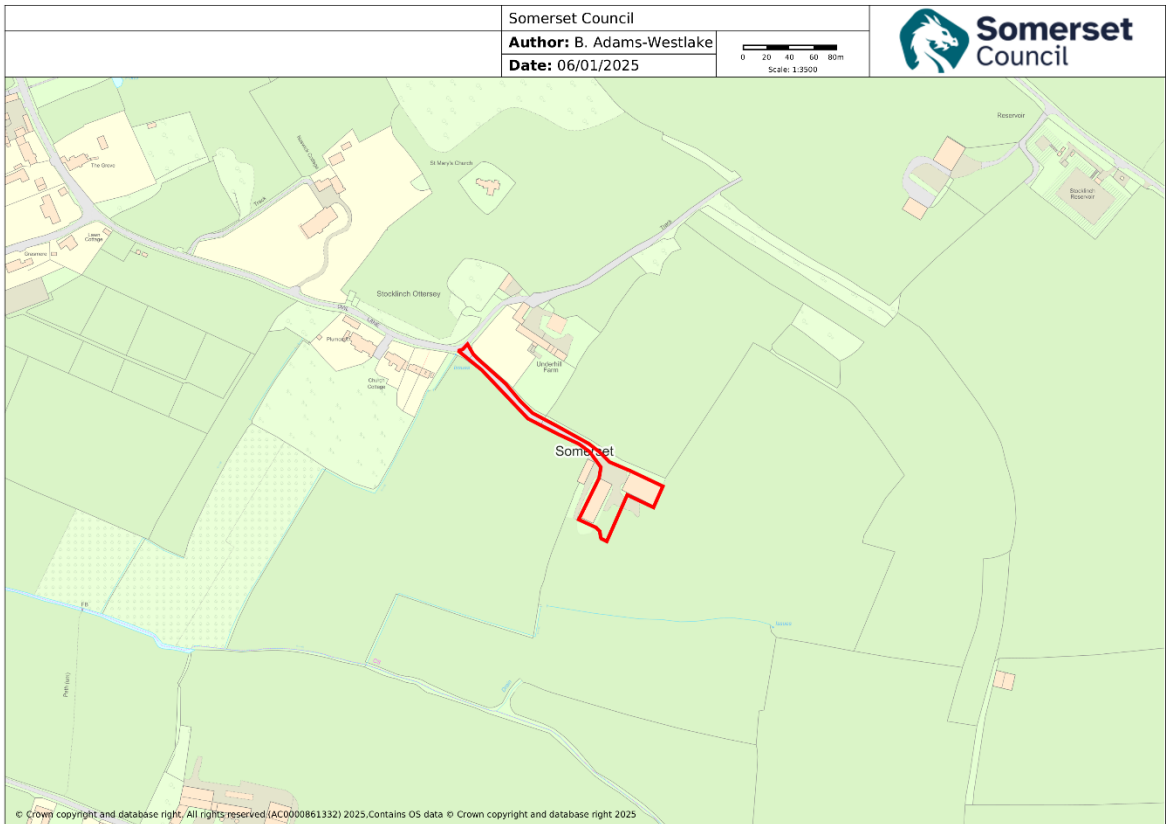
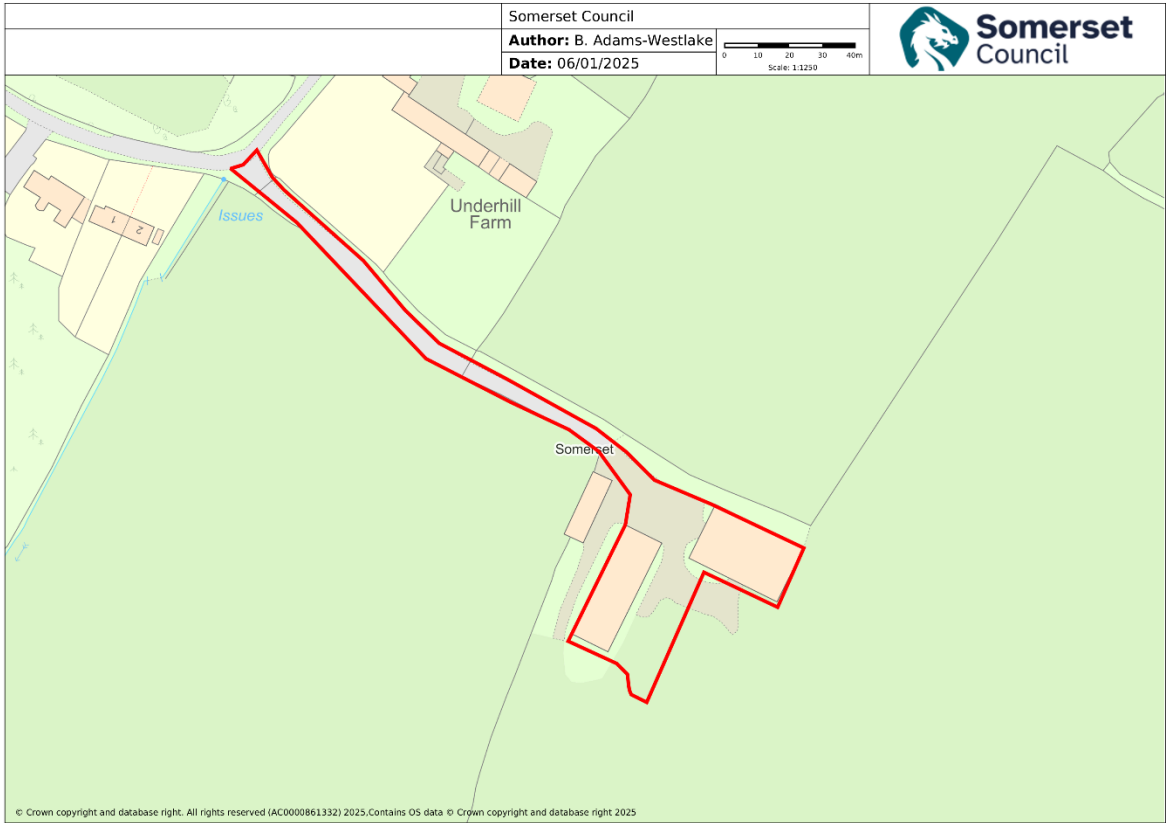


