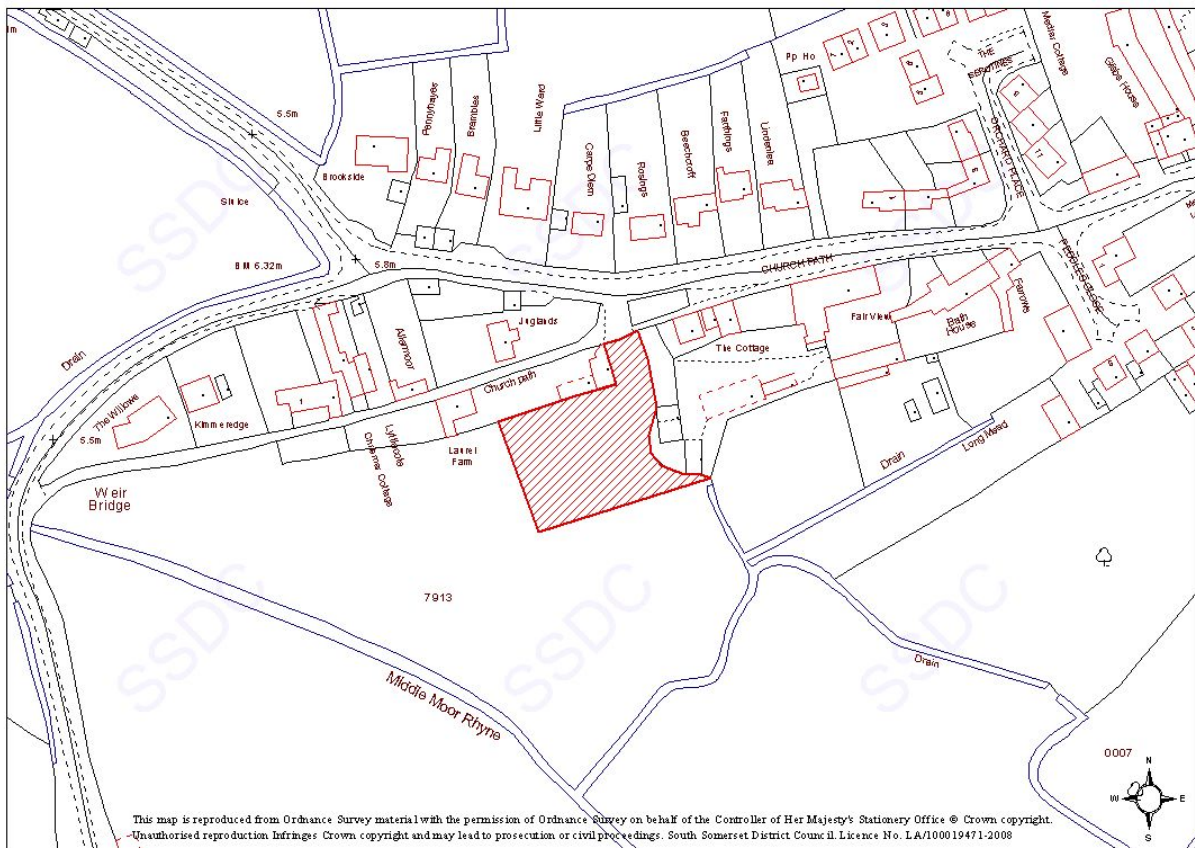


OFFICER: Linda Hayden 01935 462534
APPL.NO: 08/01432/FUL APPLICATION TYPE: Full Application
PARISH: Aller WARD: TURN HILL
DESCRIPTION: The erection of a bungalow on the site of existing modern barn to be demolished (GR 339816/129122)
LOCATION: Land at Willands Farm, Church Path, Aller, Langport, Somerset TA10 0QR
APPLICANT: Mr & Mrs W. Stamp
AGENT: David Davies, 7 Bilbury Lane, Glastonbury, Somerset BA6 8LX
DATE ACCEPTED: 15 April 2008

The application is to be considered by the Committee at the request of local member, Cllr Cox with the agreement of the Chairman due to the planning history and the fact that the Committee previously considered applications at the site.

