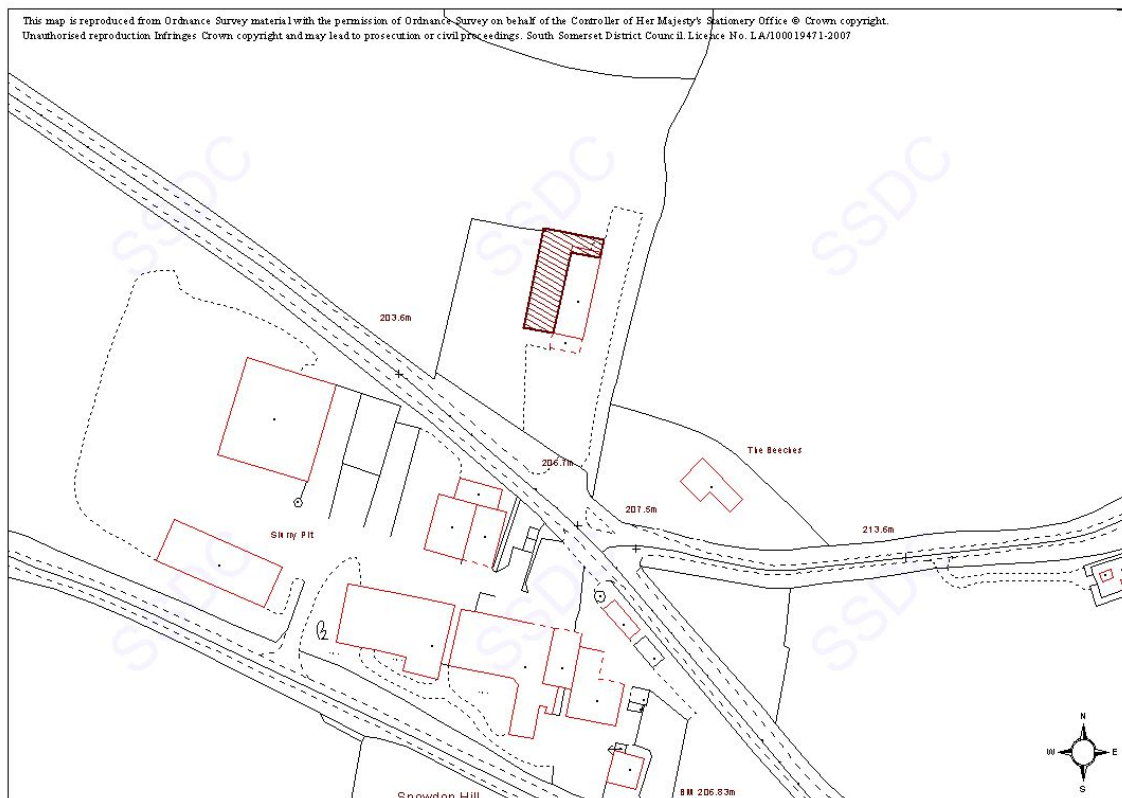


OFFICER: Jennie Roberts (01935) 462517 [Item 2]
APPL.NO: 07/02666/FUL APPLICATION TYPE: Full Application
PARISH: Combe St Nicholas WARD: BLACKDOWN
DESCRIPTION: Proposed erection of an extension to existing Farm Shop to accommodate additional sales area, Tea Room and Kitchen. (Revised application) (GR 330554/109185)
LOCATION: Barleymows Farm Shop Snowdon Hill Weston Road Wambrook Chard Somerset
APPLICANT: Mr M Burrough
AGENT: Mr A J Preston Greenslade Taylor Hunt 1 High Street Chard Somerset TA20 1QF
DATE ACCEPTED: 4 June 2007

REASON FOR REFERRAL TO COMMITTEE:

This application is brought before the Area West Committee because the two previous related applications were both heard by the planning and regulation committees.

SITE DESCRIPTION AND PROPOSAL:



This application relates to a purpose built agricultural building (approved in 1995) constructed from natural stone and box profile brown cladding. It was originally required to store grain, fertiliser, implements and vehicles for agriculture. Through a series of planning applications (outlined below), it has gained consent to be used as a farm shop, and is no longer used for agricultural storage purposes.

This application proposes the erection of an extension to the existing farm shop to accommodate an additional sales area, a tea room and a kitchen. Construction has already commenced.

A previous planning application, which sought to extend the building by approximately 300m², was refused in line with officer recommendation by the Regulation Committee in September 2004 (04/00138/FUL) - a copy of the minutes for this item is attached in appendix 1 (pages 8-9).

A further application was later submitted (05/03051/FUL), which sought to extend the building by approximately 240m². The Area West and Regulation Committees supported this revised application (a copy of the minutes of the Regulation Committee for this item is attached in appendix 2 (pages 10-11)), and upon completion of a S106 planning obligation, the scheme gained conditional approval in May 2007.

