

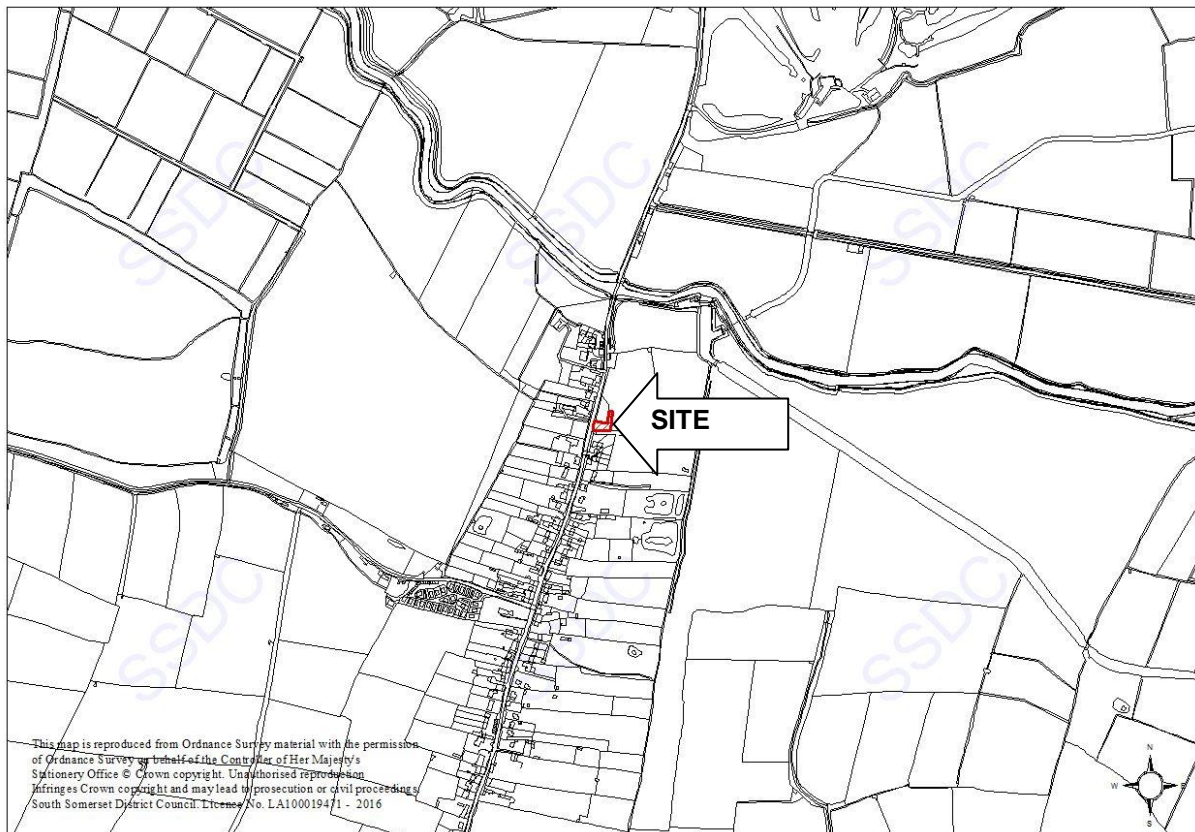
Officer Report On Planning Application: 16/01875/FUL

