

Application Details	
Application Reference Number:	06/24/0009
Application Type:	Retention of Building/Works etc.
Earliest decision date:	19 April 2024
Expiry Date	22 May 2024
Extension of time	12 July 2024
Decision Level	Committee
Description:	Erection of an agricultural storage building on land east of Dene Road, Bishops Lydeard (retention of part works already undertaken) as amended by agents email of 7 May 2024 and Dr Nos.04-Rev C and 20-Rev A
Site Address:	LAND AT DENE ROAD, BISHOPS LYDEARD
Parish:	06
Conservation Area:	N/A
Somerset Levels and Moors RAMSAR Catchment Area:	N/A
National Landscape (AONB):	N/A
Case Officer:	Denise Todd
Agent:	
Applicant:	TRUSTEES OF W G KING WILL TRUST
Committee Date:	20 June 2024
Reason for reporting application to Committee	This is a Chair Referral

1. Recommendation

1.1 That permission be GRANTED subject to conditions.

2. Executive Summary of key reasons for recommendation

2.1 The proposed development meets the criteria of Core Strategy policy DM 2.4.a. which supports “*new non residential agricultural and forestry buildings commensurate with the role and function of the agricultural or forestry unit.*”

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

- Standard Timeframe.
- Approved Plans.
- Agricultural building used only in connection with the agricultural enterprise.
- Internal partitions and pipe work to be removed.
- No external lighting.
- Bio-diversity enhancements.
- Removal of Permitted Development Rights

3.2 Informatives (bullet point only)

3.2.1 Proactive Statement

3.3 Obligations – N/A

4. Proposed development, site and surroundings

4.1 Details of proposal and background

The proposal is for the erection of an agricultural storage building on land east of Dene Road, Bishops Lydeard (retention of part works already undertaken). The application arises following the demolition of a small agricultural storage building on the same footprint. This was demolished in December 2023 and replaced with a building intended to be used as a dwelling under the Class Q approval 06/20/0061/CQ. However, as the agricultural storage building was totally demolished and a new building erected, this is not within the Class Q permitted development rights. Following an enforcement investigation and temporary stop notice being served on the continued construction of the new building, the current application is proposed to carry out works to regularise the building by carrying out works and use it for agricultural storage.

In order to ensure that the proposed agricultural storage building remains in agricultural use planning conditions will be used to tie the building to the management and working of the surrounding farmland and to remove permitted development rights. This will ensure that any future changes to its structure or use would be fully assessed by the submission of a planning application.

4.2 Sites and surroundings

The application site is adjacent to the public highway (Dene Road) that links Bishops Lydeard and Cotford St. Luke. The site is in close proximity to an existing agricultural field access off Dene Road.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
06/22/0039	Erection of 1 No. dwelling (to replace approved planning consent 06/20/0061CQ) on land at Dene Road, (North of Oak Dene and The Mews), Bishops Lydeard (Resubmission of 06/22/0012)	Refused	8 February 2023
06/22/0012	Erection of 1 No. dwelling (to replace approved planning consent	Refused	27 June 2022

	06/20/0061CQ) on land at Dene Road, (North of Oak Dene and The Mews), Bishops Lydeard		
06/20/0061/CQ	Prior approval for proposed change of use from agricultural building to dwelling house (Class C3) and associated building operations to barn on land at Dene Road, Bishops Lydeard As amended by agents email of 25 Feb 2021 and drawings numbers 05 Rev A and 06 Rev A	Prior Approval Approved (Conditional)	8 March 2021

6. Environmental Impact Assessment – NA

7. Habitats Regulations Assessment – The application relates to an agricultural storage building therefore the matter of phosphates does not have to be addressed.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 27 March 2024

8.2 Date of revised consultation (if applicable):

8.3 Press Date: 29 March 2024

8.4 Site Notice Date: 11 April 2024

8.5 **Consultees** the following were consulted:

Consultee	Comment	Officer Comment
BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL	<p>Objection</p> <ul style="list-style-type: none"> The plan is to create a house/barn rather than alter the existing building. This would probably be done in advance of a class Q application. The plan appears to fail to take into account the need to include bat roosts and swallow boxes – 	See paragraphs 10.1.1, 10.1.3, 10.1.9, 10.1.12

	<p>these were a feature of the previous building.</p> <ul style="list-style-type: none"> • In addition, a strong objection has been received by a village resident 	
PLANNING ENFORCEMENT	To be kept Up-to-Date on applications progress	Noted
WESSEX WATER	No comments received	Noted
LANDSCAPE	No landscape objection	Noted
SCC – ECOLOGY	No objection subject to conditions for external lighting and enhancement measures (bat and bird boxes)	Conditions imposed
SCC – TRANSPORT DEVELOPMENT GROUP	Standing Advice applies	See 10.1.5

