

Area North Committee – 23 October 2013

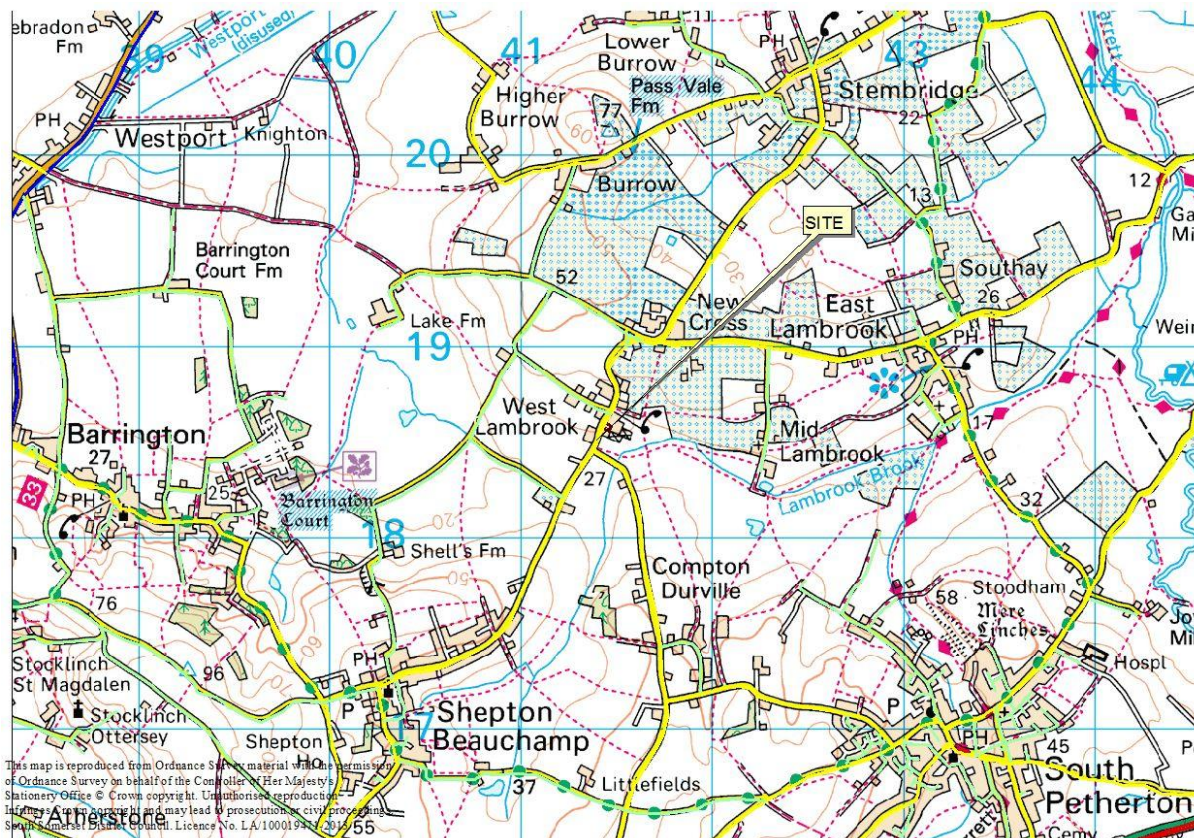
Officer Report On Planning Application: 13/03285/FUL

Proposal :	Alterations and the change of use of an existing farm shop to a single three bedroom dwelling. (GR 341464/118609)
Site Address:	Lower Farm, West Lambrook, South Petherton
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	10th October 2013
Applicant :	Mr R Dyer
Agent: (no agent if blank)	Mr John Wratten, The Waggon Shed Flaxdrayton Farm, Drayton, South Petherton TA13 5LR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Committee at the request of the Ward Member for a discussion of the merits of converting the building to a dwelling.

SITE DESCRIPTION AND PROPOSAL





The site is located within West Lambrook, outside of the defined development area. The building under consideration is an L-shaped structure, constructed from a combination of natural stonework, brickwork and rendered elements. It sits within a farmyard at the roadside. To the north is the main farmhouse; to the east and south-east are other larger, more modern farm buildings. There is an open sided shed (timber poles with mono-pitch roof) immediately to the south of the barn, alongside the accessway onto the highway. The building is listed by association with the Grade II listed farmhouse.