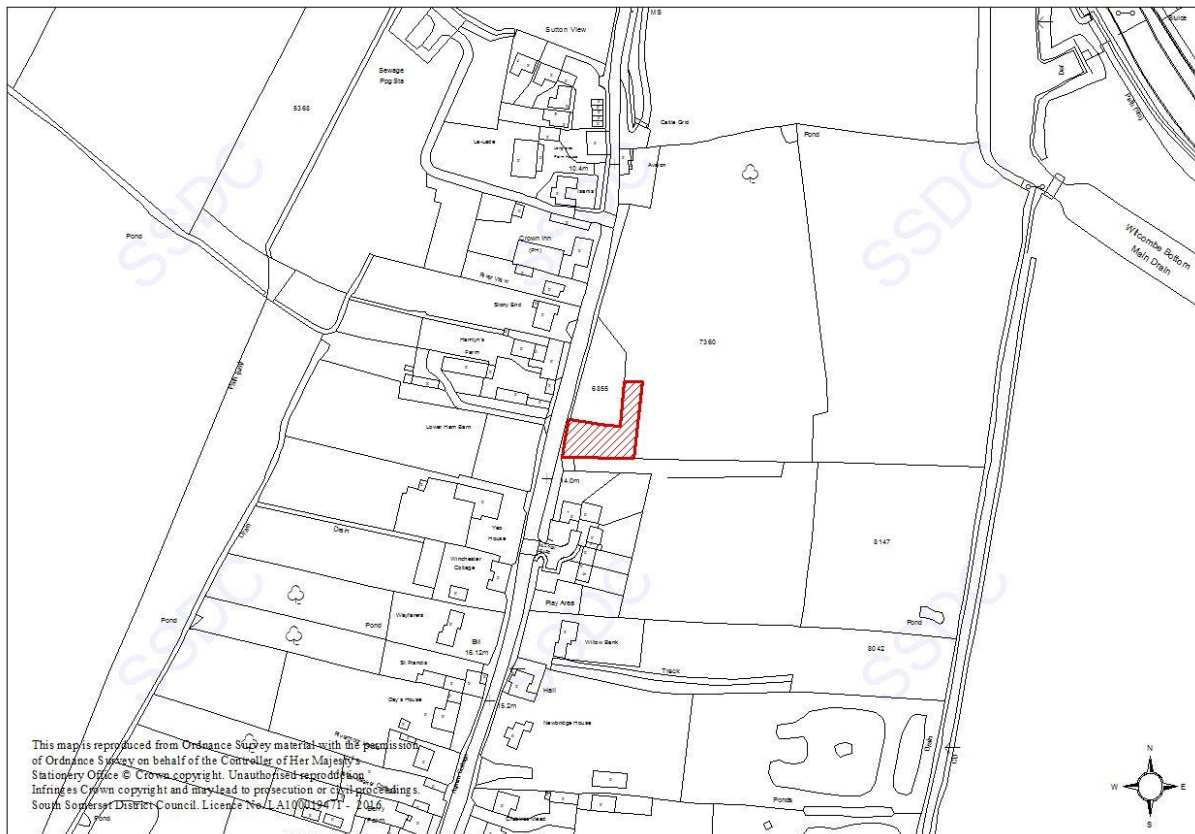
Proposal :	Proposed demolition of two existing agricultural buildings and the erection of two replacement agricultural buildings
Site Address:	Land Opposite Hamlyns Farm, Long Load, Langport.
Parish:	Long Load
MARTOCK Ward (SSDC Member)	Cllr Graham Middleton Cllr Neil Bloomfield
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	23rd June 2016
Applicant :	Mr D W & J M Walters
Agent: (no agent if blank)	Mr Richard Rowntree, Lake View, Charlton Estate, Shepton Mallet BA4 5QE
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of the Ward Member to enable a full discussion of the issues raised by the application.

SITE DESCRIPTION AND PROPOSAL





The site is located on the east side of the Somerton Road (B 3165), directly opposite Hamlyns Farm, a historically important farmyard complex with 4 buildings listed Grade 2. The site is bounded by mature vegetation onto the highway, with open agricultural land to the north and east. Beyond a narrow gap of agricultural land to the south is a group of houses approved in 1995. On site are two small structures: a small concrete block building of approx 6 sq. m; and a semi-ruined stone shed with metal roof extending to approx. 25sq. m.(No survey information on this building has been made available with the application).

Permission is sought for the demolition of the existing structures and the erection of two new agricultural buildings, with a combined floor area of 270 sq. m.

HISTORY

15/03025/OUT - Proposed demolition of dilapidated farm buildings and erection of 2no. detached and 2 no. semi-detached dwellings on land opposite Hamlyn's Farm (revised application) - refused. The decision was appealed and the appeal was dismissed: 10 March 2016

14/05428/OUT - Demolition of dilapidated farm buildings and erection of 3no. detached dwellings (with some matters reserved) - refused

10/03751/FUL - Erection of 2 replacement steel framed cattle sheds - permitted with conditions. Officer note: Not implemented; subsequently expired.

05/00770/FUL - Replacement of 2 cattle sheds with 1 ridged and 1 monopitch building of steel frame construction. Approved. Officer Note: The Permission was not undertaken subsequently expired.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1 Sustainable Development
TA1 Low Carbon Travel
TA5 Transport Impact of New Development
EQ1 Addressing Climate Change in South Somerset
EQ2 General Development
EQ3 Historic Environment
EQ4 Biodiversity
EQ7 Pollution Control

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

Somerset County Council Parking Strategy, March 2012 and September 2013.
Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: No objections.

Highways Authority: Standing Advice applies.

SSDC Conservation Officer: *You will recall that the last application on this land for dwellings was refused and dismissed at appeal recently for reasons that include harm to the setting of listed buildings.*

One of these proposed farm buildings is closer to the road and has more massing than the proposal for the dwellings, and in my view is harmful to the setting.

