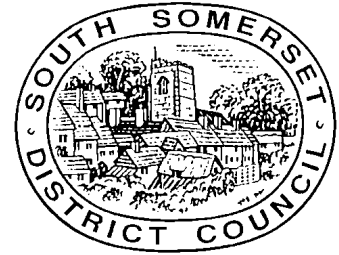


South Somerset District Council

Notice of Meeting



Area South Committee

Making a difference where it counts

Wednesday 4th February 2015

2.00 pm

**Council Chamber
Council Offices,
Brympton Way,
Yeovil
BA20 2HT**

(disabled access is available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Boucher 01935 462011**, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 26th January 2015.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk



INVESTORS IN PEOPLE

Area South Committee Membership

Peter Gubbins
Cathy Bakewell
Tim Carroll
John Vincent Chainey
Tony Fife
Marcus Fysh
Nigel Gage

Jon Gleeson
Dave Greene
Andy Kendall
Pauline Lock
Tony Lock
Ian Martin
Graham Oakes

Wes Read
David Recardo
John Richardson
Gina Seaton
Peter Seib

South Somerset District Council – Council Plan

Our focuses are: (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses.
- Environment – We want an attractive environment to live in with increased recycling and lower energy use.
- Homes – We want decent housing for our residents that matches their income.
- Health & Communities – We want communities that are healthy, self-reliant, and have individuals who are willing to help each other.

Scrutiny procedure rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Consideration of planning applications

Members of the public are requested to note that consideration of the planning applications will commence immediately after Item 6 at approximately 2.15pm. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will attend Area South Committee quarterly in February, May, August and November from 1.30 pm to answer questions and take comments from Members of the Committee. Alternatively, they can be contacted direct through Somerset Highways direct control centre on 0845 345 9155.

Members questions on reports prior to the meeting

Members of the committee are requested to contact report authors on points of clarification prior to the committee meeting.

Information for the Public

The Council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as "key decisions". Members of the public can view the council's Executive Forward Plan, either online or at any SSSC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman's discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area South Committee are normally held monthly at 2.00pm on the first Wednesday of the month at the Council Offices, Brympton Way, Yeovil.

Agendas and minutes of Area Committees are published on the Council's website www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council's Constitution.

Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the chairman of the committee. Each individual speaker shall be restricted to a total of three minutes.

Planning Applications

Comments and questions about planning applications will be dealt with at the time those applications are considered, when planning officers will be in attendance, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant/Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Area South Committee

Wednesday 4 February 2015

Agenda

Preliminary Items

1. **Minutes of previous meeting**
2. **Apologies for absence**
3. **Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15th May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning Applications Referred to the District Council's Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Tim Carroll, Tony Fife, Peter Gubbins, Ian Martin and Gina Seaton

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Public question time

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern. Parish/Town Council representatives may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town. The public and representatives of Parish/Town Councils will be invited to speak on individual planning applications at the time the applications are considered.

5. Chairman's announcements

6. Reports from representatives on outside organisations

This is an opportunity for Members who represent the Council on outside organisations to report items of interest to the Committee.

Items for discussion

- 7. Schedule of Planning Applications to be Determined by Committee** (Pages 1 - 3)
- 8. Planning Application 14/05095/FUL - Stone Farm, Stone Lane, Yeovil** (Pages 4 - 21)
- 9. Planning Application 14/05096/LBC - Stone Farm, Stone Lane, Yeovil** (Pages 22 - 34)
- 10. Planning Application 14/05567/FUL - 99A West Coker Road, Yeovil, Somerset** (Pages 35 - 40)
- 11. Planning Application 14/05660/S73 - 1 Holywell Hollow, Holywell, East Coker** (Pages 41 - 46)
- 12. Youth Service Review Group** (Pages 47 - 48)
- 13. Yeovil Hospital Charity (Executive Decision)** (Pages 49 - 51)
- 14. Forward Plan** (Pages 52 - 53)
- 15. Planning Appeals (For Information)** (Pages 54 - 65)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Agenda Item 7

Schedule of Planning Applications to be determined by Committee

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Martin Woods, Economy
Service Manager: David Norris, Development Control Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area South Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered at 2.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 1.45pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
8	YEOVIL WITHOUT	14/05095/FUL	Conversion of barns to five residential units and reinstatement of cottage to residential use, including associated internal and external alterations, erection of extensions and erection of car ports/garaging	Stone Farm, Stone Lane, Yeovil	Jesus College
9	YEOVIL WITHOUT	14/05096/LBC	Conversion of barns to five residential units and reinstatement of cottage to residential use, including associated internal and external alterations, erection of extensions and erection of car ports/garaging	Stone Farm, Stone Lane, Yeovil	Jesus College

10	YEOVIL SOUTH	14/05567/FUL	The installation of 5 No. rooflights to south roof slope	99A West Coker Road, Yeovil	Mr David Dawkins
11	COKER	14/05660/S73	Application to remove planning condition 2 (time limits) of approval 05/00337/FUL	1 Holywell Hollow, Holywell, East Coker	Mr Peter Gubbins

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda had been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 8

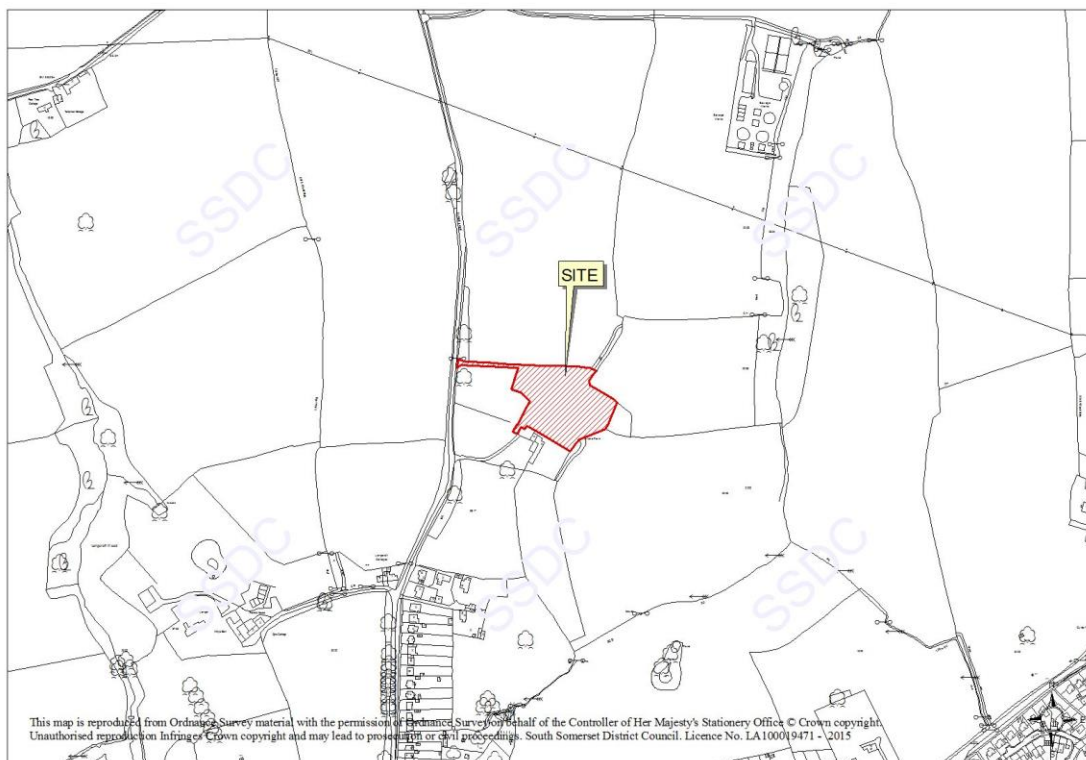
Officer Report On Planning Application: 14/05095/FUL

Proposal :	Conversion of barns to five residential units and reinstatement of cottage to residential use, including associated internal and external alterations, erection of extensions and erection of car ports/garaging (GR 355836/118295)
Site Address:	Stone Farm Stone Lane Yeovil
Parish:	Mudford
WARDS OF YEOVIL WITHOUT Ward (SSDC Member)	Cllr J Gleeson Cllr P A Lock Cllr G J Oakes
Recommending Case Officer:	Andrew Collins Tel: 01935 462276 Email: andrew.collins@southsomerset.gov.uk
Target date :	16th January 2015
Applicant :	Jesus College
Agent: (no agent if blank)	Smiths Gore York House Blackbrook Business Park Taunton Somerset TA1 2PX
Application Type :	Minor Dwellings 1-9 site less than 1ha

Reason for Referral to Committee

This application is referred to the committee at the request of the Ward Member(s) with the agreement of the Area Chairman to enable the comments of the Parish Council, neighbouring Parish Council, tenant and users of stables to be fully debated.

Site Description and Proposal





The site is located on the Eastern side of Stone Lane, approximately 600m from the junction with Combe Street Lane. Stone Farm is Grade II listed and therefore the historic outbuildings are curtilage listed.

Stone Farm extends to 128 acres of which 105 acres is arable land and 22 acres is permanent pasture.

To the north of the listed farmhouse are a range of historic outbuildings and a former dwelling. Further to the north are modern farm buildings and silo bins.

In detail Barn 1 is located to the Northwest of the main yard. It is a brick built building covered in corrugated metal tin sheeting. Metal sheeting cover the gable ends. On the Northern side of the site is a lean-to. There are external steps to the first floor on the Southern elevation but internally there is no floor. The building is currently being used for unauthorised storage. A new lean-to is proposed on the Northern side constructed of brick with timber cladding. A new floor is to be installed and new glazing in the gable ends. In addition the existing roof covering is to be replaced with clay tiles. A rooflight and flue are proposed on the Southern elevation. This conversion would provide a 3 bed property.

A garden area is proposed to the North and East of the barn.

Barn 2 is located to the East of Barn 1. This forms part of the northern side of the courtyard. This building is a double height building constructed of brick under a clay tile roof. There is a lean-to on the Northern elevation. At the eastern end of the building is an area of concrete block wall with timber boarding above. The building is currently being used for the stabling of horses. The block is to be removed and replaced with glazing with hit and miss boarding in front. A new floor is to be installed. A new build lean-to incorporating a study is proposed to the North. The barn conversion would provide a 4 bed property.

To the North of the site are modern agricultural buildings and grain silos. These are to be demolished and a garden area for this conversion is proposed in their place.

Barn 3/4 is located to the East of Barn 2 and is an 'L' shaped building enclosing the courtyard. This is single storey with brick to the rear and end elevations. Originally it would have been open to the courtyard with the structure being supported on timber posts and stones. Most of the original openings have been infilled with blockwork. The roof is covered with corrugated asbestos sheeting. The building is currently being used for the stabling of horses and as a tack room. A new build single storey extension to complete the courtyard linking round to Barn 2 is proposed. This is on the line of an historic structure. This structure is to be constructed of brick and clay tile to match other buildings. Combined with the existing building it would provide a 4 bed property. Barn 4 is to have new insertions with thin timber boards in front of windows to minimise the domestic appearance. This would provide a 4 bed property.

Currently to the rear / North are single storey agricultural buildings used as for general storage and a historic tractor collection and a manege. These are to be demolished / removed and Garden areas are proposed in their place.

Barn 5 is located at right angles to barns 2 and 3. The building is 2 storey constructed of brick but the Southern wall of the Southern lean-to is faced in natural stone with brick quoins. There is a plain, clay tile roof. There is no staircase but there is a floor with access via a ladder. The ground floor is being used for equestrian storage and as a workshop. It is proposed to install an internal staircase and convert the building into a 3 bed property. Existing openings are to be utilised to from the windows. A garden are is proposed to the East.

Barn 6 is located opposite Barn 5 between the dwelling and Barn 1. This building consists of a 2 storey brick structure at the Southern end and a range of single storey structures to the North. The eastern elevation of the single storey section of the building is filled in with blockwork panels. The single storey buildings are used as stables. The Southern end of the building is to be retained with the tenant at Stone Farm. The Northern end is to be converted into 2 double carports to serve Barns 1 and 2.

At the Eastern end of the site is a former dwelling constructed of brick under a tile roof. This property has previously had permission for the conversion into 2 dwellings, but this has lapsed. It is sought to reinstate and repair the building into a single 4 bed dwellinghouse. Render to the building is to be removed and porches are to be restored. A garden area is proposed to the North and South of the building.

To the West of the building a double garage is proposed to serve the restored dwelling.

On the other side of the courtyard to Barns 3 and 4 a new single storey car port / garage is proposed constructed of brick. Two double car ports are to serve barns 3 and 4 and a double garage is to serve Barn 5.

Currently access to the site is via 2 tracks off Stone Lane. The Southern track goes to the farmhouse with the Northern track to the barns. The Northern access is to be utilised to facilitate these conversions, with an extension to the existing track to serve Barn 4.

The application is supported by a Planning, Design and Access Statement including Heritage Statement, Ecological Survey Report and a Structural Survey.

The proposal has been amended by plans submitted 15 December 2014 to address

concerns raised by the Highways Officer and on 21 January 2015 to address the Conservation Officer's concerns.

The site is within Mudford Parish but is within Yeovil Without Ward.

RELEVANT HISTORY

14/05096/LBC - Conversion of barns to five residential units and reinstatement of cottage for residential use, including associated internal and external alterations, erection of extensions and erection of car ports / garaging - Pending Consideration

09/02986/FUL - Alterations, extension, refurbishment and conversion of derelict farmhouse into 2 dwelling houses with associated parking facilities - Application Withdrawn - 20/09/10

01/02085/FUL - The demolition of former farmhouse and the erection of two dwellinghouses with associated parking facilities - Application permitted with conditions - 28/09/01

01/00839/FUL - Alterations, extension, refurbishment and conversion of derelict farmhouse into 2 dwelling houses with associated parking facilities - Application permitted with conditions - 12/07/01

96/02241/FUL - The demolition of former farmhouse and the erection of two dwellinghouses with associated parking facilities - Application permitted with conditions - 29/11/96

95/06553/FUL - Alterations, refurbishment and the conversion of farmhouse into two dwellinghouses with associated parking facilities - Application permitted with conditions - 16/10/95

91/01734/FUL and 91/01735/LBC - Conversion and sub division of farmhouse to form dwelling and self contained holiday flat - Permission granted / Granted consent - 17/02/92

63845/C - Convert existing farm workshop to service outboard marine engines - Refused - 15/6/73

63845/B - Formation of vehicular access - Conditionally approved - 16/8/72

63845/A - Erection of milking parlour, use of existing access - Conditionally approved - 31/3/69

63845 - Extension to existing barn at Stone Farm - Conditionally approved - 16/10/63

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006.

On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 - 2028). The conclusion of the report is

that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to 'the stage of preparation', with the proviso in the first bullet point that: 'the more advanced the preparation, the greater the weight that may be given'. Given the plan has passed through the examination process, there can be no doubt therefore that the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against the relevant policies.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (April 2006)

ST5 - General Principles of Development
ST6 - The Quality of Development
EC3 - Landscape Character
EC8 - Protected Species
EH3 - Change of Use and Alterations of Listed Buildings
EH5 - Development Proposals Affecting the Setting of Listed Buildings
EH7 - The Conversion of Buildings in the Countryside
EP3 - Light Pollution
EP5 - Contaminated Land
TP1 - New Development and Pedestrian Movement
TP7 - Car Parking

Policies of the Emerging South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development
Policy SS2 - Developing in Rural Settlements
Policy EQ2 - General Development
Policy EQ3 - Historic Environment
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 1 - Building a Strong Competitive Economy
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

Paragraph 55

To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*

- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or*
- *the exceptional quality or innovative nature of the design of the dwelling.*

Such a design should:

*be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
reflect the highest standards in architecture;
significantly enhance its immediate setting; and
be sensitive to the defining characteristics of the local area.*

Other Relevant Documents
Somerset Parking Strategy

CONSULTATIONS

Mudford Parish Council - *"We have several serious concerns over this application:*

- *On the application form the agent states on sect 18 that the buildings are redundant, this is not the case, this is still a working arable farm with a Livery business. It also states the buildings are vacant, this is also incorrect.*
- *Sect 29, the current tenant/occupier has not received a notice to quit 21 days prior to this application.*
- *No plan has been discussed with the farmer/tenant for alternative buildings to continue operating his agricultural and livery business.*
- *The farmer has been a tenant for 53 years running a successful agricultural and recently livery business over 128 acres.*
- *Up unto this year the grain harvested on the farm was stored at a neighbours farm, that neighbour had warned the farmer at Stone farm that the situation will have to revert back to storage at Stone farm, in the bins/silos currently in the centre of the farm,*
- *We are aware of three applications over the years to reinstate the use of the cottage, which Mudford PC have supported, each time the applicant has failed to carry out the conversion. This building has empty for over 60 years.*
- *The barns listed in the application are all currently used for a busy livery business which provides work and business to the community, the modern barns used for the farming activities are in the centre of the proposed development, and will be demolished if the planning is granted.*
- *The tenant and his family have been farming there for 53 years, his daughter is a part of the business and wishes to continue when her father retires, they hold a protected tenancy.*
- *The farm was once part of the Goodford estate - 1710 to 1918, the buildings were built at various stages over that period but principally in the 19th, using Mudford brick, manufactured in the parish, there are several buildings which should be protected/listed as good examples of South Somerset agricultural history.*

Conclusions

1. *Mudford Parish Council support the application to reinstate the cottage (old dairy house) and Barn conversion 1.*

2. *The conversion of the agricultural buildings is not supported as they are still being used and part of a viable successful farm and livery business."*

Yeovil Without Parish Council (neighbouring PC) - *"The comments of Mudford Parish Council are noted.*

The development which is being proposed for Stone Farm, by Jesus College Oxford, the owners of the farm, would appear to be an impressive development of a unique site, except for one major drawback.

