

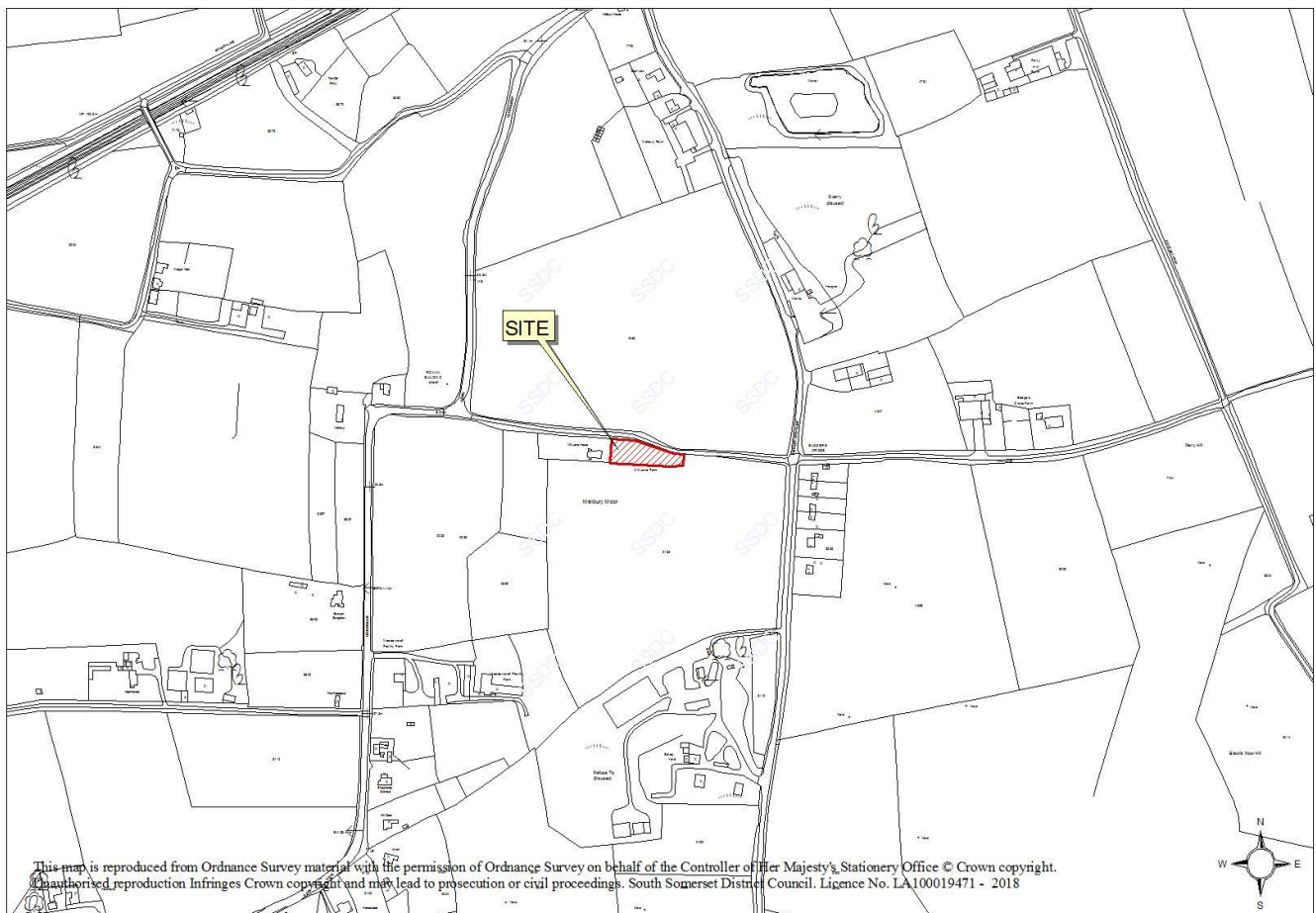
## Officer Report On Planning Application: 17/04121/FUL

<b>Proposal :</b>	Alterations to include demolition of 2 No. buildings and the erection of 1 No. dwelling (live/work unit).
<b>Site Address:</b>	Mill Lane Farm, Mill Lane, Somerton.
<b>Parish:</b>	Somerton
<b>WESSEX Ward (SSDC Members)</b>	Cllr S Page Cllr D Ruddle
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gun@southsomerset.gov.uk
<b>Target date :</b>	8th December 2017 31st January 2018
<b>Applicant :</b>	Mr Pattermore
<b>Agent: (no agent if blank)</b>	Tamsyn Froom Orme Architecture, 2 Farm Road, Street BA16 0BY
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

Chair agreed with one of the ward members to refer to committee to discuss the location and sustainability of the proposal.

