

Application Number	2023/1390/FUL
Case Officer	Jane Thomas
Site	The Wrangles Bristol Road Green Ore Wells Somerset
Date Validated	21 July 2023
Applicant/	Mr A Clothier
Organisation	
Application Type	Full Application
Proposal	Change of use of land to residential (C3 use class) to extend residential garden curtilage, erection of annexe and car port, and alterations to main dwelling (retrospective).
Division	Mendip Hills Division
Parish	Chewton Mendip Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Edric Hobbs Cllr Tony Robbins

What3Words – nurtures.discount.liner

Scheme of Delegation

As the application includes the Change of Use of land outside Development limits, and is therefore considered a departure from Planning Policy, under the scheme of delegation the application is referred to the Planning Committee (east) for consideration and determination as the officer recommendation is for approval. It is also noted that the Parish Council raised an objection to the application.

Description of Site, Proposal and Constraints

The Wrangles is a detached property set within open countryside to the north of the settlement of Green Ore. The site lies outside any development limits. The Wrangles is accessed from the A39 Bristol Road by a shared long private driveway which also serves as access to Long Wrangle Farm. Also within this small cluster of agricultural and residential development lies Rookery Farm, to the west of The Wrangles and with its own, separate, access from the B3135.

This is a retrospective application for the 'Change of use of land to residential (C3 use class) to extend residential garden curtilage, erection of annexe and car port, and alterations to main dwelling'

The site lies within the Mendip Hills Area of Outstanding Natural Beauty (AONB) and within SSSI risk zones.

Relevant Planning History

NB: relates to applications recorded under both UPRN 000250057522 Long Wrangle Farm, and UPRN 000250078850 The Wrangles, but all relating to this site

2023/0558/HSE	Erection of Car port & Annexe. Application withdrawn 27.04.2023
2017/2851/APP	Application for approval of details reserved by conditions 3 (external facing materials), 4 (external facing stonework) and 5 (bat survey) on planning consent 2016/0786/FUL. Approved 28.11.2018
2016/0786/FUL	Proposed conversion and extension of agricultural barn to form 1 dwelling. Approved with conditions
2017/2592/S106	Application to discharge Part II of Schedule 3 in the S106 for planning permission 102173/003 in respect of the selling of the holiday lets separately to the remainder of the property. Application withdrawn 19.12.2017
102173/003	Conversion of barn into three holiday units. Approved with conditions 15.10.2004

Summary of Consultation/Representations

Chewton Mendip Parish Council: Recommend refusal. No material planning reason given.

Divisional Member: No comment received

Neighbours: Two objections received relating to the Principle of the Use and to Residential Amenity

Local Representations: No other letters of local representation in response to site notices or press notices have been received

Full details of all consultation responses can be found on the Council's website

www.somerset.gov.uk

Relevant Planning Policy

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 (December 2021) (Post JR version)

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

- CP1 Mendip Spatial Strategy
- CP2 Supporting the Provision of New Housing
- DP1 Local Identity and Distinctiveness
- DP4 Mendip's Landscapes
- DP7 Design and Amenity of New Development
- DP9 Transport Impacts of New Development
- DP10 Parking Standards

Other possible Relevant Considerations (without limitation)

- National Planning Policy Framework (2023)
- Design and Amenity of New Development: Guidance for interpretation of Local Plan Policy DP7 Mendip District Council Supplementary Planning Document (2022)
- Dark Skies in the Mendip Hills National Landscape Position Statement (2022)
- Somerset Countywide Parking Strategy (2013)

Assessment of relevant issues

The considerations within this application are:

1. Alterations to the main dwelling

The Wrangles was converted into a dwelling from an agricultural building under application reference 2016/0786/FUL. During the course of that application discussions between the LPA and the applicant led to revised plans being submitted and against which the application was approved. This application seeks retrospective planning permission for alterations made to the approved dwelling. The differences between the plans, as approved and as built, are summarised below:

Application	Dimensions of kitchen extension and roof details (approximate dimensions taken from drawings - NW elevation measured for ridge height)	Configuration, roof ridge height and rooflight details of dwelling/ converted barn (approximate dimensions taken from drawing)
2016/0786/FUL - as approved	Floor plan 12m x 7m Flat roof height 2.7m No solar panels	Single storey Ridge height 4.6m Rooflights: 5 to southwest roof slope, 3 to northwest
2023/1390/FUL - as submitted (as built)	Floor plan 13m x 7m Flat roof 3.1m Solar panels	1.5 storey with bedroom accommodation to first floor Ridge height 5.3m Rooflights: 7 to southwest roof slope, 2 to northwest

2. Erection of carport

No previous application has been made for this structure. The carport has a ridge height of 4.6m and an eaves height of 2.27m and is located within 2m of the west boundary of The Wrangles, adjacent to Rookery Farm. The carport is single storey and includes enclosed storage to either side of the open part of the structure

3. Change of use of land from agricultural to residential

This part of the application seeks to regularise the enlargement of the residential curtilage. This primarily concerns a parcel of land to the south-east of the dwelling but also smaller strips of land to the north-west and north-east of the dwelling.