The tenant of the farm (for the last 51 years) has a protected life tenancy under the agricultural Holdings Act with the right of succession to further generations.

Under these proposals we understand that the farm and the main farmhouse (a grade II listed building) will be physically unaffected and will remain under the control of the tenant, but all the other farm buildings will either be converted into residential accommodation or be demolished - thus leaving the tenant without the necessary buildings and means to continue his thriving agricultural activities on the farm. The development proposals should therefore include either the retention or the construction of sufficient farm buildings to enable the existing farming operations to continue in a viable manner.

It is also noted that:-

- *Several of the outbuildings which are to be renovated are fully utilised for a livery business, including stabling, paddocks and a ménage, and it is not therefore true that those buildings are currently redundant or vacant, as alleged in the planning application.*

- *The cottage has been empty for over 60 years and has been the subject of several planning applications by Jesus College, which have gained planning approval, but on each occasion the applicant has failed to carry out the proposed renovation works.*

-

We concur with the conclusions of Mudford Parish Council, in particular:-

- *We support the application to renovate the cottage and barn no 1.*

- *The conversion or demolition of the other agricultural buildings is not supported as they are still being used as part of a viable successful farm and livery business - unless arrangements are made for the provision of sufficient alternative agricultural buildings for use by the tenant."*

Highway Authority - Notes that Stone Lane is a classified unnumbered highway to which the National Speed limit applies past the site frontage.

The development seeks to utilise an existing vehicular access onto Stone Lane. The farm complex is currently provided with two points of access to which the most southerly appears to be the more formal. Nevertheless, Drawing No. 213.74/001A details that the proposed application will utilise the northern frontage access encompassed with the red-line. The existing farm house is to utilise the southern existing access; to which the Highway Authority has no objection to its use.

Currently visibility for vehicles emerging from the proposed site access is considered substandard (south). The residential units would generate approximately 35 two-way vehicle movements per day with four movements within the network peak (08:00-09:00). Whilst it was acknowledged that the existing use of the farm has the potential to generate a greater number of trips throughout the day compared to a residential use, the number of trips vary sporadically (seasonal/agricultural activities) compared to a regularised residential use; which would generate a more consistent level of movements. Drawing No. 213.74/001A,

indicates that the applicant owns the land to the south of the proposed site access and therefore visibility improvements can be secured.

It was considered from onsite observations that vehicular speeds in this location are significantly lower than the maximum permitted limit (National Speed Limit) due to carriageway widths and the alignment of Stone Lane and as such a visibility splay of 2.4m x 43m to the south would be considered acceptable as an improvement.

On balance when considering the existing and proposed vehicular movements associated with the site and the formalisation of the existing access by way of an improvement; visibility, hard surfacing and surface water discharge; the access to be utilised is considered suitable subject to recommended conditions.

The proposal represents a shortfall of four parking spaces. However, it is considered that the nature of the proposal and its internal layout / arrangement is that parking can be accommodated directly outside of each conversion unit. As a result, it is considered that suitable parking can be accommodated onsite without resulting in any detrimental impact on the surrounding highway network.

As a result the Highway Authority raises no objection to the above mentioned planning application and in the event of permission being granted, recommends that conditions are imposed.

Landscape Officer - *"The proposals now before us appear consistent with pre-application advice, and I note that the extent and placement of domestic curtilage is appropriate to the landscape context. Additional planting is inferred by the layout plan, the pattern of which is acceptable, and should you be minded to approve, please condition landscape detail to be submitted for approval pre-commencement."*

Conservation Officer - On the concurrent listed building application initially commented,

"This scheme has been the subject of detailed pre application discussion. The resulting scheme is considered to be sensitive and well considered, respecting the significance of the individual buildings as well as the overall character of the place. I have no objection to the proposals, although there are a few revisions that need to be made."

Providing the issues raised above can be addressed I am happy to offer my full support to the scheme."

On the basis of the amended plans received on 21 January 2015 considers that they deal with his initial concerns and therefore has no objection to the scheme.

Suggests the use of conditions regarding full repair schedule for each building, details of windows / doors, rooflights, eaves, verges and rainwater goods, lighting, meter boxes etc and pipework and specific issues for each building.

Ecologist - Due to the importance of comments they are copied in full;

Bat surveys (Ecological Survey Report, Blackdown Environmental, Oct 2014) have identified roosting by small numbers of bats. I'm satisfied with the outline mitigation proposals. I recommend these are subject to conditions (detailed below).

Please note that as the development will result in the destruction of a bat roost, the officer or

committee report will need to include an assessment against the three Habitats Regulations tests:

Habitats Regulations reporting

An assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. Such assessment should be included in the relevant committee or officer report. The tests are:

- 1. the development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'*
- 2. 'there is no satisfactory alternative'*
- 3. the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.*

See appendix 1 for Natural England guidance on tests 1 and 2.

In respect of test 3, I conclude that favourable conservation status is likely to be maintained due to the presence of only low numbers of bats and the securing of appropriate mitigation by condition. Most species recorded are relatively common and have a widespread distribution in Somerset. Lesser horseshoe is a 'rarer' species. However, the surveys recorded only limited evidence of this species and concluded an occasional day roost (Table 10). The mitigation proposed is appropriate for all the species recorded."

A condition and informative is proposed.

Environmental Protection Officer - *"Due to the presence of potentially contaminated land on this site I recommend that should the application be approved, it be subject to a condition."*

Ministry of Defence - Has no safeguarding objections.

REPRESENTATIONS

5 letters have been received from the agricultural tenant, his agent and people who stable their horses on the site. The responses include a further response from the tenant's agent raising the following areas of concern:-

- The stables are affordable and convenient with limited other premises that offer the same facilities.
- There are a number of wildlife species around the site and they want to know what will happen to them?
- The redevelopment will not provide affordable houses.
- The tenant farmer has diversified into letting buildings for DIY livery to find another source of income. What would happen to the tenant's interests should the application be approved?

The tenant farmer raises the following concerns;

- He has farmed the site since 1961 and he may have slowed down recently this is because he is now 79 years old.

- He employs contractors to undertake field operations but they act on his instruction.
- His landlord has given him permission to carry out diversification projects including an equestrian business on DIY liveries and the subletting of 3 of the traditional barns for storage purposes. Also the farmhouse was split into 2 parts. All the income has been shared with his landlord.
- He does not agree with the agent when they say that the buildings are redundant and new uses need to be found for them. In addition he does not agree that the modern buildings have been disused.
- In more recent years crops have been stored off farm but this is coming to an end and is in the process of getting the grain bins recertified for crop assurance to use them for the 2015 harvest.
- His daughter has shown interest in joining the farm and help with the running. Also thinks that it would be nice for her to succeed the tenancy in due course.
- The proposal would remove a lot of the buildings and leave him with reduce income and the business would be virtually unviable.

The tenant's agent raises the following comments;

- Mr Raymont, the tenant, has always sought permission from his landlord in relation to diversification schemes on the holding. These include subletting of the land for the grazing of horses on DIY livery basis and that there are 12 horses currently on livery, the splitting of the farmhouse and subletting of the other half and the subletting of traditional buildings to third parties for storage.
- All the barns proposed for conversion are being used. Barn 1 is used for storage by a third party, Barn 2 is used for horse livery, Barn 3/4 is used for storage and provides stabling for the DIY livery, Barn 5 is used as a secure tack room and part as farm workshop and Barn 6 is divided with part let for storage and part used for livery.
- The range of modern farm buildings to the north of Barn 2 are used for livestock housing, machinery storage and repair and general fodder storage. The grain bins are also to be used.
- The buildings to the rear of Barn 3/4 have mainly been demolished and the remainder are redundant. However a manege forms an integral part of the equestrian activities on the site.
- Mr Raymont employees contractors to undertake the majority of field operations relating to the arable enterprise and the land is farmed on a 3/4 crop rotation of winter wheat, barley, beans oil seed rape. The contractors have recently told Mr Raymont that they require their own crop storage and therefore need somewhere to store the crops.
- There is an intention to recommence the rearing of youngstock and they would use the building behind Barn 2.
- If planning permission was granted Mr Raymont would benefit from no functional agricultural buildings in which to run the holding.
- The site is a working agricultural unit and Mr Raymont is an Agricultural Holdings Act Tenant as his tenancy is dated 1962 and therefore benefits from succession rights. Mr Raymont's daughter is proposing on coming back to the holding to assist her father with the aim of succeeding the tenancy. If granted permission the landlord could serve a 'Notice to Quit' from the agricultural buildings. There would be no obligation on the landlord to provide alternative agricultural buildings to farm successfully and the business with be critically compromised.
- The information submitted by the agent is inaccurate as the buildings are being used.
- No reference has been made to Paragraph 28 of the NPPF in relation to promoting agricultural diversification and other land based businesses.

In a response to the agent's response, detailed below, the above comments were reiterated and suggested that the application was withdrawn to allow the tenant and landlord to discuss further.

APPLICANTS CASE

The following comments have been received from the agent in response to the Parish Council and objector responses;

"On behalf of Jesus College, Smiths Gore (as agents) has promoted ongoing discussions with the farm tenant, John Raymont, and his agents, Symonds and Sampson, which have taken place over several months and prior to the submission of the planning and listed building applications. It has been stated to the tenant and his agents, that if planning permission and listed building consent is granted for the conversion of the traditional farm buildings at Stone Farm, we will review the requirements for agricultural buildings on the holding, should they be necessary. This would be done in full consultation with South Somerset District Council, in order that any proposals respect the character and setting of the area, and at a scale commensurate with the scale of agricultural activities taking place on the holding. Accordingly, there would be no hardship to the tenant.

The Stone Farm holding extends to 128 acres, of which approximately 105 acres is arable land which is farmed by contractors. This leaves in the region of 22 acres which is permanent pasture and is grazed by livery horses. The farm tenant has not had any livestock at the holding for several years, and so to read in the statement submitted by Symonds and Sampson that the tenant intends to start keeping livestock at Stone Farm, at the age of 79, is surprising. The traditional farm buildings at Stone Farm are not suited to modern agricultural purposes, given that the design of the buildings do not meet modern livestock welfare standards and the buildings do not have suitable dimensions to allow easy access for farm machinery and equipment. As previously stated, we have made clear our intention to review the tenant's requirements for agricultural buildings should the relevant consent and permission be granted.

Another point worthy of mention is the fact that the livery and storage uses being undertaken within the Stone Farm buildings do not have the benefit of planning permission, and therefore the suitability of the site and the valuable heritage assets (as grade II listed buildings) has not ever been assessed through the planning process.

We consider references within the consultation responses to the tenancy agreement and tenancy succession are not relevant as they are not material planning considerations.

We would also point out that these proposals as submitted, represent a major benefit in the form of preserving and enhancing the heritage assets that are the grade II listed buildings - a point that has not been acknowledged by the Parish Council consultation responses to date. The proposed development scheme will enable the long-term future of the barns to be secured, with the necessary repair and investment the buildings require. As can be evidenced by visual assessment of the buildings and the structural surveys submitted with the planning application, some of the buildings have started to fall into a state of disrepair. In order to maintain these valuable heritage assets, a necessary level of investment is now required and in order for the work to viably take place, the applicant must see a level of return from such works. The proposed conversion scheme will allow a viable development scheme to proceed, which will preserve the listed buildings which left to their current use, will fall in to a further state of disrepair.

Other benefits the proposal would bring are the added value to the local economy through

the construction/conversion of the buildings, which has already generated much interest locally. Also, the scheme will contribute towards the housing targets set out for South Somerset District Council."

CONSIDERATIONS

Principle

The site is located outside of the development area as detailed in Policy ST3, but policy does allow the conversion of existing buildings to residential.

Policy EH7 of the South Somerset Local Plan states;

"The change of use of existing buildings outside defined development areas to residential use will be permitted provided that:

- 1. Every reasonable attempt has been made to secure suitable business reuse, or residential conversion is a subordinate part of a scheme for business reuse;*
- 2. The buildings are of permanent and substantial construction, and are capable of conversion without major reconstruction;*
- 3. Their form, bulk and general design are in keeping with their surroundings.*
- 4. Any legitimate planning objections (for example on environmental or traffic grounds) which would otherwise outweigh the advantages of re-use can be overcome by the imposition of reasonable planning conditions."*

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that development is carried out in accordance with the development plan unless material considerations indicate otherwise.

In this case the NPPF is a material consideration and Paragraph 215 requires due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. As there is a degree of conflict between this saved Policy and the NPPF, in particular Paragraph 55, criterion 1 is no longer considered to be a relevant consideration.

In considering the other 3 criteria, the buildings are of permanent and substantial construction and capable for conversion, the buildings are of traditional design and form in keeping with their surroundings with the unsympathetic modern buildings being removed as part of the application. It is also considered that there are no other legitimate planning objections that can't be covered by the imposition of conditions.

In addition the removal of the modern agricultural buildings structures and manege near the curtilage listed buildings are considered to enhance their setting. In addition the sensitive conversion of the curtilage listed buildings are considered to enhance the setting of the principle listed building. Also the curtilage listed buildings are in a poor state of repair as they have not be maintained properly, have been put to uses that have not been authorised and alterations made to them without consent.

In assessing all the above the material considerations of the restoration of the listed buildings, the removal of the modern buildings and structures secure the long term future of these valuable protected buildings.

As such the proposal is considered to comply with Policy EH5 of the South Somerset Local Plan.

Existing Uses on Site

In the letters of representation concern is expressed that the buildings to be converted are in use. Barn 1 is used as storage for a scaffolding business, whilst the other historic buildings, save for the redundant dwelling are in use for equestrian purposes. Neither of these uses has planning permission. Therefore their appropriateness on the listed buildings has not been assessed. Also less weight can be given to the consideration of these uses when they are unauthorised.

This application, in order to improve the setting of the listed buildings and to provide an appropriate amenity area is proposed to demolish the existing modern agricultural buildings and structures.

In addition, in the last year a free standing stable building has been erected adjacent to Barn 5.

To the rear of Barn 2 are 3 metal grain silos. These are currently not used but the applicant and his agent state that they could be reused in the future. A more modern 3 bay building with a higher central piece and 2 lean-to, 1 either side, is also to the rear of Barn 2. At the time of the site visit these were not used to their full potential. A small amount of farm equipment was being stored. The applicant's agent states that the maintenance of the arable side of the farm is contracted out and therefore there is a limited demand for buildings to store machinery.

To the rear of Barn 3/4 are buildings which the applicant concedes that he does not require. One of these buildings is used for the storage of historic tractors. Further to the North is a manege, used by the unauthorised equestrian use on the site. This again does not benefit from planning permission.