8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

Five letters have been received, 3 from the same interested third party, making the following comments (summarised):

Material Planning Considerations	
Objections	Officer comment
<ul style="list-style-type: none"> • The biodiversity statement has been filled out incorrectly as it states no buildings were demolished but the original building was knocked down last year • The barn was used by many species, including bats and birds, many of which were noted in the previous planning application for this site. • It also states that no hedges are adjacent to the site, again, wrong. • This application seems to be a blatant attempt to get around the previously revoked planning application issues, i.e. that the barn was too dilapidated to convert to a residential property. • The original barn has been demolished, without permission, and a new structure built, again without permission, to a far higher standard than a replacement barn would require, so it can be easily converted 	<p>See paragraphs 10.1.1, 10.1.3, 10.1.8, 10.1.9 and 10.1.12</p>

<p>to a residential property in the near future.</p> <ul style="list-style-type: none"> • Application should be refused forcing the demolition of the new building. 	
<ul style="list-style-type: none"> • It is clear that the intention is to eventually use this building as a dwelling as that is what was being constructed without planning permission before the Council intervened • It is highly unlikely that the applicant would no longer have this long-term plan for the site. • The application under consideration is an attempt to circumvent planning policies. • Having lived in the local area for 10 years, I can confirm during that period, the building was clearly ramshackle and not being used for any purpose. • As such, there was obviously no need for agricultural storage within the field for a considerable period before this application was submitted. • Why is there a sudden need for agricultural storage, as currently the only apparent reason this application has come forward is that the applicant was caught erecting a dwelling without planning permission. • This would be a very well insulated agricultural storage building with wall and roof insulation already in place • The building has the appearance of a dwelling • There is no robust agricultural justification for the building. • The building is therefore not commensurate with the role and function of the agricultural unit and conflicts with Policy DM2(4) of the Core Strategy. • Should the application be approved, then we can all expect a subsequent planning application arguing that the building is not necessary for agricultural purposes and that it should be 	

<p>“converted” to a dwelling as the other potential uses in the sequential approach under Policy DM2(7) of the Core Strategy are not appropriate for that site.</p> <ul style="list-style-type: none"> • The applicant has not provided sufficient agricultural justification for the building to be retained on site for that. • The unjustified retention of the building in the open countryside would result in the proliferation of built form into the undeveloped rural environment, thereby causing unacceptable harm to the character and appearance of the landscape and further conflicting with the development plan. • If the application is approved, conditions for at least two bat boxes, tubes or shelters and two hole fronted bird nest boxes as per the Class Q consent should be included. 	
<ul style="list-style-type: none"> • Biodiversity List has be incorrectly filled out in its entirety. • Biodiversity checklist with Bats, Owls, Swallows previously inhabited the barn that was destroyed and an owl was setting up residence in it at the time of its destruction, so has either been killed or displaced. • Hedgerows form the perimeter of the boundary and a stream is located less than 50 metres of the structure. • The building is an eyesore • It impacts negatively on soil health and air pollution since it can only be reached by individual transport, so is unsustainable. • Dormice roam these fields as do voles, moles, foxes and other creatures which sustain biodiversity, so its construction again negatively impacts on both the landscape and the ecology of the area. • The original barn was never in use as a barn or anything else in at least 13+ years that I have lived in 	<p>See paragraphs 10.1.1, 10.1.3, 10.1.8, 10.1.9 and 10.1.12</p>

the area.

- No agricultural justification for the barn.
- The land is occupied by arable tenant farmers that do not store materials such as grain on site or harvest produce.
- All previous objections submitted under 06/22/0012 and the two previous refusals should be transferred to this application.
- The temporary Stop notice has not been fully adhered to as some features have not been removed.
- Contravenes Paul Bryans historic assessed of Dene Courts history and place
- Not in keeping with the area.
- The applicant has not followed environmental laws on other nearby development.
- The applicant has not applied for bat licences on other nearby development as they know Natural England will not issue a bat licence where destruction has already occurred.
- Applicant need to conduct future works by adhering to the Wildlife and Countryside Act 1981, updated with the Conservation of Habitats and Species Regulation 200, section 5 (and numerous international laws).
- 06/22/0012 – evidence of swallow nests in the barn and potential for bats.
- Bats were using the barn more so following the destructions of their roosts in Oakdene and the Mews plus one other dwelling.
- Applicant should be aware that the site is monitored on a weekly basis by keen amateur conservationists.
- Owls were setting up territory in early winter 2023 in the now demolished barn
- Owls have always resided in and around the estate of Dene Court.
- A historic Barn Owl nest was discovered

