

Case Officer	Kelly Pritchard
Site	Plot At Hornblotton Farm Mill House To Fosse Way Hornblotton Glastonbury
Application Number	2022/2407/FUL
Date Validated	8 December 2022
Applicant/ Organisation	F Litherland
Application Type	Full Application
Proposal	Conversion of agricultural barn to create a new dwelling.
Division	Mendip South Division
Parish	West Bradley And West Bradley Detached
Recommendation	Approval
Divisional Cllrs.	Cllr Claire Sully Cllr Alex Wiltshire

### **Scheme of Delegation:**

In accordance with the scheme of delegation for the Council as the application scheme represents a form of development that would represent a departure from the Development Plan and given the officer recommendation is for approval, the application is required to be presented to the Planning Committee (East Area) for consideration and determination.

### **Description of Site, Proposal and Constraints:**

This application relates to a barn at Hornblotton Farm, Hornblotton.

The site is located outside the settlement limits, within a gas pipeline interest zone, SSSI Risk impact zone and within the Somerset Levels and Moors Ramsar Risk Area.

The barn to be converted has a steel frame with steel profiled roof and has three bays on the south east side, two of which are open the third has a metal roller shutter door. The remaining sides are concrete panels with Yorkshire boarding on the upper parts of the wall. The steel stanchions which form the structure are set on concrete bases cast in the ground. The internal floor area is covered with a concrete slab on one bay and concrete hardstanding in the others.

The site is set back from the road and is accessed along a gravel track from an existing field entrance off of the classified road.

The application seeks full planning permission for the conversion of a barn to a two bed

dwelling, which includes a workshop within the existing building at the south western end of the barn. Storage is proposed in the roof. The finishes include pre-cast concrete panels, profiled sheeting and wood cladding. The existing vehicular access is proposed to be utilised.

The planning history shows that there is an extant prior approval, reference 2019/2858/PAA, for the conversion of the whole barn to a dwelling. That approval allowed for part conversion of the barn to a dwelling which included a double garage to be formed in the barn at the south western end and this was given in August 2020.

Prior to that prior approval, another prior approval application was granted under reference 2019/2868/PAA in January 2020 for change of use of part of an agricultural building to a dwellinghouse and retaining the rest of the barn as a haybarn/carport.

### **Relevant History:**

2011/0179 - Prior Approval Required - Creation of agricultural access. 24.02.11

2011/1030 - Approval - Proposed temporary siting of 'Omar' type twin unit mobile home for agricultural worker and siting of two ancillary portacabins 36 square metres each for poultry rearing and food preparation; proposed erection of three bay hay barn/implements store; formation of 4m wide driveway off existing access. 11.07.11

2015/0040/OTS - Refusal - Erection of agricultural worker's dwelling (180m<sup>2</sup> gross floor area including office). 18.03.15

2019/1961/PAA - Prior Approval Refused - Notification for Prior Approval for a proposed change of use of agricultural building (hay barn) to a 2 bed dwellinghouse. 16.09.19

2019/2868/PAA - Prior Approval Given - Prior Approval for change of use of part of an agricultural building to a dwellinghouse. 06.01.20

2019/2858/PAA - Prior Approval for change of use of agricultural building to a dwelling house. Prior Approval Refused. 06.01.20. Appeal allowed. 05.08.20

### **Summary of Ward Councillor comments, representations and consultee comments:**

There is no Parish Council for West Bradley and West Bradley Detached.

Ward Member: No response received.

Contaminated Land: Due to the nature of farms, it would be advised to keep a watching

brief for potential hotspots of contamination.

Land Drainage: No objection.

- Site is within flood zone 1 and shown to be at low-risk of surface water flooding.
- No net change in impermeable areas as a result of the proposals and the volume of surface water runoff will not increase.
- A non-mains foul drainage assessment has been completed. Foul drainage is proposed to a PTP and drainage field. No percolation test results are submitted at this stage but there is sufficient land available that a suitable location for a drainage field is likely to be found given the underlying soil properties.

Health and Safety Executive: Need to contact the pipeline operator, Wales and West Utilities.

Wales and West Utilities: No comments received.

Ecology: No comments received.

Local Representations:

One letter of support has been received stating they have no objection.

Full details of all consultation responses can be found on the Council's website [www.mendip.gov.uk](http://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)
- 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)
- 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)
- 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)
- 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. 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 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. Policies DP12 and DP13 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.

Paragraph 80 of the NPPF, is supportive of schemes for the conversion of rural buildings to residential uses where it will lead to the enhancement of the immediate setting.

Development Policy 22 (DP22) mentioned above as an exception policy, states that the reuse and conversion of a redundant or disused rural buildings in the countryside (outside of defined development limits) for residential use will be given favourable consideration where it would lead to an enhancement to the immediate setting, and:

- a) the proposed use would not prejudice the use of adjacent land and premises, particularly where such use entails agricultural or other land-based operations
- b) the design of the building, and associated development required to facilitate its reuse, respects its surroundings and does not harm the wider landscape character of the area, or have an adverse impact on the transport network
- c) in the case of a traditional building, the proposal is sensitive to its fabric and character
- d) the building is of permanent and substantially sound construction and is proposed for re-use and adaption in a manner which would not require major or complete reconstruction
- e) any bat roost present is incorporated or replaced, and external vegetative structure supporting is maintained or replaced within the scheme.

