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| Application Number | 2023/1535/FUL |
| Case Officer | Jennifer Alvis |
| Site | Barn At Lower Shots Ashmoor Drove Bleadney Wells Somerset |
| Date Validated | 10 August 2023 |
| Applicant/ Organisation | Mr & Mrs Denton & Nicodemi |
| Application Type | Full Application |
| Proposal | Convert existing barn to 1no. dwelling, with erection of two storey extension (following demolition of other existing barns). |
| Division | Mendip West Division |
| Parish | Wookey Parish Council |
| Recommendation | Approval |
| Divisional Cllrs. | Cllr Heather Shearer Cllr Ros Wyke |

7. **What.3.Words:** elevated.emulating.cover

Scheme of Delegation:

The officer recommendation is for approval , and therefore in accordance with the scheme of delegation this application is referred to Planning Board as a departure from the local plan.

Description of Site, Proposal and Constraints:

The application site is located at Lower Shots, Ashmoor Drove in Bleadney. The site contains an existing farm complex with a number of agricultural buildings located around the application site.

The site is located outside the settlement limits as identified in the Mendip District Local Plan Part I: Strategy and Policies (December 2014) (MDLP) and within the Somerset Levels and Moors Ramsar catchment area. The access to the site also falls within Flood Zone 2 and Main River Buffer Zone, a Public Right of Way runs to the south of the barn across the proposed curtilage and a Local Wildlife Site and Priority Habitat lie adjacent to the site.

This application seeks full permission for the conversion and extension of an existing barn to create a 5no. bed dwelling. The site currently benefits from consent for the conversion of the barn to a 2no. bed dwelling under Prior Approval Class Q (ref: 2022/2294/PAA), which remains extant. To facilitate the new extended element of the dwelling, existing barn buildings surrounding the main barn (to be retained and converted) will be demolished. The new build will largely sit within the footprint of the demolished barns.

The proposal will utilise the existing access from Ashmoor Drove, a single lane unclassified carriageway.

Relevant History:

18512/001 – Erection of single storey agricultural workers dwelling. Approved 21.12.2005

2022/2294/PAA - Prior Approval for a proposed change of use of agricultural building to a single dwelling with associated operational development. – Prior Approval Required and Given – Jan 2023

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

Ward Member: No comments received.

Parish Council: Approval

Highways: Standing Advice

Environmental Protection: No objection

Contaminated Land: No objection.

- Due to the nature of farms, it would be advised to keep a watching brief for potential hotspots of contamination.

Lead Local Flood Authority: No comments

SCC Rights of Way: No objection subject to conditions which requires a diversion order to footpath WS 5/10 due to the proposed hedge blocking the current path. A temporary closure for the public footpath WS 5/10 will be required for the duration of the demolition works.

Case Officer Note - Revised Plans were received during the life of the application which moved the hedge further north and away from the public right of way so no obstruction would occur.

SCC Ecology: No objection subject to conditions. Due to the absence of further bat surveys, it is necessary to assume that roosting bats are present within the site and a condition is required to ensure compliance with local and national policy. A condition requiring biodiversity net gain is also suggested, along with relevant informatives to ensure that the applicant is aware of the requirement to protect certain species and their habitats.

Local Representations: No letters of local representation have been received

Full details of all consultation responses can be found on the Council's website www.somerset.gov.uk

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 (December 2021) Post JR Version
- Somerset Waste Core Strategy (2013)

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

- CP1 (Mendip Spatial Strategy)

- CP2 (Housing)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- 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:

Policies CP1 and CP2 of MDLP seek to direct new residential development towards the Principal settlements and within defined Development Limits, which is consistent with the aims of creating sustainable development and protecting the countryside as described in the NPPF. Policy CP4, amongst other things, seeks to strictly control residential development in the open countryside save for specific exceptions (Development Policies 12, 13, and 22), which do not apply in this case as the proposal extension to the barn would go beyond that permitted under DP22. Policy CP1 directs that new housing should be located in sustainable locations in the 5 market towns and villages near to services and facilities.

The Local Planning Authority (LPA) cannot currently demonstrate a five-year housing land

supply in accordance with the requirements of the NPPF. As a result, the policies within the Local Plan, which seek to prevent new housing outside the development limits of settlements (CP1, CP2 and CP4) currently have limited weight. Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the NPPF applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF taken as a whole or where its specific policies indicate that development should be restricted.

The planning history is a material consideration and in 2023, reference 2022/2294/PAA, Prior Approval was granted for the change of use of the barn to a residential dwelling. That permission remains extant and as such could still be implemented. It is accepted that the proposal for prior approval of permitted development need not be subject to an Habitat Regulations Assessment (HRA) and therefore no mitigation with regard to any possible increased phosphate loading can be required. This is discussed further in the ecology section below.