Consent was first granted in 2005 and since then there has been a change in policy and High Court judgements which conclude that a finding of harm leads to a strong presumption against development.

Given that the buildings have not been needed for the past 11 years, and that the centre of the farming operation would appear to be elsewhere, I do not see that these farm buildings are reasonable necessary for the purposes of agriculture in this position, and that we should attach such weight to their need to override the statutory objection.

I would therefore object to the proposal.

SSDC Landscape Officer: I recollect the site from an earlier proposal seeking to construct 3 dwellings [Officer note: the proposal was for 4 dwellings]. Two new farm buildings are now intended. A number of the issues that I have raised previously have some bearing here.

Long Load is a village settlement with a strong linear character, the majority of its housing being concentrated along the main through route of the B3165. To the east side of this main street, the prime extent of built form ends at Milton Leaze to the south side of this site, thereafter the village edge is characterised by small pastures, which buffer the village from the wider moorland landscape context, and it is within one of these small pastures that this farm building proposal is sited, with the new forms in the location of earlier, smaller structures.

Stock buildings generally tend to lay outside the immediate village extent, in singular locations, unless related to the host farmhouse. This proposal intends an increase in built form immediately alongside a small residential estate (which may not be desirable) and opposite Hamlyns Farm, a listed building whose setting embraces an immediate prospect to its east that is relatively open, upon which this proposal would bring a degree of intrusion. Within the recent appeal decision against housing, the Planning Inspector stated in relation to Hamlyn's Farm (paras 27 & 28);

... ' From my observations, I consider that this area of former garden, and the adjoining agricultural land forms part of the setting of the Farmhouse and adjoining buildings. The development of the appeal site with housing would clearly alter the character of the appeal site. I find that this loss of openness would have an adverse effect upon the setting of the heritage assets identified. The appeal scheme would not preserve or enhance the setting of the listed buildings at Hamlyn's Farm, which would be in conflict with the objectives of Policy EQ3 of the Local Plan.'

As with the housing, this proposal intends an increase in the mass of built form over the existing structures, to reduce the extent of openness. Whilst there have been previous consents given for stock housing here, as you are aware, the NPPF has raised the bar re; the protection of heritage assets, and I consider there to be grounds for objection, drawing on the views expressed in the recent appeal decision. Accepting a site for new farm buildings is sought, I would suggest that other locations are reviewed, which may be more consistent with local character, i.e; to lay outside the immediate village extent, or to be closely related to the host farmhouse.

SSDC Ecologist: No comments or recommendations.

SSDC Environmental Protection Officer: Due to scale of the proposed development and its close proximity to residential properties, I would have to recommend refusal on the grounds of potential noise odours and flies affecting the amenity of the local residents.

County Archaeologist: No objection.

Natural England: *Provided that normal safeguards are in place to protect ground/surface water pollution we have no objection to the scheme.*

Somerset Drainage Boards (Parrett Drainage Board): No objection, subject to prior agreement of drainage arrangements.

REPRESENTATIONS

None received.

CONSIDERATIONS

Principle of Development

The proposal is for agricultural buildings in connection with an existing large farming business. The principle of such development in the countryside is accepted where there is a clear farming need, subject to satisfactory compliance with other policies and material considerations.

In this instance, it is noted that two previous permissions (2005 and 2010) were never implemented. Furthermore, a recent application was submitted by the applicant for housing. Given the extent and disposition of the applicant's land holding, shown on plans submitted as additional information, it is not clear why new buildings in this position, somewhat isolated from the main body of the holding and poorly related to other groups of buildings, are now necessary.

Applicant's Case

The application was made initially as 'Proposed renewal of previously approved planning applications.'. [As there is no procedure for this, the application has been treated as an application for demolition of existing structures and erection of two new buildings.]. The applicant operates a large farming business and, notwithstanding the lapse of two previous permissions on this site, requires to use the site to accommodate livestock. In response to points raised by consultees, the case has been elaborated, making the following points:

- the site has existing agricultural use;
- there have been no objections from neighbours;
- the replacement buildings are on a similar footprint to the existing;
- the site is not inside the village extent;
- the buildings are lower in height than the proposed houses recently refused - reference to this previous case is of little relevance to the current proposal;
- the same development has twice been previously approved.

