

## Officer Report On Planning Application: 16/02970/COU

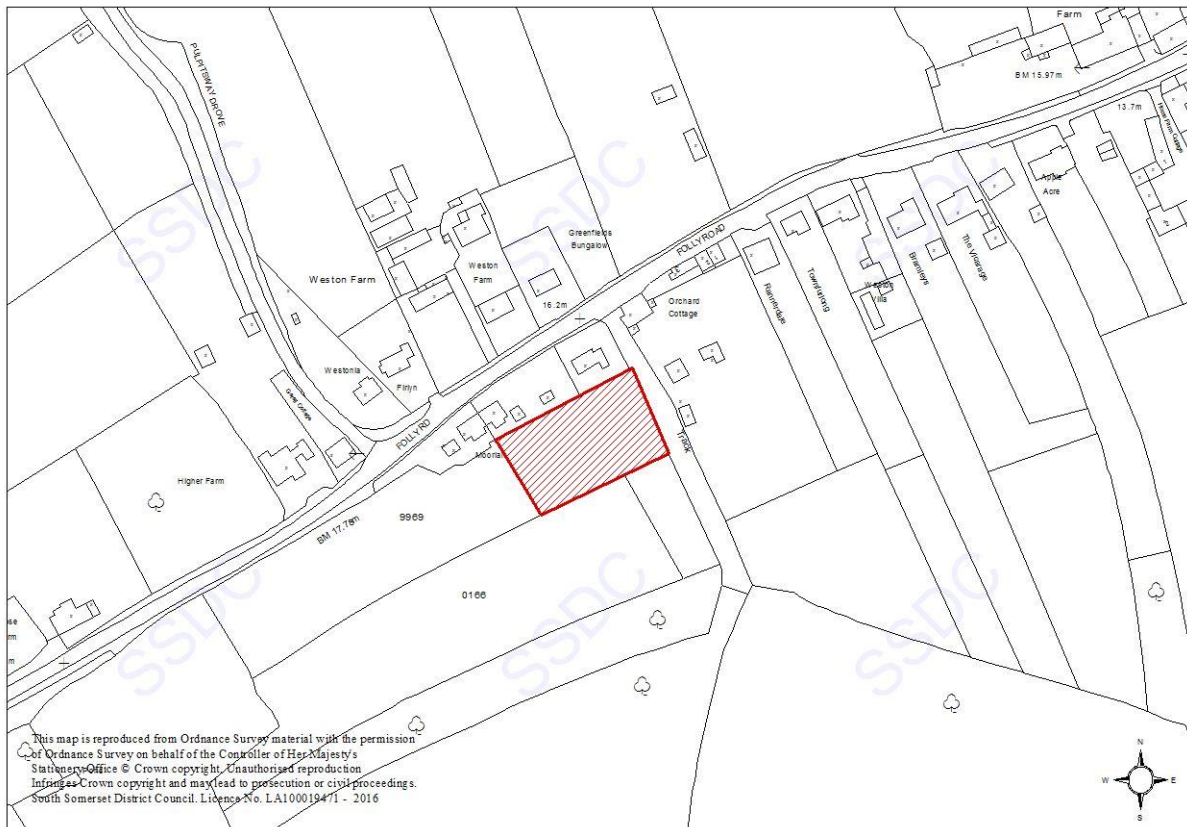
<b>Proposal :</b>	Change of use of agricultural land to form garden extensions for Bladon Way, West View and recently approved property in-between
<b>Site Address:</b>	Land Rear Of Bladon Way, Folly Road, Kingsbury Episcopi.
<b>Parish:</b>	Kingsbury Episcopi
<b>BURROW HILL Ward (SSDC Member)</b>	Cllr Derek Yeomans
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	26th August 2016
<b>Applicant :</b>	Mr James Cornelius
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area North Committee at the request of the Ward Member and agreement of the Area Chair, to enable a wider discussion of the key issues.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking the change of use of agricultural land to form garden extensions to the rear of Bladon Way and West View.

The land in question forms part of what was a single much larger field but has in recent years been subdivided in a number of separate plots of land by fencing running north to south to reflect the change in ownership of this land. The land in part already has a fairly manicured appearance as a result of it being closely mown and the incursion of some domestic paraphernalia. A green drove and public right of way, footpath L17/88, passes along the east boundary of this land with a mature hedgerow inbetween. There is an existing hedgerow growing along the south boundary.

#### RELEVANT HISTORY:

- 14/03597/FUL: Erection of one dwelling (in the garden of West View). Permitted.
- 12/04593/FUL: Erection of a single storey rear extension to dwelling (Bladon Way). Permitted.
- 12/00525/FUL: Erection of a single storey side extension car port to dwelling (Bladon Way). Permitted.
- 11/04354/COU: Change of use of agricultural land to form garden extensions to Bladon Way, West View and Moorlands. Permitted.
- 07/01487/COU: Change of use from agricultural land to residential curtilage (land rear of Moorlands). Refused and subsequently dismissed at appeal.
- 06/03008/COU: Change of use of land from agricultural to residential curtilage (land rear of West View). Refused and subsequently dismissed at appeal.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

EQ2 - General Development

National Planning Policy Framework:

Part 11 - Conserving and enhancing the natural environment

## **CONSULTATIONS**

**Kingsbury Episcopi Parish Council:** No objections. Because of the size of the individual plots (of land) they would have no agricultural use.