In assessing the above, it is considered that on the basis of the current farming operations there is only a limited need for the modern farm buildings and structures. The removal of these buildings and structures enhances the setting of the historic listed barns and due to their limited use is judged to be acceptable.

Ecology

As detailed by the Ecologist, the development will result in the destruction of a bat roost and as such an assessment against the three Habitats Regulations tests is required as bats are identified as using barns 2 and 5 and the former dwelling.

An assessment against the three derogation tests of the Habitats Regulations 2010 is a legal requirement in the determination of this application. Permission can only be granted if all three derogation tests are satisfied. The tests are:

1. the development must meet a purpose of 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'
2. 'there is no satisfactory alternative'
3. the development 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range'.

In respect of test 1, the proposals result in the reuse of buildings that provide social and economic benefits in making a visual enhancement to the area and surroundings and by the economic benefits of their conversion. It is therefore considered that there are other

imperative reasons of public safety.

In respect of test 2, the buildings in question are Grade II curtilage listed and therefore appropriate uses that maintain their character and structure are vitally important. It can thus be demonstrated that there is no satisfactory alternative.

In respect of test 3, the ecologist concludes that favourable conservation status is likely to be maintained due to the presence of only low numbers of bats and the securing of appropriate mitigation by condition. Most species recorded are relatively common and have a widespread distribution in Somerset. Lesser horseshoe is a 'rarer' species. However, the surveys recorded only limited evidence of this species and concluded an occasional day roost (Table 10). The mitigation proposed is appropriate for all the species recorded.

As such it is demonstrated that the proposal is in accordance with EC8 of the South Somerset Local Plan and the aims and objectives of the NPPF.

Contaminated Land

The Environmental Protection Officer has commented that there is a potential for the land to be contaminated. As a result a condition is suggested to address these concerns. On this basis the application complies with Policy EP5 of the South Somerset Local Plan.

Highways

The Highways Authority has assessed the proposals. Further information has been received from the agent to address initial comments in relation to land ownership.

It is considered that the use of the Northern most access solely for these conversions is acceptable, that the parking on site is acceptable and suitable visibility splays can be achieved at the junction with Stone Lane.

As such the proposal is acceptable and accords with Policies ST5 and TP7 of the South Somerset Local Plan, the Somerset Parking Strategy and the aims and objectives of the NPPF.

Other Issues

The tenancy agreement between the landlord and his tenant is a civil matter between the two parties. It is not a material planning consideration that should be given any weight.

As the development could be developed on an ad hoc basis it is considered that a phasing plan is required to ensure that there is a comprehensive development of the site. In addition a condition is required in relation to lighting to protect the dark skies in the area.

Conclusion

The proposals have been carefully considered to respect the form and setting of the listed buildings. The principle is acceptable and the proposals do not have an adverse impact upon ecology, the current use of buildings on site and parking / highway aspects. As such the proposals comply with policies ST5, ST6, EC8, EH5, EH7 and TP7 of the South Somerset Local Plan and the aims and objectives of the NPPF.

RECOMMENDATION:

Grant permission subject to the following conditions:

01. The conversion of the barns accords with Local Plan Policy as amended to reflect the NPPF, the proposals do not have an adverse effect upon amenity or highway safety and the proposals subject to mitigation measures have an unacceptable impact upon protected species. As such the proposals comply with Policies ST5, ST6, EH7, EC8, EP5 and TP7 and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. 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.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: amended drawing 213.74/001A received 15 December 2014 and amended drawings 213.74/002A, 213.74/009A, 213.74/010A, 213.74/011A, 213.74/012A, 213.74/013B, 213.74/014A, 213.74/015A and 213.74/016A received 21 January 2015.

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

03. The barn conversions hereby approved shall not be occupied unless the buildings / structures to be demolished as detailed on drawings 213.74/001A and 213.74/002A have been demolished in their entirety and the land restored in accordance with a scheme submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity in accordance with Policies ST5 and ST6 of the South Somerset Local Plan (adopted 2006).

04. No works hereby approved shall be carried out on the new build until particulars of following have been submitted to and approved in writing by the Local Planning Authority;

a. details of materials (including the provision of samples where appropriate) to be used for the external walls and roofs;

b. details of the recessing, materials and finish (including the provision of samples where appropriate) to be used for all new windows (including any rooflights) and doors;

c. details of the rainwater goods and eaves and fascia details and treatment.

On approved such details shall be fully implemented unless agreed otherwise in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the area in accordance with saved policies EH3, ST5 and ST6 of the South Somerset Local Plan (adopted 2006).

05. No work shall be undertaken unless the following details have been submitted to and approved in writing by the Local Planning Authority. Such details once approved shall be adhered to unless the Local Planning Authority gives written agreement for any variation:

a) Details of all boundary treatments including walls, fences and gates

b) Details of the surface materials of the courtyard

c) Details of all hardstanding, including the access tracks and boundaries including the natural stone boundary walls within the site and external treatments.

Reason: To safeguard the character and appearance of the area in accordance with saved policies ST5, ST6 and EH3 of the South Somerset Local Plan (adopted 2006).

06. The application site has a large line area, the extent of the residential garden area, hereby approved shall be limited to the green shaded area as shown on drawing 213.74/002A received 21 January 2015.

Reason: In the interests of residential amenity in accordance with Policies ST5 and ST6 of the South Somerset Local Plan (adopted 2006).

07. (i) No works shall be undertaken unless, a landscaping scheme based upon drawing 213.74/002A, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.

(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

(iii) For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy ST5 of the South Somerset Local Plan (adopted 2006).

08. No works shall be undertaken unless a scheme to deal with contamination of land, controlled waters and/or ground gas has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include all of the following measures, unless the Local Planning Authority dispenses with any such requirement specifically in writing:

1. A Phase I site investigation report carried out by a competent person to include a desk study, site walkover, the production of a site conceptual model and a human health and environmental risk assessment, undertaken in accordance with BS 10175 : 2011 Investigation of Potentially Contaminated Sites - Code of Practice.

2. A Phase II intrusive investigation report detailing all investigative works and sampling on site, together with the results of the analysis, undertaken in accordance with BS 10175:2011 Investigation of Potentially Contaminated Sites - Code of Practice. The report should include a detailed quantitative human health and environmental risk assessment.

3. A remediation scheme detailing how the remediation will be undertaken, what methods will be used and what is to be achieved. A clear end point of the remediation should be stated, such as site contaminant levels or a risk management action, and how this will be validated. Any on going monitoring should also be outlined.

4. If during the works contamination is encountered which has not previously been identified, then the additional contamination shall be fully assessed and an appropriate remediation scheme submitted to and approved in writing by the Local Planning Authority.

5. A validation report detailing the proposed remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included, together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To protect the health of future occupiers of the site from any possible effects of contaminated land, in accordance with Policy EP5 of the South Somerset Local Plan (adopted 2006).

09. The works shall be implemented in accordance with the bat mitigation measures detailed in the Conservation Action Statement (Appendix 4, Ecological Survey Report, Blackdown Environmental, Oct 2014) and roost provision for bats shall be provided in accordance with Figure 5 of the same report, as modified to meet the requirements of any 'European Protected Species Licence' issued by Natural England, unless otherwise approved in writing by the local planning authority.

Each phase of the development shall not be occupied until confirmation, by a Natural England licenced bat consultant, that compensatory bat roosting features have been provided in accordance with the above, has been submitted to and approved in writing by the Local Planning Authority.

Reason: For the conservation and protection of species of biodiversity importance in accordance with NPPF, and of legally protected species in accordance with Policy EC8 of the South Somerset Local Plan (adopted 2006), and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

10. No works shall be undertaken unless a phasing plan for the following details has been submitted to and agreed in writing by the Local Planning Authority;

- a) works to the barns
- b) ecology works
- c) any road improvements
- d) landscaping
- e) Demolition of the modern barns / structures / removal of manege

The development shall be carried out in accordance with the phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure a well ordered approach is possible that respects the setting of the listed barns and protects residential amenity in accordance with Policies ST5, ST6, EC8, EH5 and EC3 of the South Somerset Local Plan (adopted 2006).

11. Before the installation of any lighting, details shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and no additional lighting shall be installed without the express grant of planning permission.

Reason: In the interests of light pollution in accordance with Policy EP3 of the South Somerset Local Plan (adopted 2006).

12. There shall be no obstruction to visibility greater than 900millimetres above adjoining road level in advance of a line drawn 2.4metres back from the carriageway edge on the centre line of the access and extending to a point on the nearside carriageway edge 43metres to the south of the access. Such visibility shall be fully provided before works commence on the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with Policy ST5 of the South Somerset Local Plan (adopted 2006).

13. Prior to occupation of the development hereby permitted the proposed access over at least the first 5 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) 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 at all times.

Reason: In the interests of highway safety in accordance with Policy ST5 of the South Somerset Local Plan (adopted 2006).

14. 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.

Reason: In the interests of highway safety in accordance with Policy ST5 of the South Somerset Local Plan (adopted 2006).

15. The area allocated for parking and turning on the submitted plan, Drawing No. 213.74/002A, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policies ST5 and TP7 of the South Somerset Local Plan (adopted 2006) and the guidance in the Somerset Parking Strategy.

Informatives:

01. Before this development can commence, a European Protected Species Mitigation Licence (under The Conservation (Natural Habitats, &c.) Regulations 2010) will be required from Natural England. You will need to liaise with your ecological consultant for advice and assistance on the application for this licence. Natural England will normally only accept applications for such a licence after full planning permission has been granted and all relevant (protected species) conditions have been discharged.
 02. You are reminded that the barns are curtilage listed and planning permission would be required for alterations including the erection of extensions, flues, outbuildings, the formation of swimming pools and the siting of satellite dishes. This list is not exhaustive and you are advised to contact the Local Planning Authority for guidance.
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Agenda Item 9

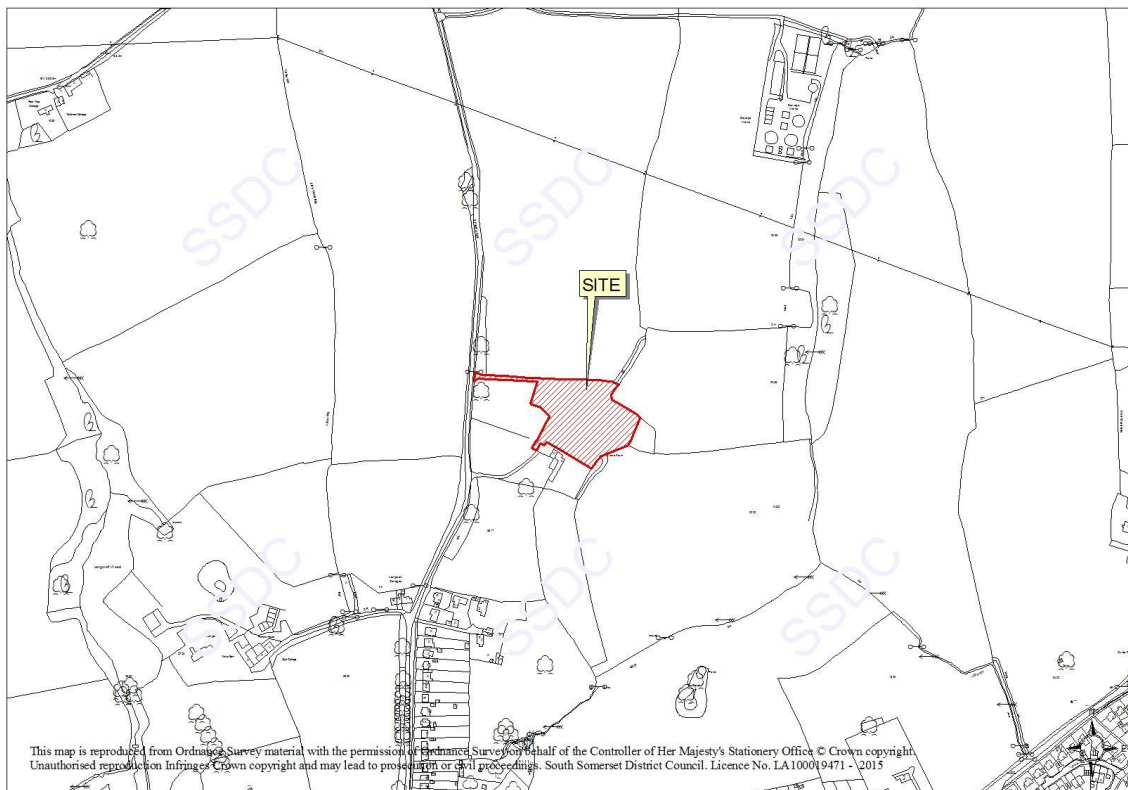
Officer Report On Planning Application: 14/05096/LBC

Proposal :	Conversion of barns to five residential units and reinstatement of cottage to residential use, including associated internal and external alterations, erection of extensions and erection of car ports/garaging (GR 355836/118295)
Site Address:	Stone Farm Stone Lane Yeovil
Parish:	Mudford
WARDS OF YEOVIL WITHOUT Ward (SSDC Member)	Cllr J Gleeson Cllr P A Lock Cllr G J Oakes
Recommending Case Officer:	Andrew Collins Tel: 01935 462276 Email: andrew.collins@southsomerset.gov.uk
Target date :	16th January 2015
Applicant :	Jesus College
Agent: (no agent if blank)	Smiths Gore York House Blackbrook Business Park Taunton Somerset TA1 2PX
Application Type :	Other LBC Alteration

Reason for Referral to Committee

This application is referred to the committee at the request of the Ward Member(s) with the agreement of the Area Chairman to enable the comments of the Parish Council, neighbouring Parish Council, tenant and users of stables to be fully debated.

Site Description and Proposal





The site is located on the Eastern side of Stone Lane, approximately 600m from the junction with Combe Street Lane. Stone Farm is Grade II listed and therefore the historic outbuildings are curtilage listed.

Stone Farm extends to 128 acres of which 105 acres is arable land and 22 acres is permanent pasture.

To the north of the listed farmhouse are a range of historic outbuildings and a former dwelling. Further to the north are modern farm buildings and silo bins.

In detail Barn 1 is located to the Northwest of the main yard. It is a brick built building covered in corrugated metal tin sheeting. Metal sheeting cover the gable ends. On the Northern side of the site is a lean-to. There are external steps to the first floor on the Southern elevation but internally there is no floor. The building is currently being used for unauthorised storage. A new lean-to is proposed on the Northern side constructed of brick with timber cladding. A new floor is to be installed and new glazing in the gable ends. In addition the existing roof covering is to be replaced with clay tiles. A rooflight and flue are proposed on the Southern elevation. This conversion would provide a 3 bed property.

A garden area is proposed to the North and East of the barn.

Barn 2 is located to the East of Barn 1. This forms part of the northern side of the courtyard. This building is a double height building constructed of brick under a clay tile roof. There is a lean-to on the Northern elevation. At the eastern end of the building is an area of concrete block wall with timber boarding above. The building is currently being used for the stabling of horses. The block is to be removed and replaced with glazing with hit and miss boarding in front. A new floor is to be installed. A new build lean-to incorporating a study is proposed to the North. The barn conversion would provide a 4 bed property.

To the North of the site are modern agricultural buildings and grain silos. These are to be demolished and a garden area for this conversion is proposed in their place.

Barn 3/4 is located to the East of Barn 2 and is an 'L' shaped building enclosing the courtyard. This is single storey with brick to the rear and end elevations. Originally it would have been open to the courtyard with the structure being supported on timber posts and stones. Most of the original openings have been infilled with blockwork. The roof is covered with corrugated asbestos sheeting. The building is currently being used for the stabling of horses and as a tack room. A new build single storey extension to complete the courtyard linking round to Barn 2 is proposed. This is on the line of an historic structure. This structure is to be constructed of brick and clay tile to match other buildings. Combined with the existing building it would provide a 4 bed property. Barn 4 is to have new insertions with thin timber boards in front of windows to minimise the domestic appearance. This would provide a 4 bed property.

Currently to the rear / North are single storey agricultural buildings used as for general storage and a historic tractor collection and a manege. These are to be demolished / removed and Garden areas are proposed in their place.

