

Application Details	
Application Reference Number:	17/21/0007
Application Type:	Full Planning Permission
Earliest decision date:	02 December 2022
Expiry Date	10 August 2021
Extension of time	28 June 2024
Decision Level	Planning Committee
Description:	Conversion of barns into 4 No. dwellings with associated site works including the demolition of modern barns at Knights Farm, Cats Ash Road, Fitzhead
Site Address:	KNIGHTS FARM, CATS ASH ROAD, FITZHEAD, TAUNTON, TA4 3JX
Parish:	17
Conservation Area:	Yes - Fitzhead Conservation Area
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
National Landscape (AONB)	No
Case Officer:	Anthony Pick
Agent:	Greenslade Taylor Hunt
Applicant:	MR M LOOSEMORE
Committee Date:	18 June 2024
Reason for reporting application to Committee	The application was lodged in June 2022 under the former Somerset West and Taunton scheme of delegation. Based on a Ward Member objection and 4+ objections from members of the public, the application is before Council for determination.

## 1. Recommendation

That planning permission be GRANTED subject to conditions.

## 2. Executive Summary of key reasons for recommendation

2.1 The proposed barn conversion scheme will secure the conservation and long-term viable use of these traditional farmstead buildings. The proposed layout and design of the conversion scheme is considered to be sympathetic, and the proposal would enhance the historic context of the buildings through the demolition of existing modern farm buildings. It is considered that the proposal would preserve the character and appearance of the Conservation Area. Furthermore, after careful consideration of the representations and consultations, it is considered that the proposal would have no unreasonable adverse impact upon residential amenity or highway safety. The application demonstrates that the scheme will have no likely

significant effect on the Somerset Levels and Moors Ramsar site and incorporates measures for biodiversity enhancement, secured through condition.

### **3. Planning conditions and informatives**

#### **3.1 Conditions (see Appendix 1 for full text)**

1. Time Limit
2. Schedule of approved plans
3. Boundary treatment
4. Materials
5. Water efficiency
6. Bats license
7. Ecology induction
8. Biodiversity enhancement
9. Timing of works ecology
10. External lighting
11. Bat roost
12. Contamination
13. Cycle storage
14. Access and parking
15. Access to be closed
16. Height restriction barrier
17. Bin storage
18. Construction traffic
19. Farm Management Plan
20. Removal of PD Rights

#### **3.2 Informatives (see Appendix 1 for full wording)**

1. Proactive Statement
2. Legal Protection for Wildlife
3. Asbestos

### **4. Proposed development, site and surroundings**

#### **4.1 Details of proposal**

Planning permission is sought for the conversion of a range of former agricultural barns at Knights Farm, Cats Ash Road, Fitzhead. The proposed scheme is to convert the barns into four residential dwellings together with associated site works. The application states that the properties are to be rented by the applicant and comprise 2 x two-bedroom and 2 x three-

bedroom properties. The proposal also includes the demolition of modern steel frame barns and other modern elements.

The proposed scheme would retain the original L-shaped configuration of the buildings. The submitted layout plan has been amended to omit the central grassed area to reflect the traditional farmyard appearance. Private amenity areas for barns 1-3 are now provided to the rear, with barn 4 provided with an amenity area to the front, partially enclosed by a 1.7m high stone wall.

Access / egress is proposed by way of the existing access located in the northwest corner of the site. Parking is provided on site for each of the dwellings together with visitor parking to the rear (east). An existing access located in the southwest corner of the site is proposed to be closed and a new stonewall constructed to tie in with and match the existing boundary wall, enclosing the yard.

Bin and cycle storage is provided to serve the development. For dwellings 1-3 this would be located behind and below the height of stone walling, as viewed from the street, whilst storage for dwelling 4 is positioned to the rear.

The dwellings would connect to mains drainage.

#### 4.2 Sites and surroundings

The site is located outside and to the west of the defined settlement boundary of Fitzhead; however, the site is located within Fitzhead Conservation Area (West Fitzhead). The site is located within Flood Zone 1 and is, therefore, at the lowest risk of flooding.

The application site measures approximately 0.2 ha and comprises an agricultural farmyard and associated buildings, part of Knights Farm. The application relates to a group of traditional C19th farm buildings and modern agricultural buildings. The traditional barns are constructed of local sandstone & mudstone construction with brick detailing under a slate roof, except one section which includes asbestos sheeting. The group of farm buildings are *locally* listed (November 2021) under the Somerset Historic Environment Record Ref. 46427. The buildings are configured in an L-shaped arrangement with a central courtyard area, bisected by a historic wall and modern blockwork outbuilding.

The grade II listed, C17 Knight's Farmhouse (List Entry: 1175908), within the ownership of the applicant, is situated to the west of the site. To the south is the property known as 'Byams', which is also a Grade II listed building dating back to C17 (List Entry: 1308126) and the associated Grade II Listed, C17 outbuilding 10m to the east (List Entry 1059207). The latter has been converted to a separate residential dwelling.

The courtyard area is generally level whilst the site rises to the rear and parts of the rear of the buildings is built into higher land.