**County Highways:** Referred to their standing advice

**Landscape Officer:** I recollect this site from previous applications, and recall that the council approved a commensurate extension of garden space in 2012, but had previously refused larger extensions of the residential plots to the rear of Bladon Way; West View and Moorlands, which in turn were appealed, with the appeal dismissed. Whilst the extent applied for has changed again, as before, I do not support this application, for the proposal will result in an erosion of the countryside - by virtue of domestic expansion into agricultural land - and there is no intrinsic environmental enhancement in supplanting farmland with domestic paraphernalia. Additionally, by extending domestic land beyond the field boundary, and creating a new boundary at variance with the tithe field pattern, the proposal erodes the historic field pattern in the immediate locality. I view this as an adverse impact on local landscape character, and thus contrary to the objectives of LP policy EQ2. Consequently there are landscape grounds for refusal.

Should you find a case for approval, then please condition the new boundary to be demarcated by a native species hedgerow throughout the length of the new boundary, to thus lessen the landscape impact of the COU.

## **REPRESENTATIONS**

Written representations have been received from an adjacent neighbour who is objecting to the application noting that there has been a failure to comply with two of the conditions imposed as part of the previous permission (11/04354/COU). Under this earlier approval the planning officer went against two previous rulings by the Planning Inspectorate.

## **CONSIDERATIONS**

This application is seeking change of use of agricultural land to extend the rear gardens

belonging to the properties West View and Bladon Way and the new house to be constructed between these two properties.

The Landscape Officer has objected to this application as a matter of principle due to the loss of agricultural land to domestic use stating that there is no intrinsic environmental enhancement in supplanting farmland with domestic paraphernalia. He goes on to state that by extending domestic land beyond the field boundary and creating a new boundary at variance with the title field pattern the proposal erodes the historic field pattern in the immediate locality and would have an adverse impact on local landscape character, contrary to the objectives of LP policy EQ2.

This application follows two previous unsuccessful applications 06/03008/COU and 07/01487/COU which sought individual extensions to the rear of West View and Moorlands respectively and were sought in a piecemeal fashion. These applications were both refused for reasons similar to the concerns of the landscape Officer set out above and due to their piecemeal nature and position which would result in an awkward fragmentation of this field. A later application in 2011 (11/04354/COU) for a garden extension to Moorlands, West View and Bladon Way was granted subject to a number of conditions, including one requiring that all three garden extensions be carried out within six months and that a native hedgerow be planted along the new rear boundary.

Whilst the Landscape Officer's concerns are duly acknowledged it should be noted that the eastern half of this field has now been sold off separately to a number of different owners with the ownership of each parcel of land delineated by post and rail fencing to form three separate enclosures. This subdivision has already compromised the historic field pattern and character and appearance of this area and given the different ownership the prospect of this land being restored to a single 'strip' field at some time in the future seems remote. Furthermore, although the scale of the garden extensions are larger than those previously permitted, they are not out of kilter with the scale of gardens serving neighbouring properties to the east and as such it is difficult to argue that the current proposal would be out of keeping with the local pattern of development.

In recent years there has been increasing pressure for enlarged garden areas to serve these properties resulting in either the loss of any sort of rear garden boundary, in the case of Bladon Way, or the erection of fencing instead of a hedgerow in the case of Moorlands and West View.

The Landscape Officer rightly highlights the objectives of LP policy EQ2 which aims to conserve and enhance the landscape character of the area. It is acknowledged that the proposal will result in the loss of agricultural land and intrude into the original strip field pattern. However, the original strip field pattern is difficult to discern other than from aerial photographs and has already been eroded by the subdivision that has occurred. It is therefore considered that provided conditions are imposed to control the erection of new outbuildings, high fencing / walls within the garden extensions and a planting scheme secured to reinforce the existing hedgeline growing along the southern field boundary that adequate controls will be in place to prevent the intrusion of unwarranted built form and will offer a degree of enhancement in respect of the original field boundary.

Further to the above, it is noted that the two refused applications previously mentioned were both tested at appeal and that both of these appeals were dismissed. In regard to application 07/01487/COU the Inspector put great emphasis upon the attractiveness of the local small scale field pattern and observed that the proposal would interfere with the historic field pattern by removing a central section of this strip field from agricultural use, fragmenting the landscape in an unsympathetic way and detracting from its rural simplicity. He also commented that the proposal would undermine the clear boundary with the development envelope of the village.

The current application will maintain and reinforce the historic field boundary to the south and avoids the awkward fragmentation of this field that would have arisen from the other two schemes. Overall this proposal is considered to have addressed the Inspector's concerns.

In conclusion, provided the proposed garden extension is implemented in its entirety and the supplementary planting is secured by condition it is considered that the proposal accords with the aims and objectives of policy EQ2 and should therefore be approved.

## **RECOMMENDATION**

Grant consent for the following reason:

The proposed development, by reason of its siting, scale and layout, respects the rural character of the surrounding area and causes no demonstrable harm to visual or residential amenity in accordance with the aims and objectives of policy EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

## **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 location plan and site plan received 01/07/2016.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The change of use of the whole of the application site (as defined by the redline detailed on the approved site plan) shall be carried out in its entirety within six months of the commencement of this permission and shall be permanently retained and maintained in this manner thereafter.

Reason: To safeguard the character and appearance of the local landscape in accordance with policy EQ2 of the South Somerset Local Plan.

04. The development hereby permitted shall not be commenced unless details of a supplementary planting scheme, to include species, siting and numbers, to reinforce the existing hedgerow currently growing along the south boundary of the application site have been submitted to and agreed in writing by the local planning authority. The agreed planting scheme shall be completely carried out within the first available planting season from the date of commencement of the development. For a period of five years after the completion of the planting 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 safeguard the character and appearance of the local landscape in accordance with policy EQ2 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages or other outbuildings shall be erected on the garden land hereby permitted without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the local landscape in accordance with policy EQ2 of the South Somerset Local Plan.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no new fences, walls, gates or other means of enclosure greater than 1.2 metres in height shall be erected on the garden land hereby permitted without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the local landscape in accordance with policy EQ2 of the South Somerset Local Plan.

---