As previously stated, work has commenced on the extension. However, the footprint of the extension is significantly larger than that which was given approval, and is of a similar size to the extension that was refused in 2004. In the Design and Access Statement that was submitted with the application, it is stated that, "The applicant advises that owing to an error on the part of the builders, the frame for the proposed extension has been erected on a larger footprint than that shown on the approved plans."

HISTORY:

952324 - Alterations to access, erection of agricultural building and construction of hardstanding - conditional approval

01/00843/COU - Carrying out of alterations and use of part of barn as a farm shop/store room - conditional approval

The approval included consent for part of the barn to be used as a farm shop. The rest of the building was to be used for agricultural storage. A planning condition limiting the range of goods, which could be sold was included on the decision notice.

01/02229/COU - Alterations to agricultural building to use of building as a farm shop (amended layout) - conditional approval

02/01512/FUL - Proposed open porch extension to farm shop - conditional approval

04/00138/FUL - Proposed erection of an extension to existing Farm Shop to accommodate additional Sales Area, Tea Room and Kitchen - Application REFUSED

Permission was refused for the use of the remaining agricultural storage area and an extension for shop/café and ancillary areas with a footprint of c.310m². The proposal would have resulted in a large retail outlet in the countryside and its visual impact would have been detrimental to the countryside. As such, it constituted an unsustainable form of development.

05/00192/FUL - Retention of farm shop use in third bay of existing building and retention of children's play area (retrospective application) - conditional approval

This permission resulted in the whole building being given consent for retail use, with no agricultural storage remaining.

05/01647/FUL - Erection of an extension to existing Farm Shop to accommodate additional Sales Area, Tea Room and Kitchen - application withdrawn

05/03051/FUL - Proposed erection of an extension to existing Farm Shop to accommodate additional Sales Area, Tea Room and Kitchen - conditional approval (with S106 planning obligation)

As a guide, the table below shows the approximate evolution of the building, from its original use as an agricultural building to that which is proposed in this application:

	Approximate floor area (M²)	
	Agricultural	Retail/ancillary
952324	265	0
01/00843/COU	180	85
01/02229/COU	70	195
05/00192/FUL	0	265
04/00138/FUL	0	575
05/03051/FUL	0	500
07/02666/FUL	0	575

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

Somerset & Exmoor National Park Joint Structure Plan Review
STR1 - Sustainable Development
STR6 - Development Outside Towns, Rural Centres and Villages

South Somerset Local Plan (Adopted April 2006)
ST3 - Development Outside Defined Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
MS4 - Farm Shops

CONSULTATIONS:

Parish Council

No objection.

Highways

"The site lies outside any recognised development boundary limits where it is remote from other services and facilities. Given the remote location, the proposal is unsustainable in terms of transport policy and is contrary to the advice given in PPG13, RPG10 and the provisions of policies STR1 and STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review. The site derives access directly from the A30, which is designated as a County Route in the aforementioned Structure Plan. It is therefore reasonable to expect access to be restricted onto this route unless there is an overriding need demonstrated as per policy 49.

In this instance the farm shop is already in operation and it may be argued that there is a need for the extension to facilitate the growth of the already established business. If this is the case, it may be unreasonable to object to the proposed extension on highway grounds. The introduction of the tea-room, however, may encourage additional traffic movements onto/off the A30, contrary to policy 49 of the Somerset & Exmoor National Park Joint Structure Plan Review. It must therefore be a matter for the Planning Authority to determine if the introduction of such a facility can be viewed as acceptable farm diversification or if the proposal is tantamount to new development in the countryside which would attract a recommendation of refusal on highway sustainability grounds."

Area Engineer

No comment.

Landscape Architect

"I raised no objection to the previous scheme, 05/03051, which was subsequently approved. Though I am not enamoured by the increase in building mass in this location, the degree of increase is small, consequently I raise no landscape objection. As before, I note gaps in the planting surround and would suggest these are gapped up. A landscape condition should be applied to that end."

REPRESENTATIONS:

CPRE

"Planning permission was granted a year or so ago for an earlier application for extension of the farm shop, tea room, etc. It is understood that since then work has started on the extension, that such work has been found not to conform to the permitted plans and that consequently the applicant has submitted the above retrospective revised application.

The view of the CPRE is that genuine farm shops, dealing in truly local produce, should be encouraged and this conforms with policy in the Local Plan. The applicant has claimed that 90% of produce currently sold comes from the holding itself or from within a 10 to 15 mile radius. Assuming this claim is correct (and presumably the measure is done on the retail value of what is sold) and assuming too that such a percentage is acceptable in planning policy terms for farm shops, the question then arises of how you, as a planning authority, can ever monitor the situation and ensure that the 10% of non local produce is not exceeded.