## 5. Planning history

Reference	Description	Decision	Date
17/20/0003	Conversion of barns into 4 No. dwellings with demolition of modern agricultural barns at Knights Farm, Cats Ash Road, Fitzhead	Withdrawn	10 February 2020

## 6. Environmental Impact Assessment

Not applicable.

## 7. Habitats Regulations Assessment

The site lies within the catchment for the Somerset Levels and Moors Ramsar site. Natural England have advised the Council that, in determining planning applications which may give rise to additional phosphates within the Ramsar catchment they must as competent authorities undertake a Habitat Regulations Assessment and undertake a project level appropriate assessment where a likely significant effect cannot be ruled out.

As the site is within the catchment area the advice from Natural England applies that any new development that would not achieve nutrient neutrality and would result in further phosphate reaching the ground and the watercourse is likely to be unacceptable because it would affect the integrity of the Somerset Levels and Moors Ramsar Site. Any proposal for new development that could impact on this ecology site must be subject to a project level Appropriate Assessment to establish if there would be a likely significant effect in combination with other plans and projects if the proposed development were to proceed.

The application is accompanied by a Nutrient Neutrality Assessment and Mitigations Strategy (NNAMS). The report concludes that phosphate mitigation is provided through the removal of the farmyard from agricultural use as part of the proposed development.

Natural England confirmed no objection to the NNAMS during the consultation process. The sHRA has been sent to Natural England and no further comments were submitted. The Council is, therefore, satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

## 8. Consultation and Representations

8.1 Date of consultation: 18 June 2021

8.2 Date of revised consultation: 11 November 2022.

8.3 Press Date: 18 June 2021

8.4 Site Notice Date: 23 June 2021.

### 8.5 Statutory Consultees

The following provides a summary of the latest consultations responses to the amended scheme. Full copies of all original and amended consultation responses are available on the Council's website.

<b>Consultee</b>	<b>Comment</b>	<b>Officer Comment</b>
FITZHEAD PARISH COUNCIL	<p>18.12.2022</p> <p>Previous comments still stand, support the conversion of the barns into residential dwellings.</p> <p>It was agreed that it is important to maintain these old buildings to stop them from falling into disrepair which would eventually become unsightly and unsafe. The traditional character and appearance of these barns should be safeguarded by this planning application and the comments of both conservation and heritage advisers should be given due consideration.</p> <p>The main concern of the Parish Council continues to relate to the proposed access (north entrance).</p> <p>The previous comments made by Adam Garland - Principal Planning Liaison Officer for Traffic and Transport Development Group, letter dated 25 February 2020, states 'The access as it stands does not</p>	<p>Noted. See report for further assessment of heritage and highway matters.</p>

accord with current policy standards by reason of insufficient visibility splays. In this location they should measure 2.4m x 43m in both directions, but these do not appear to be achievable due to the position of the boundary walls.' From this current application there has been no change to the entrance on the plans and is therefore not within keeping of the stated Highway Regulations.

With this in mind, it was suggested that the South Entrance is a better solution for access to the residential properties. A new visibility splay could be created as this area is more open and could conform to Highway Regulations.

It may be a consideration to restrict the North Entrance as it has been noted from the public how dangerous this is, although access is needed to the wagon shed as well as the Byams' properties. This may help the situation and encourage the new development to only have access via the South Entrance. Allowing access on the North Entrance with more vehicle traffic from the properties could proportionally have a higher percentage of incidences occurring.

Green Spaces - we note that amendments have been made in relation to gardens, and if as the Conservation Officer suggests, the parking spaces for dwellings 1 and 2 are moved, this would potentially provide a greater play area for children.

We note that a barrier has been placed between the working farm and the development, which potentially reduces concerns regarding safety between the working farm and residential access.

	<p>As stated above, the Parish Council supports the conversion of the buildings, but the safety aspect for parking and access onto the highway needs to be re-worked and thought through very carefully. The applicant must be willing to take on board safety issues to ensure this development meets all legal and safety requirements and make this development a happy and safe area to live in Fitzhead.</p>	
<p>SCC - TRANSPORT DEVELOPMENT GROUP</p>	<p>5 March 2024</p> <p>Confirmation that the Highway Authority have reviewed the objections received and reaffirmed no objection to the proposal.</p> <p>06.12.2022</p> <p>Amended Scheme</p> <p>Review of the proposed alterations to the configuration of the parking spaces for the new dwellings and cycle parking. Comments regarding the wider scheme remain unchanged.</p> <p>The layout of parking for the proposed new dwellings has been amended, however the amount of vehicle parking remains the same, and it is considered that there is sufficient space available for vehicles to enter and leave the site in a forward gear. As such we have no objection to the location of parking for the new dwellings.</p> <p>14 July 2021</p> <p>Based on additional supporting information, to reiterate from our comments made with reference to the aforementioned former</p>	<p>Noted. Further commentary and highway advice provided in highways section of the report.</p>