Although the site is outside the settlement limits where development is strictly controlled there is planning history on the site in the form of the 2023 Prior Approval mentioned above, for the conversion of the barn to a residential dwelling. As this permission remains extant, it is a material consideration when determining the current application for the conversion and extension of the barn with one 5no. bed dwelling.

The principle of the residential use on this site has been established and is considered acceptable and in line with the provision of Class Q, of Part 3, Schedule 2 of the General Permitted Development Order under 2022/2294/PAA. Further consideration of the design of the proposal, and its impact on the character and appearance of the area, highway safety, ecology, neighbour amenity etc. will be discussed below.

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

The current proposal seeks to convert the traditional red brick barn on the site and demolish the surrounding existing barns to construct new build extensions to form a 5no bed residential dwelling. This will result in a larger property than previously permitted under the prior approval for the conversion only, however, the buildings to be demolished are largely modern steel framed barns and add little to the visual character of the area. The conversion of the red brick barn is sympathetic to the original character of the barn and the proposed extensions are of a contemporary design, incorporating timber cladding and zinc roof, which complements the traditional red brick building while not appearing out of character in a rural area.

Although the proposal results in a larger dwelling, the footprint of the new extensions will lie within the footprint of the demolished barns and will be a similar height to the existing. The site is large enough to accommodate the increase in footprint without appearing as over-development or resulting in a cramped appearance.

The existing buildings to the north, including the farm house, will largely screen the proposed development when viewed from Ashmoor Drove. Although there is a public right of way which runs immediately to the south of the barns, it's considered the proposal would result in an enhancement of the immediate setting given the current state of the existing farm buildings and that the footpath currently through the middle of an existing cattle yard..

As matter of planning balance it is considered that the conversion of the red brick barn to a dwelling and demolition of the adjacent steel framed farm buildings and replacement with a new build extension would be sympathetic to the location and size of the site, would respect the rural character the area and would lead to an enhancement of the immediate setting in accordance with DP1, DP4 and DP7 of the Local Plan Part 1

Impact on Residential Amenity:

The closest residential property is the farmhouse known as Hurn Farmhouse to the north east of the site. However, it's considered that the two dwellings are of a sufficient distance from each other and angled at such a way that there would be no resulting harm to the residential amenity of either property. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

The application site is mapped by Natural England as falling within the water catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates, which is currently in an unfavourable condition. As such the proposal may have the potential to contribute to additional phosphate loading in the Ramsar site. Planning applications for such proposals are normally subject to an HRA under the Habitat Regulations. However, applications for prior approval of permitted development under the provisions of the General Permitted Development Order 2015 (as amended) are treated differently. Natural England have pointed out that ODPM circular (06/05 & 01/2005) advises that permitted development affecting the Ramsar is not required to be subject to HRA through the prior approval process, because the Habitats Regulations relating to permitted development (Regs 75-77, formerly Reg 60) are stated to not apply to Ramsar Sites, as a matter of policy.

The Council has sought advice on this matter and agrees with Natural England's position.

On this basis and taking into account the approval to convert the existing barn on the site into a residential dwelling (LPA case ref: 2022/2294/PAA) it is considered that the applicant has a legitimate implementable scheme to deliver a dwelling on the site, It is therefore considered that a Habitats Regulations Assessment in this instance is not required.

The Application relates to land and buildings that already have consent to be either converted, or demolished, pursuant of approval 2022/2294/PAA. There will be no greater impact on the ecology than the extant Class Q approval. Conditions are recommended to safeguard ecological habitat across the site and to achieve biodiversity net gain.

The proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Policies DP5, DP6 and DP8 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

There is an existing access to the site which will be utilised to serve the proposed dwelling and has previously been considered acceptable as assessed under

2022/2294/PAA. There is ample space within the site for the parking and turning of vehicles.

Revised plans received during the life of the application showed that the garden boundary hedge would be moved further north so it doesn't interfere with the existing footpath. The footpath as currently mapped, runs through the cattle yard and an existing barn building meaning users would have to divert from the path. The new proposal would result in an improved scheme which allows footpath users to follow the path directly rather than diverting around the cattle yard and barn.

Given the topography of the lane and the likely traffic speeds it is considered that 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.

Drainage:

While a drainage engineer did not comment on this application, the main buildings fall outside the Flood Zones with only the existing access being within Flood Zone 2. Given that the access is existing and in use for Hurn Farmhouse, as well being found acceptable for a further residential use under 2022/2294/PAA, it's not considered that the new proposal would have any greater impact.