- Somerset Council has declared a Climate Emergency and by doing so acknowledges that the UK has one of the lowest biodiversity rates in Europe.
- Protecting biodiversity is a cornerstone of tackling climate change.
- Local authorities are required by government to deliver biodiversity net gain before approving planning application.
- The National Planning Policy Framework guides local authority decision making.
- This planning application involved the destruction of a barn and erection of a new structure in place., with no biodiversity net gain.
- Planning office is obliged under UK Law to refuse this planning application and to enforce its immediate demolition.
- No evidence that it is required for agricultural purposes.
- It is out of place and out of keeping for either an agricultural structure or dwelling and is a grotesque eyesore in the landscape, and does not respect the heritage of Dene Court or the surrounding area.
- It is 4 or 5 times the size of the original Victorian barn, way beyond the length and height and impacts negatively on the landscape.
- Somerset Council is fully aware that the applicant intends to convert any approved planning it received for a dwelling.
- New structure adversely impacts on the Somerset Levels and Moors Ramsar site by adding phosphates
- Unsustainable blot on the landscape aimed at getting a dwelling erected in isolation on prime agricultural land, without transport links, without respecting local history or heritage of the

<p>area or preserving its legally protected wildlife and habitat.</p> <ul style="list-style-type: none"> • 06/22/0039 and 06/22/0012 when the applicant claimed a fall-back position to build in another location. • This is a third attempt to erect a dwelling. <ul style="list-style-type: none"> •Somerset Council would be setting a dangerous precedent if it approved a dwelling in isolation on this site 	
Support	Officer comment
N/A	

8.6.1 Summary of objections - non planning matters

- Comments regarding the erection of a dwelling are not a consideration for this application which relates to an agricultural storage building
- Wildlife Laws are a separate consideration however the council's ecologist has provided comments and requested planning conditions.
- Comments relating the applicant's construction works on other planning application are not relevant to this application.

8.6.2 Summary of support – non planning matters

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended (“the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) (“the 2004 Act”) requires that planning applications should be determined in accordance with the development plan unless material considerations strongly indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

- CP8 – Environment
- DM1 – General Requirements

- DM2 – Development in the Countryside

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

Neighbourhood plans: Bishops Lydeard and Cothelstone

9.1 National Planning Policy Framework

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

The principle of an agricultural storage building in this location would be accepted subject to the proposed development meeting criteria DM2.4a :

“new non-residential agricultural and forestry buildings commensurate with the role and function of the agricultural or forestry unit.”

The agent has confirmed that the field in which the agricultural building is located is part of Tatham Farm which extends to 110 acres/44.5 hectares. An agricultural storage building previously stood in this location to serve the surrounding agricultural land. The erection of an agricultural storage building of the scale proposed is therefore accepted in principle.

10.1.2 Heritage

Dene Court is located to the south-west. It is not a listed building nor is it in a Conservation Area.

10.1.3 Design of the proposal

The proposed design reflects that of the original building which has a projection on the far east corner.

Concern has been raised regarding the size of the building currently on site when compared to the barn originally on site. Staff of the planning department measured the structure on site, with difficulty due to scaffolding hindering them, The discrepancies were minimal as shown below:-

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21.47m x 7.6 m with the projection measuring 3.17m x 3.79m

06/20/0061/CQ

21.23m x 7.5m with the rear projection being 3.16m x 3.93m

The structure on site is therefore considered to have a footprint approximately the same size as the original barn that has been demolished.

The height of the building on site is approximately 3.6 which matches that of the original barn.

The design, size and materials are considered acceptable for an agricultural storage building. Whilst the agent has stated that it is "*to be used for agricultural storage purposes associated with the arable farming of the field in which it is sited*", there is no objection to the building being used for storage for the wider farm rather than just the field in which it is located.

10.1.4 Quality of Accommodation

The size, design and materials of the building to be regularised is considered to be acceptable. A condition for its use to be restricted is considered necessary, as the local planning authority would not wish to see other commercial uses on this site.

A restrictive condition and the removal of permitted development rights would also prevent the new structure being converted to a dwelling without a full planning application to assess the change in use in this unsustainable location.

10.1.5 Access, Highway Safety and Parking Provision

The highways authority have recommended standing advice. The proposed barn would utilise the existing field access that also served the previous barn. The development would not lead to an intensification of use therefore, the proposal is considered acceptable on highway safety grounds.

