

Application Number	2023/2342/FUL
Case Officer	Lorna Elstob
Site	Barn At Valley View Farm Hincombe Hill To Linch Lane Batcombe Shepton Mallet Somerset
Date Validated	4 December 2023
Applicant/ Organisation	Mr S Waterfield
Application Type	Full Application
Proposal	Conversion of agricultural building to residential dwellinghouse, conversion of agricultural building to ancillary accommodation, conversion and minor works to redundant agricultural buildings to form incidental outbuildings (garaging, garden store, home office and utility), extension of the approved residential curtilage and formation of new access track to link existing access provision to an existing residential entrance.
Division	Mendip South Division
Parish	Batcombe Parish Council
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully

What3words: inflation.regretted.woke

Referral to Planning Committee:

In accordance with the scheme of delegation, this application was referred to the Chair and Vice-Chair of the Planning Board following the Parish Council. The case officer recommendation is to approve, and the Parish Council recommended refusal.

The Chair requested that the application be referred to the Planning Committee due to the Parish Council objection.

Description of Site, Proposal, and Constraints:

The application relates to land at Valley View Farm in Batcombe. The site is a redundant yard located at the south-east boundary of the farm. The yard consists of a collection of buildings that form a horseshoe shaped courtyard.

A traditional stone barn is located at the north-western corner of the yard. The remainder of the northern side of the yard and the south-eastern side are marked by a range of redundant agricultural buildings of mixed construction styles and materials. Prior approval has already been granted for the conversion of the steel framed structure to a dwelling.

The site is accessed via Hincombe Hill which is a class 3 road. There is currently a separate access to the existing bungalow.

The proposal is for the conversion of agricultural building to residential dwellinghouse, conversion of agricultural building to ancillary accommodation, conversion and minor works to redundant agricultural buildings to form incidental outbuildings (garaging, garden store, home office and utility), extension of the approved residential curtilage and formation of new access track to link existing access provision to an existing residential entrance.

The site is located outside of the development limits. The site is located within the Somerset RAMSAR.

Relevant History:

2021/2806/PAA - Prior Approval for a proposed change of use of agricultural building to a dwellinghouse (Class C3) and for associated operational development. Prior approval given January 2022

2021/0222/FUL - Erection of a dwelling of exceptional quality design. Withdrawn Sept 2022

2017/0373/FUL - Demolition of the existing dwelling and outbuildings (2 retained) and a single replacement dwelling. Withdrawn April 2017.

2014/2127/FUL - Demolition of existing dwelling and outbuildings (one retained) and replacement dwelling with conversion of traditional barn into cottage. Dismissed at Appeal Sept 2015.

Summary of Division Member comments, Parish Council comments, representations, and consultee comments:

Division Member: No response received.

Batcombe Parish Council: Recommend refusal due to extension of domestic curtilage, loss of agricultural land and drainage onto the road.

Highways Development Officer: Standing Advice

Ecology: No objection subject to the inclusion of conditions.

Local Representations:

1 letter of objection has been received raising the following planning issues:

- Traffic
- Drainage
- Visual Impact of intensification

Full details of all consultation responses can be found on the Council's website

<https://publicaccess.mendip.gov.uk/online-applications/>

Summary of all planning policies and legislation relevant to the proposal:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Mendip District Local Plan Part II: Sites and Policies (December 2021) (post JR version)

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

- CP1: Spatial Strategy
- CP2: Housing
- CP4: Sustaining Rural Communities

- DP1: Local Identity and Distinctiveness
- DP5: Biodiversity and Ecological Networks
- DP6: Bat Protection
- DP7: Design and Amenity
- DP9: Transport Impact of New Development
- DP10: Parking Standards
- DP22: Reuse and Conversion of Rural Buildings
- DP23: Managing Flood Risk

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)
- Supplementary Planning Document Design and Amenity of New Development; Guidance for interpretation of Local Plan Policy DP7 (March 2022)

Assessment of relevant issues:

Principle of the Use:

The Local Planning Authority (LPA) is not currently able to demonstrate a five-year supply of housing land. This means that policies in the Local Plan that are related to the delivery of housing, Core Policy 1 (CP1) and Core Policy 2 (CP2), can only be given limited weight. As a consequence of not being able to demonstrate a five-year supply, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the National Planning Policy Framework (NPPF) applies. However, permission should not be granted where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole or where its specific policies indicate that development should be restricted.