	<p>application, it is advised measures are taken through condition to ensure that the proposal is only used for residential purposes (that still enable all emergency service vehicles to enter the site), and that agricultural practices are carried out utilising the access as proposed in the supporting information.</p> <p>The existing access intended to be closed up and permanently abandoned can be secured through condition.</p> <p>The proposed parking level is slightly below the desired Somerset Parking Strategy optimum standard.</p> <p>With the above and our previous comments in mind, it is the view of the Highway Authority that there are no overriding grounds to recommended refusal based on the detail received.</p>	
ECOLOGY OFFICER	<p>12.10.2023</p> <p>Confirm the survey information undertaken by Quantock Ecology is acceptable, given the bat emergency and activity surveys provided in September 2021. A walkover survey of the site to update the baseline condition of the site was completed in September 2023 to look for signs of bat activity, no notable material change to the since the 2021 bat surveys. No further survey information required.</p>	<p>Noted. Biodiversity enhancement (bat, bird) and biodiversity mitigation (e.g., external lighting scheme) to be secured through planning condition.</p>
WESSEX WATER	<p>No objection</p>	<p>Noted</p>
NATURAL ENGLAND	<p>The application site lies within the hydrological catchment of Somerset Levels &amp; Moors Ramsar. Listed Wetlands of International Importance under the Ramsar Convention (Ramsar) are protected as a matter of Government policy (National Planning Policy Framework 2023 paragraph</p>	<p>Noted. In addition, the sHRA was submitted to Natural England who confirmed they concur with the conclusions. The sHRA will, therefore, be adopted.</p>



	<p>187). Natural England considers that development which results in increased phosphorus discharges to the Ramsar's catchment should be considered in combination to have a likely significant effect and therefore require an Appropriate Assessment (AA).</p> <p>Natural England is satisfied with the methodology used for calculating the annual phosphorus savings that would be generated by the permanent removal of the farmyard and its conversion to residential housing. The total phosphorus saved by the scheme is calculated to be 0.43 kg TP per annum. It is therefore reasonable to conclude that the proposal will have no likely significant effect on the Somerset Levels and Moors Ramsar site. On this basis Natural England would have no objection to the application.</p>	
<p>CONSERVATION OFFICER</p>	<p>Revised Scheme</p> <p>The application proposes to convert a range of barns to four dwellings, for rental purposes.</p> <p>The development includes demolition of a steel frame Dutch barn to the S and steel framed livestock shed to the E. The historic plan form of the site will remain unchanged, with the barns being converted within their existing footprint and without any new elements of rebuild or extension.</p> <p>The development delivers layouts that require limited physical intervention to the historic fabric of the barns.</p> <p>The barns will retain the stone walls in their entirety. Existing openings will be utilised for windows and doors throughout, with very few additional or altered openings being</p>	<p>Noted. See further comments in heritage section of report.</p>

proposed. The existing asbestos sheet roofs will be stripped and natural slates added. Fenestration will be of timber frames and double glazed as the barns already have examples of both timber and metal fenestration.

**Justification**

The accompanying Design, Access and Heritage Statement states that the development is within a sustainable location within the settlement of Fitzhead. The development will deliver clear economic, social and environmental benefits. In particular the development will provide additional dwellings in an area, where there is a need for further housing growth.

**Significance**

The Fitzhead (West) Conservation Area is focused on the historic group of farmstead, of which Knights & Byams form a part. Therefore, the conservation area and the buildings within it have a significance focused on their illustrative historic interest, in the information that they provide about past activity and ways of life in this area.

The buildings of Knight's Farmhouse, Byams and the farm buildings covered by the application also have a degree of architectural interest, in the form of evidential and aesthetic values provided by the physical remains of the extant building, particularly the exterior elevations. The conscious design, construction and craftsmanship

demonstrates their agricultural inception as farmsteads and their historic development.

The group of buildings together and their setting also make a contribution to their significance, and that of the surrounding Conservation Area.

### **Assessment of harm**

A site visit was undertaken by the Conservation Officer on 17 January 2023.

Negotiations have taken place to minimise the potential harm to the heritage resource. These have been taken onboard and incorporated into the scheme.

The negotiations and additional amendments included the following elements:

1. The proposal to retain the wall in the centre of the farmyard is acceptable as it will provide a privacy element for future residents. The concrete block elements will be removed and the original red sandstone element, which matches the rest of the farm buildings, will be retained;
2. The proposed right-angle wall in front of unit 4 that is proposed to be retained is acceptable as there is evidently space in the farmyard to accommodate this without appearing cluttered. It was agreed that this should be in red sandstone to match the rest of the farmyard;
3. The proposed bin storage could be kept as proposed against the walls as it will be hidden by small structures comprising stone walls and agricultural style

doors, to match those on the buildings, thus appearing as part of the farmyard complex;

4. The boundary treatment at the rear of units 1 & 2 should be changed from a hedge to a dwarf stone wall with natural fencing on top;

5. The glazing should be full height and recessed into the apertures, this will help to preserve the character of the agricultural buildings and provide privacy;

6. The parking at the rear of units 3 & 4 should be repositioned and better grouped to reduce the impact upon the setting of the buildings, and,

7. It was agreed that the staddle stones were also to be reduced in number to keep more of an openness in the yard – subsequently these have been removed from the scheme.