Application Details	
Application Reference Numbers:	24/01579/FUL
Application Types:	Full application
Extension of Time:	04.12.2024
Description:	The proposal will demolish the existing barns, which have a previously approved Class Q change of use, and rebuild into 5no. new habitable dwellings.
Site Address:	Land At Owl Street, Stocklinch, Ilminster, Somerset TA19 9JN
Parish:	Stocklinch
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment area:	Yes
AONB:	No
Case Officer:	Stanley Norris
Agent:	Hannah Bird, Orme Ltd
Applicant:	Dillington Estates
Reason for reporting application to Members:	This application is referred to the Somerset Council Area South Planning Committee at the request of the Area Chair and Area Vice Chair, following deliberation with the relevant Local Unitary Councillor. The application was initially referred as the office recommendation to approve the application was contrary to the Parish Councils objection.

1. Recommendation

- 1.1 That the application be approved subject to conditions.



2. Executive Summary of key reasons for recommendation

2.1 The existing barns have no special protection to prevent demolition, and there is therefore a fall back position for 5 (converted) dwellings on the site. It is considered that the Highways impacts associated with the development (once constructed) would remain the same whether the previously approved barn conversion is carried out or such barns are demolished and five purpose built dwellings are constructed on the site.

2.2 The proposed development respects the character of the local landscape and results in no demonstrable harm to visual or residential amenity, highway safety, biodiversity or impact on the Somerset Levels and Moors catchment area. As such, the proposal is in accordance with the aims and objectives of Policies SD1, SS1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan (2006-2028) and relevant guidance within the NPPF and is recommended for approval.

3. Planning Obligations, conditions and informatives

3.1 Obligations
None required.

3.2 Conditions

- 1) Time to commence within 3 Years
- 2) Plans
- 3) Materials
- 4) Construction Environment Management Plan (CEMP)
- 5) Surface Water Management
- 6) Consolidation of Access
- 7) Visibility Splays
- 8) Parking Provision
- 9) Electric Vehicle Charging Point
- 10) Permitted Development Removal
- 11) Lighting for Bats
- 12) Site Clearance
- 13) Biodiversity Enhancement and Mitigation Plan (BEMP)

Full details of conditions are set out at the end of the report.

3.3 Informatives

- 1) Protected Species (Bats, Birds and Badgers)

4 Proposed development, Site and Surroundings

4.1 The farm buildings at Owl Street are located to the southeast of Stocklinch on the outskirts of the village. The site is located to the south of Barrington and west of Shepton Beauchamp. This is therefore an open

countryside location. The character of Owl Street is a mix of residential dwellings and agricultural buildings. Dwellings are generally constructed of stone or render with a mix of roof types. Owl Street is a no through road and the site is to the bottom of Owl Street with only one thatched cottage further along at Underhill Farm. The site is accessed from a single lane track from Owl Street and is not visually prominent from surrounding roads due to distance and existing hedgerows which border the surrounding fields.

4.2 A Notification of prior approval under Class Q was granted in 2022 for the conversion of two of the three agricultural barns into 5 no. dwellings. The permission is extant until 13th April 2025.

4.3 Two large agricultural barns are the subject of the Prior Approval and this subsequent full planning application. One barn is constructed of a steel frame with timber boarding for the walls and cement fibre roof sheets and concrete block. A second barn is a rigid steel portal frame with vertical corrugated steel cladding for the walls and fibre cement sheets. A third barn was not subject of a Prior Notification under Class Q and is an open fronted steel framed barn with corrugated steel cladding for the walls and roof.