Barn 5 is located at right angles to barns 2 and 3. The building is 2 storey constructed of brick but the Southern wall of the Southern lean-to is faced in natural stone with brick quoins. There is a plain, clay tile roof. There is no staircase but there is a floor with access via a ladder. The ground floor is being used for equestrian storage and as a workshop. It is proposed to install an internal staircase and convert the building into a 3 bed property. Existing openings are to be utilised to from the windows. A garden area is proposed to the East.

Barn 6 is located opposite Barn 5 between the dwelling and Barn 1. This building consists of a 2 storey brick structure at the Southern end and a range of single storey structures to the North. The eastern elevation of the single storey section of the building is filled in with blockwork panels. The single storey buildings are used as stables. The Southern end of the building is to be retained with the tenant at Stone Farm. The Northern end is to be converted into 2 double carports to serve Barns 1 and 2.

At the Eastern end of the site is a former dwelling constructed of brick under a tile roof. This property has previously had permission for the conversion into 2 dwellings, but this has lapsed. It is sought to reinstate and repair the building into a single 4 bed dwellinghouse. Render to the building is to be removed and porches are to be restored. A garden area is proposed to the North and South of the building.

To the West of the building a double garage is proposed to serve the restored dwelling.

On the other side of the courtyard to Barns 3 and 4 a new single storey car port / garage is proposed constructed of brick. Two double car ports are to serve barns 3 and 4 and a double garage is to serve Barn 5.

Currently access to the site is via 2 tracks off Stone Lane. The Southern track goes to the farmhouse with the Northern track to the barns. The Northern access is to be utilised to facilitate these conversions, with an extension to the existing track to serve Barn 4.

The application is supported by a Planning, Design and Access Statement including Heritage Statement, Ecological Survey Report and a Structural Survey.

The proposal has been amended by plans submitted 15 December 2014 to address

concerns raised by the Highways Officer and 21 January 2015 to address the Conservation Officer's concerns.

The site is within Mudford Parish but is within Yeovil Without Ward.

RELEVANT HISTORY

14/05095/FUL - Conversion of barns to five residential units and reinstatement of cottage for residential use, including associated internal and external alterations, erection of extensions and erection of car ports / garaging - Pending Consideration

09/02986/FUL - Alterations, extension, refurbishment and conversion of derelict farmhouse into 2 dwelling houses with associated parking facilities - Application Withdrawn - 20/09/10

01/02085/FUL - The demolition of former farmhouse and the erection of two dwellinghouses with associated parking facilities - Application permitted with conditions - 28/09/01

01/00839/FUL - Alterations, extension, refurbishment and conversion of derelict farmhouse into 2 dwelling houses with associated parking facilities - Application permitted with conditions - 12/07/01

96/02241/FUL - The demolition of former farmhouse and the erection of two dwellinghouses with associated parking facilities - Application permitted with conditions - 29/11/96

95/06553/FUL - Alterations, refurbishment and the conversion of farmhouse into two dwellinghouses with associated parking facilities - Application permitted with conditions - 16/10/95

91/01734/FUL and 91/01735/LBC - Conversion and sub division of farmhouse to form dwelling and self contained holiday flat - Permission granted / Granted consent - 17/02/92

63845/C - Convert existing farm workshop to service outboard marine engines - Refused - 15/6/73

63845/B - Formation of vehicular access - Conditionally approved - 16/8/72

63845/A - Erection of milking parlour, use of existing access - Conditionally approved - 31/3/69

63845 - Extension to existing barn at Stone Farm - Conditionally approved - 16/10/63

POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

Paragraph 132 of the NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear

and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 - 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to 'the stage of preparation', with the proviso in the first bullet point that: 'the more advanced the preparation, the greater the weight that may be given'. Given the plan has passed through the examination process, there can be no doubt therefore that the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against the relevant policies.

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (April 2006)

EH3 - Change of Use and Alterations of Listed Buildings

EH5 - Development Proposals Affecting the Setting of Listed Buildings

Policies of the Emerging South Somerset Local Plan (2006-2028)

EQ3 - Historic Environment

National Planning Policy Framework

Chapter 12 - Conserving and Enhancing the Historic Environment

CONSULTATIONS

Mudford Parish Council - *"We have several serious concerns over this application:*

- *On the application form the agent states on sect 18 that the buildings are redundant, this is not the case, this is still a working arable farm with a Livery business. It also states the buildings are vacant, this is also incorrect.*
- *Sect 29, the current tenant/occupier has not received a notice to quit 21 days prior to this application.*
- *No plan has been discussed with the farmer/tenant for alternative buildings to continue operating his agricultural and livery business.*
- *The farmer has been a tenant for 53 years running a successful agricultural and recently livery business over 128 acres.*
- *Up unto this year the grain harvested on the farm was stored at a neighbours farm, that neighbour had warned the farmer at Stone farm that the situation will have to revert back to storage at Stone farm, in the bins/silos currently in the centre of the farm,*
- *We are aware of three applications over the years to reinstate the use of the cottage,*

which Mudford PC have supported, each time the applicant has failed to carry out the conversion. This building has empty for over 60 years.

- The barns listed in the application are all currently used for a busy livery business which provides work and business to the community, the modern barns used for the farming activities are in the centre of the proposed development, and will be demolished if the planning is granted.*
- The tenant and his family have been farming there for 53 years, his daughter is a part of the business and wishes to continue when her father retires, they hold a protected tenancy.*
- The farm was once part of the Goodford estate - 1710 to 1918, the buildings were built at various stages over that period but principally in the 19th, using Mudford brick, manufactured in the parish, there are several buildings which should be protected/listed as good examples of South Somerset agricultural history.*

Conclusions

- 1. Mudford Parish Council support the application to reinstate the cottage (old dairy house) and Barn conversion 1.*
- 2. The conversion of the agricultural buildings is not supported as they are still being used and part of a viable successful farm and livery business."*

Yeovil Without Parish Council (neighbouring PC) - "The comments of Mudford Parish Council are noted.

The development which is being proposed for Stone Farm, by Jesus College Oxford, the owners of the farm, would appear to be an impressive development of a unique site, except for one major drawback.

The tenant of the farm (for the last 51 years) has a protected life tenancy under the agricultural Holdings Act with the right of succession to further generations.

Under these proposals we understand that the farm and the main farmhouse (a grade II listed building) will be physically unaffected and will remain under the control of the tenant, but all the other farm buildings will either be converted into residential accommodation or be demolished - thus leaving the tenant without the necessary buildings and means to continue his thriving agricultural activities on the farm. The development proposals should therefore include either the retention or the construction of sufficient farm buildings to enable the existing farming operations to continue in a viable manner.

It is also noted that:-

- Several of the outbuildings which are to be renovated are fully utilised for a livery business, including stabling, paddocks and a ménage, and it is not therefore true that those buildings are currently redundant or vacant, as alleged in the planning application.

- The cottage has been empty for over 60 years and has been the subject of several planning applications by Jesus College, which have gained planning approval, but on each occasion the applicant has failed to carry out the proposed renovation works.

-

We concur with the conclusions of Mudford Parish Council, in particular;-

- We support the application to renovate the cottage and barn no 1.

- The conversion or demolition of the other agricultural buildings is not supported as they are still being used as part of a viable successful farm and livery business - unless arrangements are made for the provision of sufficient alternative agricultural buildings for use by the tenant."

Conservation Officer - Initially commented, *"This scheme has been the subject of detailed pre application discussion. The resulting scheme is considered to be sensitive and well considered, respecting the significance of the individual buildings as well as the overall character of the place. I have no objection to the proposals, although there are a few revisions that need to be made.*

Providing the issues raised above can be addressed I am happy to offer my full support to the scheme."

He confirmed that the amended plans received on 21 January 2015 deal with his initial comments and therefore has no objection to the scheme.

Suggests the use of conditions regarding full repair schedule for each building, details of windows / doors, rooflights, eaves, verges and rainwater goods, lighting, meter boxes etc and pipework and specific issues for each building.

REPRESENTATIONS

5 letters have been received from the agricultural tenant, his agent and people who stable their horses on the site. The responses include a further response from the tenant's agent raising the following areas of concern:-

- The stables are affordable and convenient with limited other premises that offer the same facilities.
- There are a number of wildlife species around the site and they want to know what will happen to them?
- The redevelopment will not provide affordable houses.
- The tenant farmer has diversified into letting buildings for DIY livery to find another source of income. What would happen to the tenant's interests should the application be approved?

The tenant farmer raises the following concerns;

- He has farmed the site since 1961 and he may have slowed down recently this is because he is now 79 years old.
- He employs contractors to undertake field operations but they act on his instruction.
- His landlord has given him permission to carry out diversification projects including an equestrian business on DIY liveries and the subletting of 3 of the traditional barns for storage purposes. Also the farmhouse was split into 2 parts. All the income has been shared with his landlord.
- He does not agree with the agent when they say that the buildings are redundant and new uses need to be found for them. In addition he does not agree that the modern buildings have been disused.
- In more recent years crops have been stored off farm but this is coming to an end and is in the process of getting the grain bins recertified for crop assurance to use them for the 2015 harvest.
- His daughter has shown interest in joining the farm and help with the running. Also thinks that it would be nice for her to succeed the tenancy in due course.
- The proposal would remove a lot of the buildings and leave him with reduce income and the business would be virtually unviable.

The tenant's agent raises the following comments;

- Mr Raymont, the tenant, has always sought permission from his landlord in relation to diversification schemes on the holding. These include subletting of the land for the grazing of horses on DIY livery basis and that there are 12 horses currently on livery, the splitting of the farmhouse and subletting of the other half and the subletting of traditional buildings to third parties for storage.
- All the barns proposed for conversion are being used. Barn 1 is used for storage by a third party, Barn 2 is used for horse livery, Barn 3/4 is used for storage and provides stabling for the DIY livery, Barn 5 is used as a secure tack room and part as farm workshop and Barn 6 is divided with part let for storage and part used for livery.
- The range of modern farm buildings to the north of Barn 2 are used for livestock housing, machinery storage and repair and general fodder storage. The grain bins are also to be used.
- The buildings to the rear of Barn 3/4 have mainly been demolished and the remainder are redundant. However a manege forms an integral part of the equestrian activities on the site.
- Mr Raymont employees contractors to undertake the majority of field operations relating to the arable enterprise and the land is farmed on a 3/4 crop rotation of winter wheat, barley, beans oil seed rape. The contractors have recently told Mr Raymont that they require their own crop storage and therefore need somewhere to store the crops.
- There is an intention to recommence the rearing of youngstock and they would use the building behind Barn 2.
- If planning permission was granted Mr Raymont would benefit from no functional agricultural buildings in which to run the holding.
- The site is a working agricultural unit and Mr Raymont is an Agricultural Holdings Act Tenant as his tenancy is dated 1962 and therefore benefits from succession rights. Mr Raymont's daughter is proposing on coming back to the holding to assist her father with the aim of succeeding the tenancy. If granted permission the landlord could serve a 'Notice to Quit' from the agricultural buildings. There would be no obligation on the landlord to provide alternative agricultural buildings to farm successfully and the business will be critically compromised.
- The information submitted by the agent is inaccurate as the buildings are being used.
- No reference has been made to Paragraph 28 of the NPPF in relation to promoting agricultural diversification and other land based businesses.

In a response to the agent's response, detailed below, the above comments were reiterated and suggested that the application was withdrawn to allow the tenant and landlord to discuss further.

APPLICANTS CASE

The following comments have been received from the agent in response to the Parish Council and objector responses;

"On behalf of Jesus College, Smiths Gore (as agents) has promoted ongoing discussions with the farm tenant, John Raymont, and his agents, Symonds and Sampson, which have taken place over several months and prior to the submission of the planning and listed building applications. It has been stated to the tenant and his agents, that if planning permission and listed building consent is granted for the conversion of the traditional farm buildings at Stone Farm, we will review the requirements for agricultural buildings on the holding, should they be necessary. This would be done in full consultation with South Somerset District Council, in order that any proposals respect the character and setting of

the area, and at a scale commensurate with the scale of agricultural activities taking place on the holding. Accordingly, there would be no hardship to the tenant.

The Stone Farm holding extends to 128 acres, of which approximately 105 acres is arable land which is farmed by contractors. This leaves in the region of 22 acres which is permanent pasture and is grazed by livery horses. The farm tenant has not had any livestock at the holding for several years, and so to read in the statement submitted by Symonds and Sampson that the tenant intends to start keeping livestock at Stone Farm, at the age of 79, is surprising. The traditional farm buildings at Stone Farm are not suited to modern agricultural purposes, given that the design of the buildings do not meet modern livestock welfare standards and the buildings do not have suitable dimensions to allow easy access for farm machinery and equipment. As previously stated, we have made clear our intention to review the tenant's requirements for agricultural buildings should the relevant consent and permission be granted.

Another point worthy of mention is the fact that the livery and storage uses being undertaken within the Stone Farm buildings do not have the benefit of planning permission, and therefore the suitability of the site and the valuable heritage assets (as grade II listed buildings) has not ever been assessed through the planning process.

We consider references within the consultation responses to the tenancy agreement and tenancy succession are not relevant as they are not material planning considerations.

We would also point out that these proposals as submitted, represent a major benefit in the form of preserving and enhancing the heritage assets that are the grade II listed buildings - a point that has not been acknowledged by the Parish Council consultation responses to date. The proposed development scheme will enable the long-term future of the barns to be secured, with the necessary repair and investment the buildings require. As can be evidenced by visual assessment of the buildings and the structural surveys submitted with the planning application, some of the buildings have started to fall into a state of disrepair. In order to maintain these valuable heritage assets, a necessary level of investment is now required and in order for the work to viably take place, the applicant must see a level of return from such works. The proposed conversion scheme will allow a viable development scheme to proceed, which will preserve the listed buildings which left to their current use, will fall in to a further state of disrepair.

Other benefits the proposal would bring are the added value to the local economy through the construction/conversion of the buildings, which has already generated much interest locally. Also, the scheme will contribute towards the housing targets set out for South Somerset District Council."

CONSIDERATIONS

A number of comments have been made that refer to the planning merits of the scheme as opposed to the listed building considerations. These are dealt with in the concurrent planning application (14/05095/FUL).

Alterations to the Listed Buildings

The curtilage listed barns are proposed to be sensitively converted that maintains their historic character and preserves them in the long term. Existing openings are to be utilised in a sensitive way, as discussed and agreed with the Conservation Officer. Minor changes are required to address the Conservation Officer but these have been agreed. As such the proposals are considered to comply with Policy EH3 of the South Somerset Local Plan.

Impact upon Setting of Listed Buildings

The removal of the modern agricultural buildings structures and manege near the curtilage listed buildings are considered to enhance their setting. In addition the sensitive conversion of the curtilage listed buildings are considered to enhance the setting of the principle listed building. As such the proposal is considered to comply with Policy EH5 of the South Somerset Local Plan.

Conclusion

The proposals have been carefully considered to respect the form and setting of the listed buildings. The principle is acceptable and the proposals do not have an adverse impact upon ecology, the current use of buildings on site and parking / highway aspects. As such the proposals comply with policies EH3 and EH5, EH7 of the South Somerset Local Plan and the aims and objectives of the NPPF.

RECOMMENDATION:

Grant consent subject to the following conditions:

01. The alterations to the listed buildings reflect the architectural and historic interest of the buildings and do not have an adverse impact upon the setting of the principle listed building. As such the proposals comply with Policies EH3 and EH5 of the South Somerset Local Plan and the aims and objectives of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: amended drawing 213.74/001A received 15 December 2014 and amended drawings 213.74/002A, 213.74/009A, 213.74/010A, 213.74/011A, 213.74/012A, 213.74/013B, 213.74/014A, 213.74/015A and 213.74/016A received 21 January 2015.

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

03. No work shall be carried out to Barn 1 unless the following details have been submitted to and approved in writing by the Local Planning Authority. Such details once approved shall be adhered to unless the Local Planning Authority gives written agreement for any variation:

- a) A full schedule of repair including details of repointing, repairs to masonry and any rebuilding / new work. Samples and sample panels will be required as necessary.
- b) Details of all windows and doors.
- c) Details of the rooflights.
- d) Details of eaves, verges and abutments including details of rainwater goods.
- e) Details of the external balustrade.
- f) Details of any external lighting, signage, metre boxes and other fittings.
- g) Details of all pipework routes serving Kitchens and bathrooms and associated ventilation.