### SITE DESCRIPTION AND PROPOSAL





The site is located in open countryside to the south of Somerton, on the south side of Mill Lane. It is sited midway between the Sutton Road and Badgers Cross Lane. The site is a disused farmyard immediately to the east of 'Mill Lane House', formerly a tied agricultural worker's dwelling associated with the farmyard. The site accommodates various structures, including a large metal-framed barn and various smaller barns in a variety of materials.

Application is sought for the demolition of two barns and the erection of a new dwellinghouse to be associated with retained barns on the site to form a live-work unit.

## HISTORY

04/02130/OUT - Use of land for residential development (Maximum of 5 detached dwellings) - refused

## 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
EP7	New Build live / Work Units
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ4	Biodiversity
EQ5	Green Infrastructure

### **National Planning Policy Framework (March 2012)**

**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**

**Somerton Town Council:** The application is supported.

**Highways Authority:** Standing advice applies.

**SSDC Highway Consultant:** *The traffic impact of the development scheme on the local highway network is unlikely to be significant, particularly given the extant use of the buildings. The proposed means of access appears reasonable subject to the provision of improvements to the visibility splays as proposed, although if vehicle speeds on Mill Lane are above 33mph, then an increased westerly splay (to the centreline of the road) would be required - it appears that a splay of 59m (commensurate with speeds of 37mph) could be achieved in this direction. The first 6m of the access needs to be properly consolidated and surfaced (not loose stone/gravel) with appropriate surface water drainage measures proposed, and the parking provision needs to accord with the Somerset Parking Strategy optimum standards.*

**SSDC Landscape Architect:** *this proposal seeks to demolish part of a group of farm buildings, and replace the main steel frame structure with a substantially-scaled dwelling.*

*The application site lays outside the settlement of Somerton, and is un-related to the loose aggregation of South Hill's residential areas, to thus be in a countryside location. There are occasional holdings sporadically threaded along the adjacent lanes, but primarily the site lays within an agricultural landscape, characterised by a mix of mid-scale arable and pasture fields, and is relatively open other than where punctuated by tree lines and field corner plantations. These elements contribute to the general rural setting within which the application site resides.*

*With this application, the proposed house is of substantial scale, whose scale and design appears to project a commercial character rather than a site of agricultural origins. Whilst semi-derelict built-form is currently present on this site, there is a marked difference between these basic structures that are no longer generating active use, and a substantial 2-storey dwelling in a non-residential environment,*

*which also will introduce the incongruous characteristics of night-light; domestic vehicular activity and parking space; and the appearance of domestic paraphernalia within the red-line curtilage of the application, where again there is an erosion of the rural landscape due to garden use. Whilst a clear reduction of built form on site and a more restrained scale of development might be feasible in this location, I do not see the level of enhancement that policy EQ2 seeks to be able to offer landscape support.*

**SSDC Ecologist:**

A verbal update will be given with regard to any comments received in regard to the ecology report.

**SSDC EPU Officer:** *The application site is within 250 metres of a suspected landfill site. The applicant/developers attention is drawn to the fact that there is the potential for production and migration of landfill gas. You are reminded that the responsibility for safe development rests with the owner and/or developer. Accordingly, the applicant/developer is advised to seek independent expert advice regarding the possibility of the presence, or future presence, of gas and whether any precautionary measures are necessary.*

**REPRESENTATIONS**

None received.

**CONSIDERATIONS**

The site is greenfield (agricultural) land, in open countryside. The application is for a newbuild dwellinghouse, with associated existing buildings alongside changing use to become workshop space for use by occupants of the house.

**The Applicant's Case**

The application is made against the background presumption against development of greenfield land in open countryside. The NPPF, at Paragraph 55, advises that *Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.*

The applicant has made the application on the basis that, if the largest barn on the site were in convertible condition, it could be converted to a dwellinghouse under Class Q of Part 3 of the Schedule to the GPDO, which provides an exception to the presumption against development. With 161 sq m of additional space provided by outbuildings, the overall result would be a 'live-work' unit.

**Possible Conversion: Class Q of the GPDO**

The large barn on the site is in poor condition, and is not in any event suitable for conversion. It is completely open on two sides, with the third side only partially enclosed. No structural survey or supporting information has been provided. It is quite apparent that significant new works would be required to 'convert' this building to a dwellinghouse, and such works are more than likely to constitute a re-build. In the absence of an approved scheme of conversion under Class Q, it is not accepted that there is any reasonable 'fall-back' position that would indicate that a dwellinghouse may be erected on this land.