10.1.6 The impact on the character and appearance of the locality

There has been a barn on site for many years therefore the new structure will have a minimum impact on the character and appearance of the area, even though it is clearly visible from the highway.

10.1.7 The impact on neighbouring residential amenity

The nearest neighbours are located on the other side of Dene Road. The proposal is regularising an agricultural storage building on a site that has hosted such a building for many years. It is therefore considered that the building will have no further impact on neighbouring residential amenity than the previous storage building that stood on the site. The application site is also separated from residential properties by Dene Road which is a busy public highway connecting the A358 to the B3227 and heavily trafficked.

10.1.8 The impact on trees and landscaping

There are no trees on site and the building is sited away from the existing hedgerow as per the original building. The landscape officer has not objected to the regularisation of the building.

The agricultural storage building is therefore considered to have no adverse impact in regards to trees and landscaping.

10.1.9 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

The ecologist has requested conditions for external lighting and biodiversity enhancements. These conditions are considered reasonable and necessary to the proposed development.

The structure to be retained will have no impact in terms of phosphates as it relates

to an agricultural building with no increase in herd size and no over night accommodation.

10.1.10 Flood risk and energy efficiency

The site is located in Flood Zone outside of any know flood risk.

10.1.12 Any other matters

There have been numerous comments about the building being converted in the future to a dwelling, however this planning application must be judged on its own merits and as proposed as an agricultural building. The agricultural building's use will be controlled by planning condition and permitted development rights will be removed. Whilst acceptable for an agricultural use, other uses, commercial or domestic will require further consideration under a full planning application.

Several ecology objections have been submitted however the ecologist has revised their original comments and requests planning conditions for external lighting and biodiversity enhancements. These conditions will be imposed if permission is granted. .

11 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning Conditions and Informatives

Conditions

- 1.
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - (A2) DrNo 04 Rev C Existing Ground Floor Plan and Elevations
 - (A2) DrNo 20 Rev A Proposed Ground Floor Plan and Elevations
 - (A4) DrNo 01 Rev B Location Plan
 - (A4) DrNo 02 Rev B Block Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Where external lighting is to be installed, a lighting design for bats, following Guidance Note 08/23 - bats and artificial lighting at night (ILP and BCT 2023), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed. Lux levels should be below 0.5 Lux on key & supporting features or habitats. All external lighting shall 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. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority. Internal lighting should be recessed where installed in proximity to windows and blinds should be fitted to reduce glare and light spill (Institution of Lighting Professionals & the Bat Conservation Trust 2018).

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Taunton Deane Core Strategy policy CP8.

4. The following will be incorporated into the site proposal with photographs of the installed features submitted to the Local Planning Authority prior to first occupation:
 - a. The installation of a minimum of two bird boxes around the site boundaries or on buildings will provide additional nesting habitat for birds e.g. Schwegler No 17 Swift Nest Box, Schwegler 1SP Sparrow Terrace, Schwegler 1B Nest Boxes, Schwegler 2H Robin Boxes, Woodstone Nest Box, Or a similar alternative brand. Tree boxes should be positioned approximately 3m above ground level where they will be sheltered from prevailing wind, rain and strong sunlight. Small-hole boxes are best placed approximately 1-3m above ground on an area of the tree trunk where foliage will not obscure the entrance hole. Swift and sparrow boxes should be positioned at the eaves of a building and can be incorporated into the fabric of the building during construction.
 - b. Installation of 2 X schwegler bat box (or similar if unavailable), purchased or built, on either the north end gable or to a mature tree on site, facing south or west, at a height above 3m.

Reason: In accordance with Government policy for the enhancement of

biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework.

5. The building hereby permitted shall only be used for the agricultural storage in relation to the management and working of the surrounding farmland. It shall not be used in any other capacity commercial or otherwise, without the prior consent of the Local Planning Authority.

Reason: The development is only acceptable in the locality because of the established agriculture need.

6. Within 3 months from the date of this permission, the pipe work and the internal partitions as shown on plan (Dr No 04 Rev C) shall be removed from site and evidence of the pipe work and partitions' removal shall be submitted in writing to the Local Planning Authority.

Reason: - For the avoidance of doubt as to the extent of the consent granted for the agricultural storage building.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification), no extensions, alterations, outbuildings, gates, walls, fences or other means of enclosure, shall be added to the building(s)/erected on the site other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that the development remains commensurate with the role and function of the agricultural unit and does not harm the character and appearance of the area.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 23 the Council has worked in a positive and creative way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