However, in this instance the barn is being used in association with the applicants small holding and as such the building is not redundant or disused. As such the proposal does not strictly accord with Policy DP22.

The planning history is material to the consideration of this application. Prior approval reference, 2019/2858/PAA, for the conversion of this building into a dwelling has been approved at appeal and is extant.

Development in the open countryside outside development limits is strictly controlled, but in this instance the planning history, which will be discussed later in this report, together with the five-year housing land supply position is considered to carry significant weight in

the determination of this application. For the reasons set out later in this report the development is considered acceptable in principle.

It should be noted that the residential mobile home on site appears to be unauthorised and as such to avoid unjustified proliferation of residential development in the open countryside it is considered that the existing mobile home should be removed from site and the land restored within 6 months of first occupation of the proposed development.

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

External flues and solar thermal panels, along with air-source heat pump and a larger area of domestic curtilage is now proposed in comparison to the prior approval. When considering the planning history, these additions to the scheme are not considered harmful, and the design and materials proposed reflect the buildings agricultural character.

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 Policies DP1, DP4, DP7 and DP22 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

### **Impact on Residential Amenity:**

There are no immediate neighbours to this site and no existing uses or activities that are considered to compromise the living conditions of the future occupiers of the development. A residential dwelling in this location is unlikely to prejudice adjacent land uses.

There is a workshop proposed adjacent to the proposed dwelling within the same building envelope. It is assumed that it would be used ancillary to the proposed dwelling and the existing farm uses on the land which the applicant owns. As such it will not be detrimental to the amenity of the occupiers of the dwelling.

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 Policy DP7 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. However, given the applicant has a legitimate fall-back position as they have the benefit of an implementable permission as a result of the prior approval, it is considered that a Habitats Regulations Assessment in this instance is not required. The proposal would not pose a risk to the designated features of the SPA and Ramsar.

The proposed development will not have an adverse impact on bats or other ecology. 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:**

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policies DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

### **Land Drainage:**

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 & Planning Balance:**

Whilst this site is located outside the settlement limits, this site has the benefit of an extant consent in the form of a prior approval for a residential use in the application building. The revisions now to the consented scheme raise no new design, amenity or highway issues over and above the scheme that can be implemented at the site. Having regard to paragraph 11 of the NPPF notwithstanding the location of the site and given that the application scheme would not result in any significant adverse impacts it is recommended that planning permission is granted as a departure from the development plan.

## **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: 1571/000 Rev B, 1571/001, 1571/002, 1571/003, 1571/004 received 07.12.22.

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

### **3. Removal of Mobile Home (Bespoke Trigger)**

Within 6 months of the first occupation of the dwelling hereby approved, the existing residential mobile home shall be removed from the site and the land restored to its former condition.

Reason: To avoid unjustified proliferation of residential development in the open countryside in an unsustainable location and in the interests of the character of the area, having regard to Development Policies CP1, CP2, CP4, DP1, DP4, DP7 and DP9 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).



4. **Removal of Permitted Development Rights - No extensions or alterations (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, external alteration or enlargement of the dwelling or other buildings hereby approved shall be carried out unless a further planning permission has been granted by the Local Planning Authority.

Reason: Any further extensions or alterations require detailed consideration by the Local Planning Authority in the interests of preserving the character of the development and the area in accordance with Development Policy 1, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Removal of Permitted Development Rights - No outbuildings (Compliance)**

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no garages or other free standing buildings shall be erected within the curtilage of the dwelling hereby approved, other than those granted by this permission, unless a further planning permission has been granted by the Local Planning Authority.

Reason: The introduction of further curtilage buildings requires detailed consideration by the Local Planning Authority to safeguard the appearance of the development and the amenities of the surrounding area in accordance with Development Policies 1, 4 and 7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

6. **Materials (Compliance)**

The development hereby approved shall be carried out using external facing and roofing materials as specified on the application plans.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP1, DP4 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

## **Informatives**

1. **Condition Categories**

Your attention is drawn to the condition/s in the above permission. The heading of

each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

**Compliance** - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

**Pre-commencement** - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

**Pre-occupation** - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

**Bespoke Trigger** - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is 116GBP per request (or 34GBP where it relates to a householder application). The request must be made in writing or using the Standard Application form (available on the council's website). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. 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.
3. 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.

4. 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 <http://buildingcontrol.somerset.gov.uk>
5. Due to the nature of farms a watching brief should be kept for potential hotspots of contamination and assess for visual/olfactory evidence of contamination during any groundworks.  
If any unforeseen contamination is found during excavations Environmental Health must be notified immediately. This may include obvious visual or olfactory residues, asbestos including asbestos containing materials such as roofing, buried drums, drains, interceptors, additional fuel storage tanks or any other unexpected hazards that may be discovered during site works.