The area proposed for redevelopment in terms of the extension and conversion, are already previously developed land and therefore no greater surface water run off would result from the build. The large concrete yard area to the south of the red brick barn is proposed to be turned into garden space for the property resulting in less hardstanding than currently on site.

The proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 of the adopted Local Plan Part 1 (2014) and Part 15 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.

Conclusion and Planning Balance:

The overall thrust of Government Policy as set out in the updated NPPF is to encourage the delivery of sustainable development and requires Local Authorities to boost significantly the supply of housing. As the Council cannot demonstrate a 5 year housing land supply, this application is considered in the tilted balance as set out in para 11d of the NPPF is engaged, confirming that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole.

In this case no material harm has been identified regards the application proposal - refer to assessment above. The fact that the site already benefits from permission for a barn conversion is recognised and taken into account in arriving at this conclusion, and should be given significant weight.

In summary, given that the site already benefits from a fall back position in the barn conversion, the new proposal will not result in any additional harm above that already permitted in terms of sustainability, and no material harm has been identified. The application is therefore recommended for approval as a departure from the Development Plan.

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: PL4965/1, PL4965/2, PL4965/3A, PL4965/4, PL4965/5A, PL4965/6, PL4965/7A

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

3. **Materials - Submission of Schedule and Samples (Bespoke Trigger)**

No construction of the external walls of the development shall commence until a schedule of materials and finishes, and samples of the materials to be used in the construction of the external surfaces, including roofs, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out only in accordance with the approved details.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Access, Parking and Turning Areas (Pre-occupation)**

No occupation shall commence until the access, parking and turning areas have been constructed in accordance with details shown on the approved plans. The vehicular access, parking and turning shall thereafter be kept clear of obstruction and shall not be used other than for the access and parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that suitable access, parking and turning areas are provided and thereafter retained in the interests of amenity and highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Bat Protection (Bespoke Trigger)**

Due to the absence of further bat surveys, it is necessary to assume that roosting

bats are present within the site. The following condition is required to ensure that the LPA fulfils its legal duty of 'strict protection' of European protected species: Works will not in any circumstances commence until:

- a) Construction and demolition operatives have been inducted by a licensed bat ecologist to make them aware of the possible presence of bats, their legal protection and of working practices to avoid harming bats. Written confirmation of the induction will be submitted to the Local Planning Authority by the licensed bat ecologist within one week of the Fse talk
- b) To provide suitable alternative roosting location and to accommodate any discovered bat(s) a bat box will be hung on a suitable tree on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. Any such box will be maintained in-situ thereafter. Photograph[s] showing their installation will be submitted to the Local Planning Authority
- c) Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Reason: A pre-commencement condition in to ensure the strict protection of European protected species and in accordance with policy DP5 and DP6 of the Mendip Local Plan

Reason: A pre-commencement condition is required to ensure the strict protection of European protected species and in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Wildlife Protection and Enhancement (Pre-occupation)**

No occupation of the dwelling shall take place until full details and evidence of implementation, using photographs if necessary, of a Wildlife Protection and Enhancement Scheme have been submitted to and approved in writing by the local planning authority.½ These details shall include:

- a) A Habibat 001 bat box or similar will be built into the new dwelling at least four metres above ground level and away from windows of the west or south facing elevation;
- b) Two Vivara Pro Woodstone Nest Boxes (1x 32mm hole version and 1x open front design)) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter.
- c) Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site.
- d) Provision will be made for nesting swallows, for example within a structure

providing shelter, such as an open fronted log store or bespoke box attached to the wall, and with the provision of artificial two artificial nest cups within.

e) A bee brick built into the wall about 1 metre above ground level on the south or southeast elevation of the dwelling. Please note bee bricks attract solitary bees which do not sting.

f) One log pile as a resting place for reptiles and or amphibians constructed within the wider ownership boundary.

All works within the scheme shall be carried out in accordance with the approved details prior to the occupation of the development.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014) and paragraph 174(d) of the National Planning Policy Framework

7. External Lighting (Bespoke Trigger)

No external lighting shall be erected or provided on the site until a "lighting design for bats" has been submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall thereafter be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design.

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

8. Removal of Permitted Development Rights - No extensions or alterations (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 extension, external alteration or enlargement of the dwelling or other buildings hereby approved shall be carried out 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 and in accordance with Development Policies 1, 4, 7 and 22 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

Informatives

1. Condition Categories

Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of

conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. 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.
3. 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.
4. 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/>
5. Due to the nature of farms, a watching brief should be kept for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.
If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.
6. Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

7. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

8. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

9. No vegetation removal works or demolition works around the site shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of the buildings/ structures, trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.