Site Description and Proposal



The site is located on the west side of the village of Aller, south of Aller Drove. It takes access across a pedestrian footpath - Church Path - and is bounded by residential curtilages to east and in part to the west. To the south and west is open farmland in the ownership of the applicant. There are existing open fronted farm sheds at the entrance constructed with a steel frame and partially "clad" with corrugated sheeting and block-work. The residential building to the east has a clear view of the site. The barn is currently used to house horses and sheep.

The proposal seeks full planning permission for the demolition of the existing agricultural barn and the erection of a three bedroom bungalow comprising 3 bedrooms, kitchen/dining room, living room, garage and utility room. The property is to be accessed via the existing farm access gate.

History

07/03893/FUL - Demolition of farm buildings and the use of land for the siting of a mobile timber lodge to provide disabled living accommodation. Pending consideration.

07/00453/FUL - Change of use and alterations to existing barn to form bungalow with disabled accommodation. Refused 25/04/2007

06/04020/FUL - Demolition of Farm Buildings and Erection of Detached Single Storey Dwelling with Rooms in the Roof. Refused 22/12/2006

06/00932/OUT - Demolish Existing Farm Building and Erect Detached Dwelling. Refused 03/07/2006

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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents
Regional Spatial Strategy September 2001:
VIS1 Expressing the Vision
VIS2 Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:
Policies:-
STR1 - Sustainable Development
STR6 - Development outside towns, rural centres and villages

South Somerset Local Plan (Adopted April 2006):
Policies:-
ST3 - Development outside development areas
ST5 - General Principles of Development
ST6 - The Quality of Development
EU5 - Flooding

Consultations

The Landscape Officer comments:-

'Looking at the village plan, it is clear that whilst Aller is a linear settlement, with the streets primarily made up of single-plot depths, there are some areas of residential form behind the main village streets. Hence a residential plot off Church Path would not necessarily be considered incongruous when viewed in the context of the village plan. However, I also note that Aller has no development area, hence any new dwelling will be a departure from policy. If this application is thus to be viewed as acceptable, and sympathetic to village form, then the extent of the residential footprint (both house and garden) should be strictly controlled.

As the proposal stands, the footprint of the house extends beyond that of the existing farm building that is to be demolished, and will create a lengthy domestic form that will obtrude beyond other housing, toward open countryside. Of greater concern is the extent of domestic (red-line) land that is indicated as curtilage. This is a substantial area, and does not conform with either the village pattern, or the orientation of the present farm building and

its associated hardstanding/storage areas. I view an extension of domestic land of this scale as i) an erosion of the countryside, with no intrinsic environmental enhancement as required by policy ST3, and of a scale and arrangement that is at variance with local character (as policy ST5 para 4) and thus do not support this application in its current form.

For guidance, if the principle of development were to be considered acceptable, then I would advise;

- a) the house extends no further south than the current barn footprint;
- b) its associated garden area is substantially reduced (circa 65%) and given a north-south emphasis, and;
- c) the garden area to be enclosed, either by walling or native species hedging.'

Note: The Plans have been amended to reduce the size of the proposed curtilage and the Landscape Officer notes the amended plans but advises that the building and site extent is still too great.

Area Engineer, Technical Services Department has no comments.

County Highway Authority stand by their previous comments and recommend that the application be refused on the grounds that the site is unsustainable and remote from adequate services, employment, education, public transport etc.

Natural England has no comments.

Aller Parish Council:

'... unanimously support this application as in our opinion, this site should be considered 'in fill'. We also ask that the personal circumstances of the applicant are taken into consideration. If approved, the visual amenity of this whole location will be considerably approved.'

The Environment Agency originally objected to the application but following the submission of a revised Flood Risk Assessment withdrew their objection subject to conditions and informatives being imposed should permission be granted.

The Design and Access Statement advises that the bungalow is required for two village residents one of whom is suffering from health problems that require that he live in a single storey dwelling. A letter from the applicant's doctor supports this. The applicant's agent believes that a special case can be made for his clients, this being the applicant's family have lived in the village for four generations; the applicant's health problems; and the fact that the proposal could be seen as infilling. It is the agent's belief that the case put forward is unique, exceptional and special and if permission is granted it will not set a precedent for other residential development to be allowed in the village.