4.4 The Class Q conversion previously approved would provide 667 square metres of floor space internally measured with the heights of buildings ranging from 5.88 metres to 7.22 metres in height. The ground slopes gently downwards from northwest to south east. Accommodation approved consisted of 3 x 2 bed dwelling, 1 x 3 bed dwelling and 1 x 4 bed dwelling.

4.5 The application seeks consent to demolish two of the barns (with the western most to remain) and erect 5 dwellings, these would comprise a single detached dwelling and four terraced properties. The design of the dwellings is akin to the existing modern barns on site. The proposal would continue to provide 1x4 bedroom dwelling, 1x3 bedroom dwelling and 3x2 bedroom dwellings, as per the previous Class Q approval.

4.6 External materials used would be a mix of corrugated metal and timber cladding with metal standing seam roof and. Large openings and materials reflect the agricultural character of the open countryside.

4.7 The existing barns are not listed nor fall within the setting of listed buildings, and not within any area of designation, i.e. Conservation Area nor National Landscape (formerly AONB). Due to the age of the structures they are not considered to be of any historic value. The site is located within an area falling within a Flood Zone 1.

5. Relevant Planning History

5.1 22/03397/FUL - The proposal will demolish the existing three barns, two of which have a previously approved Class Q change of use and rebuild into 5no. new habitable dwellings, consisting of 1no. 4 bedroom dwellings, 2no. 3

bedroom dwellings and 2no. 2 bedroom dwellings. Refused May 2023 for the following reason:

5.2 The proposed development by reason of its extended residential curtilage compared to the scheme approved under (22/00743/PAMB) together with the number and distribution of dwellings and associated residential buildings and paraphernalia in a form that reflects a designed residential layout detracts from the wider landscape character of the site, and negatively contrasts with the simpler form of development approved under (22/00743/PAMB) wherein the development was underpinned by the reuse of simple agricultural buildings reflective of a countryside location. As such, the application proposal is contrary to the provisions of Policy EQ2 of the South Somerset Local Plan 2008 - 2028 and Paragraph 174 of the NPPF 2021 (Chapter 187 NPPF December 2024)

5.3 22/00743/PAMB - Notification of prior approval for the change of use of existing agricultural barns into 5 dwellinghouse - Approved

5.4 20/00502/PAMB - Notification for prior approval for the change of use of agricultural building to a dwellinghouse - Approved

5.5 20/00504/PAMB - Notification for prior approval for the change of use of agricultural building to a dwellinghouse - Approved

6. Habitat Regulations Assessment

6.1 The application site is located within the Somerset Levels and Moors Ramsar Site catchment area, which has suffered significant harm as a result of phosphate loadings in the District. The application site benefits from an extant approval for five dwellings under the Class Q Prior Notification process. The current lawful position (as outlined by Somerset Ecology Services) is that there is a current Class Q approval with sufficient time left to implement it, therefore meaning the application does not need to produce a Nutrient Neutral Assessment and Mitigation Strategy. It is therefore acknowledged that there is a genuine fallback position and that the issue of phosphates does not apply in this instance.

7. Consultation and Representations

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

7.1 Consultees

Consultees	Consultee Comments (and Officer Comment)
Stocklinch Parish Council:	Stocklinch PC wish to comment on this application which is to demolish existing barns with Class Q change of use and re-build into 5 no. habitable dwellings.

The parish Council are extremely disappointed that the applicant does not appear to have taken on board the extent of the objections and ill-feeling created by the long history of this site.

Last year, 22/03397/FUL was refused, with the comment that "the approved development 22/00743/PAMB underpinned the reuse of simple agricultural buildings reflective of a countryside location." Commenting that the applicant had the fall-back of that Class Q.

This new application is for full planning to demolish these barns and re-build a facsimile as houses. This cannot be considered a reuse and so should be dealt with as such.

Furthermore, the environmental impact of demolishing two barns, apparently deemed suitable for conversion just to be rebuilt is considerable. In the plans, there is no indication of where the services, including a sewerage treatment plant is to be sited and seemingly very little amenity area.

There is a letter in the application from an Archaeological consultant stating that they had held a watching brief when the first barn was erected in 2004. (04/00912/FUL). This barn has no foundations, and in fact partly is built directly on hard ground and not concrete, on a slope, so there, presumably, would have been very little disturbance to below surface level.

Bearing in mind when the planning for this barn was approved, Archaeology stated that "The site lies within a recognised medieval field system and on a possible hill fort recently identified following archaeological investigation of a pipeline. It is likely this proposal will impact on remains relating to early occupation." We cannot find the written scheme of investigation requested.