Reason: In the interests of preserving the historic or architectural character of the listed building in accordance with Policy EH3 of the South Somerset Local Plan (adopted 2006).

04. No work shall be carried out to Barn 2 unless the following details have been submitted to and approved in writing by the Local Planning Authority. Such details once approved shall be adhered to unless the Local Planning Authority gives written agreement for any variation:
- a) A full schedule of repair including details of repointing, repairs to masonry and any rebuilding / new work. Samples and sample panels will be required as necessary.
 - b) Details of how the first floor will intersect with the ventilation slit window.
 - c) Details of all windows and doors.
 - d) Details of eaves, verges and abutments including details of rainwater goods.
 - e) Details of any external lighting, signage, metre boxes and other fittings.
 - f) Details of all pipework routes serving Kitchens and bathrooms and associated ventilation.

Reason: In the interests of preserving the historic or architectural character of the listed building in accordance with Policy EH3 of the South Somerset Local Plan (adopted 2006).

05. No work shall be carried out to Barn 3 unless the following details have been submitted to and approved in writing by the Local Planning Authority. Such details once approved shall be adhered to unless the Local Planning Authority gives written agreement for any variation:
- a) A full schedule of repair including details of repointing, repairs to masonry and any rebuilding / new work. Samples and sample panels will be required as necessary.
 - b) Details of all windows and doors.
 - c) Details of the rooflights.
 - d) Details of eaves, verges and abutments including details of rainwater goods.
 - e) Details of any external lighting, signage, metre boxes and other fittings.
 - f) Details of all pipework routes serving Kitchens and bathrooms and associated ventilation.

Reason: In the interests of preserving the historic or architectural character of the listed building in accordance with Policy EH3 of the South Somerset Local Plan (adopted 2006).

06. No work shall be carried out to Barn 4 unless the following details have been submitted to and approved in writing by the Local Planning Authority. Such details once approved shall be adhered to unless the Local Planning Authority gives written agreement for any variation:
- a) A full schedule of repair including details of repointing, repairs to masonry and any rebuilding / new work. Samples and sample panels will be required as necessary.
 - b) Details of all windows and doors.
 - c) Details of the rooflights.
 - d) Details of eaves, verges and abutments including details of rainwater goods.
 - e) Details of any external lighting, signage, metre boxes and other fittings.
 - f) Details of all pipework routes serving Kitchens and bathrooms and associated ventilation.

Reason: In the interests of preserving the historic or architectural character of the listed building in accordance with Policy EH3 of the South Somerset Local Plan (adopted 2006).

07. No work shall be carried out to Barn 5 unless the following details have been submitted to and approved in writing by the Local Planning Authority. Such details once approved

shall be adhered to unless the Local Planning Authority gives written agreement for any variation:

- a) A full schedule of repair including details of repointing, repairs to masonry and any rebuilding / new work. Samples and sample panels will be required as necessary.
- b) Details of all windows and doors.
- c) Details of eaves, verges and abutments including details of rainwater goods.
- d) Details of any external lighting, signage, metre boxes and other fittings.
- e) Details of all pipework routes serving Kitchens and bathrooms and associated ventilation.

Reason: In the interests of preserving the historic or architectural character of the listed building in accordance with Policy EH3 of the South Somerset Local Plan (adopted 2006).

08. No work shall be carried out to Barn 6 unless the following details have been submitted to and approved in writing by the Local Planning Authority. Such details once approved shall be adhered to unless the Local Planning Authority gives written agreement for any variation:

- a) A full schedule of repair including details of repointing, repairs to masonry and any rebuilding / new work. Samples and sample panels will be required as necessary.
- b) Details of all windows and doors.
- c) Details of eaves, verges and abutments including details of rainwater goods.
- d) Details of any external lighting and other fittings.

Reason: In the interests of preserving the historic or architectural character of the listed building in accordance with Policy EH3 of the South Somerset Local Plan (adopted 2006).

09. No work shall be carried out to the Old Farmhouse unless the following details have been submitted to and approved in writing by the Local Planning Authority. Such details once approved shall be adhered to unless the Local Planning Authority gives written agreement for any variation:

- a) A full schedule of repair including details of repointing, repairs to masonry and any rebuilding / new work. Samples and sample panels will be required as necessary. This shall include details relating to the removal of the existing render including method of removal. Once the render is removed a sample panel of repointing will be needed to show how the exposed brickwork will be made good.
- b) Details of all windows and doors.
- c) Details of eaves, verges and abutments including details of rainwater goods.
- d) Details of the proposed porch.
- e) Details of any external lighting, signage, metre boxes and other fittings.
- f) Details of all pipework routes serving Kitchens and bathrooms and associated ventilation.

Reason: In the interests of preserving the historic or architectural character of the listed building in accordance with Policy EH3 of the South Somerset Local Plan (adopted 2006).

10. No works shall be undertaken unless a phasing plan for the conversion of the barns has been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the agreed phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure the barns are converted in a sympathetic way to respect the listed buildings in accordance with Policy EH3 of the South Somerset Local Plan (adopted 2006).

Informatives:

01. You are reminded that the barn conversions are curtilage listed buildings. Therefore works for any internal or external alterations / works are likely to require listed building consent. You are advised to contact the Local Planning Authority at the earliest opportunity.
-

Agenda Item 10

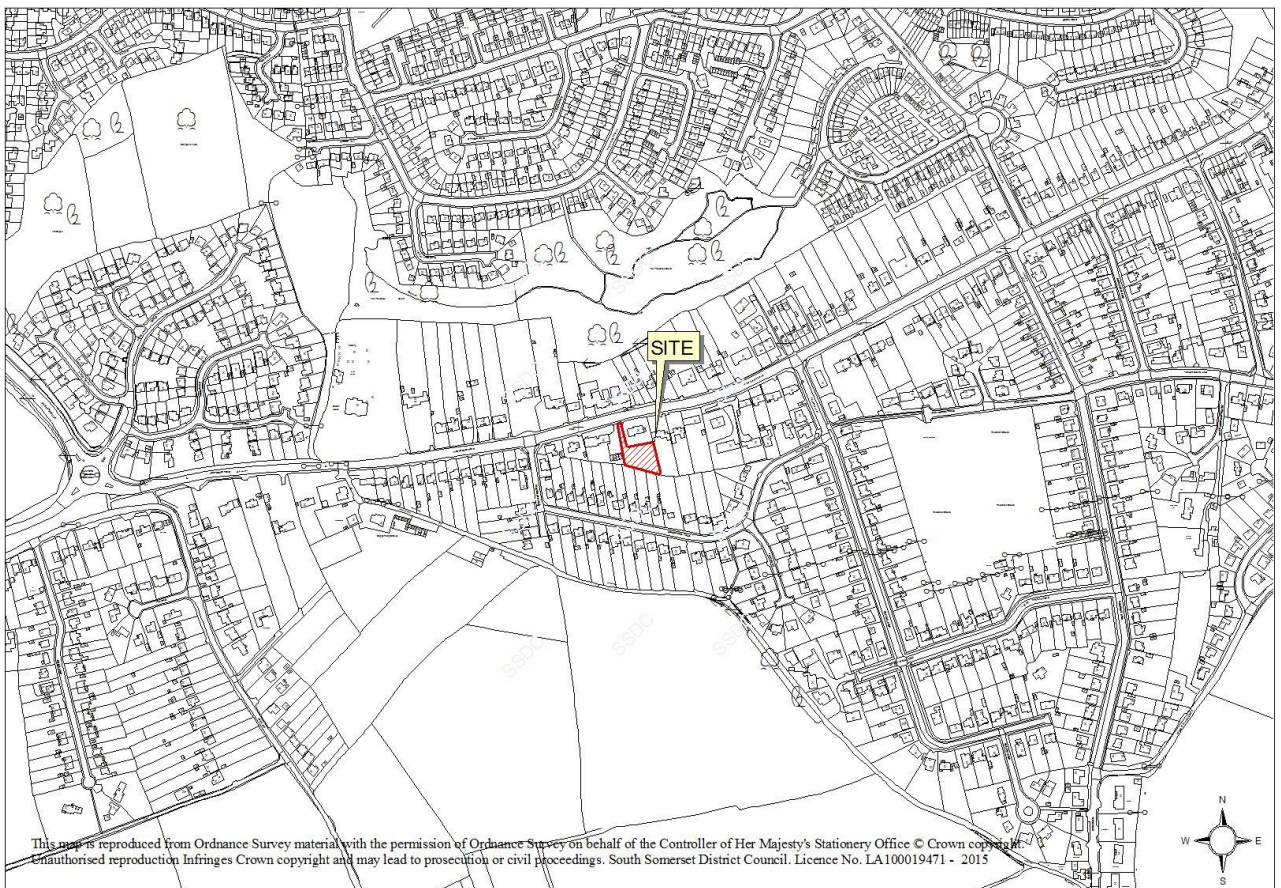
Officer Report On Planning Application: 14/05567/FUL

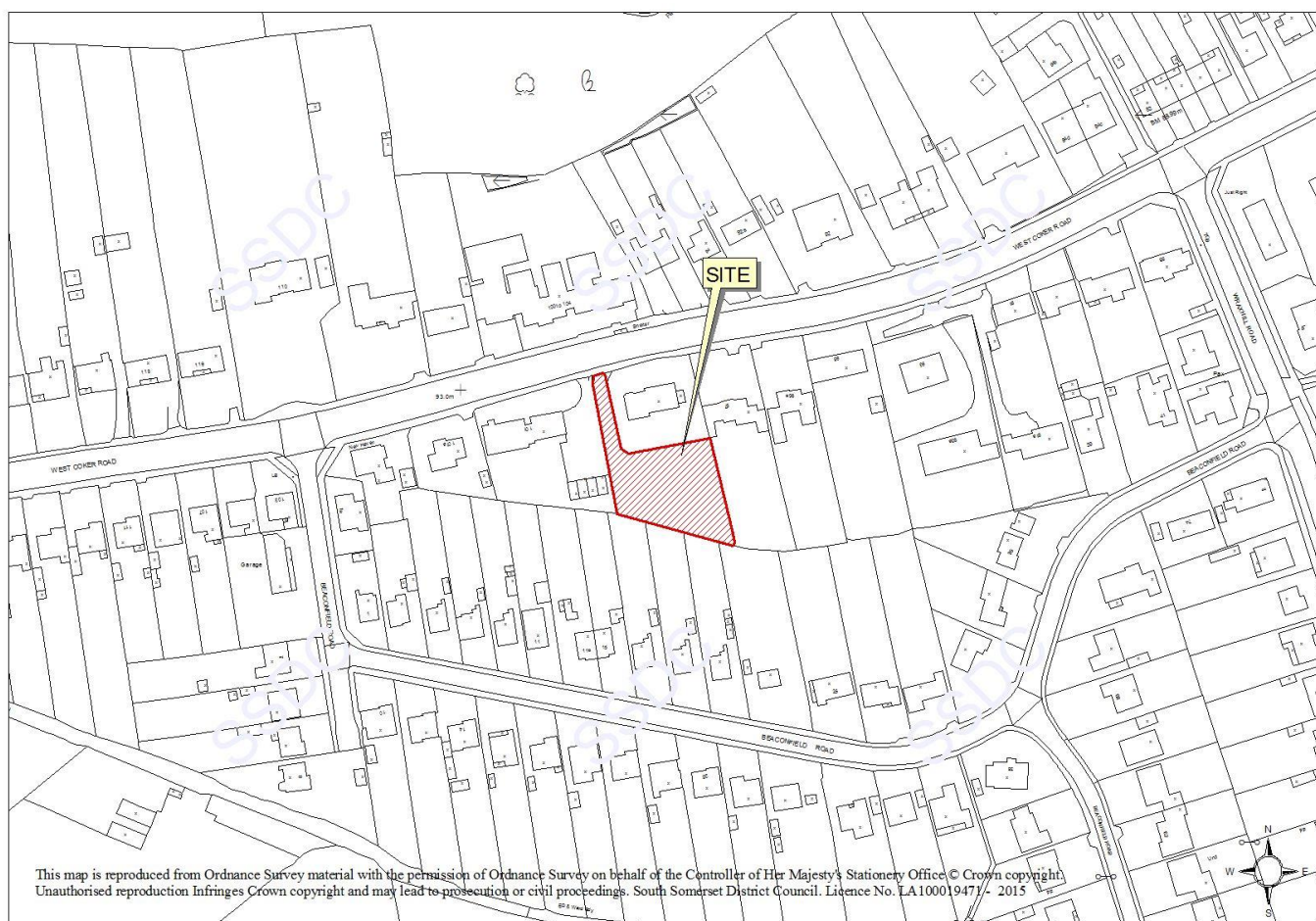
Proposal :	The installation of 5 No. rooflights to south roof slope (GR 354154/114503)
Site Address:	99A West Coker Road Yeovil Somerset
YEOVIL SOUTH:(SSDC Member)	Cllr Dave Greene Cllr Marcus Fysh Cllr Nigel Gage
Recommending Case Officer:	Jacqui Churchill Tel: (01935) 462158 Email: jacqui.churchill@southsomerset.gov.uk
Target date :	4th February 2015
Applicant :	Mr David Dawkins
Agent: (no agent if blank)	Michael Rowlinson Architect
Application Type:	Other Householder - not a Change of Use

Reason for Referral to Committee

The application has been brought to Committee under the Council's adopted scheme of delegation as the Ward Member does not accept the case officer's recommendation and would like to discuss the overlooking issue; the Chairman has subsequently called it in to committee.

Site Description and Proposal





99A West Coker Road is a modern detached single storey dwellinghouse with a linked-attached double garage located on the south side of West Coker Road behind 99 West Coker Road. It is constructed of block and render under a tiled roof with timber openings.

The application seeks planning permission for the installation of 5 No. timber rooflights on the south slope of the roof, one of which is to be obscure glazed to serve the W.C.

Planning permission is required due to the removal of permitted development rights relating to insertion of windows on planning consent reference 10/00470/FUL - 26.05.10.

HISTORY

14/00229/COND - Non compliance with conditions - pending consideration

10/00470/FUL - Demolition of existing garage and erection of 1 No. detached bungalow and garage - permitted with conditions 26.05.10 - Informative: The approved plans show no habitable space within the roof volume. Due to the concerns of local residents the plans were amended to omit the proposed rooflights. The applicant is reminded that any amendments to the approved plans to facilitate rooms in the roof requiring additional openings that subsequently require planning permission may not receive the support of the LPA on the basis of overlooking of adjoining properties.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed

under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 - 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to "the stage of preparation", with the proviso in the first bullet point that: "the more advanced the preparation, the greater the weight that may be given". Given the plan has passed through the examination process, there can be no doubt therefore that the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against the relevant policies.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (Adopted April 2006):

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policies of the Emerging South Somerset Local Plan (2006-2028)

Policy EQ2 - Design and General Development

National Planning Policy Framework

Chapter 7 - Requiring Good Design

South Somerset District Council Supplementary Guidance - Extensions and Alterations to Houses - A Design Guide

Somerset County Council Parking Strategy (March 2012) and Standing Advice (June 2013)

CONSULTATIONS

Yeovil Town Council - Recommend approval

Highways Authority - No observations

REPRESENTATIONS

14 neighbours were notified, the following representations were received:

Three objections from residents of Beaconfield Road were received - the following points were made in summary (officer response in brackets):

- o Strongly object to this proposal.