Overall, following negotiations and amendments to the scheme, the proposals are sympathetic to the agricultural character of the buildings and the farmstead. The parking will be located out of the view of the listed buildings and compact to minimise visual intrusion. The farmyard will be utilised for amenities but in a sympathetic way, which conserves the character of the farmyard.

The conversion of the farm building is welcomed, as it will conserve the buildings for the future. Their repair will enhance the setting of the listed buildings and the

	<p>conservation area. This complies with paragraph 199 of NPPF and policy CP 8 of the Taunton Deane Borough Core Strategy 2011 – 2028.</p> <p>Recommend approved.</p>	
<p>ENVIRONMENTAL HEALTH</p>	<p><u>Contamination</u></p> <p>Materials stored on site could cause contamination of the ground (for example, oil, diesel, pesticides) which could affect the development works or the future residents. Therefore, it is recommended that the applicant carry out a staged site assessment to determine whether any contamination is present on site and, if so, carry out the appropriate remediation.</p> <p>Condition recommended.</p> <p><u>Amenity</u></p> <p>The developer should be aware that there can be noisy and odorous activities on farms that can sometimes operate at unsociable hours.</p> <p>The NPPF advises that the developer is responsible for ensuring that existing businesses should be able to operate without any unreasonable restrictions as a result of a new development.</p> <p>The policy states that ‘Where the operation of an existing business...could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed.’</p>	<p>Noted. A condition is recommended to secure a stage assessment to determine whether there is any contamination, and if so, secure mitigation.</p> <p>The Farm Management Plan will be secured by way of a planning condition to manage farming activities in close proximity to the proposed residential conversion.</p>

	<p>Therefore, the developer should avoid siting residential property close to any sources of noise or odours and design the dwellings so that any remaining noise is mitigated to an acceptable level.</p> <p>If any new residents complain about noise or odours from the farm the Council has a legal duty to investigate these complaints as a potential statutory nuisance. The Council can only require that the farm operator takes all reasonable steps to minimise any disturbance, which could mean that there are cases where a farm has to alter what it does, and others where the new residents have to suffer a nuisance as it is not practical for the farm to take any more steps to reduce the noise.</p>	
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## 8.7 Local representations

Cllr Mansell (Upper Tone) has submitted an objection to the proposal on the grounds of design, setting of the listed building, and lack of landscaping and trees to the street frontage; and failure to address Council's environmental policies, as detailed in Council's guidance on Climate Positive Planning. Cllr Mansell states the main reason is the failure to provide a long-term parking solution for Byams and Byams Farm.

Neighbour notification letters were sent in accordance with the Council's Adopted Statement of Community Involvement.

46 submissions have been received of which 26 raise concern/objections to the development. This includes 10 submissions from consultants/legal representation on behalf of the owners of the Byams. The following provides a summary of the comments made.

Material Planning Considerations	
Objections/Concerns	Officer comment
Highways <ul style="list-style-type: none"> <li>• Access, parking, and internal layout</li> <li>• Inadequate visibility</li> <li>• Highway safety</li> </ul>	See highways section of the report.

<ul style="list-style-type: none"> <li>• Displacement of parking</li> <li>• Suggestions for alternative access</li> </ul>	
<p>Amenity</p> <ul style="list-style-type: none"> <li>• Disruption during construction work</li> <li>• Loss of privacy</li> <li>• Agent of Change – Impact of agricultural activities (e.g., noise, vehicles, dust, odour, livestock, slurry) on amenity of residents</li> <li>• Light pollution</li> <li>• Lack of amenity space for residents</li> <li>• Noise from parking</li> <li>• Contamination</li> </ul>	<p>The proposed scheme by reason of the existing separation distances and design of the proposal are not considered to unreasonably impact on the amenity of residents. Any disturbance during the construction works would be temporary in nature.</p> <p>The agent has submitted a Farm Management Plan detailing how potential impacts will be managed/mitigated.</p> <p>Further assessment set out in the report.</p> <p>A planning condition is recommended to address potential contamination.</p>
<p>Design, Heritage, and Landscape Impact</p> <ul style="list-style-type: none"> <li>• Proposal does not accord with policy and legislation regarding consideration of heritage assets and Conservation Area</li> <li>• Proposal, including car parking areas and domestic paraphernalia, harms the setting of Byams (listed building).</li> <li>• The proposed scheme does not preserve or enhance the Conservation Area.</li> <li>• No justification to support the proposal or public benefits to outweigh the harm</li> <li>• Additional replacement buildings should be restricted</li> </ul>	<p>The scheme has been carefully considered by the Council’s Conservation Officer (and predecessor). The proposed conversion scheme is considered to be sympathetic to the character and appearance of these traditional barns and the restoration and repair of the buildings will ensure their long-term survival, which will enhance the character and appearance of the Conservation Area. The proposal is not considered to harm the setting of nearby listed buildings. Further assessment is provided in the heritage section of the report.</p> <p>Any new application would be considered on its merits.</p>
<p>Sustainability</p> <ul style="list-style-type: none"> <li>• Lack of consideration for sustainable design and biodiversity impact</li> <li>• No biodiversity net gain</li> </ul>	<p>The proposed conversion is inherently sustainable minimising the carbon footprint associated with new builds. The application states that ground source heat pumps will be incorporated.</p> <p>The proposal will deliver biodiversity enhancement, secured through condition (e.g. features such as bird and bat boxes).</p>