Core Policy 1 (CP1) of the adopted "Mendip District Local Plan - Part 1" says that to enable the most sustainable pattern of growth for Mendip District the majority of development will be directed towards the five principal settlements (Frome, Shepton Mallet, Wells, Glastonbury and Street). This application site is however outside of the Development Limits where CP1 states that any proposed development will be strictly controlled and will only be permitted where it benefits economic activity or extends the range of facilities available to the local communities.

Core Policy 2 (CP2) of the Local Plan states that the delivery of new housing will be secured from three sources (a) Infill, conversions and redevelopments within Development Limits defined on the Proposals Map, (b) Strategic Sites identified on the Key Diagrams for each town associated with Core Policies 6-10 and (c) other allocations of land for housing and, where appropriate, mixed-use development, outside of Development Limits through the Site Allocations process. The creation of a dwelling as indicated would not accord with the requirements of CP2 and the strategy for the delivery of housing.

CP4 says that rural settlements and the wider rural area will be sustained by making planned provision for housing within the Primary and Secondary Villages in line with CP1 and CP2 and making allowance for occupational dwellings in rural locations where there is a proven and essential functional need, to support agricultural, forestry and other rural-based enterprises. Also, identifying and delivering opportunities for the provision of rural affordable housing, secured for the benefit of the community in perpetuity, where there is evidence of local need as set out in Development Policies 11 and 12.

The steel framed building already benefits from permission for conversion to a residential property. This application seeks make minor amendments to the design of the approved dwelling as well as additional works to slightly extend the domestic curtilage and create an improved access to the site.

The principle of residential use on the site has been established through the prior approval process. The impact of the other elements of the proposal will be assessed in the report.

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

DP1 states that development should contribute positively to the maintenance and enhancement of local identity, and proposals should be formulated with an appreciation of the built and natural context. DP7 states that the LPA will support high quality design, and that development should be of a scale, mass, form, and layout appropriate to the local context.

DP4 states proposals for development that would, individually or cumulatively, significantly degrade the quality of the local landscape will not be supported. The determination of planning applications will consider efforts made by applicants to avoid, minimise and/or mitigate negative impacts and the need for the proposal to take place in that location.

The proposal is for the conversion of several buildings rather than the erection of new buildings. As these buildings are already in existence and the proposal is to repair and convert them the impact on the surrounding area will be minimal and the works will improve the overall appearance of the site.

The minor extension to the domestic curtilage will not have an adverse impact on the surrounding area or the continued agricultural use of the surrounding land.

Permitted development rights should only be removed where it is clearly reasonable and necessary, in accordance with guidance contained within the NPPG, and then only when the rights to be removed are clearly defined. Given that the site is in a rural location further development, or alterations could cause unacceptable harm. This is particularly relevant to

the insertion of rooflights, which can lead to harmful light-spill, where dark skies are an important characteristic and should be carefully considered in accordance with paragraph 185c of the NPPF. In addition, extensions to the roof that would lead to a significant increase in the height of the proposed dwelling would lead to the building being particularly intrusive, and further extensions are at risk of losing the agricultural character of the building and should be carefully considered in accordance with paragraph 176 of the NPPF. As such, these permitted development rights will be removed.

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 Development Policies 1 and 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Residential Amenity:

There are no nearby properties that will be impacted by the proposed conversion of the site to residential use.

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 Development Policy 7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Impact on Ecology:

The application site is mapped by Natural England as falling within the water catchment flowing into the Somerset Levels and Moors Ramsar site, designated for its rare aquatic invertebrates, which is currently in an unfavourable condition.

The application contains clear details of the proposed mitigation including the installation of a package treatment plant (PTP).

In addition, in accordance with paragraph 180d of the NPPF LPAs should seek opportunities to improve biodiversity in and around developments. These details can be secured by conditions.

Due to the location of the site and the reuse of the rural buildings it is important to ensure that the proposed works do not have an adverse impact on any wildlife in the locality. The preliminary ecological survey that was submitted includes details of bats that have been

identified in the building. The report makes recommendations that can be secured by condition on any permission.

The proposed development will not have an adverse impact on bats or other ecology. The proposal accords with Development Policies 5 and 6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

There are no proposed changes to the access for the site. Given the existing use, it is not considered that the proposal would result in a significant increase in traffic movements that would be prejudicial to highway safety.

The proposal includes the provision of sufficient parking spaces to meet the standards set out in the Parking Strategy. In addition, the proposal includes turning space, in accordance with Standing Advice, to allow vehicles to enter and leave the site in forward gear.