If this new application means a further expansion of the local food retailing business, then the CPRE can have no objection. If on the other hand it means further expansion of the restaurant side of the business, then CPRE does object as this is an unsuitable location for such an activity."

CONSIDERATIONS:

Officer recommendation for the approved application (05/03051/FUL) was refusal on the grounds of unsustainable development, contrary to Structure Plan policies and national planning guidance. However, the application was approved at Regulation Committee and so the principle of an extension to this building has been established.

A previous application (04/00138/FUL) was refused by the Regulation Committee on account of its large scale. However, the committee approved a smaller extension, as discussed above. This current proposal is of a comparable size to that which was refused. It is considered that no significant changes in planning policy have occurred to make this application acceptable. It is also considered that "an error on the part of the builders", meaning that "the frame for the proposed extension has been erected on a larger footprint than that shown on the approved plans" is not a good enough reason to allow the unauthorised development to proceed. The increase in the size of the approved extension would encourage more people to visit the premises, which would further foster growth in the need to travel by private motor vehicle.

The approval of this planning application would be tantamount to an overturn of a recent committee decision.

** RECOMMENDATION:

Application Refused

1. Having regard to the increase in size and the uses of the building, the proposal constitutes an unsustainable form of development which would foster growth in the need to travel by private motor vehicle. The proposal is therefore contrary to policies ST3 and ST5 of the South Somerset Local Plan (adopted 2006) and policy STR6 of the Somerset and Exmoor National Park Structure Plan Review, which seek to guard against developments, which foster the need to travel and PPG13.
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Appendix 1

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held on **Tuesday 21st September 2004** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

161. Proposed Extension to Existing Farm Shop to Accommodate Additional Sales Area, Tea Room and Kitchen – Barleymows Farm Shop Snowdon Hill Weston Road Wambrook Chard (04/00138/FUL)

The Planning Officer (West) introduced the report.

The Planning Officer provided one update to the report. He said that the Council's Business Liaison Officer, from the Council's Tourism Service, had said that from the point of view of the Council's Tourism Strategy the development would make a positive contribution to the area.

In response to members' questions, the Development Control Manager said that it would be difficult to enforce a condition on any permission to restrict the range of food products available at the shop. A farm shop was defined as a shop selling local food and drink. If there was no restriction on what was sold then it was A1 retail use. A restriction could be applied but it would be difficult to enforce.

Mr Burrough, the applicant, spoke in support of the application. He said that it was a family run farm, which had diversified following the affects of the food and mouth outbreak. It sold local produce, was well run and wished to expand which would be good for the local area and local employment. In response to a question from the Chairman, he said that he did actively look for local produce as well as local producers coming to him.

Mr Preston, the applicant's agent, said that planning policy encouraged rural applications like this one, and the Local Plan Inspector had said that he would welcome well conceived diversification schemes. This was within the curtilage of the site and not visually harmful. It was supported by the local parish councils and all the local community.

Members discussed the application.

Some members commented on the size of the development, and felt that this was more than a farm shop. The size meant that it was a major facility on the outskirts of Chard. It should have come forward as an application for class A1 retail use and be looked at on those grounds, not as a farm shop. It would also have a visual impact on the area, and affect local retail outlets in Chard.

Other members spoke in support of the application as it was seen to provide local employment, would not affect businesses in Chard, and not affect the landscape or visual amenity.

Councillor Angie Singleton, seconded by Councillor George Chinnock, moved the officer's recommendation that the application be refused for the reasons given on page 28 of the agenda.

The recommendation was put to the vote and declared to be carried by 5 votes to 4. It was therefore:

RESOLVED: that planning permission be refused for the following reasons:

1. the proposal if permitted would result in a large new commercial retail Class A1 and food and drink Class A3 use in the open countryside outside the established development limits of Chard. It is considered that development in the open countryside should be strictly controlled and that there are no exceptional circumstances to warrant setting

aside the normal policies of restraint. The proposal is therefore considered to be contrary to Government advice as expressed in PPG7 and SSDC Local Plan policies ST3 and MS4. Should permission be granted it would be considered unreasonable to attempt to limit the use to a farm shop or to limit the use of cafe/restaurant.

2. the proposed large extension of this isolated building in the open countryside would increase the impact of the building and when taken together with the extra use of the site by customers would add to the visual intrusion of this sensitive area on the approach to Chard. The proposal is therefore considered contrary to Policy ST5 of the SSDC Local Plan and STR6 of the Somerset and Exmoor National Park Structure Plan Review.
3. the proposal if permitted would constitute an unsustainable form of development - in that it could give rise to additional car borne trips rather than passing trade. The size of the proposals and the uses envisaged could well create a destination in its own right. The proposal is therefore considered to be contrary to Policy STR6 of the Somerset and Exmoor National Park Structure Plan Review which seeks to guard against developments which foster the need to travel.