This application forms a resubmission that follows refusals of a similar scheme on 26 March 2013 and 9 July 2013, and seeks permission for alterations and the change of use of an existing farm shop to a single storey three bedroom dwelling.

An application for Listed Building Consent has been submitted and is considered concurrently with this application.

HISTORY

- 13/01798/FUL - Alterations and the change of use of an existing farm shop to a single storey three bedroom dwelling - refused
- 13/01799/LBC - Alterations and the change of use of existing farm shop to a single three bedroom residential dwelling - refused.
- 13/00407/FUL - Alterations and the change of use of existing farm shop to a single three bedroom residential dwelling. Refused.
- 13/00408/LBC - Alterations and the change of use of existing farm shop to a single three bedroom residential dwelling. Refused.
- 11/01562/FUL - Alterations and the change of use of existing farm shop to use class B1. Approved 29.06.2011 (OFFICER NOTE: The building remains unconverted).

- 11/01563/LBC - Alterations and the change of use of existing farm shop to use class B1. Approved 29.06.2011.
- 08/02026/LBC - Alterations and the change of use of existing farm shop to Use Class B1. Approval 10/06/2008.
- 08/01299/FUL - Alterations and the change of use of existing farm shop to Use Class B1. Withdrawn on 29/05/2008.
- 901801 - Erection of dwelling for horticultural worker. Refused on 23/01/1991.
- 872894 - The erection of four dwellings. Application refused 11/12/1987, Appeal dismissed.
- 871039 - The erection of an agricultural implement shed. Approval on 19/06/1987.
- 771183 - Erection of horticultural glasshouse. Approved on 14/09/1977.
- 761928 - Erection of general purpose agricultural building. Approved on 04/01/1977.
- 761532 - Erection of glasshouse. Approved on 19/11/1976.

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.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the South Somerset Local Plan (April 2006):

Saved policies of the South Somerset Local Plan (Adopted April 2006):

- Policy ST3 - Development Areas
- Policy ST4 - Alterations to Buildings in the Countryside
- Policy ST5 - General Principles of Development
- Policy ST6 - The Quality of Development
- Policy EH3 - Change of Use and Alterations to Listed Buildings
- Policy EH5 - Setting of listed buildings
- Policy EH7 - The Conversion of Buildings in the Countryside

Regard shall also be had to:

National Planning Policy Framework (March 2012):

- Chapter 1 - Building a strong competitive economy
- Chapter 3 - Supporting a Prosperous Rural Economy
- Chapter 4 - Promoting sustainable transport
- Chapter 6 - Delivering a wide choice of high quality homes
- Chapter 7 - Requiring Good Design
- Chapter 12 - Conserving and enhancing the historic environment

South Somerset Sustainable Community Strategy

- Goal 4 - Quality Public Services
- Goal 5 - High Performance Local Economy
- Goal 7 - Distinctiveness
- Goal 8 - Quality Development

Somerset County Council Parking Strategy, March 2012.

Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: No objections.

Highways Authority: Previous comments and standing advice apply: It must be a matter for the LPA to decide given the previous approval (B1 Use Class) with residential use resulting in less use of the access. Conditions suggested include: visibility, access, entrance gates, surface water and stopping up of northern access.

SSDC Area Engineer: No comment.

SSDC Conservation Officer: *Whilst I note that this is a different scheme, my previous comments apply, and I note that the wall heights are submitted which I am happy with. We would need to condition details such as windows, doors new walls etc. I would also ask for a condition preventing enclosure of the grass area to the south side.*

I am concerned about the design of the new access, with parking area to one side. This is in danger of becoming a very suburban access which would be detrimental to the setting of the grade II listed building and to the village street scene. I feel that if we are to grant consent here, more detail of this access should be submitted at this time.