4. Erection of annexe on that parcel of land

An annexe has been erected to the south-west corner of the enlarged domestic curtilage of The Wrangles. This structure has two rooms (one containing a kitchenette) and a bathroom. There is a pathway connecting the annexe to the parking area and hence to the dwelling. There are clear lines of sight between the dwelling and the annexe and no subdivision of the plot with fencing or any other measures. The stated use of the annexe is as ancillary accommodation for the main dwelling. A kitchenette and bathroom within the annexe are not inconsistent with this stated use.

Officer Assessment

Principle of the Use

Planning application reference 2016/0786/FUL approved the conversion of an agricultural barn to a dwellinghouse. The principle of the residential use of this property is therefore sound.

Whilst the decision notice removed Permitted Development Rights from the property this did not prevent any further development of the site but only required that planning consent would be required for any such proposal.

Alterations to the dimension of the dwelling, to the roof, and the erection of the garage contained within any planning application would therefore be considered against the policies listed above.

The application for the Change of Use relates to a small parcel of land that is directly adjacent to, and closely associated with, the existing, previously approved, residential curtilage of the host property. Although the site is outside development limits the proposal is for the extension of the existing residential curtilage which would be ancillary to an existing dwelling and not for an independent use. As such the development would not be considered to result in an increase in vehicle movements or other impact that would make this an unsustainable development.

Given the siting and size of the plot it is not considered that the change of use to residential curtilage will affect the agricultural use of the surrounding land.

Therefore, although the proposal for the change of use element of this application would not have policy support and therefore be considered a departure from the Local Plan, the overall scheme is considered acceptable in terms of potential harm and the manner in which the new use will function in association with the existing dwelling.

The erection of the Annexe is therefore considered as the erection of an outbuilding within the residential curtilage of The Wrangles and will also be considered against the policies listed above.

Design of the Development and Impact on the Surrounding Area

The Wrangles is not visible from the public highway therefore the considerations within this application are solely of its impact upon the wider surrounding area.

The alterations to the dimensions of the dwellinghouse, including those to the roof of the converted part of the dwelling, compared to those previously approved, and the addition of the solar panels to the roof of the kitchen extension, do not affect the overall appearance of the property as a detached, barn conversion, dwelling in the countryside.

When viewed from the landscape or from neighbouring properties, and, in the context of the permission as a whole, the similarities outweigh the differences. The building appears broadly as though it was constructed to the approved plans. The materials match those approved, the overall layout pattern is the same, and the dimensions are similar. The main differences are a slight change to the roof pitch and only minor changes to the fenestration.

The larger dimension of The Wrangles as exist now are therefore not considered to have an adverse impact upon its wider setting. The insertion of two additional rooflights over the number previously approved is not considered to have any additional impact upon the dark skies of the AONB. With regard to the solar panels, the maximisation of renewable energy generation on site is supported within the Local Plan.

The erection of the carport structure at The Wrangles reads as part of the established residential use of the site and, again, is not considered unreasonable, in principle, within this context. Materials used match or complement those of the main dwelling.

The change of use of a section of the adjacent agricultural land to provide additional garden space for The Wrangles has served to 'square off' the curtilage of the property. Prior to the erection of the annexe (see below) the only development to affect the character of this section of land as part of the development of the site consisted of new boundary treatments being installed.

The site lies within the Mendip Hills Area of Outstanding Natural Beauty but, given that The Wrangles was already existing on site, it is not considered that a change of use of a small parcel of land results in wider harm to this protected landscape.

The approach to the Wrangles along the access driveway offers a vista of the small cluster of residential and agricultural development that includes The Wrangles and also Long Wrangle Farm and the rear elevations of the built form of Rookery Farm. This reads as a small rural settlement, and boundaries between the properties have been altered in the past. It is not uncommon for properties in rural areas to have larger gardens and as such the wider residential curtilage does not look out of character.

The erection of the annexe increases the range of the built form at the site. However, it is a single storey structure and materials use match or complement those of the main dwelling.

Given the above, it is considered that the development at The Wrangles, including the carport, the change of use of land, and the erection of the annexe, do not collectively have a significant detrimental impact on the character of the area. The proposal therefore complies with DP1, DP4 and DP7 of the Mendip Local Plan Part 1.

Impact on Residential Amenity

The alterations to the dwelling, the garage, the addition to the domestic curtilage and the annexe are all considered to be of amenity benefit to current and future occupants of The Wrangles.

Consideration must also be given to the impact of these developments upon the amenity of the occupants of neighbouring dwellings.