<p>Policy</p> <ul style="list-style-type: none"> <li>• Unsustainable site remote from services and amenities</li> <li>• Lack of marketing</li> </ul>	See report under Principle of development section.
Waste disposal	Bin storage is provided on site and will be secured through condition.

<b>Support</b>	<b>Officer comment</b>
<p>Principle</p> <ul style="list-style-type: none"> <li>• Support the need for housing and sympathetic restoration of redundant barns, which are no longer suitable for modern farming.</li> <li>• Provide affordable accommodation for families to live in the village (buy or rent)</li> </ul>	Noted.
<p>Design / Heritage</p> <ul style="list-style-type: none"> <li>• Visual improvement to historic barns, which form part of village history, and appearance of the area.</li> </ul>	Noted.
<p>Precedent</p> <ul style="list-style-type: none"> <li>• Similar conversions have taken place nearby, including outbuilding at the Byams.</li> </ul>	Noted
<p>Parking</p> <ul style="list-style-type: none"> <li>• Sufficient parking on site / agricultural traffic will no longer use the access</li> </ul>	Noted
<p>Ecology</p> <p>Support the Environmental Assessment and the update provided by Quantock Ecology. Support findings of the reports as well as the recommendations for Mitigation and Enhancement outlined in s4.3 of the 2019 report.</p>	Noted. Planning conditions recommended to safeguard wildlife and deliver mitigation/enhancement.



In addition, request all external lighting is designed so as to minimise light pollution and request provision for provision of bird boxes.	
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## 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 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).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then, the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day

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

### **Taunton Deane Core Strategy 2011-2028 (September 2012) (CS)**

- SD1 - Presumption in favour of sustainable development
- SP1 - Sustainable development locations
- SP2 – Realising the vision for Rural Areas
- DM1 - General requirements
- DM2 - Development in the Countryside
- DM4 – Design
- DM5 - Use of Resources and Sustainable Design
- CP1 - Climate change
- CP4 - Housing
- CP6 - Transport and accessibility
- CP8 – Environment

## **Taunton Deane adopted Site Allocations and Development Management Plan (December 2016) (SADMP)**

- A1 - Parking Requirements
- A5 - Accessibility of development
- D7 - Design Quality
- D10 - Dwelling Sizes
- D12 - Amenity space
- SB1 - Settlement Boundaries
- I4 - Water Infrastructure
- ENV1 – Protection of trees, woodland, orchards, and hedges

### Supplementary Planning Documents

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)

Fitzhead Conservation Area Appraisal Document

### Neighbourhood plans:

N/A – No Neighbourhood Plan in force for Fitzhead.

### 9.1 National Planning Policy Framework (NPPF)

- 5 – Delivering a sufficient supply of homes
- 12- Achieving well designed places
- 15 – Conserving and enhancing the natural environment
- 16 - Conserving and enhancing the historic environment

## **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 site is located outside of the defined settlement boundary of Fitzhead and is, therefore, considered open countryside in policy terms. Core Strategy Policies SD1, SP1, CP1, CP6 and DM2 and Policies A5 and SB1 of the SADMP seek to ensure that residential developments are

focussed on the most accessible and sustainable locations, contribute to reducing the need to travel, and improve accessibility to jobs, services and community facilities.

Notwithstanding, Core Strategy Policy DM2 (7) provides for the conversion of a building in the open countryside. The policy has two principal parts:

- a) requires that the buildings are of permanent and substantial construction and of a suitable size without major rebuilding or significant alteration or extension.

The barns are traditional agricultural buildings of substantial construction and capable of conversion without extensive building works.

In terms of criteria (b) this sets out a sequential approach to the preferred type of uses, which include: (i) Community use; (ii) Class B business uses; (iii) Other employment generating uses; (iv) Holiday and tourism; (v) Affordable, farm or forestry workers; (vi) Community housing; and (vii) In exceptional circumstances, conversion to other residential use.

The agent has provided details of the marketing strategy agreed with officers. The buildings were marketed by the commercial arm of Greenslade Taylor Hunt from 29 June 2020 until 8 October 2021 for a period of 15 months for a range of use including B1, D1, D2, holiday accommodation, community, and rural workers dwellings. The marketing report summary stated that despite a moderate level of enquiries, no formal offers were received, and the cost of works required to convert the barns were considered prohibitive and rendered such uses financially unviable given the condition and location of the buildings.