An access spur is to be taken from the existing bungalow's driveway across an area of garden to link to an existing track to the west of the dwelling. The garden driveway will be surfaced with tarmac to match the existing driveway. From the existing track, a new track will be formed to provide a dedicated residential access to serve the dwelling. The track will be laid with permeable materials and will retain a rural appearance.

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Development Policies 9 and 10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Trees:

The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with Development Policies 1 and 4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Land Drainage:

The NPPF, paragraph 167, states that when determining any planning applications, LPAs should ensure that flood risk is not increased elsewhere.

Development Policy 8 (DP8) states that "*all development proposals should minimise, and where possible reduce all emissions and other forms of pollution*". Point 1 of DP8 states "*Development (either cumulatively or individually) will be required to demonstrate that it does not give rise to unacceptable adverse environmental impacts on [amongst other things]*

- *the quality of water resources, whether surface river or groundwater [and]*
- *public health and safety”.*

Development Policy 23 (DP23) states that “*all developments will [also] be expected to incorporate appropriate water management measures to reduce surface water run-off and ensure that it does not increase flood risks elsewhere. This should include the use of sustainable urban drainage systems (SUDS)”.*

Foul drainage is proposed to be dealt with via a package treatment plant as there is no main connection.

The proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Development Policies 8 and 23 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Refuse Collection:

The site is considered capable of providing adequate refuse and recycling storage for the proposed dwelling.

Conclusion:

The application accords with the policies of the local plan as detailed above and is therefore recommended for approval.

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.

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:

4273/9B

4273/8A

4273/7B

4273/6B

4273/5

4273/4

4273/3

4273/2A

4273/23

4273/22

4273/21

4273/1A

4273/12

4273/11

4273/10

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

3. **PTP Requirements in Phosphate Affected Area (Pre-Occupation)**

Prior to first occupation of any dwelling hereby permitted, written evidence and details of the acquisition and installation of the package treatment plant and drainage field in accordance with details set out in the NNAMs prepared by RMA Environmental November 2023 including an agreed scheme for maintenance and ownership in perpetuity, shall be submitted to and approved in writing by the Local Planning Authority. Such evidence and details shall include a management and maintenance plan for the lifetime of the development which shall include the arrangements for maintenance of the package treatment plant, the permanent connection of the dwellings hereby permitted to said package treatment plant (unless the Local planning Authority gives any prior written approval to any

variation), and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development. The package treatment plant shall be installed as per the details submitted with the application and maintained and retained in perpetuity as per the manufacturer's instructions and the details hereby approved.

Reason: To improve the sustainability of the dwellings in accordance with Paragraphs 139, 159 and 186 of the National Planning Policy Framework.

4. **European Protected Species Mitigation Licence (Pre-commencement)**

No development shall commence until the following has been submitted to and approved in writing by the Local Planning:

- 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 statement in writing from the licensed bat ecologist to the effect that they do not consider that the specified development will require a licence.

Reason: In the interests of the strict protection of European protected species and in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014). This is a pre-commencement condition to ensure that a Licence is in place, if required, before development commences and because initial works to commence development have the potential to harm protected species and therefore these details need to be agreed before work commences.

5. **External Lighting (Bespoke Trigger)**

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

Reason: In the interests of the Favourable Conservation Status of populations of European protected species and in accordance with Development Policies 5 and 6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted

2014).

6. Nesting Bird Protection (Bespoke Trigger)

No removal of trees, hedges, or shrubs shall take place between 1st March and 31st August unless a Survey to assess the nesting bird activity on the site during this period and a Scheme to protect the nesting birds has been submitted to and approved in writing by the Local Planning Authority. No tree hedge or shrub shall be removed between 1st March and 31st August other than in accordance with the approved bird nesting protection scheme.

Reason: To protect nesting birds and prevent ecological harm in accordance with Development Policy 5 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

7. Ecological Appraisal - Mitigation (Compliance)

The development hereby approved shall be implemented in full accordance with the Ecological Appraisal undertaken by EPR, dated 21st November 2023, incorporating all of the recommendations set out in Section 7 under the supervision of a competent Ecologist. The Ecological Appraisal shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To prevent ecological harm and to provide biodiversity gain in accordance with Development Policy 5 of the Mendip District Local Plan Part I: Strategy & Policies 2006-2029 (Adopted 2014) and Government policy for the enhancement of biodiversity within development as set out in paragraph 186(d) of the National Planning Policy Framework.

Informatives

1. 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.
2. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.

3. 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/>