The dwelling associated with Long Wrangle Farm lies to the south of The Wrangles. The amenity of the occupants of that dwelling was considered as a part of planning application 2016/0786/FUL that approved the conversion of an agricultural barn to a dwellinghouse. There is good separation between Long Wrangle Farm farmhouse and The Wrangles and it is not considered that the alterations and additions to the principal dwelling on the site as covered by this application will have had any adverse impact upon the occupants of that dwelling. Similarly, the carport lies at a good separation from Long Wrangle Farm and, as established above, reads as part of the established residential use of the site, and is not considered to cause any adverse amenity impact to the occupants of that dwelling.

Rookery Farm is a substantial property immediately to the west of The Wrangles. Rookery Farm has its own access from the B3135 and the front elevation of the dwelling is to that direction. Rookery Farm does however have a number of one and two storey domestic extensions and ancillary outbuildings to the rear (east) between the dwelling and the boundary with The Wrangles.

A site visit was made to Rookery Farm to view the development at The Wrangles from that perspective.

The additional rooflights within the roof slope of The Wrangles are visible from both within the grounds to the rear of Rookery Farm and from the upper floors of the dwelling. The solar panels on the kitchen extension can be seen in profile from the grounds to the rear of Rookery Farm. However it is not considered that either of these elements have an adverse effect on the amenity of occupants of Rookery Farm. The environmental benefit of the solar panels is a factor in this consideration.

The new roof of the carport at The Wrangles is fairly steeply pitched and is visible from the grounds and extensions to the rear of Rookery Farm. Whilst it is close to the boundary between the properties there remains good separation between the carport and the built form of Rookery Farm. The orientation means that whilst the carport may cast some shade into the grounds of Rookery Farm in the morning at certain times of the year this is not the case as the sun passes to the west during the course of the day.

The annexe that has been erected upon the 'new' parcel of land at The Wrangles is screened by both a tall evergreen hedge to the rear of the garage of Rookery Farm and by the boundary wall between the two properties. It is not visible from the Rookery farm house nor from the buildings to the rear or from the garden itself, though may be visible in glimpsed views from within the Rookery Farm greenhouse which forms part of the boundary between the two properties.

Therefore, on balance, it is considered the overall height, scale, and massing of the developments at The Wrangles do not collectively 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.

Highway Safety and Parking Provision

The development at The Wrangles has not affected access to the property and parking provision remains generous, meeting or exceeding the requirements of the Somerset Countywide Parking Strategy in terms of parking and turning space at this location. As such the development at The Wrangles maintains highway safety in accordance with policies 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, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Planning Balance & Conclusion

The overall development to the principal dwelling as completed and proposed retrospectively by this application have been assessed against the policies of the adopted Local Plan as referred above and are considered acceptable

Whilst the extension to the residential /garden curtilage and the delivery of the ancillary building includes a change of use of land, the existing lawful use of which is an agricultural use, the scope and extent of this is limited.

Assessment of the proposal has concluded that, taken as a whole, the elements contained within this application have no unacceptable adverse impact upon the landscape, adjoining land uses, or the amenity of occupants of neighbouring properties.

On this basis the application scheme is considered on balance to represent a sustainable form of development, and it is therefore recommended that planning permission be granted, including for the element of the proposal that represents a departure from the development plan.

Condition: Ancillary Use.

Recommendation

Approval

Conditions

1. Standard Time Limit (Compliance)

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

Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as

amended) and to avoid the accumulation of unimplemented planning permissions.

2. **Plans List (Compliance)**

This decision relates to the following drawings:

2015/CLOTHIERA/01/S01 Existing Site Plan and Elevations

H6278/003 Location and Site Plan as Pre-existing

H6278/100A Outbuilding Floor Plans as Elevations as Proposed (retrospective)

H6728/001A Location and Site Plan as Proposed (retrospective)

H6728/002 Floor Plans and Elevations as Proposed (retrospective)

Reason: To define the terms and extent of the permission.

3. **Removal of Permitted Development Rights - No extensions or alterations to roof (Compliance)**

Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no external alteration, extension or enlargement to the roofs of the dwelling/s or existing outbuilding/s hereby approved unless a further planning permission has been granted by the Local Planning Authority.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Development Policies 1 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Removal of Permitted Development Rights - No outbuildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling(s) hereby approved, other than those granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area and residents in accordance with Development Policies 1 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Ancillary Use Only (Compliance)**

The carport development hereby approved shall not be used other than for purposes

ancillary to the dwelling known as The Wrangles, Bristol Road, Green Ore, BA5 3ET."

Reason: To safeguard the amenities of nearby occupiers in accordance with Development Policy 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Ancillary Use (Compliance)**

The Annexe development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as The Wrangles, Bristol Road, Green Ore, BA5 3ET; and shall not be occupied as an independent dwelling unit.

Reason: In accordance with the application scheme details; given that there is no development plan policy support for an independent residential use and furthermore it has not been demonstrated that the additional accommodation hereby approved is capable of independent occupation without adversely impact on the amenities of the locality and in accordance with Development Policies 1, 7 and 10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
3. **Building Regulations Approval**
Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website: <https://buildingcontrol.somerset.gov.uk/>

