



Appeal Decision

Site visit made on 23 November 2023

by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 December 2023

Appeal Ref: APP/R3325/D/23/3322807

Dairy House Farm, Buckland St Mary, Chard, Somerset TA20 3QZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Layard against the decision of Somerset Council.
 - The application Ref 23/00120/HOU, dated 15 January 2023, was refused by notice dated 22 March 2023.
 - The development proposed is alteration and extension to barn including internal reconfiguration of kitchen / lounge space.
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Decision

1. The appeal is allowed and planning permission is granted for alteration and extension to barn including internal reconfiguration of kitchen / lounge space at Dairy House Farm, Buckland St Mary, Chard, Somerset, TA20 3QZ, in accordance with the terms of the application, Ref 23/00120/HOU, dated 15 January 2023, and subject to the conditions set out in the attached schedule.

Preliminary Matter

2. The appeal was submitted against the decision of South Somerset District Council. However, Somerset Council has now taken over the functions of South Somerset District Council. Somerset Council has therefore been named in the banner header, above.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the existing building and on the local area.

Reasons

4. The appeal site comprises Dairy House Farm, a converted former agricultural building, and its grounds, which includes a kitchen garden, a garden, and a terrace which provides long views over the valley.
5. Dairy House Farm is found within a cluster of other barn conversions of a similar architectural style. In this regard, I observed that the north-western elevation of Butterlaw Cottage, which is clearly visible from within the site, contains extensive amounts of glazing, which gives that part of that building a contemporary feel. Similarly, from within the site I observed another building beyond Butterlaw Cottage which also has a considerable amount of glazing on the elevation which faces the site.
6. In this context, with nearby buildings exhibiting a partially modern aesthetic, the amount of glazing used for the proposed single storey rear extension would

not appear out-of-place. This element of the proposed development would also add interest to the existing building, whilst not overpowering it, due to its simple and elegant form. Moreover, although this element of the proposed development would be domestic in nature, as a single-storey structure it would appear subordinate in height to Dairy House Farm. It would extend the footprint of Dairy House Farm, but not by a significant margin.

7. The other alterations proposed, including a window to the master bedroom, a rooflight to the hallway, and a canopy over the entrance, would all be features of limited scale such that they would not greatly alter the appearance of the existing building when considered as a whole. An element of original building fabric would be lost via the proposed development, but a significant amount of fabric which contributes to the significance of Dairy House Farm as a former agricultural building would remain.
8. Taking all of the above into account, and noting that the proposed materials would complement the agricultural heritage of the building, I consider that the proposed development would appropriately modernise Dairy House Farm, without undermining its historic interest as a former agricultural building.
9. The wider area is rural, with a large expanse of fields interspersed with hedgerow and trees being visible from the terrace on site. However, the site is significantly set-back from public vantage points such that the proposed development would be barely perceptible from beyond the immediate vicinity.
10. I therefore find that the proposed development would have an acceptable effect on the character and appearance of the existing building and on the local area. It would comply with Policy EQ2 of the South Somerset Local Plan (2006 – 2028) (adopted 2015) which provides that, amongst other things, development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district.
11. The proposed development would also comply with paragraph 130 c) of the National Planning Policy Framework (the Framework) which provides that, amongst other things, planning decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities).

Other Matters

12. The conduct of the Council during the processing of the planning application is not a matter that I can assess in the context of a planning appeal.
13. It is common ground between the main parties that the proposed development would not adversely affect the landscape and scenic beauty of the Area of Outstanding Natural Beauty¹ within which the site is located. Given the limited scale of the proposed development in its wider context, I concur with this assessment.

¹ Since 22 November 2023 Areas of Outstanding Natural Beauty are known as National Landscapes.

Conditions

14. I have had regard to the conditions suggested by the Council. I have considered them against the advice on conditions set out in the Framework and the Planning Practice Guidance. Conditions are necessary, in the interests of clarity and enforceability, setting out the timescale for the commencement of development (condition 1) and the approved plans (condition 2), respectively.
15. The appellants have suggested that a condition should be imposed to confirm the specification of the facing materials. I have imposed a condition to secure this, in the interests of safeguarding the character and appearance of the existing building and the local area (condition 3).
16. The submitted Ecology Report² states that the eaves of the dwelling are used by house martins, with several nests noted to the north-west elevation and to both sections of the dwelling. Given that their nests are protected by law, it is necessary for a condition to be imposed prohibiting construction works between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before works commence and no active birds' nests have been identified (condition 4).
17. As condition 4 provides the necessary protection for any active birds' nests, I have not imposed a condition requiring artificial nest cups to be erected under the retained eaves, as such a condition would not be necessary to make the development acceptable in planning terms, and accordingly would not comply with paragraph 56 of the Framework, which provides that, amongst other things, planning conditions should be kept to a minimum and only imposed where they are necessary. The appellants will nevertheless be aware of the recommendation in this regard contained within the submitted Ecology Report.
18. Similarly, as the Ecology Report states that the dwelling has negligible potential for roosting bats, and the cherry tree mentioned in the Ecology Report is not protected by a Tree Preservation Order, the evidence does not indicate that planning permission would otherwise be refused in the absence of planning conditions relating to bats and trees. Therefore, whilst the appellants will be aware of the recommendations within the Ecology Report in relation to the installation of a bat box and the planting of 2 native fruit trees, conditions relating to these matters are not necessary in the terms of paragraph 56 of the Framework.
19. The Ecology Report does not raise concerns with respect to the effect of any potential light pollution on protected species and given the limited scale of the proposed development, and in the absence of substantive evidence to indicate otherwise, I consider that a condition minimising light pollution is not necessary in this case.

Conclusion

20. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be allowed.

Alexander O'Doherty

INSPECTOR

² Ecology Report (SWE Limited) (November 2022) (SWE Ref: SWE 709)

Conditions Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (Drawing No. 005), Site Block Plan (Drawing No. 006), Ground Floor Demolition Plan (Drawing No. 060), First Floor Demolition Plan (Drawing No. 061), Proposed Site Plan (Drawing No. 110), Proposed Ground Floor Plan (Drawing No. 120), Proposed First Floor Plan (Drawing No. 121), Proposed Roof Plan (Drawing No. 122), Proposed North-West Elevation (Drawing No. 130), Proposed North-East Elevation (Drawing No. 131), Proposed South-East Elevation (Drawing No. 132), Proposed South-West Elevation (Drawing No. 133), Proposed Section A-A (Drawing No. 140), Proposed Section B-B (Drawing No. 141), Proposed Section C-C (Drawing No. 142), Proposed Section D-D (Drawing No. 143), Artist's Impression (Drawing No. 150), Artist's Impression (Drawing No. 151), Artist's Impression (Drawing No. 152), Artist's Impression (Drawing No. 153).
- 3) No development above ground works (slab level) shall commence until details / samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details / samples.
- 4) Construction works relating to the development hereby permitted must not commence between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before works commence and no active birds' nests have been identified. Any birds nesting will be left to complete breeding (i.e. until all dependant juveniles have fledged) before construction works relating to the development hereby permitted shall commence.

End of Conditions Schedule