

Case Officer	Kelly Pritchard
Site	Laurel Farm Laurel Farm Lane Sticklynch Glastonbury Somerset
Application Number	2021/0644/FUL
Date Validated	24 March 2021
Applicant/ Organisation	S Cellan Jones
Application Type	Full Application
Proposal	Demolition of outbuilding; replacement with first floor holiday flat, ground floor storage, and studio.
Division	Mendip South Division
Parish	West Pennard Parish Council
Recommendation	Refusal
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

Referral to Chair and Vice-Chair:

In accordance with the scheme of delegation, this application is referred to the Chair and Vice-Chair of the Planning Board as the case officer recommendation is to refuse, and the Parish Council recommended approval.

Description of Site, Proposal and Constraints:

The application relates to an existing workshop/storage building in the garden of Laurel Farm, West Pennard.

The site is relatively isolated with open views to the north. The existing workshop/storage building is in a poor state of repair, finished in brick and block, with corrugated low-pitched roof, approximately 6 metres high. Connected to this on its east side is an older low stone building with tiled roof also used for storage. An ecologist has identified that this has been used as a bat roost.

Further to the east is a bank of undergrowth and hedging, and on the north boundary tree-planting, none of which will be affected by the proposal.

The existing and proposed buildings sit within a yard comprising a mix of hardstanding, grassed areas, concrete slabs and spoil heaps.

The ground rises up from north to south, so that Laurel Farm stands approximately 2 metres higher than the proposal site. Laurel Farm is finished with a plain tiled roof, stone walls and is 3 storeys (rooms in the roof).

The lane approaching the site is an unclassified narrow road and has a speed limit of 60mph although due to the topography traffic is travelling much slower. There is parking and turning available on site.

There are no immediate neighbours to be affected by the proposal.

The site is outside the settlement limits, within a SSSI risk impact zone, there is a public right of way to the north of the application site and to the east is a priority habitat area (Priority Habitat (TORCH 2.4), Priority Habitat (Traditional Orchard 3.4), Priority Habitat (Traditional Orchard 4.4)). The priority habitat and footpath are not within the red line for the application site.

The site was originally caught by the phosphate catchment area, but during the life of the application the mapping was amended and the site is no longer caught.

The application seeks full planning permission for the demolition of the building and the erection of a building for storage and studio ancillary to the use of Laurel Farm and a first-floor holiday let. Since the submission of the application, the plans have been amended as the single storey building to the east was to be retained and is now proposed to be removed. Also, now proposed is the erection of a stand a lone new building to accommodate a bat roost.

The taller building will have an eaves of 4.8m and ridge of 7.6m facing the courtyard. The Studio eaves is 2.3m and the ridge 4.5m. The size, of the bat roost is 3.4m x 4m x 3.5m high.

Relevant History:

- 100460/000 – Refused 03.06.75, appeal dismissed. Erection of bungalow.
- 117393/000 – Development is lawful - Application For a Certificate of Lawfulness For the Use as Haulage Premises, Storage, Maintenance and Repair of Commercial Vehicles, Storage of Hauled Goods and Admin Use. 20.02 04
- 2013/0808 – Approval - Demolition of derelict barn/store and lean to and erection of new single storey extension on west elevation. 20.06.13
- 2018/0733/PREAPP - Two-bedroom holiday let, studio / ancillary space for existing

house, outbuilding. 03.05.18

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

Ward Member: No comments received.

West Pennard Parish Council: Approve.

Highways Development Officer: Standing Advice.

Environmental Protection: No objection.

Contaminated Land: No objection subject to an informative concerning a watching brief.

Land Drainage: No objection subject to pre-commencement condition concerning surface water.

- Within flood zone 1 and shown to be at very low risk of surface water flooding.
- Several options for surface water management are indicated on the application form but no further details are provided. Soils mapping indicates slowly permeable seasonally wet slightly acid but base rich loamy and clayey soils suggesting discharge to the watercourse would be the most viable option. Betterment of existing discharge rates and source control features (rain gardens, permeable surfacing) should be provided.
- Foul drainage will discharge to a package treatment plant with discharge to the watercourse.