The NPPF states that planning decisions should avoid the development of isolated homes in the countryside unless particular circumstances apply. One such circumstance, as set out in paragraph 84 (c), is that 'the development would re-use redundant or disused buildings and enhance its immediate setting'. The NPPF does not apply a sequential approach. However, it is considered that the applicant has previously undertaken marketing and given the benefits of restoring these traditional barns for a long-term viable use, the proposed scheme is compliant with the policy and guidance set out in the NPPF, which is a material consideration.

#### **10.1.2 Heritage, Design, and Impact on the Character and Appearance of the Area**

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving the listed building its setting and any feature of historic or architectural interest when deciding whether to grant planning permission.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act requires that special regard is paid to the desirability of preserving or enhancing the character and appearance of the Conservation Area when deciding whether to grant planning permission.

Section 16 of the NPPF sets out the government's guidance on 'Conserving and enhancing the historic environment. The guidance (paragraph 195) sets out that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. In determining applications, the NPPF sets out that planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

As part of the public consultation, there have been objections raised in respect of the proposed design of the conversion scheme and the impact on the character and appearance of the Conservation Area, and the impact on the setting of adjacent listed buildings.

The buildings no longer serve an agricultural function and as a result are currently redundant and deterioration is beginning to set in. The change of use to a viable use of the buildings has been considered against the potential for them to remain unused and to deteriorate further, with the potential for the loss of these heritage assets. The marketing exercise demonstrated that there was no reasonable likelihood of alternative uses coming forward due to the substantial costs associated with the repair and restoration of the barns. Their current condition and the potential further deterioration would be detrimental to the setting of the adjacent listed buildings and the surrounding Conservation Area. Their renovation will, therefore, conserve and enhance the setting of these heritage assets – in line with planning legislation, development plan policies, and guidance in the NPPF.

The proposed scheme is considered to be a sympathetic conversion and use of the site that retains the agricultural character of the buildings and the farmstead. The parking will largely be screened. The farmyard will be utilised for amenities but are design and sited in a sympathetic way to conserve the character of the farmyard.

Officers consider that from a heritage perspective, the impacts upon the setting of the adjacent and surrounding heritage assets have been considered in line with relevant legislation and policy and balanced against the conservation and enhancement of the heritage resource. Furthermore, it is considered the sensitive restoration of the barns, and the removal of modern structures/buildings will enhance the immediate setting of the site within the wider landscape consistent with CS Policy CP8.

### **10.1.3 Access, Highway Safety and Parking Provision**

The issue of intensifying the existing access and potential impact on the highway network has been raised by residents and the Parish Council. The proposal is to use the existing northern

access point, which currently serves both domestic vehicles and agricultural vehicles and machinery. The application seeks to separate the use of the application site from the current farming activities and to reduce the number of overall access points by closing the southwest access.

The Highway Authority raised no objection to the proposal, subject to conditions. Notwithstanding, the issue has been subject to further review/assessment by the Highway Authority given the concerns raised. In response, the Highway Authority state from a highway perspective the primary planning policy is set out within the NPPF, in particular paragraph 115 which states that *“development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*. This test sets a high bar for objecting to proposed development based on highway grounds.

*“In this instance the proposal is seeking to convert existing agricultural buildings to four dwellings and to make use of an existing farm access. It is acknowledged that the access falls below preferred standards, however, the nature of the adjoining road is that of a relatively lightly trafficked rural road with modest speeds, furthermore there are no recorded Personal Injury Accidents (PIA’s) within its vicinity to suggest that it is inherently unsafe.*

*The Highway Authority factor in the extant agricultural use of the site, and its use by the neighbouring residential property for private parking, both of which entail a level of associated traffic generation, including larger agricultural vehicles. The proposed residential use is likely to result in a slightly higher traffic generation in comparison, however, it is not considered that such an increase will be so great as to constitute an unacceptable impact on highway safety.”*

Therefore, whilst the concerns raised are noted, in the absence of an objection from the Highway Authority it is considered that the proposed access arrangements are acceptable.

### Parking

There have been several submissions objecting to the loss of parking associated with the residential use of the adjacent property known as the ‘Byams’, and potential displacement of parking. The agent has confirmed that there is currently a private arrangement between the applicant and the owners of the Byams regarding parking. However, this is a private agreement and is, therefore, a civil matter and does not form part of the planning assessment of this application.

Notwithstanding, the agent has submitted a site plan to demonstrate that it is feasible to provide parking for the new residential properties and the owners of the Byams, should the parties reach an agreement. However, this application will only require parking to be provided to serve the proposed dwellings and visitor bays.

### **10.1.6 The impact on neighbouring residential amenity**

It is considered that given the separation distances and the fact that this is a conversion scheme there will be no significant impact on the amenity of adjoining residents.

The principle of 'agent of change' has been raised during the consultation process. This principle is set out in paragraph 193 of the NPPF and states that planning decisions should ensure that new development can be integrated effectively with existing businesses, in this case the remainder of the working farm. Where the operation of an existing business could have a significant adverse effect on new development (including change of use) the applicant or 'agent of change' should be required to provide suitable mitigation before the development has been completed.