The other barn (C) did not require planning and therefore was not required to have a "watching brief" However, there is quite a difference to building 2 barns off no foundations, and demolishing, and re-using the site for housing.

The concern throughout all of these applications has been over development in a rural landscape, viewed panoramically and outside the village environment.

There is the possibility of the houses becoming self-catering, bearing in mind other applications nearby within the same ownership. 20/02745/FUL and 24/00573/FUL.

As a result, if permitted, the village would be more reassured if certain conditions were put on.

1. That the properties would be for long term rent as suggested by the application and not short term holiday lets.

	<p>2. There would be no more development outside the curtilage of the barns. We notice that one small open fronted barn is to be kept separate, with a farm track application that is proposed from Atherstone road right up to it. (24/00573/FUL)</p> <p>3. An archaeological survey is carried out.</p>
<p>Officer Comment: A number of material issues raised above are considered in detail in the relevant sections of the report below.</p>	
<p>Somerset Council Highways:</p>	<p>Refer to comments/condition previously made in respect of the previous application. No objection subject to the application of conditions. The Highway Authority deem the following points to be salient;</p> <ul style="list-style-type: none"> • Access - Vehicle access is currently provided via the main entrance to the yard off Owl Street, to which it will serve all 5 dwellings. It is currently used by farm vehicles and will remain unchanged from that approved in the Class Q prior approval. • Trip generation of no more than 3 trips in the peak hour. • No PROW evident in the vicinity of the proposed development site, and the same applies to the current access road. • Injury Collisions - No known use of current access or local access to be inherently dangerous. • Parking and Turning to standards; The proposal includes 21 car parking spaces; 4 motorcycles & 14 cycle parking spaces. EVC's will need to be included. • Visibility Splays - A minimum of 2.4x43m in both directions, is required at Owl Street, due to its corner location. • Drainage - SCC's Drainage Engineers have assessed the Proposed Drainage Plan ref. 1461/006 dated 21st June 2022, prepared by Messrs. Orme Limited and submitted in support of planning this application. The Highway Authority can confirm there is no objection to the surface water management strategy proposed for the dwellings but note that there is no reference to the means by which surface water run-off will be collected and discharged from the access road serving the development. • Refuse collection point - Details & plan to be submitted • CEMP - To be submitted.'
<p>Officer Comment: Highways considerations will be discussed further below, however, any recommended conditions would be imposed on any eventual approval.</p>	
<p>South West Heritage Trust (Archaeology) -</p>	<p>As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.</p>
<p>Officer Comment: Notwithstanding the Parish Council request for an Archaeology survey, on the basis of the response it is considered that the request is unreasonable.</p>	

Somerset Ecology Services - Phosphates	Somerset Council's position is that if an Applicant has an implementable prior approval by virtue of a previous Class Q consent, and there is an intention to proceed with the conversion to a dwellinghouse(s), then this would be sufficient for a 'fallback' position to apply. If the fallback position applies, the proposal can be 'screened out' from requiring an HRA and demonstrating nutrient neutrality.
Officer Comment: It is considered that sufficient time would remain for the applicant to undertake the conversion, and as such, there is no requirement for a NNAMS or HRA to be undertaken.	
Somerset Ecology Services - Protected Species	Raised no objection to the development subject to a number of conditions.
Officer Comment: Any recommendations conditions will be imposed on any eventual approval.	

Local consultation and representation

7.2 In accordance with the Council's Adopted Statement of Community Involvement application 24/01579/FUL was publicised by letters of notification to the two neighbouring properties sent on 13.08.2024. A site notice was also displayed as part of the initial consultation.

7.3 No comments of objection, nor support were received from local residents.

8. Relevant planning policies and Guidance

8.1 Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act"), requires that in determining any planning application 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.

8.2 The site lies in the former South Somerset area. For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015), saved policies from the South Somerset Local Plan 1991-2011, Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

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

Policies of the South Somerset Local Plan

Policy SD1: Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity Policy

Policy TA1 - Low Carbon Travel

Policy HG8 - Replacement Dwellings in the Countryside

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Other Relevant Documents

National Planning Policy Guidance

Somerset County Council Parking Strategy.

Somerset Highways Standing Advice V3.

Placemaking Principles for Somerset (October 2024)

The National Planning Policy Framework 2024

The revised National Planning Policy Framework (NPPF), last update December 2024 sets the Governments planning policies for England and how these are expected to be applied.

Relevant Chapters of the NPPF include:

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 6 - Building a Strong Competitive Economy

Chapter 9 - Promoting Sustainable Transport

Chapter 11 - Making Effective Use of Land

Chapter 12 - Achieving Well-Designed Places

Chapter 15 - Conserving and Enhancing the Natural Environment

9. Commentary on Development Plan

9.1 The Council published a Five-year Housing Land Supply 2024-2029 for the former South Somerset area in September 2024. This shows it can demonstrate a housing land supply equivalent to 3.44 years - a situation that is predominantly a result of the requirement to mitigate phosphates affecting the condition of the Somerset Levels and Moors Ramsar Site and River Axe Special Area of Conservation.