Representations

4 letters of objection have been received (one from a resident of Curry Rivel). Theirs comments are summarised as follows:-

- 1) objects to the application on the grounds that this is virtually a repeat of the previous applications that have been rejected. It should be rejected on the same grounds. A complete waste of public money.
- 2) Proposed property is inappropriate in height and aesthetically unsuitable for the area
- 3) Would need to cross a sheltered public footpath to access the property
- 4) Proposal is, in effect, a new building in the open countryside contrary to Structure Plan policy STR6 and Local Plan policy ST5. Site is outside of any defined

- development boundary and to allow a new residential dwelling in the location would be unsustainable, would unnecessarily encroach into open countryside and would not provide any economic benefit to the local area
- 5) Site is wet so would requiring piling which could disturb nearby houses
 - 6) Further strain could be imposed on existing sewage system
 - 7) Would create a precedent for future applications outside the development area
 - 8) Existing building is not a barn it is a shed
 - 9) Mr Stamp is living in the village at the moment and would not be homeless if this application were refused, should his mobility deteriorate and require a bungalow they do come onto the market in the village from time to time
 - 10) Rooflights would invade neighbouring privacy

4 letters of support have been received, their comments are summarised as follows:-

- 1) The existing barn is an eyesore and a modern bungalow would be an infinitely better feature of the village
- 2) Mr Stamp is a semi-invalid who could become wheelchair bound a bungalow is the only sensible home for him and his wife
- 3) Five generations of Mr Stamp's family have been key features of Aller village life for the past 75 years. It would be a tragedy if he were forced to live away from his family
- 4) New dwelling would add greatly to the security of the area
- 5) Has wide access drive giving excellent visibility

Considerations

The main considerations in this case relate to the principle of developing a new residential dwelling in the open countryside.

This application is a re-submission of three previously refused applications. Although the last application in 2007 was described as a conversion of the existing building it was felt that it was, in effect, a new build dwelling within the open countryside.

It is considered that the same principle applies to this application as per the previous three applications. The proposal is a new build dwelling in the open countryside contrary to Structure Plan Policies STR6 and Local Plan Policy ST3. The site is located outside of any defined development boundary and to allow a new residential dwelling in this location would be unsustainable, would unnecessarily encroach into open countryside and would not provide any economic benefit to the local area.

The application states that the dwelling is to provide disabled accommodation for long standing members of the local community. Whilst the medical problems of the applicant are noted, it is not considered that the personal circumstances of the applicant are material planning considerations that would lead to the ability to override the very strong policy objections to this proposal. It is generally considered that personal arguments will seldom outweigh more general planning considerations and works of a permanent nature will remain long after the personal circumstances of an applicant have ceased to be material.

The proposed new dwelling would not benefit the local area economically. The benefit would be to the private interests of the applicants only and does not warrant the intrusion of development into the open countryside setting a precedent for future developments of this type. There is considerably pressure generally to erode development plan boundaries that have been delineated and agreed through the Local Plan process. The granting of permission in one instance in one village will inevitably set a precedent making it more

difficult to resist similar developments which may cumulatively erode planning principles or policies. It is not considered that this case is so unique, exceptional and special to allow for the approval of this application. Any approval would set a very unfortunate precedent for similar developments in the area.

Highways comments are as the two previously refused applications whereby the development would generate additional journeys by private cars due to the lack of public transport in this area:

'Whilst the individual circumstances of the applicant have been acknowledged by the Highway Authority, the site is located distant from adequate services and facilities such as education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependent on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to Government advice given in PPG13 and RPG10 and to the provisions of Policies STR1 and STR6 of Somerset and Exmoor National Park Joint Structure Plan Review.'

The proposal is therefore considered inappropriate in this location and is therefore recommended for refusal.

RECOMMENDATION

Refuse

Application Refused

01. Aller is not defined as a village as identified by Policy ST2 of the recently adopted South Somerset Local Plan as an appropriate location for new residential development. The proposal therefore represents the development of a new residential dwelling in the open countryside which would have no economic benefit to the local area, would not demonstrably maintain or enhance the environment and would foster growth in the need to travel contrary to Government guidance in PPS3 and Policies ST3 and ST6 of the South Somerset Local Plan 2006.
 02. The proposed development would be located where it is remote from adequate services, employment, education, public transport etc and will therefore increase the need for journeys to be made by private vehicles which is non- sustainable and is in conflict with the advice given in PPG13 and Policy STR1 of the Somerset and Exmoor National Park Joint Structure Plan and Policy ST6 of South Somerset Local Plan 2006.
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