The agent has submitted a Farm Management Plan (FMP). This sets out the buildings retained immediately to the east of the barns will be used for storage of farm machinery and equipment only. The FMP also sets out how farm management has changed, including cattle are now deep littered within the enclosed shed. This reduces odour and the need for manure to be stored externally within the yard.

The FMP also sets out several improvements to mitigate and/or address potential impacts between residential and agricultural use, these include:

- The farm building located immediately south of the traditional barns has already been removed.
- The majority of farm buildings immediately east of the traditional barns are to be removed.
- Although one of the farm buildings east of the traditional barns is to be retained for agricultural use (see Proposed Site Plan ref: 2722-DR-A-050-003), it will be used for storage purposes only. This will not cause disturbance to residents of the development. The applicants are willing to accept a suitably worded planning condition to control the use of the building.
- Farm vehicles will not make use of the access that serves the development. Farm vehicles will instead use the access further south along the road. As such there will be no conflict between farm vehicles and future residents. The inclusion of a vehicle height barrier and post and rail fence on the eastern boundary will also prevent the use of the north access by farm traffic.
- The inclusion of a post and rail fence along the site's eastern boundary provides a clear and physical border between the residential and farm areas. This will ensure there is no risk of conflict between the respective areas.
- The shed to the southeast will continue to be used for housing cattle, as described above.

It is considered that the proposed ongoing activities associated with the working farm will not cause undue impacts on the residential amenity of future occupiers. It is recommended that the FMP is a condition of the planning approval.

### **10.1.9 Waste/Recycling facilities**

The proposal includes provision for cycle and bin storage, although final details will be secured through planning condition.

### **10.1.10 Flood risk and energy efficiency**

The application site is located in Flood Zone 1 and is therefore identified as a low probability of flooding.

Electric vehicle charging points would be provided and secured through Building Regulations.

## **11 Local Finance Considerations**

### **11.1 Community Infrastructure Levy**

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £54,500.00. With index linking this increases to approximately £77,250.00.

## **12 Planning balance and conclusion**

12.1 For the reasons set out above, having regard to all the matters raised, it is 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**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 2722-DR-A-050-001 Rev P - Proposed Ground Floor Plans  
(A1) DrNo 2722-DR-A-050-002 Rev N - Proposed First Floor Plans  
(A1) DrNo 2722-DR-A-050-003 Rev X - Site Plan  
(A1) DrNo 2722-DR-A-050-004 Rev L Proposed Elevations  
(A1) DrNo 2722-DR-A-050-005 Proposed Sections Rev C  
(A3) DrNo 2722-DR-A-080-007 - Location Plan  
(A1) DrNo 2722-DR-A-050-010 Rev A - Proposed Bike and Bin Storage

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

3. Details of the proposed boundary treatments shall be submitted to and approved in writing by the local planning authority. Such details shall include the location of all boundary treatments shown in a scaled plan and details of the height, type, materials, finish and colour of the proposed boundary treatments. The approved details shall be carried out in accordance with the approved details, prior to the first occupation of the development hereby approved.

Reason: To safeguard the character of the area / In the interests of the amenities of the neighbouring residents.

4. Prior to commencement of the conversion works, specifications and samples of the materials to be used in the construction of the external surfaces (including, but not limited to: roofing materials (natural slate, ridge tiles or lead rolls); fascia; soffits; rainwater goods; mortar for repointing; exterior extractions vents; windows and doors – which shall be recessed and glazing not thicker than 12mm; new stone for blocking of entrance, in central wall and stone wall at rear; re use of stone from demolished wall) of the development hereby granted, including 1:20 scaled drawings of the fenestration, shall be submitted to and approved in writing by the local planning authority prior to their use on site. The development shall thereafter be carried out in accordance with the approved specifications/samples.

Reason: To safeguard the character and appearance of the buildings, setting of adjacent listed buildings, and the wider Conservation Area.

5. No individual dwelling hereby approved shall be occupied until the optional requirement for potential consumption of wholesome water by persons occupying that dwelling in Part G of Schedule 1 and Regulation 36 of the Building Regulations 2010 of 110 litres per person per day has been complied with.

Reason: To improve the sustainability of the dwellings in accordance with the Taunton Deane: Core Strategy Policies DM5 (the Supplemental Planning Document – Districtwide Design Guide) and Paragraphs 134, 154 and 180 of the National Planning Policy Framework (Sept 2023).



6. Works to the building shall not commence unless the Local Planning Authority has been provided with either:
  - a. a copy of the licence issued by Natural England pursuant to Regulation 55 of The Conservation of Habitats and Species Regulations 2017 authorising the development to go ahead; or
  - b. a copy of a letter from Natural England confirming that the works fall within the remit of a Bat Mitigation Class Licence (WML-CL21) and that the site has been registered in accordance with the class licence.
  - c. a statement in writing from the licensed bat ecologist to the effect that he/she does not consider that the specified development will require a licence.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with Taunton Deane Core Strategy 2011-2028: Policy CP 8 Environment.