9.2 The Council therefore acknowledges that this means that the tilted balance in paragraph 11 d) of the NPPF now applies to the decision-making process.

9.3 The lack of a five-year housing land supply means the presumption in favour of sustainable development is a significant material consideration and any recommendation will need to be made in the context of paragraph 11 d) of the NPPF having regard to the weight that should be given to policies within the adopted South Somerset Local Plan 2006-2028 and taking into account the nature and extent of the shortfall in housing land supply.

9.4 A revised NPPF was published on December 12 2024. The new NPPF is material to the consideration of this application.

9.5 Amongst other changes, the new NPPF mandates an immediate change to the standard method for calculating the housing requirement for Somerset and its constituent former Districts. The Council is not yet able to determine the exact number of years of housing supply, but recognises that it is now less than 3 years.

10. Local Finance Considerations

10.1 This development would be liable for Community Infrastructure Levy.

11. Material Planning Considerations

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

- Principle
- Size, scale and design/Landscape Impact
- Residential Amenity
- Highway Safety and active travel
- Drainage and Flood Risk
- Ecology and Phosphates

Principle of Development

11.2 The Council is required to make a decision in line with the Development Plan, unless material considerations indicate otherwise (Section 38(6), Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990). The NPPF is a key material planning consideration. In policy context, national guidance contained within the NPPF sets out a presumption in favour of sustainable development. Paragraph 83 of the NPPF states that in order to promote sustainable development in rural

areas, housing should be located where it will enhance or maintain the vitality of rural communities.

11.3 Furthermore, paragraph 84 advises that planning decisions should avoid the development of isolated homes in the countryside unless one or more of a certain set of circumstances are met. Such circumstances include:

- (i) there being an essential need for rural workers;*
- (ii) enabling development to secure the future of heritage assets;*
- (iii) re-using redundant or disused buildings;*
- (iv) subdivision of an existing dwelling; or*
- (v) the design of the new dwelling is of exceptional quality.*

None of those five circumstances apply in this instance.

11.4 The site lies to the southeast of Stocklinch, and therefore within open countryside outside of any development area as identified in the Local Plan. When considering development proposals, the Council takes a proactive approach to reflect the presumption in favour of sustainable development and seeks to secure development that improves the economic, social and environmental conditions within the District. Planning applications that accord with the policies in the Local Plan shall be approved without delay, unless material considerations indicate otherwise. This reflects Local Plan Policy SD1 and the general thrust of policy guidance within the NPPF.

11.5 The site benefits from extant Prior Approvals for the conversion/change of use of two of the barns to form 5 dwellinghouses. The implementation of that consent would result in the delivery of five dwellinghouses, a 4 bed dwelling, a 3 bed dwelling and 3x2 bedroom dwellings.

11.6 The submitted application statement in support of this current application states that the current proposal would involve the demolition of the barns and the erection of a new build dwellings in the form of two barn like structures.

11.7 An important material planning consideration when determining this application proposal is the "fall back" position having regard to the prior approval as 'permitted development' under Class Q of the GPDO.

11.8 It can be argued that the prior approval conversion approach would result in a relatively utilitarian building being provided on site. This "fall back" is considered to be less preferable in landscape terms. It is acknowledged that permitted development rights can form a fall-back position to trade in better planned and design development. This principle has been established through the case of *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314.

11.9 Whilst there is no specific development plan policy that supports the principle of the current proposal, the 'fall-back' position set out above

(conversion of the existing building under Class Q permitted development rights), together with other material planning considerations which are supportive of the application proposal, must be taken into account when assessing this application.

11.8 Therefore, where there is an established residential use already agreed, a similar residential application would be acceptable in principle, dependent on material considerations such as scale and design. It is appreciated that the Parish Council do not agree with this view and it is also acknowledged that there is little pedestrian infrastructure (pavements and streetlighting) to connect the site to the services within Stocklinch. However, the principle of development has already been established and a refusal on such basis would be unreasonable.

11.9 Detailed considerations relating to such matters as impacts on the character and appearance of the locality and landscape setting and residential amenities of occupiers of nearby properties, together with traffic generation to and from the site and resultant impact on highway safety, flood risk and biodiversity (and phosphate mitigation) will be addressed elsewhere within this report.

Access and Highway Impacts

11.10 Somerset Council Highways have confirmed they have no issues associated with the development so long as conditions are imposed relating to a Construction Environmental Management Plan, proposed access arrangements including visibility splays, parking spaces, turning areas, the provision of EVCP's and drainage.

11.11 Highways have not highlighted any issues regarding the width or condition of Owl Street, and did not raise concerns within the previous Prior Notification application. Consent has already been given for 5 dwellings, and this application will not intensify the agreed use.