Change in Policy Since Previous Applications

Since the two previous permissions (10/03751/FUL: October 2010; and 05/00770/FUL: May 2005), there have been significant policy changes, particularly the publication of the National Planning Policy Framework (NPPF) in March 2012; and the adoption of the new South Somerset Local Plan in March 2015. These have meant a more critical approach being taken

by the LPA in relation issues such as protection of heritage assets and the standard of residential amenity.

Visual and Landscape Impact

The Landscape Officer has set out a comprehensive objection on landscape grounds (above), which is supported. The proposal seeks to establish buildings of significant scale close to the road, within an open area of pasture which forms an important component of the established character of this linear village. This would be at odds with the existing character and appearance of the village, and contrary to the stated aims of Policy EQ2 of the Local Plan.

Impact on Listed Buildings

Both the Conservation Officer and the Landscape Officer make reference to the most recent case considered on this site. The Inspector, at appeal, was clear that this land forms part of the setting of the group of Grade II listed buildings across the road (Hamlyn's Farmhouse, a detached, extended 17th Century farmhouse with a thatched roof; The Cider House attached to the west of Hamlyn's Farmhouse; the Stables and Haybarn located to the south of the farmhouse and a Cattle Shelter to the south west of the farmhouse). As set out by both the Conservation and Landscape Officers, the proposed structures would have a significant, harmful impact on this setting. Given the changes in policy over the period during which this site has remained vacant, it is now incumbent on the Local Authority to apportion great weight to the protection of heritage assets.

Residential Amenity

Within 25m of the larger of the two proposed buildings (towards the south) are dwellinghouses fronting onto Milton Leaze. The proposed buildings are also within 25 - 30m of Hamlyn's Farm, a residence unrelated to the applicant's farming business. An objection has been raised by the Council's EPU Officer on the basis that this proximity would result in an unsatisfactory standard of amenity being enjoyed by occupants of nearby dwellings, owing to the presence of flies, odour and noise from the livestock accommodation. In this regard, the proposal is contrary to one of the core principles of the NPPF, namely that development should "always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings".

Drainage

Both the Drainage Board and Natural England have made reference to the need for adequate drainage to protect the ground water environment and minimise flood risk. Accommodation of livestock is subject to separate legislation in relation to pollution reduction (dealing with animal waste). Matters of adequate drainage are considered appropriate for control by condition in this instance.

Comment of Applicant's Case

The applicant states that the replacement buildings are on the same footprint as the existing structures. As mentioned in the introduction, a site visit indicates that there are only two small structures on site, with a total covered floor area of around 30 sq. m. There is a concrete slab, but there is no other covered, enclosed space. The proposal is not, therefore, considered to be a replacement of like for like space, but comprises a large amount of new development (resulting in a total covered floorspace of 270sq. m.)

As discussed above, there have been changes in policy since the approval of the previous

applications. An assessment in the light of these policies highlights harm raised by the proposals that could previously have been given lower weight. As regards amenity concerns, regardless of previous decisions, it is clear that placing this scale of accommodation for livestock within 25m of dwellinghouses would result in unacceptable standards of amenity for occupants of the houses, and the advice of the EPU Officer is therefore given appropriate weight in the recommendation.

EIA Regulations

Not relevant.

Conclusion

It is noted that two applications have previously been approved for similar development on the site since 2005. However, neither of these has been implemented, and an alternative application for housing has just been refused, which does raise a concern about the need for new farm buildings in this isolated part of the applicant's land holding.

It is also noted that there have been policy changes since the last of the previous permissions - particularly the NPPF, published in 2012.

The proposed development is not considered to respect the established character and appearance of the village, and would be harmful to the setting of heritage assets (the four listed buildings comprised in a group related to Hamlyn's Farm house). Furthermore, accommodation for livestock, in close proximity to existing dwellinghouses, would not be conducive to the creation of a good standard of residential amenity for existing occupants.

In these respects the proposal is contrary to the aims of the NPPF and Policies within the Local Plan, and it is accordingly recommended for refusal.

S.106 AGREEMENT

Not relevant.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASONS:

01. The proposal, by reason of its design and siting, fails to respect the established character and appearance of the village and the setting of the listed buildings associated with Hamlyn's Farm. The harm caused to the setting, in particular the setting of scheduled heritage assets, is not demonstrably outweighed by the stated business need for the development. In these respects, the proposal is contrary to the aims of the NPPF and Policies EQ2 and EQ3 of the South Somerset Local Plan.
02. The proposal, by reason of the potential nuisance caused by noise, flies and odours associated with livestock accommodation, would result in a poor standard of amenity for existing occupants of nearby dwellinghouses, contrary to the aims and principles of the NPPF.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions and there were no material planning considerations to outweigh these problems.
