

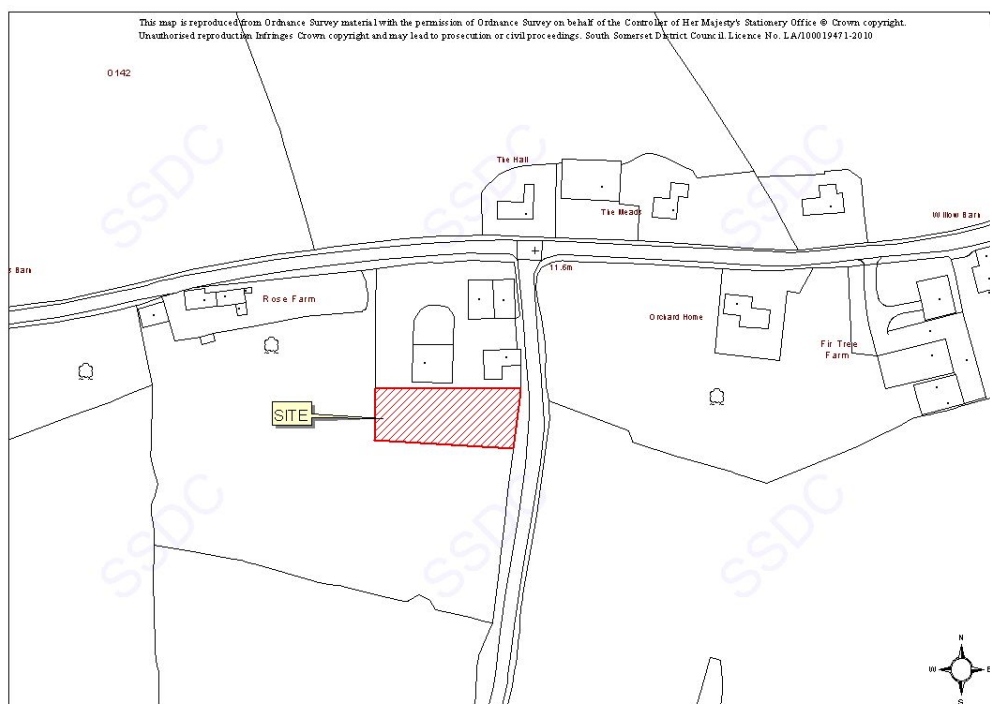
Officer Report on Planning Application: 09/03813/COU

Proposal :	Change of use of land from agricultural to form extension to work/home premises (residential and business curtilage) Retrospective Application (GR: 343153/132316)
Site Address:	Bridge Horn Barn, Henley, Langport
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Mr Rupert Cox (Cllr)
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date :	17th November 2009
Applicant :	Mr S Cowling
Agent: (no agent if blank)	Smith Planning & Design Limited Wayside Fivehead, Taunton TA3 6PQ
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

This application has been referred to the Area North Committee following discussions between the Ward Member and Area Chairman, who agree the application should be determined by the Committee. While the increase in domestic curtilage is not a concern in this instance, the increase in commercial space and the resulting increase in commercial activity at the site is of concern.

SITE DESCRIPTION AND PROPOSAL



The site is located just outside the hamlet of Henley, and comprises a converted barn for residential use and two outbuildings. The dwelling is a detached two storey building constructed from blue lias stonework with red clay double Roman roof tiles. The outbuildings are constructed from concrete blockwork, one of which is rendered, with fibre cement sheeting on the roof and sides. The outbuildings are used in relation to the business of maintenance and sale of classic and compact tractors.

This application retrospectively seeks planning permission for the change of use of a piece of agricultural land, to domestic curtilage and business curtilage. The area of land measures approximately 53m x 16m and runs along the length of the existing southern site boundary. This area is split in half with one side being used for an extended domestic garden area, and the other section being used for storage of compact tractors in relation to the existing business use on the site. A 2m high timber fence has been erected along the eastern boundary of the area of land that is the subject of this application, adjacent to the road.

HISTORY

06/02183/COU: Retention of agricultural buildings and change of use to (1) a depot for local agricultural contracting business (2) a base for the maintenance and sale of classic vintage and compact tractors. Granted conditional approval on 05/06/2007.

02/02423/FUL: Conversion of redundant barn to one workplace home. Granted conditional approval on 24/10/2002.

01/01746/FUL: Conversion of barn to one workplace home and use of agricultural buildings for B1 office/light industrial use. Application refused on 31/08/2001.