SSDC Environmental Protection Unit: *Whilst I recognise some reworking of the design I still feel that the use of this building for residential purposes is likely to result in a loss of amenity to the occupants due to the close proximity of the working farm yard that the proposed development sits in the middle of. There still remains to the east a number of large agricultural sheds used for farming purposes such as implement storage and tractor storage, noise from operations in these sheds and the traffic movements to and from these shed could give rise to noise affecting future occupiers of the proposed development. I would therefore recommend that permission is refused.*

Further to additional comments from the applicant:

I still have the view that future occupiers of the proposed development could be subject to levels of noise that may amount to a nuisance, I recognise that the developer has looked at orientation of rooms etc but that still leaves the garden area where noise may be problematic. Future complaints made by occupiers of this premises if permission is granted could affect the viability of the continued use of the agricultural buildings and yard. I still recommend refusal of this application.

SSDC Economic Development Officer: No comment received.

REPRESENTATIONS

None received.

CONSIDERATIONS

Main Considerations

The re-use of redundant agricultural buildings in rural locations is supported in principle by local plan policy EH7 and the NPPF. Accordingly the main considerations include:

character and setting (listed building listed by association), highway safety and neighbour amenity.

However, the application is a resubmission of a proposal that is essentially the same as the previous submission which was refused for the following reason:

The creation of a dwelling immediately adjacent to a working farm will have an adverse impact upon the amenity of future occupiers in terms of noise and odour and is likely to impact upon the way in which the farm operates. The proposal is therefore contrary to policy ST6 of the South Somerset Local Plan and NPPF (para. 17).

The main issue under consideration, therefore, is the degree to which the amended scheme overcomes the previous reason for refusal.

Character and Setting

As in the previous application, the proposal is considered to have limited impact on the character and setting of the listed building(s) and the immediate area and is considered justified to ensure the building's continued usefulness. The Conservation Officer is supportive of the proposal in this respect. However, the proposed change to the entrance to the site - creating a parking area - raises concerns of unacceptable domestication (see comments of the Conservation Officer). Subject to an appropriate condition requiring a considered re-design of this access, it is not considered that there would be any negative impact on the character or setting that would warrant refusal of the application.

Highway Safety

No change has been made that would alter the previously assessed impact on highway safety.

Impact on Amenity

As with the previous applications, it is not considered that the proposal would result in any unacceptable overlooking or harm to neighbouring residential amenity.

However, the Environmental Protection Unit has consistently maintained that a dwellinghouse in this position, on the direct access into and adjacent to a large working farmyard (with potential for greatly increased farming or other activity) would result in an unacceptable level of residential amenity for future occupiers. It would also harm. As clearly set out in the previous officer report:

Neighbour amenity is clearly a central concern, and it is considered that a residential conversion in this location results in harm to future occupant's amenity; conversely the residential occupancy also has implications for the future success of the agricultural site with pressures that can be brought to bear by future occupants curtailing work activities within the established agricultural yard. The proposal seeks a separated dwelling and not one tied to the wider site through a non-fragmentation agreement, and on this basis it is considered that there is no justification to support residential conversion given the significant concerns that are raised.

It is not considered that the removal of the existing log store on the south side of the accessway would make any significant change to this principal concern, i.e. that a large farmyard exists to the east of the buildings, and that this yard is accessed directly to the rear of the building. Removal of the log store is not considered to reduce the negative impact of the farmyard in any respect that would change the previous assessment of the

potential amenity harm to future occupants.

EIA Regulations

Not relevant.

Conclusion

Apart from minor changes to the internal layout and openings to the building, the only change that has been made to address the reason for refusal (see para 4.4 of the submitted Design and Access Statement) is to demolish the existing open sided pole barn to the south of the site. This is not considered to overcome the previous refusal reason, whilst raising concerns about the impact of this change on the setting of the listed building. The proposal is therefore recommended for refusal, for the same reason as previously.

S.106 AGREEMENT

Not relevant.

RECOMMENDATION

Refuse permission.

FOR THE FOLLOWING REASON:

01. The creation of a dwelling immediately adjacent to a working farm will have an adverse impact upon the amenity of future occupiers in terms of noise and odour and is likely to impact upon the way in which the farm operates. The proposal is therefore contrary to policy ST6 of the South Somerset Local Plan and NPPF (para. 17).

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 there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.