Appendix 2

South Somerset District Council

Minutes of a meeting of the **Regulation Committee** held on **Tuesday, 21st March 2006** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

23. Proposed erection of an extension to existing Farm Shop to accommodate additional Sales Area, Tea Room and Kitchen. (GR 330554/109185) at Barleymows Farm Shop Snowdon Hill Weston Road Wambrook Chard Somerset - Mr M Burrough (Agenda Item 5)

The Planner presented slides of the existing premises and explained that following refusal of a previous application, the current scheme showed a marginal decrease in the floor area of the proposed extension. The reasons for refusing the previous application still applied as the proposal was not considered to be farm diversification and would be outside the description of a small-scale farm shop. There were a number of food outlets in Chard considered to be more appropriate for this type of business which would retain the economic viability of the town. Barleymows was not within walking distance of Chard and therefore the proposal was not sustainable.

Questions were raised by the Committee on the number of people to be accommodated in the tea room and the possible increase in numbers in summer months if tables were moved outside. Unless restrictions were imposed, the shop could be sold as a separate business with the consequent dangers of it becoming a small supermarket in the countryside.

Mrs Rosemary Yarrow, representing Combe St Nicholas Parish Council, informed the Committee that the parish council wished to support the rural community and farmers wherever possible. The applicant operated a large successful farm with an attractive and environmentally friendly shop selling mainly its own and locally sourced products. The business provided local employment and visitors to the shop from outlying areas also visited Chard. She urged the Committee to support the proposal to extend the farm shop as it was a valuable asset in the area.

Cllr Martin Wale speaking on behalf of the ward member, drew attention to there being no objections to the proposal and that Area West Committee had supported it. He queried the comments by Highways which in effect meant that they reluctantly approved the extension. He drew the Committee's attention to the Council's Corporate Plan Objective 9 which sought to promote farm diversification.

The Planning Team Leader responded by saying that the Highways view was that they would not object to the application if there were sufficient planning merits for the Committee to give their approval.

Mr Martin Burrough, the applicant, said the shop had been a successful farm diversification but now needed to be able to expand the range of food sold to make more of the produce. Approximately 60% of the farm's produce of beef, lamb and potatoes was sold in the shop.

In response to a question, the Planning Team Leader confirmed that there could be no controls over what was sold in the shop and tea room nor the source of those products.

The applicant's agent, Mr Andrew Preston said Area West Committee had recognised the benefits of the application as supporting local economic activity. The business was an example of genuine farm diversification, owned and run by a farmer and his family and it thrived by offering local produce. In his opinion the proposal would not detract from the Area of Outstanding Natural Beauty and would not harm the viability of Chard town centre nor foster growth in travel. A large number of people already visited the shop, including passing trade, and some people walked from Chard. Furthermore, he said the application satisfied the relevant policies in the Local Plan regarding farm diversification. The applicant had listened to advice and reduced the size of the proposal by 30% and a condition was already in

place restricting the goods available for sale. The conditions were acceptable to the applicant as was a Section 106 agreement tying the shop to the farm.

The Planner confirmed that for the proposed scale of retail application in the countryside a retail assessment would be expected but had not been received from the applicant. The applicant's agent responded by saying he had not been asked for such an assessment.

There was some discussion on how far the shop was from Chard town centre, opinions ranging from $\frac{3}{4}$ of a mile to 3 miles. However, it was felt that accessibility might be a problem as it was at the top of a hill.

During further discussion, members speaking in favour of the application highlighted the following:

- The public sought out farm shops as they sold local produce.
- There was overwhelming support from local people for the development.
- There were no objections from shops in the town or from the town council.
- A Section 106 agreement would tie ownership of the shop and tea room to the farm.
- The addition of a kitchen was important to support sales in the shop.
- Use of the premises could be controlled by restricting the hours of opening.

Those members against the proposal drew attention to the following:

- The premises were growing beyond a farm shop and could not be controlled by conditions.
- There was the potential for the shop to become a large-scale operation.
- 40% of produce was outsourced.
- The tea room had the potential to be used as a restaurant.
- Overwhelming support was not a planning consideration.

The officer's recommendation to refuse the application was put to the vote and lost by 3 votes in favour and 4 votes against.

It was then proposed and seconded that permission be granted, subject to the satisfactory negotiation of a Section 106 agreement, restrictions imposed on the hours of opening of the tea room and seating in the tea room to be limited to the area shown on the plan and not to extend outside. This motion was carried by 4 votes to 3.

RESOLVED: that permission be granted, subject to the satisfactory negotiation of a Section 106 agreement tying the farm shop to the ownership of the farm and other appropriate conditions to include restricting the hours of opening of the team room and limiting seating in the tea room to the area shown on the plan submitted by the applicant.