11.12 The application is, therefore, capable of complying with policies TA1, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

Design, Scale and Landscape Impact

11.13 The barns benefit from Prior Approval for the change of use of two existing buildings and associated works sufficient to convert the agricultural building to a residential use (Ref: 22/00743/PAMB) approved in April 2022. The implementation of this consent would result in the delivery of 3 x 2 bed, 1 x 3 bed and 1 x 4 bed dwellings of two storey height.

11.14 The character of the surrounding area is of traditional residential dwellings interspersed with some agricultural buildings which include a

mixture of stone barns and some more modern open fronted steel portal framed barns with timber or steel cladding for walls, such as the existing buildings. The permitted Class Q barn conversion as approved would fit in with the existing character and appearance of the area given that it converts well established and existing agricultural barns with limited intervention.

11.15 It is acknowledged that this application follows refusal 22/03397/FUL which sought to demolish the existing barns and erect 3 detached dwellings and 2-semi detached dwellings. It was considered that the development was overly domestic for the rural setting owing to the extended residential curtilage and general design/layout of the proposed development.

11.16 This revised proposal, although still seeking to demolish the barn structures as existing, would see the provision of two new build barn-like structures, of a similar scale, design and materials to the existing barns on site. Therefore, whilst a new build, the proposed dwellings would maintain the agricultural character of the area. The proposed dwellings would occupy a similar position to the existing buildings on site and as such, the proposal would comply with the existing pattern of development on site and in the wider vicinity.

11.17 The proposal would therefore be considered in compliance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

Ecology and Phosphates

11.18 Local Planning Authorities have a statutory duty to ensure that the impact of development on wildlife is fully considered during the determination of a planning application under the Wildlife and Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006, The Conservation of Habitats and Species Regulations 2017 (Habitats Regulations 2017). Policy EQ4 of the Local Plan also requires proposals to pay consideration to the impact of development on wildlife and to provide mitigation measures where appropriate.

11.19 Included as part of the application submission is a Bat and Bird Scoping Report prepared by Nash Ecology dated September 2021 and is considered valid for up to two years. Whilst this date has now passed, the Council's Ecologist has been consulted and suggested a number of conditions and biodiversity enhancements. These include external lighting to protect potential foraging pathways for bats, protection of nesting birds, reptiles, amphibians and trees during construction works. As such, with the imposition of conditions relating to the enhancements and lighting strategy, the proposal does not conflict with Policy EQ4 of the Local Plan or relevant guidance within the NPPF.

11.20 The Ecologist has not made any comments in regards to the requirement to provide Biodiversity Net Gain in line with the recent legislative changes that came into force in April 2024. Nevertheless, the submitted statement states 'as less than 25 square metres of on-site habitat, and less than 5 metres of linear habitats, (hedgerows) are impacted within the site, this proposal is subject to the de minimis exemption.

11.21 The application site is located within the Somerset Levels and Moors Ramsar Site catchment area, which has suffered significant harm as a result of phosphate loadings in the District. The application has been previously approved for five dwellings under the Class Q Prior Notification process. The current lawful position is that if there is a current Class Q approval with sufficient time left to implement it, then the application may not need to produce a Nutrient Neutral Assessment and Mitigation Strategy. It is therefore acknowledged that there is a genuine fallback position and that the issue of phosphates does not apply in this instance.

Drainage and Flood Risk

11.22 The application is sited within Flood Zone 1, so is within the area of the lowest level of flood risk. Surface water is proposed to be discharged through soakaways which could be achieved through a condition. It is therefore considered that the current proposal does not conflict with Policy EQ1 and relevant guidance within the NPPF as the site is in a low flood risk and there would be sufficient measures in place to ensure adequate water drainage.

Impact on Heritage Assets

11.23 The application site does not fall within a Conservation Area nor are there any Listed Buildings within close proximity.

11.24 It is acknowledged that the site is located within an 'Archaeological Site of County Importance'. As such, the South West Heritage Trust have been consulted on the development and have raised no objections on archaeological grounds.

Residential Amenity - Impacts on Existing and Future Residents

11.25 There are no nearby neighbouring residential properties that would be adversely affected by the proposed development. The nearest neighbouring properties are greater than 100mts from the site.

11.26 The proposed siting, scale, height, design and appearance of the proposed buildings would therefore not result in any substantive harm to neighbour amenity in terms of significant and unacceptable dominance, overshadowing, overlooking, loss of privacy and loss of outlook.

11.27 The proposed development is considered to provide sufficient amenity space for future occupiers, aligning with that previously found acceptable and approved under the extant Class Q application.

11.28 The proposal would be considered in compliance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

Foul Water

11.29 The submitted application form details that foul water associated with the development hereby proposed will be dealt with via a Package Treatment Plant rather than connecting to an existing drainage network.