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

South Somerset Local Plan (Adopted April 2006):
Policies:-
ST5 - General Principles of Development
ST6 - The Quality of Development
EC3 - Landscape Character
ME4 - Expansion of Existing Businesses in the Countryside

CONSULTATIONS

AREA ENGINEER - No comment

LANDSCAPE OFFICER - I am familiar with the site having visited it previously to review groundworks that had occurred at the property. Whilst I am ordinarily wary of any domestic incursion into the open countryside, in this instance I am satisfied that the extent of curtilage expansion is well contained by both physical and visual landscape elements, and thus raise no landscape objections. I recollect that whilst on site, some planting within the garden area was discussed, either in the form of hedging along the head of the bank (south boundary) to join with the external hedge, or a staggered (irregular) line of shrubs in the same location. I would also like to see hedgerow planting to the outside of the roadside fencing over the length of this COU extension, to soften the urbanising effect of the timber board fencing upon the rural lane. To that end, please condition a planting proposal.

COUNTY HIGHWAY AUTHORITY - No observations

PARISH COUNCIL - Recommend refusal on the grounds that the current plan of extra hard standing is increasing the commercial area of the site, outside of the site's original envisaged use. However the Parish Council feel that retaining the areas as landscaped garden would be viewed favourably if it were not part of the commercial site/plan.

REPRESENTATIONS

THREE LETTERS OF OBJECTION - Have been received, raising concerns over the following:

1. Enforcement action is being taken against the applicant due to failure to comply with conditions on previous planning application
2. No reason for extra storage space as business is already bigger than it should be
3. What guarantee is there that the garden area will not be used for the business
4. The soil bank should be reinstated
5. There is no history of flooding on the site and therefore this reason should not be used as justification for the works
6. There is no mention of the access that has been widened in this application

CONSIDERATIONS

Members may be aware of on-going enforcement issues at the site. While some of these issues are directly being addressed within this application, other enforcement issues at the site are not relevant to this application.

There are two main issues to consider in the determining of this planning application. The first issue to assess is whether the change of use of agricultural land has a detrimental impact on the local landscape character. The second issue is whether the site is suitable for small-scale expansion of the existing business.

Policy EC3 of the South Somerset Local Plan states proposals must not harm the distinctive character and quality of the local landscape, in particular development should respect or enhance the characteristic pattern and features of the surrounding landscape, and avoid built forms whose visual profiles would be out of keeping with the area when viewed from publicly accessible vantage points.

It is considered the change of use does not harm the character of the local landscape. The area that is the subject of this application is contained within an existing line of a mature native species hedge on the south and west boundaries. By being contained within this existing hedge line, the pattern of the landscape is not harmed. Furthermore the area of land is not visible from public vantage points and therefore will not impact on the wider visual landscape. This view is supported by the Landscape Officer and also by the Parish Council, who do not object to the physical change of use, as they state they would not object to the site being used wholly for domestic curtilage.

Turning to the issue of the expansion of the physical area of the business, Policy ME4 of the South Somerset Local Plan is supportive of small scale expansion of businesses outside defined development areas provided that the proposal is appropriate in this location, it is demonstrated that additional land is essential to the needs of the business, and there is no substantial additional traffic generated to the site.

It has already been established that this business is appropriate in this location by the previous planning consent, which allowed the business to be located here in the first place. As the Highway Authority has not objected to the proposal, it is assumed they are not concerned about a rise in traffic as a result of the change of use of land.

Subject to a condition being attached to secure a landscaping scheme, as advised by the Landscape Officer, the application is considered acceptable.

RECOMMENDATION

Permission be granted

01. The principle of expanding an existing business use outside defined settlement limits is considered acceptable and the proposal is considered not to harm the landscape, or visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with South Somerset Local Plan Policies ST5, ST6, EC3 and ME4.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from 22nd September 2009.

Reason: To comply with Section 73A of the Act.

02. (i) Within three months of permission being granted, a landscaping scheme, 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 landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition 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 South Somerset Local Plan Policies ST6 and EC3.

03. Part of the subject land including any buildings thereon shall be used for a depot for agricultural contracting business and for the maintenance and sale of classic, vintage and compact tractors, and any implements ancillary to their use and for no other purpose (including any other purpose in Class B1, B8 and A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of the character and appearance of the area and of highway safety, in accordance with Somerset Local Plan Policies ST5 and ST6 and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

04. Within 3 months of the date of this permission an Operational Management Plan in relation to the vehicles writing or operating at the site, including vehicle types, frequency and local traffic routes shall be submitted to and approved by the Local Planning Authority. The uses hereby approved shall at all times be operated strictly in accordance with such approved Plan.

Reason: In the interests of the amenities of local residents and of highway safety, in accordance with Somerset Local Plan Policies ST5 and ST6 and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.