Ecology: No objection subject to conditions.

Local Representations:

No other representations have been made.

Full details of all consultation responses can be found on the Council's website www.mendip.gov.uk

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

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations 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)
- Somerset Waste Core Strategy
- Somerset Mineral Plan (2015)

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

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP3 (Supporting Business Development and Growth)
- CP4 (Sustaining Rural Communities)

- DP1 (Local Identity and Distinctiveness)
- DP4 (Mendip's Landscapes)
- DP5 (Biodiversity and Ecological Networks)
- DP6 (Bat Protection)
- DP7 (Design and Amenity of New Development)
- DP8 (Environmental Protection)
- DP9 (Transport Impact of New Development)
- DP10 (Parking Standards)
- DP23 (Managing Flood Risk)

Other possible Relevant Considerations (without limitation):

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)
- The Countywide Parking Strategy (2013)
- Somerset County Council Highways Development Control Standing Advice (June 2017)

Assessment of relevant issues:

Principle of the Use:

The application site is situated outside any defined settlement limits, within a location

isolated from services and facilities, where development is strictly controlled. The application proposes the demolition of a building and the erection of another to be used for storage and studio ancillary to the use of Laurel Farm and a first-floor holiday let. Whilst the application proposes partial use of the building as a holiday let, this is a C3 residential use albeit it would be a controlled residential use.

Policies CP1 and CP2 seek to direct new residential development towards the principal settlements and within defined development limits, which is consistent with the aims of creating sustainable development and protecting the countryside as described in the NPPF.

Policy CP3 says economic development proposals will be supported where they accord with the spatial strategy CP1 and, in rural areas, the principles set out in CP4. CP3 also supports sustainable rural tourism and leisure developments which respect the character of the countryside. Policy CP4, amongst other things, seeks to strictly control residential development in the open countryside save for specific exceptions: Development Policies (DP) 12, 13, and 22, are not considered to apply here.

The Local Planning Authority (LPA) cannot currently demonstrate a five-year housing land supply in accordance with the requirements of the NPPF. As a result, the policies within the Local Plan, which seek to prevent new housing outside the development limits of settlements (CP1, CP2 and CP4) currently have limited weight. Therefore, whilst regard should be given to the policies in the Local Plan, the 'presumption in favour of sustainable development' as set out in paragraph 11(d) of the 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 taken as a whole or where its specific policies indicate that development should be restricted. The provisions as set out at Paragraph 11(d) of the NPPF will be considered in completing the overall planning balance.

The application site is located within an unsustainable location where new buildings should not be encouraged as there will be a reliance on the use of the private vehicle to access the development and to access services and facilities whilst holidaying here. In summary there is no policy support for the application proposals given its remote location.

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. Further to this, decisions should take account of efforts made to minimise negative effects.

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. It goes on to say that the proposal should demonstrate that it can meet the needs of a wide range of users.

The area of land where the existing barns are located was possibly part of an old farm yard, the house having a more intimate area of land as garden area closer to the property.

Whilst the buildings are in a poor state of repair they are characteristic of rural agricultural/workshop type buildings. The building proposed is not a conversion, as these buildings are unlikely to be compliant with the restrictions of DP22, it is a new building which is tantamount to a dwelling albeit the request is for its use as holiday accommodation.

The replacement building is likely to be visible from the public footpath which lies to the north of the site and its design is more domestic in character which includes a balcony and domestic style openings. It will be approximately 2.7m higher than the highest building to be demolished, but on a similar footprint to the existing structures.

Notwithstanding the unsustainable location it is considered that, on balance, the building would be seen in the context of the existing house and as such does not result in harm to the character and appearance of the area.

