

Application Number	2024/0025/FUL
Case Officer	Kelly Pritchard
Site	Grove House Lubborn Lane Baltonsborough Glastonbury Somerset
Date Validated	8 January 2024
Applicant/	Peto
Organisation	
Application Type	Full Application
Proposal	Demolition of existing outbuildings and erection of new outbuilding including the change of use of land to residential garden. (amended description)
Division	Mendip South Division
Parish	Baltonsborough Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

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Referral to Planning Committee:

In accordance with the scheme of delegation, this application is being referred to the Planning Committee as a departure to the development plan. The case officer recommendation is to approve with conditions, the Parish Council made no objections, and the Divisional Member did not submit a comment.

Description of Site, Proposal and Constraints:

This application relates to Grove House, which lies to the north of Lubborn Lane, Baltonsborough.

The property is a detached two storey house sited in extensive curtilage in a location on the outskirts of the village. Immediately adjacent to the dwelling on the south side, is a large two storey building which benefits from a certificate of lawful proposed development for the use of the building to provide separate living accommodation with the same single family occupation.

To the north east of the house the land is higher and the house is 'dug' into the land at that end of the building. To the east of the house there are some existing outbuildings.

The site has an existing vehicular access from a 4 unclassified road which is to remain unaltered as part of the development proposed.

The site is located outside the defined development limits and within the Somerset Levels and Moors Ramsar Risk Area.

The application seeks planning permission for the demolition of existing outbuildings to the south east of the house and erection of new outbuilding to the north east of the existing house on land which is currently part of a former orchard/agricultural land in the applicants ownership. As such the proposal includes the extension of the garden into this land as shown by the red line on the outbuilding location plan, drawing reference 1843/001.

The new outbuilding is proposed to be used for ancillary garden and machinery storage and will have a green house at one end. It will be clad in timber with a single brick gable behind the greenhouse on the south wet elevation. It proposes a metal roof with solar PV panels. A new track is also proposed within the site to access the building.

The building will be sunk into the ground slightly but when viewed from its front elevation the ridge height will be approximately 4m.

Planning permission has recently been granted for extension and alteration to the house under reference 2024/0027/FUL.

Relevant History:

085198/001 – Certificate of Lawfulness for the erection of a conservatory and conversion of attached outbuilding to annexe. Approval. 16.06.93

085198/002 – Conversion to form new dwelling. Approval. 07.07.95

085198/003 – Renewal of consent 085198/002 for the conversion of outbuilding to form new dwelling. Approval. 31.03.00

085198/004 – Lawful development certificate for a proposed use of a curtilage building to provide separate living accommodation in the same single family occupation. Permission not required. 03.06.08

2024/0027/FUL – Extension and alteration to existing house. Approval. 06.03.24

Summary of Divisional Councillor comments, Parish Council comments, representations and consultee comments:

Divisional Member: No comments received.

Baltonsborough Parish Council: Approval.

Local Representations:

We have received a neutral comment from the neighbouring property (The Long House) and their comments are summarised below;

- The building will be built on agricultural land.
- Concern about the height of the building impacting our view.
- We welcome the suggestion from the applicant that they will be sinking the building into the ground by 1m and screening it with trees, but would prefer the building to be no higher than the existing garden wall with tree screening.

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 strongly 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, 16 December 2022)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

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

- CP1 (Mendip Spatial Strategy)
- 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 of New Development)
- 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 (NPPG)
- 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 application relates to a small parcel of land that is directly adjacent to the existing residential curtilage of the host property and within the applicant's ownership, although the site is outside development limits, the parcel of land in question is closely associated with the main house. While the site is outside developments, the proposal is for the extension of the existing residential garden, the provision of a track and a new ancillary building which would all be ancillary to an existing dwelling and not for an independent use. As discussed later in this report, the impact of the built development and garden extension is not considered to have a significant impact on the wider landscape or the amenity of the neighbouring property. 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 garden will affect the historic grazing use of the remaining field area.

Therefore, although the proposal for the change of use of the land and the erection of a building and track 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.

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

The existing outbuildings to be demolished are a stable style building and open sided log store which are of no particular architectural merit.

The proposed building will sit on land which is higher than the ground floor of the existing house. Due to the sloping topography of the site the building will be sunk into the land which will reduce its overall impact. The existing hedgerows surrounding the site reduce the distant views of it although the hedge on the north west boundary is thinning and has been removed in part. The submitted Design and Access Statement states that this hedge line will be replanted with native species. The internal access track is also considered acceptable and will be read in the context of the dwelling and its associated residential paraphernalia.

The proposal by reason of its design, siting, scale, massing, layout and materials is acceptable and contributes and responds to the local context and maintains the character and appearance of the surrounding area. The proposal accords with Policies DP1, DP4 and DP7 of the adopted Local Plan Part 1 (2014).

Impact on Residential Amenity:

There are neighbouring residential properties to the north east and south west of the dwelling but given the size of the application site and the land between the site and those dwellings, it is considered that the proposal will not have an adverse impact on their amenity.

The comment from the neighbour about views is acknowledged but loss of view is not a material planning consideration.

Given the design, scale, massing 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, odour, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014).

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. However, given the proposal would not result in an increase in households, the proposal would not result in an increase in net phosphate outputs in the area. It is therefore considered unlikely that the proposed development would pose a risk to the designated features of the SPA and Ramsar, and the

LPA has taken the view that a Habitats Regulations Assessment in this instance is not required.

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).

Assessment of Highway Issues:

The means of access to the highway and parking arrangements will not be impacted by the proposal.

Environmental Impact Assessment:

This development is not considered to require an Environmental Assessment 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:

In terms of the proposed change of use on part of an existing field to provide a new ancillary outbuilding and access track and extension of the garden, whilst it is acknowledged that the development will be outside development limits, it will be close to the existing residential property (and will be restricted in terms of its future use). From an assessment point of view, given the scope of the proposals and the extent to which the proposed use of the land is to be controlled, the proposed use is not considered to have a detrimental impact on the adjoining land uses.

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 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: 1843/001, 1843/012, 1843/034, 1843/035, 1843/042, 1843/052, 1843/053.

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

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

The development, including the change of use of land hereby approved and shown edge red on the submitted outbuilding location plan (drawing number 1843/001), shall not be used other than purposes ancillary in connection with the residential dwelling referred to as Grove House, Lubborn Lane, Baltonsborough.

Reason: In accordance with the proposals as submitted and given that there would be no policy support for a separate residential use or occupation on the site, and in accordance with policies CP1, CP2 and CP4 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Materials (Compliance)**

The development hereby approved shall be carried out using external facing materials as specified on the application form.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Development Policies 1, 4 and 7 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 145GBP per request (or 43GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the Planning Portal, see 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. 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. 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.

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/>