

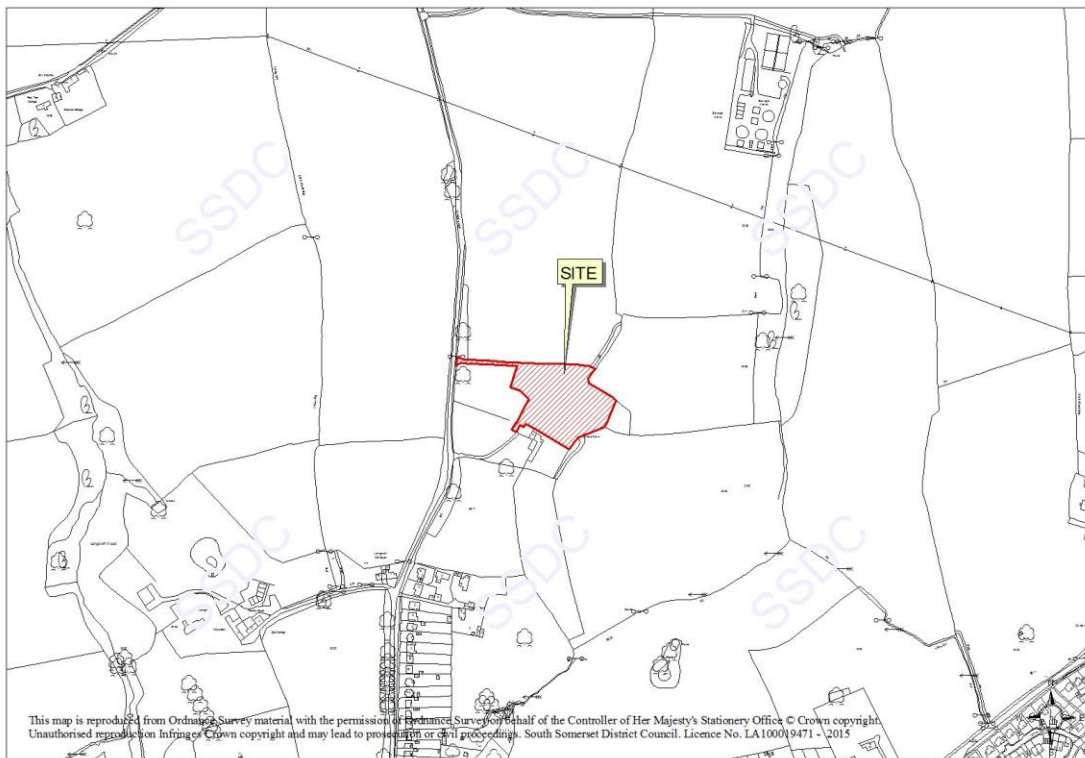
**Officer Report On Planning Application: 14/05095/FUL**

<b>Proposal :</b>	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)
<b>Site Address:</b>	Stone Farm Stone Lane Yeovil
<b>Parish:</b>	Mudford
<b>WARDS OF YEOVIL WITHOUT Ward (SSDC Member)</b>	Cllr J Gleeson Cllr P A Lock Cllr G J Oakes
<b>Recommending Case Officer:</b>	Andrew Collins Tel: 01935 462276 Email: andrew.collins@southsomerset.gov.uk
<b>Target date :</b>	16th January 2015
<b>Applicant :</b>	Jesus College
<b>Agent: (no agent if blank)</b>	Smiths Gore York House Blackbrook Business Park Taunton Somerset TA1 2PX
<b>Application Type :</b>	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 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 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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