Impact on Residential Amenity:

There are no immediate neighbours, and it is considered that the proposal would be acceptable in amenity terms for existing surrounding occupiers. However, the nature and scale of the holiday accommodation proposed would be limited for guests.

Impact on Ecology:

The barn is a confirmed bat roost that supports lesser horseshoe bat (peak count of 14) and soprano pipistrelle. The presence of a breeding colony can be discounted but the barn is likely to be used as a day and transitional roost. Up to four soprano pipistrelles were also recorded roosting within the barn and the roost was assessed to be a day roost.

As lesser horseshoe and soprano pipistrelle bat roosts will be affected (disturbed/destroyed) by the demolition of the barn, and bats potentially harmed, then the Local Planning Authority has to fulfil its legal duty of 'strict protection' of European protected species under the provisions of the Habitats Regulations 2017 (and the Crime and Disorder Act 1998), by imposing planning conditions to protect them.

A bat survey report has been produced by Nash Ecology (2022) detailing an associated mitigation strategy (section 4) including pre-construction toolbox talk, a standalone compensatory bat roost within the garden, exclusion, lighting, and monitoring. All ecological measures and/or works shall be carried out in accordance with the details contained in section 4 of the Bat Survey Report.

Swallows were recorded nesting in the workshop in 2018 and as such as the building will be lost, further nesting provision should be provided and this can be dealt with via appropriately worded planning conditions.

Having regard to the ecological information submitted and our technical consultee response, it is considered that if appropriately worded conditions were imposed the proposed development would not have an adverse impact on bats or other ecology. As such the proposal accords with Policies DP5 and DP6 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Assessment of Highway Issues:

Policy DP9 of the local plan, and the NPPF seek to promote sustainable transport options, such as walking, cycling or public transport. Policy CP3 supports sustainable rural tourism and leisure developments via conversion of existing building when the site is located outside the settlement limits. The site is remote from shops, services and facilities. Public transport options are limited and walking or cycling journeys to meet every day needs would generally be impractical. In the absence of realistic sustainable transport options, the proposal would unjustifiably foster the growth in the need to travel by private car. As such the proposal does not represent sustainable development.

The development does therefore not comply with policies DP9 or CP3.

Land Drainage:

Our technical consultee has no objection subject to the imposition of a pre-commencement condition concerning the management of surface water drainage. As it is likely that a strategy for the management of surface water will be found and the applicant owns enough land to facilitate it, it is considered that the proposed development will not have an adverse impact on flood risk or represent a danger to water quality. The proposal accords with Policies DP8 and DP23 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 storage space for refuse and

recycling.

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.

Conclusion and Planning Balance:

The principle of development is unacceptable as the site lies in the countryside outside the development limits where development is strictly controlled. The proposal does not represent sustainable development by virtue of its distance and poor accessibility and connectivity to local services and facilities.

Any limited economic benefits that could be attributed to the development given the proposed uses as Tourist accommodation (upper floor) associated with this development does not outweigh the harm identified.

For this reason it is recommended that planning permission is refused.

Recommendation

Refusal

1. The proposed development lies in the countryside outside defined development limits where development is strictly controlled. The site's distance and poor accessibility and connectivity to local services and facilities would foster growth in the need to travel by private vehicle and is therefore unacceptable in principle. Any limited economic benefits concerning the use of the development as tourism accommodation is not considered to outweigh the harm identified. The proposal is therefore contrary to the provisions of Policies CP1, CP2, CP3 and CP4 of the Mendip District Local Plan Part 1: Strategy and Policies 2006 - 2029 (adopted 15th

December 2014), the National Planning Policy Framework and Planning Practice Guidance.

Informatives

1. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Policy Framework. The submitted application has been found to be unacceptable for the stated reasons and having regard to the need to avoid unnecessary delay the Local Planning Authority moved forward and issued its decision.
2. This decision relates to drawings 1849/S03 validated 24.03.21 and 1849/01a and 1849/02b received 29.12.22.