11.30 Whilst the location of the proposed PTP is not identified on the submitted plans, it is acknowledged that this is a Building Regulations matter which will be considered post decision and as such, is not a reason to refuse the application. It should also be noted that under the extant Class Q consent, no details of foul water drainage or other services to the site are required to be provided.

12 Other Matters

12.1 Within the closing statement of the Parish Council letter of objection, it is requested that if the development is approved, a number of conditions are imposed, including securing the use of the dwellings as long term rentals rather than short term holiday lets, no further development outside of the curtilage of the barns noting that a separate barn would remain on site and there is a separate live application regarding a new access track and finally that an Archaeological Survey be undertaken.

12.2 With regards to the use of the dwellings (should the development be approved) this is considered to be outside of the control of the Local Planning Authority. Whether the dwellings be sold as market dwellings, let by the applicant as long-term rentals or let as short-term holiday rentals the use would still fall within a C3 use. As such, it would be unreasonable to restrict the future use.

12.3 With regards to the prevention of further development of the site and the adjoining barn (to be retained for agricultural purposes), this is also considered outside of the control of the Local Planning Authority. Any future planning applications regarding the land in question will be considered on their own merits with the relevant bodies consulted. It is not possible to put a condition on restricting all further future development of the site. A condition however has been recommended on this application removing Permitted Development Rights associated with the dwellings for extensions, outbuildings, etc.

12.4 Finally, whilst it is acknowledged that the Parish have requested a condition requiring that an Archaeology Survey is undertaken, it is noted that the South West Heritage Trust have been consulted on this application (alongside the previously refused application) given the siting within an Archaeological Site of County Importance and have raised no objections, nor have requested that any further survey work be undertaken. As such, it is not considered that it would be reasonable to put the applicant to further expense or delay for the purposes of undertaking the requested surveys.

13 Planning Balance and Conclusion

13.1 The existing barns have no special protection to prevent demolition, and there is a fall-back position for the conversion of the existing buildings into 5 dwellings, which could be carried out without any further consent.

13.2 It is considered that the Highways impacts associated with the development (once constructed) would remain the same whether the existing buildings are converted under the previous prior approval or whether 5 new build dwellings would be constructed within the site.

13.3 The proposed development is considered to respect the character of the local landscape and results in no demonstrable harm to visual or residential amenity, highway safety, biodiversity or impact on the Somerset Levels and Moors catchment area. As such, the proposal is in accordance with the aims and objectives of Policies SD1, SS1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan (2006-2028) and relevant guidance within the NPPF and is recommended for approval.

RECOMMENDATIONS

Approve application 24/01579/FUL subject to the stated planning conditions for the following reason:

The proposal development respects the character of the local landscape and results in no demonstrable harm to visual or residential amenity, highway safety, biodiversity or impact on the Somerset Levels and Moors catchment area. As such, the proposal is in accordance with the aims and objectives of Policies SD1, SS1, TA5, TA6, EQ2 and EQ4 of the South Somerset Local Plan (2006-2028) and relevant guidance within the NPPF and is recommended for approval.

Subject to the following conditions:

1)The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990

2) The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below):

- o 1461-001 Location Plan
- o 1461-030 Proposed Block Plan
- o 1461-031 Proposed Barn B Ground Floor
- o 1461-032 Proposed First Floor Plan Barn B
- o 1461-033 Proposed Roof Plan Barn B
- o 1461-034 A Proposed Plans Barn C
- o 1461-040 A Proposed Elevations Barn C
- o 1461-041 A Proposed Barn B Elevations
- o 1461-042 A Proposed Barn B Elevations

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

3) Notwithstanding the details indicated on the application form, prior to progression of any part of the development hereby permitted above slab level, a schedule of materials and (colour) finishes (including samples and trade descriptions/brochure details where appropriate) of materials to be used in the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in accordance with the approved details and completed before the development is first occupied and thereafter shall be retained and maintained in that form,.

Reason: To enable the Local Planning Authority to consider the details of all external finishing materials prior to their installation at an appropriate stage during the development to ensure that the development displays good design practise, and having due regard to safeguarding visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan and relevant guidance within the NPPF.

4) No development shall take place, including any demolition works, until a construction management plan or construction method statement has been submitted to and approved in writing by the Local Planning Authority. The approved plan/statement shall be adhered to throughout the demolition/construction period.

The plan/statement shall provide for:

- o 24 hour emergency contact number;
- o Hours of operation;
- o Parking of vehicle of site operatives and visitors (including measures taken to ensure satisfactory access and movement for existing occupiers of neighbouring properties during construction);
- o Routes for construction traffic;
- o Locations for loading/unloading and storage of plant, waste and construction materials;
- o Method of preventing mud being carried onto the highway;
- o Measures to protect vulnerable road users (cyclists and pedestrians)
- o Any necessary temporary traffic management measures;
- o Arrangements for turning vehicles;

- o Arrangements to receive abnormal loads or unusually large vehicles;
- o Methods of communicating the Construction Management Plan to staff, visitors and neighbouring residents and businesses.

