendments to the proposals to address concerns raised by the Case Officer
- The proposal demolishes unsightly and rambling buildings and replaces them with a consolidated one which is not materially larger.
- The building enables the cars to be parked away from the house in a more visually pleasing building than the sight of two cars parked in front of the house, which is a benefit.
- The provision of EV charging point is an additional benefit.
- The site is not significantly visible to the public and so the harm to the Green Belt is minimal.
- The applicants plan to plant six oak, birch or larch trees to replace the old outbuilding, which is a definite benefit.
- The actual footprint of the proposed development would represent very little, if any, increase in the actual footprint of the site taking account of the dilapidated buildings which would be removed.
- The proposal improves the openness of the Green Belt by removing unsightly buildings in favour of a single cohesive building which leaves the site more open than at present.
- Concerns about future change of use etc could be addressed by the LPA removing Permitted Development rights.

- Concerns about appearance could be addressed by adding conditions to control materials, finishes etc.

Local Representations: No comments received.

### **Summary of all planning policies and legislation relevant to the proposal:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (Post JR Version)
- Somerset Waste Core Strategy (2013)
- Somerset Mineral Plan (2015)

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

- CP1 – Mendip Spatial Strategy
- DP1 – Local Identity and Distinctiveness
- DP5 – Biodiversity and Ecological Networks
- DP7 – Design and Amenity of New Development
- DP8 – Environmental Protection
- DP9 – Transport Impact of New Development
- DP10 – Parking Standards

The following policies of the Local Plan Part 2 are relevant to the determination of this application:

- DP26 – Green Belt

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

- National Planning Policy Framework

- National Planning Practice Guidance
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

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

#### **Principle of the Use:**

The proposed development seeks to demolish an existing outbuilding and replace it with a larger and taller, car port building that will be constructed in a new location adjacent to the site access.

In accordance with Paragraphs 137 to 151 of Section 13 of the NPPF the government attaches great importance to Green Belts with their fundamental aim being to keep land permanently open and with a presumption against inappropriate new development except in very special circumstances. Paragraph 149 states that the construction of new buildings should be regarded as inappropriate in the Green Belt save for a number of exceptions, which are then listed.

With regards to this proposal the applicable exception to this application would be para. 149 (d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces.

Whilst it is acknowledged that during the lifespan of the planning application, there has been a reduction in the overall size and footprint of the car port building, the proposal still represents inappropriate development in a Green Belt as the building as proposed would be materially larger than that it would replace. The building has a larger volume than that which it replaces and is therefore technically materially larger.

However, whilst volume is a good starting point, it is recognised that whether the building is materially larger, cannot be purely a mathematical calculation and a visual assessment is also prudent. In this case, it is also considered that the replacement building would visually appear materially larger.

The proposed doubled car port building is a solid 3 solid walled structure that will have a more prominent location and be visible on the landscape. It would appear materially larger than the existing building.

It is considered that the proposal does not meet an exception as laid out in para, 149 and the development therefore represents inappropriate development in the Green Belt. No very special circumstances have been demonstrated that would result in a justification for a departure from this position.

It is noted that the Parish Council and Divisional Member support the current planning application. With the former confirming that the removal of the existing unsightly building and replacement with a consolidated one that was more visually appealing and not materially larger, would leave the site more open than two cars parked in front of the house.

The residential property of Little Pomeroy has a countryside location and is on the edge of Farleigh Hungerford. It has a very rural and open appearance and character and one that makes a positive contribution to the local appearance of the Green Belt with the existing outbuildings and wood stores adding visual interest but are not overtly prominent. The proposed double carport building involves the demolition of the existing outbuilding and wood stores that are discreetly located within the interior of the site. The former being built into an existing earth bank and surrounded by maturing trees and shrubs. The proposed double car port building with a pitched roof and three solid sides has a larger footprint than the existing outbuilding and given its location, next to the site access, will have a greater impact upon openness than the existing building.

The proposed development will also see the relocation of parked cars from the interior of the site, next to the host property, to one much closer to site boundaries and in a larger more prominent building. The proposed development because of its scale and massing will be visible from the public realm along Church Farm Lane, situated to the north. Whilst it is recognised the employment of timber/wood in the walls and matching roof tiles will lessen the visual impact of the building, it is considered that the carport will be viewed as an isolated, stand alone structure that despite some screening afforded by the front boundary hedgerow, will appear materially larger than the existing building.

### **Design of the Development and Impact on the Street Scene and Surrounding Area:**

Policy DP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. In the preamble of Policy DP4 it confirms that the Bath and Bristol Green Belt, in which this application is located, is the only statutory Green Belt within the former Mendip District area and that it covers a small area. DP7 states that the LPA will support high quality design, and that development should be of a scale, mass, form, and layout appropriate to the local context.

Notwithstanding the comments above with regards to the principle of development in the Green Belt, and the impact upon openness, the landscape character of the area is not

considered to be harmed by the development. Whilst more prominent than the existing outbuildings, it is within an existing residential curtilage. Again, notwithstanding the Green Belt matters, the garage is commensurate in scale with the size of plot.

Overall, the development is broadly compliant with Policies DP1, D4 and DP7 of the adopted Local Plan Part 1 (2014) and Part 12 and Part 13 of the National Planning Policy Framework.

### **Impact on Residential Amenity:**

Given the design, scale and siting of the proposed development the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

### **Assessment of Highway Issues:**

The proposed development does not seek to alter the existing access arrangements on site only to formalise the parking, through construction of a double carport structure to the side of the driveway. It is considered that there is ample room for the turning and manoeuvring of vehicles within the residential site and for them to leave the site in a forward gear. The proposal will not result in the creation of additional traffic movements.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policy DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

### **Environmental Impact Assessment**

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

### **Equalities Act**

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149. The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

## **Recommendation**

### Refusal

1. The proposed double car port building is considered to be materially larger than the building which it will replace and is therefore inappropriate development in the Green Belt. The very special circumstances needed to outweigh the general presumption against inappropriate forms of development has not been demonstrated. As such the proposal is contrary to advice contained within Section 13 of the National Planning Policy Framework and Policy DP26 of Local Plan Part 2.

## **Informatives**

1. This decision relates to LOCATION PLAN received on 23rd May 2023, 4298-02 A REVISED CARPORT SITE PLAN and 4298-04 A REVISED CARPORT LOCATION PLAN all received on 3rd August 2023.