- o SSDC planning website has not been working over the Christmas period making it difficult to review historical reasons for previous planning applications and refusals. (Website available from 2nd January. Also, planning officer aware of planning history)
- o There was great opposition to the building being erected in the back garden of 99 West Coker Road but when planning consent was granted the local residents were assured it would remain a single storey dwelling with no living accommodation on the first floor due to it being in an elevated position to the existing houses to the rear. (An informative was included on decision notice 10/00470/FUL with regards to rooflights. However, this only an informative and each application is considered on its own merits)
- o Trees and shrubs that helped screen the building have been removed (the applicant has planted more laurel trees to act as a screen)
- o Concerns of the height of the roof and the footprint of the building which are considered overbearing. (Not a planning consideration for this application as dwellinghouse has been approved 10/00470/FUL)
- o It is very long and completely out of scale with existing buildings and resembles a commercial building rather than a private dwelling. (Not a planning consideration for this application as dwellinghouse has been approved 10/00470/FUL)
- o Proximity to the boundary results in overlooking. (Dealt with below under considerations)
- o When the roof trusses were put in place, openings had been cut for the insertion of Velux windows - this was not part of the original planning application. When the roof was tiled the Velux openings were tiled over. (No planning breach as roof tiled over in accordance with approved plan)
- o The addition of large windows to the south slope would effectively turn the building into a grandstand with a view over the rear gardens of Beaconfield Road. (Dealt with below under considerations)
- o This application to build a virtually self-contained flat in the roofspace, which is likely to be in constant use. With its large roof lights there will be people sat in an upstairs dining room peering into the gardens and windows of houses in Beaconfield Road. (Dealt with below under considerations)
- o When planning was applied for originally on this site back in 2007 (reference 07/02649/FUL) it was refused due to overlooking issues. Even when appealed against the inspector noted (in summary - overlooking from upstairs windows would result in loss of privacy). Now although this planning was originally for two storey dwellings and not the bungalow that is situated there now surely the point made still applies due to the roof lights being in effect where an upstairs window would be. (Overlooking issue dealt with below)
- o Decision notice dated 26.05.10 10/00470/FUL, Informative states - the approved plans show no habitable space within the roof volume. Due to the concerns of local residents the plans were amended to omit the proposed roof lights. The applicant is reminded that any amendments to the approved plans to facilitate rooms in the roof requiring additional openings that subsequently require planning permission may not receive the support of the LPA on the basis of overlooking of adjoining properties. (Whilst planning history is considered, every application is considered on its own merits)
- o Concern over impact on property value (As a general rule, planning decisions have to be based on land-use planning considerations, such as the scale or design of what is proposed. The effect on local property values is not a planning consideration)

Full representations are available to view at www.southsomerset.gov.uk

CONSIDERATIONS

Principle of Development

The alteration of existing properties is usually acceptable in principle subject to the proposed

development being in accordance with Development Plan policies and proposals. In this case, the main considerations will be the impact on the visual amenity of the area and residential amenity of neighbouring residents.

Visual Amenity

The proposal will see the installation of 5 No. timber rooflights to the south roof slope to serve a loft conversion containing a bedroom, W.C. and sitting area.

The visual impact of the proposal due to its design and proposed materials is considered acceptable. Its scale and position above the eaves, in the middle third section, is such that it will not dominate the roofslope and is considered in keeping with the property's character and appearance and the character of the wider area. Therefore it is considered that the proposal, by reason of design, scale and materials, will not adversely affect visual amenity of the property or surrounding area.

Impact on Residential Amenity

Objections have been raised by residents of Beaconfield Road which have gardens that back onto the rear garden of the application property. Their concerns include overlooking and loss of privacy. SSDC's Design Guide to Extensions and Alterations to Houses states that windows of habitable rooms should not overlook neighbours' windows and the distance to the rear windows of a building backing onto the property should be a minimum of 20 metres. It is noted that the application property is on elevated ground to those of Beaconfield Road. However, it is also noted that there is approximately 12 metres from 99A West Coker Road to the south boundary and a further 45-50 metres to the windows of properties backing on Beaconfield Road.

The rooflights are situated approximately 1metre above floor level. Although rooflights sited at 1.5metres above floor level will ensure no overlooking of neighbouring properties or gardens they will not be suitable for emergency escape purposes. The applicant confirmed that the position of the escape rooflight was dictated by Building Regulation requirements and the others simply maintain the same height for uniformity. One rooflight is proposed obscure glazing to serve a bathroom.

During the course of the application it was confirmed by the applicant that the proposed rooflights could not be installed on the front (north) roof slope as the neighbouring property, 99 West Coker road, is a two storey property that would look directly down into the rooflights.

The agent and applicant confirmed that the loft space would be used occasionally by visiting family. Although the sitting area is considered to be a habitable room with the potential for overlooking it is noted that the mitigating factors include the distance between properties and the existing trees which partly act as a screen.

During the course of the application the applicant submitted a planting scheme, which is almost completely implemented (with the exception of a Gingko Biloba tree). It shows that laurel trees which were planted in 2013 along the south boundary would, assuming a growth of three feet per year, effectively screen the line of sight between 19 Beaconfield Road to an eye level of 1.5 metres within the roof space of the application property by summer 2016. As an objector raised concerns that trees had been removed which helped screen the building, this goes some way to re-instate the trees and mitigate any potential overlooking into the gardens of properties that back onto the application property. It is considered appropriate to condition the planting scheme to ensure that it is maintained.

It is acknowledged that the rooflights could overlook the rear garden of 19 and 21 Beaconfield Road. However, there is no general or automatic 'right' in law, as such, not to have your land overlooked. Furthermore, due to the angle of the rooflights within the roof slope, the distance between the properties (approx. 60 metres) and the planting scheme there would be no detrimental levels of overlooking to the neighbouring properties and a substantially reduced potential of perceived overlooking into the gardens. It is not considered that any increase in overlooking would warrant the withholding of planning permission. Subject to the imposition of a condition ensuring that the planting scheme is maintained to create an effective screen the proposal would accord with Local plan policies ST5, ST6 and EQ2. Therefore, on balance, the proposed rooflights are not considered to cause demonstrable cause harm in terms of overlooking or loss of privacy.

In conclusion, it is not considered that the proposal will cause an adverse effect to the residential amenity of neighbouring occupiers or be detrimental to the visual amenity of the area. As such, the scheme accords with policies ST5 and ST6 of the South Somerset Local Plan and Policy EQ2 of the Emerging South Somerset Local Plan (2006-2028).

RECOMMENDATION

Grant consent for the following reason:

01. The proposal, by reason of its size, scale and materials, respects the character of the area and causes no demonstrable harm to residential amenity in accordance with the aims and objectives of policy ST5 of the South Somerset Local Plan Deposit Adopted 2006 and the provisions of the National Planning Policy Framework (March 2012).

SUBJECT TO THE FOLLOWING:

01. 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.

02. The development hereby permitted shall be carried out in accordance with the following approved plans reference DAW01 A, DAW02 A, DAW03 , DAW05 dated as received 10.12.14 and planting scheme dated as received 16.01.15.

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

03. All planting shown in the approved planting scheme shall be carried out in the first planting and seeding season following the implementation of the planning consent. Any trees or plants which within a period of five years from the completion of the landscaping, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of residential amenity and in accordance with policies ST5 and ST6 of the South Somerset Local Plan.

Agenda Item 11

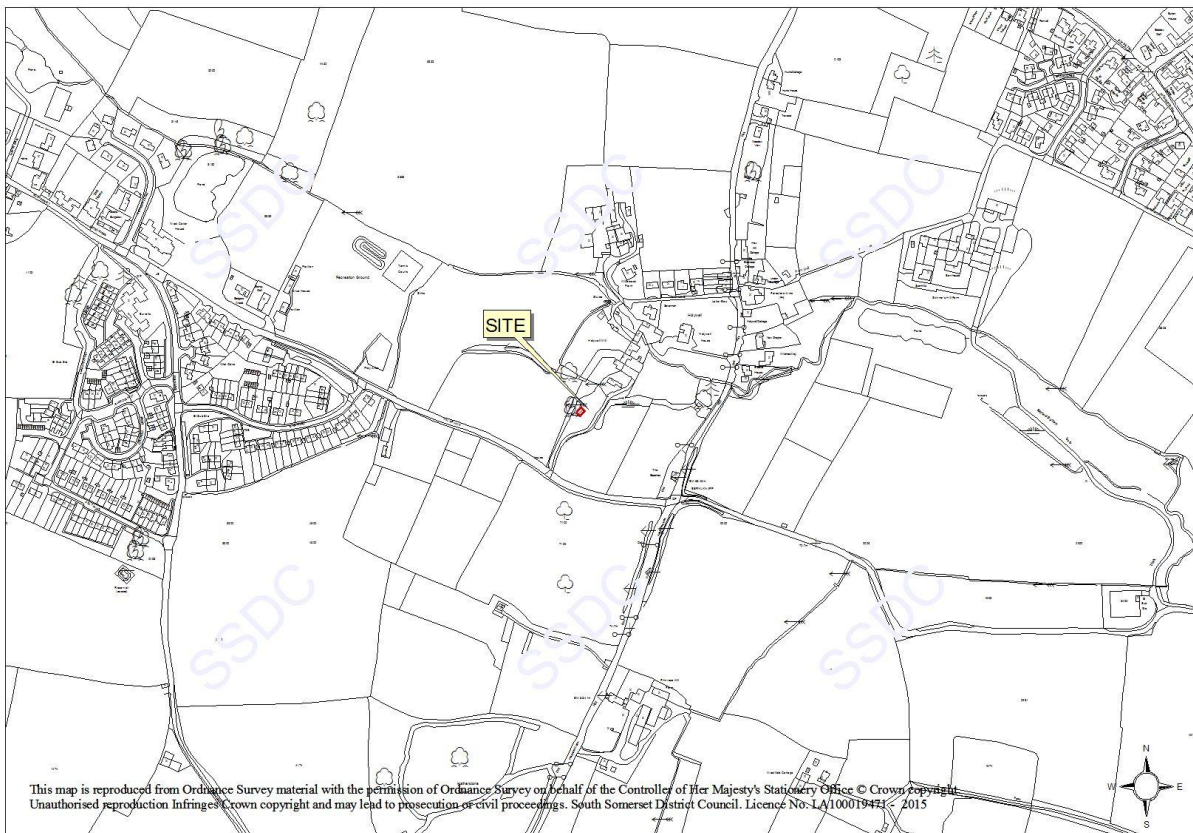
Officer Report On Planning Application: 14/05660/S73

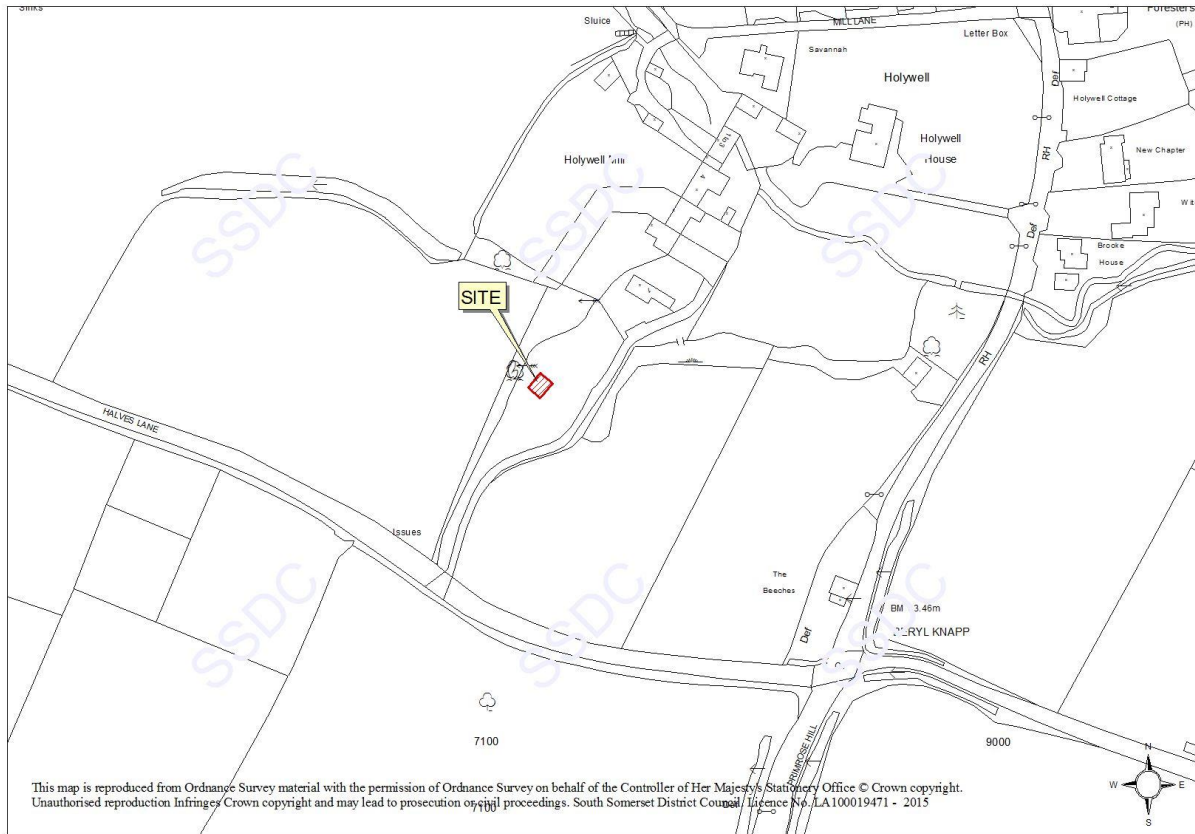
Proposal :	Application to remove planning condition 2 (time limits) of approval 05/00337/FUL (GR 352793/113191)
Site Address:	1 Holywell Hollow Holywell East Coker
Parish:	West Coker
COKER Ward (SSDC Member)	Cllr G Seaton Cllr Cathy Bakewell
Recommending Case Officer:	Mrs Jennie Roberts Tel: (01935) 462441 Email: jennie.roberts@southsomerset.gov.uk
Target date :	11th February 2015
Applicant :	Mr Peter Gubbins
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

Reason for Referral to Committee

This application is brought before the Area South Committee because the applicant is an elected Member of South Somerset District Council.

Site Description and Proposal





The site is located outside of any development area in the village of East Coker. It comprises a stable block, which was converted to 2 no. units of holiday accommodation under planning consent 05/00337/FUL. Condition no. 2 of this approval was,

"The occupation of the holiday accommodation hereby permitted shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of twelve weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times."

This Section 73 application seeks to vary this condition, through the removal of the time limit element.

HISTORY

05/00337/FUL - The conversion of existing stables into two units of accommodation for holiday let - conditional approval - 07/04/2005

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the saved policies of the South Somerset Local Plan 2006

South Somerset Local Plan Policies

ST5 (General Principles of Development)
ST6 (Quality of Development)
ME10 (Tourist Accommodation)

On the 8th January 2015, South Somerset District Council received the Inspector's Report into the emerging South Somerset Local Plan (2006 - 2028). The conclusion of the report is that the local plan is 'sound', subject to a number of agreed modifications.

Under the terms of Paragraph 216 of the National Planning Policy Framework (NPPF) weight should be given to relevant policies in emerging plans according to 'the stage of preparation' and therefore the emerging local plan must be given substantial weight in decision-taking and it is therefore essential that the development is considered against all relevant policies.

Policies of the Emerging South Somerset Local Plan (2006-2028)
Policy SD1 (Sustainable Development)
Policy EQ2 (General Development)
Policy EP8 (New and Enhanced Tourist Facilities)

National Planning Policy Framework 2012

Somerset County Council Parking Strategy (March 2012) and Standing Advice (June 2013)

CONSULTATIONS

PARISH COUNCIL - No objection
COUNTY HIGHWAY AUTHORITY - No observations

REPRESENTATIONS

None received

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSIDERATIONS

This Section 73 application seeks to vary condition 2 of planning consent 05/00337/FUL, through the removal of its time limit element:

"The occupation of the holiday accommodation hereby permitted shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of twelve weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times."

This was a standard holiday let condition at the time the original application was approved. Subsequently, with the publication of the Government's 'Good Practice Guide on Planning for Tourism' in 2006, it was recognised that,

"1. The nature of holidays in this country has become increasingly diverse, in location, in season and in duration. Many people go away several times a year, often for short breaks and not exclusively in the summer months. Much of this demand is for self-catering accommodation - whether in new or converted buildings or in caravan holiday homes. This spread of demand improves the use that is made of this accommodation and so is

advantageous to the businesses which provide it and to those host communities which are supported by the spending that it generates. It can help to reduce the disadvantages of seasonal employment, including the difficulties of retaining trained and experienced staff.

2. Whilst extension of the season has these advantages, the demand for this accommodation may occur in areas in which the provision of permanent housing would be contrary to national or local policies which seek to restrict development, for example in order to safeguard the countryside. The planning system can reconcile these two objectives through the use of occupancy conditions designed to ensure that holiday accommodation is used for its intended purpose. Planning authorities commonly impose such conditions when granting permission for self-catering holiday accommodation.