7. Prior to commencement, construction operatives shall be 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 shall be submitted to the Local Planning Authority by the licensed bat ecologist within one week of the induction being carried out. Works potentially affecting bats will then proceed under the supervision of the licensed bat ecologist.

Reason: A pre-commencement condition in the interest of the strict protection of European protected species and in accordance with Taunton Deane Core Strategy 2011-2028: Policy CP 8 Environment.

8. Prior to occupation, a report identifying the following biodiversity enhancement and mitigation measures and agreed phasing/timing shall be submitted to and approved by the Local Planning Authority.
  - Erection of 2x 1FF Schwegler bat boxes or similar to provide suitable alternative roosting location, and to accommodate any discovered bat(s), will be hung on a suitable tree or building on or adjacent to the site at a minimum height of 4 metres as directed by a licensed bat ecologist. The bat box shall be maintained in-situ thereafter.
  - 1x Schwegler 1SP Sparrow terrace or similar will be built into the structure under the eaves and away from windows on the north elevation and maintained thereafter.
  - C. 2x Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation and away from windows and maintained thereafter.

Photographs showing their installation shall be submitted to the Local Planning Authority.

Reason: The National Planning Policy Framework (179d) requires biodiversity enhancement to be provided within development and in accordance with Policy CP8 of the Taunton Deane Core Strategy

9. No removal of hedgerows, trees or shrubs or works to or demolition of buildings or structures shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of building structures commences 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.

Reason: In the interests of nesting wild birds and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

10. Where external lighting is to be installed, prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/23 Bats and artificial lighting in the UK (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 and 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 2011 - 2028: Policy CP 8 Environment.

11. Provision shall be made for roosting bats. The location of and type of roost entrances will be set out in the design. Any areas that are accessible to bats must be lined with traditional black bitumen felt (type 1F) to avoid the risk of entanglement of bats. Modern roofing membranes will not be permitted in areas which are accessible to bats. Any timbers that are to be retained and requiring remedial timber treatment should only be treated with 'bat friendly' chemicals (see <https://www.gov.uk/guidance/bat-roosts-use-of-chemical-pest-controlproducts-and-timber-treatments-in-or-near-them>) A scheme must be submitted to and approved in writing by the Local Planning Authority prior to work commencing on site. The roosts will be implemented in strict accordance with the agreed scheme and maintained for the exclusive use of bats thereafter.

Reason: A pre-commencement condition in the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Taunton Deane Core Strategy 2011 -2028: Policy CP 8 Environment.

12. Prior to the commencement of development, the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:
  - (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
  - (b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
  - (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately to prevent any harm to the health, safety or amenity of any users of the development.

Reason for pre-commencement: It is necessary to fully investigate the potential for contamination before the site is disturbed by development works.

13. Prior to occupation, details of cycle storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall be constructed and fully provided prior to the associated dwelling being occupied and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities are included for the storage of cycles, in the interests of sustainable transport.

14. The development hereby approved shall not be occupied or the use commenced until space has been laid out, drained and surfaced within the site in accordance with the approved plan(s) for the parking and turning of vehicles, and such area(s) shall not thereafter be used for any purpose.

Prior to the occupation of the development, details of delineating the parking bays shall be submitted to and approved in writing by the Local Planning Authority.

Note: No painted lines shall be used to delineate the parking spaces in order to preserve the character and appearance of the site/area.

Reason: To ensure that there is adequate space within the site for the parking and turning of vehicles clear of the highway, in the interests of highway safety.

15. Prior to occupation of the development, the existing access as denoted in Photo two of the supporting Highway Technical Note shall be closed to all traffic and its use permanently abandoned.

Reason - In the interests of highway safety.

16. Prior to occupation, specific details of the siting and design of the height restriction barrier shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason - In the interests of the residential amenity of existing/future residents by restricting agricultural traffic using the access.

17. The bin storage facilities shown on the submitted plan shall be constructed and fully provided prior to occupation of the associated dwelling, hereby permitted, and shall thereafter be retained for those purposes.

Reason: To ensure that adequate facilities exist for the future residents of the site and that the proposed development does not harm the character and appearance of the area.

18. During construction phase the applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry, or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, details of which shall have been agreed in advance in writing by the Local Planning Authority and

fully implemented prior to commencement of works, and thereafter maintained until the construction phase of the proposal discontinues.

Reason - In the interests of highway safety.

19. Prior to first occupation of the development, the mitigation measures set out in the Farm Management Plan, dated 20 March 2024, shall be fully carried out and thereafter maintained/carried out in accordance with the approved Farm Management Plan. The retained building identified to the east of the Units 3 and 4 on plan ref: 2722-DR-A-050-003, shall be used for agricultural storage purposes only and shall not be used for livestock.

Reason - In the interests of managing the interface between farming activities and the proposed residential conversion scheme.

20. 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 undertaken other than that expressly authorised by this permission shall be carried out without the further grant of planning permission.

Reason: To ensure that the proposed development 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.
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
3. The applicant shall ensure that any removal of asbestos is carried out in accordance with the relevant regulations and legislation.