Reason: The agreement of details of a Construction Environmental Management Plan and details for the prevention of pollution prior to the commencement of development is fundamental to ensure a satisfactory level of environmental protection, including prevention of pollution to the water environment; to minimise disturbance to local residents; the prevention of harm being caused to the amenity of the area; and in the interests of highway safety during the construction process, having regard to Policies TA5, EQ2, EQ4 and EQ7 of the South Somerset Local Plan and relevant guidance in the NPPF.

5) Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed prior to development above damp-proof course level and thereafter maintained in perpetuity.

NOTE: Any systems provided for the purposes of draining the site shall be constructed and maintained privately until such time as the drainage is adopted. At no point will this Authority accept private infrastructure being connected into highway drainage systems. Consent from the riparian owner of any land drainage facilities affected, that are not within the developer's title, will be required for adoption.

Reason: In the interests of highway safety and to accord with Policy TA5 of the South Somerset Local Plan (2006-2028).

6) Prior to commencement of first occupation of the development hereby permitted the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining highway, shall be properly consolidated and surfaced (not loose stone or gravel) and drainage installed in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition in perpetuity.

NOTE: As approval of the construction either on or directly adjacent to the highway will require an Agreement or Licence with this Authority, no discharge of this condition will be agreed until either technical approval or the licence has been granted.

Reason: In the interests of highway safety, in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

7) There shall be no obstruction to visibility greater than 600 millimetres above adjoining road level in advance of lines drawn 2.4 metres back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m either side adjoining onto the Owl Street. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained in perpetuity.

Reason: In the interests of highway safety, in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF

8) The development hereby permitted shall not be occupied until the relevant number of parking spaces for the dwellings and a properly consolidated and surfaced turning space for vehicles have been provided and constructed within the site in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Such parking and turning spaces shall be kept clear of obstruction in perpetuity and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: To protect the visual and residential amenities of the site and surrounds and to ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable vehicles to turn on-site without having to reverse onto the County highway, in the interests of and for the safety of persons and vehicles using the development and the adjoining road, having regard to Policies EQ2 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

9) Prior to first occupation of the dwelling hereby permitted, a 16amp electric charging point for electric vehicles shall be provided adjacent to a parking space for each dwelling. Once installed such electric charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

10) Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (additions etc to the roof of a dwellinghouse);
- (c) Part 1, Class C (other roof alterations);
- (d) Part 1, Class E (incidental buildings, enclosures, swimming or other pools);
- (e) Part 1, Class G (chimney, flues, soil or vent pipes);
- (f) Part 2, Class A (gates, fences, walls or other means of enclosure);

Reason: To enable the Local Planning Authority to exercise control over development in order to safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions or alterations to the dwellings, to ensure there is no resultant detriment to ecological, environmental and biodiversity interests and to safeguard on-site parking and circulation areas; having regard to Policies EQ2, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

11) Where external lighting is to be installed, prior to construction above damp-proof course level, alighting 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.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy EQ4 of the South Somerset District Council Local Plan.

12) No building work or vegetation clearance shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the buildings, trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: To protect nesting birds and prevent ecological harm in accordance with policy EQ4 of the South Somerset District Council Local Plan. Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended).

13) A Biodiversity Enhancement and Mitigation Plan (BEMP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the development. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation of the development: The content of the BEMP shall include the following:

A. At least 3 bat boxes installed at least four metres above ground level and away from windows, on the south and/or west facing elevations of the buildings and maintained thereafter.

B. At least 2 clusters of 3 no. swift boxes installed directly under the eaves, at least 1 meter apart, and away from windows on the north and/or east elevations of the buildings and maintained thereafter.

C. Any new fencing must have accessible hedgehog holes, measuring 13cm x 13cm to allow the movement of hedgehogs into and out of the site

D. Either a bee brick built into the wall about 1 metre above ground level on the south or east elevation of each dwelling or 2no. insect hotels installed in a suitable location on site. Please note bee bricks attract solitary bees which do not sting.

E. Planting of high nectar shrubs, trees, and hedgerows (locally occurring would be ideal), which should appeal to night-flying moths (a key food source for bats). The Royal Horticultural Society guide, "RHS Perfect for Pollinators,

www.rhs.org.uk/perfectforpollinators" provides a list of suitable plants both native and non-native plants.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out the National Planning Policy Framework.

Informatives

- 1) The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017 (as amended). In the unlikely event that bats are encountered during implementation of this permission works must stop and advice must be sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds encountered during implementation of this permission works must stop and advice must be sought from a suitably qualified and experienced ecologist at the earliest possible opportunity. The nest must remain in situ until all young have fledged.

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