3. One type of condition frequently used for holiday accommodation, particularly in holiday areas, is known generically as a 'holiday occupancy condition'. The aim of such conditions is generally to ensure that the premises are only used by visitors and do not become part of the local housing stock. There are three principal reasons why a planning authority might seek to do this:

- in order that national or local policies on development of the countryside are not compromised. Often the conversion of redundant rural buildings to holiday accommodation provides a means to retain those buildings without introducing a level of activity that would occur with permanent households;*
- to avoid occupation by permanent households which would in turn put pressure upon local services. Permanent households may place demands for local schools and social and health services that would not normally arise from visitors. Moreover, in remote locations the cost of providing these services is greater. It may therefore be reasonable for the planning authority to place an occupancy condition when properties are being built or converted for residential use; and*
- to strengthen tourism in a particular area by ensuring that there is a wide range of properties available to encourage visitors to come there on holiday."*

Having regard to the above, and in line with the Government's 'Good Practice Guide on Planning for Tourism', it is considered that there is no reason why the time limit element of condition 02 should be kept. It is of course important that a holiday occupancy condition is in place, to ensure that the building does not become a permanent residential dwelling. As such, it is considered that the following condition should replace the original:

"02.(i) The occupation of the holiday accommodation hereby permitted shall be restricted to bona fide holidaymakers;

(ii) The holiday accommodation shall not be occupied as a person's sole, or main place of residence;

(iii) A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation, in accordance with saved policy ME10 of the South Somerset Local Plan (adopted 2006)."

RECOMMENDATION:

Approve, subject to the conditions outlined below:

01. The use of the buildings as holiday accommodation would not have a significant adverse impact on the amenities of neighbouring properties, nor would it have a significant detrimental impact on highway safety within the vicinity. The proposed development would therefore meet the requirements of saved policies ST5 and ST6 of the South Somerset Local Plan (adopted 2006), the National Planning Policy Framework 2012 and the Good Practice Guide on Planning for Tourism 2006.

SUBJECT TO THE FOLLOWING:

01. 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.

02. (i) The occupation of the holiday accommodation hereby permitted shall be restricted to bona fide holidaymakers;

(ii) The holiday accommodation shall not be occupied as a person's sole, or main place of residence;

(iii) A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation, in accordance with saved policy ME10 of the South Somerset Local Plan (adopted 2006).

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows, including dormer windows, or other openings (including doors) shall be formed in the building, or other external alteration made without the prior express grant of planning permission.

Reason: In the interests of residential amenity, in accordance with saved policy ST6 of the South Somerset Local Plan (adopted 2006).

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building without the prior express grant of planning permission.

Reason: In the interests of visual amenity and the character of the area in accordance with saved policies ST5 and ST6 of the South Somerset Local Plan (adopted 2006).

05. The area allocated for parking on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

06. The proposed access over the first 6m of its length, as measured from the edge of the adjoining carriageway, shall be property consolidated and surfaced in accordance with the details that were approved under planning consent 05/00337/FUL.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

07. There shall be no obstruction to visibility greater than 900mm above adjoining road levels in advance of lines drawn 2.0 m back from the carriageway edge on the centreline of the access and extending to points on the nearside carriageway edge 70m either side of the access. Such visibility splays shall be maintained at all times.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

08. Any gates would need to be hung to open inwards and be set back a minimum distance of 4.5m from the adjoining carriageway edge.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

09. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, in accordance with the details that were approved under planning consent 05/00337/FUL.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

10. The surfacing materials of the access drive and turning and parking shall be as approved under planning consent 05/00337/FUL. Such areas shall be properly drained, consolidated and surfaced in accordance with those approved details.

Reason: In the interests of highway safety, in accordance with saved policy ST5 of the South Somerset Local Plan (adopted 2006).

Agenda Item 12

Youth Service Review Group

Strategic Director: Rina Singh, Strategic Director – Place and Performance
Assistant Director: Helen Rutter, Assistant Director – Communities
Kim Close, Assistant Director – Communities
Service Manager: Kim Close, Area Development Manager - South
Lead Officer: Natalie Ross, Community Development Officer
Contact Details: natalie.ross@southsomerset.gov.uk or (01935) 462956

Purpose of the Report

To update members on the progress of the Youth Service Review Group.

Public Interest

In response to Somerset County Council ceasing to deliver direct Youth Service Provision Yeovil Town Council invited local parishes and the district council to form a steering group to look at reducing the impact on local young people.

Recommendation

That members note the report.

Background

Yeovil Town Council convened a group to look at the likely impact of the changes to youth provision and whether the town, parish and district councils could do anything to reduce the impact on young people. The group looked at various options and agreed to commission an experienced person/organisation to carry out research into the needs of young people in the Yeovil area in relation to youth services. The work was put out to tender and Somerset Rural Youth Project were the successful bidders.

In order to fund the consultation the steering group submitted a funding application to the County Council's Youth and Community Service Grant Fund and the consultation took place during April and May 2013.

The results of the consultation were presented to the steering group on Wednesday 3rd July and were used to help the Steering Group agree the most appropriate delivery model for future youth services. The results suggested the areas with the least youth provision were the Brympton/Westfield and Wraxhill/Forest Hill/Sampson's Wood areas of Yeovil. Therefore, the steering group decided to provide pilot youth services in these areas.

The organisation that made the successful bid to provide youth service provision in the chosen areas was Active Skills and Learning (ALS) and they commenced the pilot projects in October 2013.

Funding towards the pilots was granted from Somerset County Council. A condition of this funding was that the steering group develop a strategy for youth service provision in the area. A draft strategy was presented to Youth Groups and Providers on 8th February 2014 and the comments from this workshop were incorporated into the final document, which was adopted April 2014.

Update

The pilot projects have been well attended and the steering group have received very positive feedback. Therefore, the group have decided to continue with these projects and partners have agreed a funding package that should secure the project for the next three years. The group will of course also seek grant assistance from other external sources as opportunities arise.

Invitations to tender were sent out to local experienced organisations in December 2014. The same specification was used with the addition of a youth club at Milford, as this club had closed since the original consultation was undertaken.

It was agreed that any additional sessions that individual town/parish councils might wish to procure in the future could be negotiated separately with the chosen service provider at an agreed schedule of rates. This approach has worked well with East Coker Parish Council who have commissioned and met the cost of a series of youth sessions delivered by ALS in their village.

The tender documents are due to be assessed on 16th January 2015, which is after the deadline for this committee report. Therefore the officer will provide a verbal update on the outcome of the tender process at the meeting.

Financial Implications

None.

Corporate Priority Implications

Focus Four: Health & Communities

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None

Equality and Diversity Implications

None

Background Papers: None

Agenda Item 13

Yeovil Hospital Charity (Executive Decision)

<i>Strategic Director:</i>	<i>Rina Singh, Strategic Director – Place and Performance</i>
<i>Assistant Director:</i>	<i>Kim Close, Assistant Director - Communities</i>
<i>Service Manager:</i>	<i>Kim Close, Area Development Manager - South</i>
<i>Lead Officer:</i>	<i>Natalie Ross, Community Development Officer</i>
<i>Contact Details:</i>	<i>natalie.ross@southsomerset.gov.uk or (01935) 462956</i>

Purpose of the Report

To consider funding towards the new Create @ YDH project at Yeovil Hospital.

Public Interest

Community grants are available in each area to voluntary and charitable organisations, not-for-profit groups, Parish or Town councils and other organisations that benefit the wider community. Applications are encouraged that meet a clearly identified local need.

Recommendation

That members agree an award of £2000 from the grants budget.

Background

Yeovil Hospital Charity (YHC) raises funds to improve the hospital and to make life easier for patients. Anyone can get involved with the group's fundraising and make suggestions about how they should improve the hospital and what the funds should be spent on. The group have a strong community and social media presence so it is easy for people to find out about them and to participate. There are a range of opportunities for volunteering, including fundraising volunteers and community ambassadors.

The group have raised £150,000 for a new Special Care Baby Unit in the last 12 months and have started music performances to help improve the patient experience at Yeovil Hospital. They have paid for lots of extra equipment for the hospital and funded art in the hospital to help patients to relax. They have also funded a bereavement room for parents whose babies do not survive and have funded improvements to outdoor space so that patients can enjoy some time outside during what can often be a very stressful time for them.

Project

Create @ YDH is a new participatory arts project to benefit patients at Yeovil Hospital through participation in regular stimulating activities. Create aims to provide an uplifting and positive environment for patients, visitors and staff at Yeovil Hospital through the use of targeted and varied participatory activities. A main focus of the project will be to benefit the health and well-being of older patients particularly those with dementia, as 1 in 4 hospital beds are occupied by people with dementia (Alzheimer's Society, Counting the Cost.)

YHC will work with local schools and colleges to provide placements for students to gain experience of activities in healthcare; this will broaden their knowledge and enhance future career prospects. The group aim to boost staff morale by means of providing a break from daily routine, and teaching staff how to use creative interventions in their care of patients.

Research commissioned by Chelsea and Westminster Hospital (2003) reveals the introduction of arts activities enhances the quality of life of patients, improves communication, empathy and understanding of patients' needs, reduces stress and the perception of pain and often leads to a reduction in the level of medication required, number of falls and can shorten lengths of stay in hospital.

Create aims to be an effective response to the following identified needs: the need to increase interaction with hospital patients to aid recovery; the need to find new ways to engage with acute patients who have dementia; the need for students to gain knowledge of the application of the creative activities in non-traditional settings and the need to demonstrate the value of the arts in healthcare.

The project will be overseen by the dementia care team. The participatory sessions will be delivered by local artists identified by the Arts Coordinator. YHC have been in discussions with Emma Gordon (Art and Design Court Manager Yeovil College) and will be working with art students to create reminiscence resources for patients. They have also had performances from music students at Yeovil College, working alongside the Head of Music, Simon Squire.

YHC have delivered a pilot series of activities for older patients, and through the feedback gathered it is evident that patients and staff would welcome regular varied participatory activities. A new dementia friendly ward (funded by the Department of Health) has opened at Yeovil Hospital; its main admission is older patients over 65 with a specific focus on patients with dementia. A regular series of activities will allow them to further enhance the ward environment and patient experience for older patients.

Taking part in creative activities can develop coordination, hand strength and mobility. These activities also open up a forum for discussion and communication, making people feel more relaxed and calm and more likely to voice anxieties, fears, recall memories and form friendships within the group.

YHC have recently contributed to a pilot programme developing an evaluation tool kit working in collaboration with seven hospitals across the Southwest to develop an online resource to support staff in using creative activities to engage people with dementia while in acute hospital settings. The online resource will allow YHC to share projects and 'best practice'.

The Neighbourhood Development Officer (NDO) is supportive of this application as it supports the corporate aim of improving the health of our residents.

Area South Representative Comments

The Yeovil District Hospital representative is supportive of this application.

Assessment Scoring

Below is the summary table from the grant assessment form. It is recommended that funding is only awarded to projects scoring 22 points or more.

Category	Score	Maximum score
A Eligibility	Y	
B Target Groups	3	7
C Project	1	5
D Capacity of Organisation	11	15
E Financial need	6	7
F Innovation	3	3
<i>Grand Total</i>	24	37

Funding Breakdown

Funding Sources	% Funding of the Project Cost	Amount of Total Funding (£)	Status
Parish Councils (Mudford and Hardington Mandeville)	2	344	Applied
Own Funds	14	2,400	Secured
Awards for All	60	9,940	Secured
Greggs Foundation	12	2000	Applied
SDDC Area South Grants	12	2000	This application
Total Project Cost	100%	16,684	

Financial Implications

The uncommitted 2014/15 budget stands at £8,230. If members agree to support this application, this will leave a balance of £6,230.

Corporate Priority Implications

Focus Four: Health & Communities.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

None

Equality and Diversity Implications

None

Background Papers: None.

Agenda Item 14

Area South Committee Forward Plan

Strategic Director: Rina Singh, Strategic Director (Place & Performance)
Assistant Director: Helen Rutter/Kim Close, (Communities)
Service Manager: Kim Close, Area Development Manager - South
Agenda Jo Boucher, Committee Administrator, Legal and
Co-ordinator: Democratic Services SSDC
Contact Details: jo.boucher@southsomerset.gov.uk or (01935) 462011

Purpose of the Report

This report informs Members of the agreed Area South Forward Plan.

Recommendations

Members are asked to:-

1. Comment upon and note the proposed Area South Forward Plan as attached at Appendix A.
2. Identify priorities for further reports to be added to the Area South Forward Plan, developed by the SSDC lead officers

Area South Committee Forward Plan

The forward plan sets out items and issues to be discussed by the Area Committee over the coming few months.

The forward plan will be reviewed and updated each month, by the joint lead officers from SSDC, in consultation with the Area Committee Chairman. It is included each month with the Area Committee agenda, where members of the Area Committee may endorse or request amendments.

Members of the public, councillors, service managers, and partners may request an item is placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

Background Papers: None

Appendix A

Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
- (2) For further details on these items, or to suggest / request an agenda item for the Area South Committee, please contact the Agenda Co-ordinator; Jo Boucher.

Meeting Date	Agenda Item	Background/ Purpose	Lead Officer
March 2015	Countryside Service	Update Report	Katy Menday, Countryside Manager
	Flooding, Drainage and Civil Contingencies	Update Report	Pam Harvey, Civil Contingencies & Business Continuity Manager
April 2015	Western Corridor Improvements	Update Report	Richard Needs, SCC
	Streetscene Service	Report on the Performance of the Streetscene Service	Chris Cooper, Streetscene Manager
	Grants Update	Annual Grants Update Report	Natalie Ross, Neighbourhood Development Officer
June 2015	Community Health & Leisure Service Update	Update Report	Lynda Pincombe, Community Health & Leisure Manager
	Section 106 Monitoring Report * dependant on new agreement variation being signed	Update report on major schemes at Lyde Road, Lufton and Brimsmore Developments	Neil Waddleton, Section 106 Monitoring Officer

Agenda Item 15

Planning Appeals (For information)

Assistant Director: Martin Woods, Assistant Director (Economy)
Lead Officer: Martin Woods, Assistant Director (Economy)
Contact Details: martin.woods@southsomerset.gov.uk or (01935) 462071

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Recommendation

That the report be noted.

Background

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the committee.

Appeals Received

Ward: Yeovil (Central)

Proposal: Outline application for the erection of a pair of semi-detached houses and alterations to the existing access drive (GR 355622/117474)

Appellant: Bunny Construction Ltd

Site: 24 Ashford Grove Yeovil Somerset BA21 4PQ

Ward: Yeovil (Central)

Proposal: Change of use of land and removal of verge to create parking area and the construction of a retaining wall (GR 356405/116813)

Appellant: Mr Ian Robson

Site: Land between 125 and 129 St Michaels Avenue Yeovil Somerset

Ward: Yeovil (East)

Proposal: Proposed dwelling house and garage (GR 356757/116935)

Appellant: Mr F Harris

Site: Land Adj 2 Monmouth Road Yeovil Somerset

Appeals Allowed

Ward: Yeovil (West)

Proposal: The change of use of premises to a mixed use including dwellinghouse and dog grooming salon and the formation of a new vehicular access and hardstanding (Part Retrospective) (GR 354059/116852)

Appellant: Mrs Samantha Gibbs

Site: 108 Larkhill Road Yeovil Somerset BA21 3HQ

Ward: Coker

Proposal: The carrying out of alterations to roof to reinstate the north slope with tiles instead of thatch (GR 351480/113571)

Appellant: Firstcourt Accommodation

Site: The Castle Inn High Street West Coker Yeovil Somerset BA22 9AT

Appeals Dismissed

Ward: Yeovil Without

Proposal: Prior approval for the change of use of agricultural buildings to dwelling house (GR 354976/118630)

Appellant: Mr J Snell

Site: Dutch Barn At Marsh Farm Yeovil Marsh Yeovil Somerset

Financial Implications

None

Implications for Corporate Priorities

None

Other Implications

None

Background Papers: *Planning application file*

Appeal Decision

Site visit made on 18 November 2014

by **David Richards BSocSci DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: **11 December 2014**

Appeal Ref: APP/R3325/E/14/2225076

The Castle PH, High Street, West Coker, Yeovil, BA22 9AT

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Firstcourt Accommodation against the decision of South Somerset District Council.
 - The application Ref 14/02466/LBC, dated 21 May 2014, was refused by notice dated 20 August 2014.
 - The works proposed are alterations to the roof to reinstate the north slope with tiles instead of thatch.
-

Decision

1. The appeal is allowed and listed building consent is granted for alterations to the roof to reinstate the north slope with tiles instead of thatch at The Castle PH, High Street, West Coker, Yeovil, BA22 9AT in accordance with the terms of the application Ref 14/02466/LBC, dated 21 May 2014, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The works for which consent is hereby granted shall be carried out in accordance with the following approved plans: Location Plan (received by the Council on 5 June 2014; Plan 1 – Site Plan; Plan 2 – Elevations and Rear roof slope as proposed.
 - 3) No work shall take place until details and a sample of the specific roofing material (handmade clay tile) to be used has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Main Issue

2. The main issue is whether the works proposed would preserve the special architectural and historic interest of the listed building.