## **Live-Work Unit**

The Local Plan notes that: *A live/work property is one designed from the outset for dual residential and business use. It may be newly built or converted to create a professional workspace where one or more people can run a business. In planning terms, it has a unique status ('sui generis') as a property 'of its own type' incorporating residential and commercial use*

As a first comment, what is proposed here is something slightly different. A large new dwellinghouse is to be built. Separate from that, and a few metres away, are two conjoined barns which the applicant has designated 'Workshop/Storage'.

The Local Plan text continues: *National guidance is supportive of new working practices such as live/work units, however new build live/work units are not supported as evidence from consented units in South Somerset demonstrates that live/work practices do not work in reality and result in residential development by default in locations where permission would not normally be granted. Monitoring of the Council's planning records identifies that between 1997 and 2010 there have been 36 applications for live/work units in the district, and 18 were approved. The 18 approvals were expected to deliver 36 live/work units, however to date only 1 unit has been delivered and is operating as a true live/work unit*

Given the detached nature of the two buildings, relative proportions of floorspace (331 sq m dwellinghouse, separate from 161 sq m workspace) this concern is underlined. The application would appear to be for a large new dwellinghouse with large outbuildings labelled as the work element. Requiring occupants of the large dwellinghouse to be employed in the adjacent work element (which would be a required condition of approval) would be unworkable in the long run, and is therefore not considered to be supportable.

Policy EP7 of the Local Plan is clear: *New build live/work units will not be allowed in locations where residential development would not normally be permitted. The proposal, which is for a large, detached newbuild dwellinghouse, is not considered to comply with this policy.*

## **Visual and Landscape Impact**

This is greenfield land. Continued use of the site for agricultural purposes is accepted, but there is no compelling justification for replacing the massing of agricultural buildings with domestic dwellings and the assorted accompanying paraphernalia. The Landscape Officer has set out a clear discussion of the harm inherent in the impact of this proposed large new dwellinghouse. It is not considered that it would respect the established rural character and appearance of the setting. It would thereby fail to promote South Somerset's local distinctiveness and preserves or enhance the character and appearance of the district.

## **Impact on Residential Amenity**

The nearest dwellinghouse is to the west, more than 40m away. It is not considered that there would be any harmful impact on residential amenity.

## **Highway Safety**

The proposed dwellinghouse and workshop are not considered likely to result in an unacceptable or harmful increase in traffic generation. As advised by the Highway Consultant, it is considered that reasonable visibility can be achieved. Adequate parking can be achieved. There are not considered to be any severe impacts on highway safety resulting from the proposal.

## Ecology

A Bat and Protected Species Survey and Bat Emergence and Activity Survey was undertaken in May and June 2018. A subsequent report has been submitted which confirms the existence of bats and nesting birds in Barn 3 which is to be converted/renovated. No evidence was found in the other barns. Recommendations include the need to apply for a licence from Natural England before any works commence and ecological supervision for the removal of bats. In addition, bat roosting and bird nesting provision will need to be incorporated into the scheme.

## Conclusion

The proposal represents a new dwellinghouse in open countryside on greenfield land for which no justification has been made. As such, it is a new live-work unit (when combined with the workshop/storage space) that is contrary to the sustainability aims of the NPPF and the Local plan, specifically policy EP7. The resulting development is of a scale and character that would fail to respect the established character and appearance of the local landscape and setting. For these reasons, the proposal is recommended for refusal.

## RECOMMENDATION

Refuse.

01. The proposed development is considered to represent unsustainable development, contrary to the aims and core principles of the NPPF, for the following reasons:
  1. The proposal represents a newbuild development on greenfield land in open countryside for which no special justification has been demonstrated, which, by reason of its design and siting fails to respect the established character and appearance of the landscape and setting. In these respects the proposal is contrary to the aims of the NPPF and Policies SD1 and EQ2 of the South Somerset Local Plan.
  2. The proposal represents a new dwellinghouse in a location remote from services and facilities, which would therefore foster growth in the need to travel, contrary to the aims of the NPPF and Policy SD1 of the South Somerset Local Plan.
  3. The proposal represents a newbuild live-work unit where residential development would not normally be permitted, and in this respect is contrary to the aims of the NPPF and Policies SD1 and EP7 of the South Somerset Local Plan.

## 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.

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