Reasons

3. The appeal building is listed grade II and is of 17th century origins, built in local stone rubble with Ham stone dressings. The premises were damaged by fire in 2013, when the thatched roof was completely destroyed. A repair

schedule was agreed to install a new timber roof structure and recover it with thatch.

4. The application to which this appeal relates sought consent to re-cover the rear roofslope with clay tiles. The front roof slope would be thatched, as previously agreed, extending over the ridge to include the upper part of the rear roof slope.
5. Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 requires decision makers to 'have special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.' Paragraph 132 of the National Planning Policy Framework (the Framework) advises that in considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The Framework distinguishes between substantial harm to significance and harm which is less than substantial. The damage to the thatched roof caused by the fire was extensive, resulting in the effective loss of all the thatching and roof timbers. The appeal proposal would not result in any further loss of historic fabric. An agreed scheme for the replacement of the frame, in a traditional style, has now been implemented. Nevertheless, replacement of the rear roof slope covering in anything other than thatch would clearly involve some harm to the significance of the building.
7. Given the history of the fire, and the fact that the masonry survived intact, I consider that the harm to the significance of the asset would be less than substantial. Paragraph 134 of the Framework requires that where the harm to significance would be less than substantial, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
8. I agree with the Council that, having regard to policy and practice relevant to the protection of historic buildings, the normal expectation following fire damage to a listed building would be for it to be repaired in a traditional style, using materials matching those lost as closely as possible, in this case thatch.
9. The Appellant considers that enhanced safety represents a public benefit which outweighs any harm to significance. The original building was substantially altered by the construction of a rear extension in 1986, including a flat roofed linking element, which is very close to the lower edge of the rear roof slope of the original building. It is argued that for safety reasons, it is preferable to avoid thatch reaching down to within half a metre of a flat roof, particularly where the flat roof also functions as a fire exit and escape route. The Council has indicated that it would not resist a proposal to tile the lower 500 mm of the roof slope, for safety reasons.
10. The response to consultation by English Heritage acknowledges that if the argument regarding safety were substantiated, it would be a valid justification for the proposed change. To my mind, there would be a significant safety benefit arising from the proposed change in that it would reduce the potential for ignition of the thatch from the adjacent walkway on the flat roof, and the potential for the escape route from the first floor being prejudiced. It would be a public benefit in that the building has remained publicly accessible, with a public bar on the ground floor. I acknowledge that there is no direct access

from the ground floor to the first floor, an internal staircase having been removed, but this is not a matter before me. Nevertheless, I accept that there would be a public safety benefit

11. Furthermore, the less than substantial harm to the special architectural and historic interest would additionally be mitigated by a number of considerations, chief of which is the substantial alteration to the rear of the property when it was extended. Although this work postdates the listing, I consider its form would now be regarded as an unsympathetic extension, which detracts from the setting and significance of the original building. It also has the effect of restricting public views of the proposed change as well as views from within the site. Although glimpses could be obtained through the gap between Nos 1 and 3 Brookside, and from the public footpath which crosses a field on rising ground to the north of the appeal site, I do not consider that the change would have any material effect on the setting of the building or on the surrounding conservation area. While limited visibility is not a justification for development proposals which are harmful to the significance of a heritage asset, I consider that it is appropriate to take such matters into account as mitigation in the particular circumstances of this case. There are some local precedents for replacing thatch with tile on less visible elevations, to which the appellant has drawn attention, though it is likely that these pre-date listing and current approaches to the protection of heritage assets, and as such I accord them little weight in reaching my decision.
12. Nevertheless, while I attach great weight to the asset's conservation, in the particular circumstances of this case I find that the public benefit of the proposal, in terms of improved safety, outweighs the less than substantial harm to the significance of the listed building, and provides a clear and convincing justification for the proposed alteration. In reaching this conclusion I attach particular importance to the acknowledged fact that the proposed change would involve no further loss of the historic fabric of the building.
13. I therefore conclude that the appeal should be allowed. A condition requiring compliance with the submitted plans is necessary to define the scope of the consent. A condition dealing with materials is necessary to ensure a satisfactory appearance and finish.

David Richards

INSPECTOR



Appeal Decision

Site visit made on 27 October 2014

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI
an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 December 2014

Appeal Ref: APP/R3325/A/14/2223386
108 Larkhill Road, Yeovil, Somerset BA21 3HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Samantha Gibbs against the decision of South Somerset District Council.
 - The application, Ref. 14/02705/FUL, dated 6 June 2014, was refused by notice dated 29 July 2014.
 - The development proposed is described as 'Change of use from a dwelling house to a mixed use residential property by the introduction of an improved access and conversion to a dog grooming salon in the current utility room situated at the rear of the property. This includes the formation of a hardstanding and change to the front garden from lawn to a parking area and turning bay. External door in utility'.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from a dwelling house to a mixed use residential property by the introduction of an improved access and conversion to a dog grooming salon in the current utility room situated at the rear of the property. This includes the formation of a hardstanding and change to the front garden from lawn to a parking area and turning bay. External door in utility, at 108 Larkhill Road, Yeovil, Somerset in accordance with the terms of the application, Ref. 14/02705/FUL, dated 6 June 2014, subject to the conditions in the attached schedule.

Procedural Matter

2. The application is in part retrospective as the property is already used for dog grooming and works in respect of the access / turning area have been commenced and in part completed.

Main Issue

3. The main issue is the effect of the proposal on highway safety.

Reasons

4. The Council's reason for refusal of the application is set out in more detail in the officers' report. Essentially the concern is that the combination of the intensification of activity at the site as a result of the business, combined with the proposed turning area being too small, would increase the likelihood of
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- vehicles reversing out into the road. It is argued that this would cause danger to the drivers and other users of the highway.
5. However a turning area is to be provided in the dwelling's front garden and although smaller than the required standard it would nonetheless be available for turning, albeit with one or two additional manoeuvres. As an alternative it could be used for resident or business parking for the property, and bearing in mind that the former does not at present exist this would free up spaces in the nearby laybys on both sides of the road or such other spaces as may be presently used by the appellants.
 6. In respect of the Highway Authority's specific concern that there would be an additional hazard as vehicles would not leave the appeal premises in forward gear, there are a number of mitigating factors with the potential to reduce any increased risk. Firstly from the information supplied it is clear that the appellants use their own vehicle to collect and deliver the dogs, whilst the location is such that others can be walked to and from the premises. Bearing this in mind, together with the modest area of the premises to be used for the business, it is likely that the number of customers using their own transport would not be significant. Moreover in my view some of those who do use cars would be likely to use a free space in one of the laybys as this would be perceived as easier than driving right up to the premises and out again.
 7. However to the extent that there is an increase in the use of the access by vehicles in reverse gear I saw on my visit that on-site spaces without turning facilities at properties is already a characteristic of Larkhill Road. There has been no evidence produced to suggest that these arrangements have been the cause of accidents. In the case of No. 108 itself, there is good visibility in both directions above the minimum required in Manual for Streets and adequate street lighting.
 8. I also consider that the existing traffic calming measure in the form of a 'build out' in the road directly opposite the appeal property would both reduce traffic speeds and increase driver awareness of vehicles entering or leaving the concrete driveway.
 9. Taking all these points together I conclude that the use of No. 108 as both a dwelling and a small-scale dog grooming business would not have an adverse effect on highway safety. I have taken the objections from the occupiers of No. 153 Larkhill Road into account but do not consider that the impact of the appeal proposal would be sufficient to cause the hazards referred to.
 10. There would therefore be no conflict with paragraph 5 of Saved Policy ST5 of the South Somerset Local Plan 2006. Furthermore, as any effect would not be 'severe', there would additionally be no conflict with Government policy in paragraph 32 of the National Planning Policy Framework 2012. In these circumstances I additionally consider that I should give substantial weight to the entirety of paragraph 21 of the Framework. This requires the planning system to support businesses and economic activity including through facilitating flexible working practices such as the integration of residential and commercial uses in the same unit. I shall therefore allow the appeal.
 11. The Council has suggested conditions if the appeal is allowed and for the most part I consider that these are reasonable and necessary, subject to some minor

rewording to improve their precision. However as the development has already commenced I see no need for the standard three year time limit condition.

12. A condition requiring the development to be in accordance with the approved plans and a condition to restrict dog grooming to the proposed salon are needed for the avoidance of doubt and in the interests of proper planning. However the use will run with the property and it would be inappropriate for the condition to be personal to the applicant, especially as in this case the restricting of dog grooming to a single room effectively precludes the growth of the business at these premises.
13. A condition requiring details of the materials for the turning area and retaining walls will safeguard the visual amenity of the area, whilst a condition restricting the hours of operation of the business will safeguard the living conditions as regards noise and disturbance for the occupiers of the adjoining dwelling in the semi-detached pair.

Conclusion

14. For the reasons set out above the appeal is allowed subject to the stated conditions.

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development and use hereby permitted shall be carried out in accordance with the following approved plans: OS based Block Plan with site edged red; 'Drawing for Proposed Driveway' at scale 1:100; 'Existing Salon Entrance' & 'Proposed Salon Entrance' (2 drawings at scale 1:100); 'Proposed New Salon Entrance' (Elevation Drawing at scale 1:50); Cross section drawings of construction details of turning area and retaining walls (scale not stated);
- 2) The construction of the turning area and retaining walls shall not be commenced until particulars of the materials, including samples as may be requested, have been submitted and approved in writing by the Local Planning Authority;
- 3) The dog grooming parlour hereby permitted shall not be used for the delivery or collection of dogs or the grooming of dogs other than between the hours of 0900 to 1700 Mondays to Saturdays and not at all on Sundays and Bank Holidays. No dogs shall be kept overnight on the premises in connection with the permitted use;
- 4) The grooming of dogs shall at all times be restricted to the area marked 'Grooming Salon' on the approved plans.

Appeal Decision

Site visit made on 17 December 2014

by **G P Jones Bsc(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 January 2015

Appeal Ref: APP/R3325/A/14/2226695

Dutch Barn, Marsh Farm, Yeovil Marsh, Yeovil, Somerset BA21 3QB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr John Snell against the decision of South Somerset District Council.
 - The application Ref 14/03167/PAMB, dated 3 July 2014, was refused by notice dated 1 September 2014.
 - The development proposed is for Prior Approval of Change of Use of Agricultural Building to a Dwellinghouse (Use C3) and for Associated Operational Development
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) (GPDO) require the Local Planning Authority (LPA) to assess the proposed development solely on the basis of its impact in terms of transport and highways, noise, contamination, flooding and whether the location or siting of the building makes it otherwise impractical or undesirable for the change of use from agricultural to a dwellinghouse (Use Class C3).
3. The description of development is not explicitly provided in the application form; I have used the description given in the 'Proposal' section of the supporting statement which is referenced in the application form. For the sake of clarity I have included Yeovil Marsh within the site address even though this was not detailed in the application form.

Main Issue

4. The main issue is whether the proposal satisfies the requirements of the GPDO with particular regard to its effect upon the setting of the nearby listed building, Marsh Farm.

Reasons

5. This proposal is for a change of use of the existing Dutch barn (the barn). The Council refused to grant prior approval for the proposed change of use, as in

the Council's opinion it would significantly affect the setting of the nearby Grade II listed building. In its decision notice the Council did not specify which of the criteria in paragraph MB.2(1) in respect of Class MB(a) it had applied in reaching its decision, as it only stated that the proposal would significantly affect the setting of the Grade II listed building. However, the officer's report considered that its location and siting would make it impractical or undesirable for the building to change use to a residential dwelling, and therefore I conclude that MB.2(1)(e) applies. In addition, paragraph N of Part 3 stipulates that when determining an application, regard must be had to the Framework (so far as relevant to the subject matter of the prior approval) as if the application were a planning application. It is no part of the Council's case that the development proposed is caught by any of the exclusions listed in paragraph MB.1, and I have no reason to disagree.

6. The barn lies in the northern part of a large field that slopes up to the south. Immediately to the north across the lane lie the properties of Follett's Dairy and Windy Bottom, and the Marsh Farm complex of buildings lies adjacent to the east of these buildings. Marsh Farm is Grade II listed and is in use as three dwellings: Marsh Farm, Cider House and Garden Cottage. The listing description for Marsh Farm refers to its eighteenth century origins, form of construction, materials and fenestration which all contribute to its significance as a heritage asset. It is evidently a farmhouse of some antiquity which, whilst having evolved over time with subdivision and alteration, remains a dominant feature in the small complex of buildings within which it sits. Its setting, and the way in which it is experienced, relies upon its relationship with both historic and modern buildings and its rural countryside location.
7. The appeal barn lies to the south-west of Marsh Farm across Marsh Lane, and with mature hedgerows bordering each side of this lane. Therefore when viewed from Marsh Lane the barn is reasonably well screened by the established hedgerows, and is not generally perceived as having a close relationship to the immediate setting of Marsh Farm. However, when viewed from the footpath that runs to the south, the barn is an evident part of the rural landscape. It is seen clearly within the context of the listed building wherein Marsh Farm draws the eye and is the dominant visual focus as befitting its history. I consider that the barn does influence the setting of the listed building in its current, utilitarian form, reinforcing the pre-eminence of the farmhouse in such viewpoints.
8. Although it is of only functional architectural merit, the barn is the sort of open-sided agricultural building that is typically associated with farms. The proposal is to convert the barn to a two storey residential dwelling. The dwelling would be of a contemporary design with a first floor outside terrace and a predominantly glazed first floor south elevation. The proposal would require significant alterations to the barn and would give rise to a building that is not agricultural in its character. As such, it would give rise to a building that would lose much of its established agricultural character and appearance.
9. The proposed change of use would introduce an additional residential built form within the setting of the listed building. The expanse of glazing and the terrace area on the south elevation of the first floor would be highly visible when viewed from the footpath to the south of the barn, would become a prominent structure and consequently would detract from the setting of the listed building. This would be further exacerbated by the introduction of a residential

curtilage to the barn and the likelihood of associated domestic paraphernalia. I therefore conclude that the proposal would harm the setting of the listed building. In reaching this conclusion I have noted the relationship of Marsh Farm to other buildings, particularly the ménage/riding school and the floodlights to the rear. However, these relationships are different to the appeal scheme which directly impinges on the setting of Marsh Farm when assessed from the south. The harm may be considered to be less than substantial but, with due regard to the new dwelling to be created, there are no public benefits sufficient to justify the scheme.

10. I note the letters of support submitted with regard to the original application and I consider that the proposal would have the benefit of providing an additional residential dwelling. However, I attach considerable importance and weight to the preservation of the setting of the listed building and consequently I consider that the proposal does not accord with paragraph 132 of the Framework. I have noted the decision of the Council at Draycott Farm¹ but, based on the available details, this appears to relate to a number of agricultural buildings which have a different courtyard context in comparison to the field location of the appeal scheme. This decision does not alter my conclusion that the proposed change of use would be undesirable and therefore would not meet condition MB.2(1)(e) of the GPDO.
11. For the above reasons, and having regard to all other matters raised, I conclude the appeal should be dismissed.

GP Jones

INSPECTOR

¹ 14/03784/PAMB