

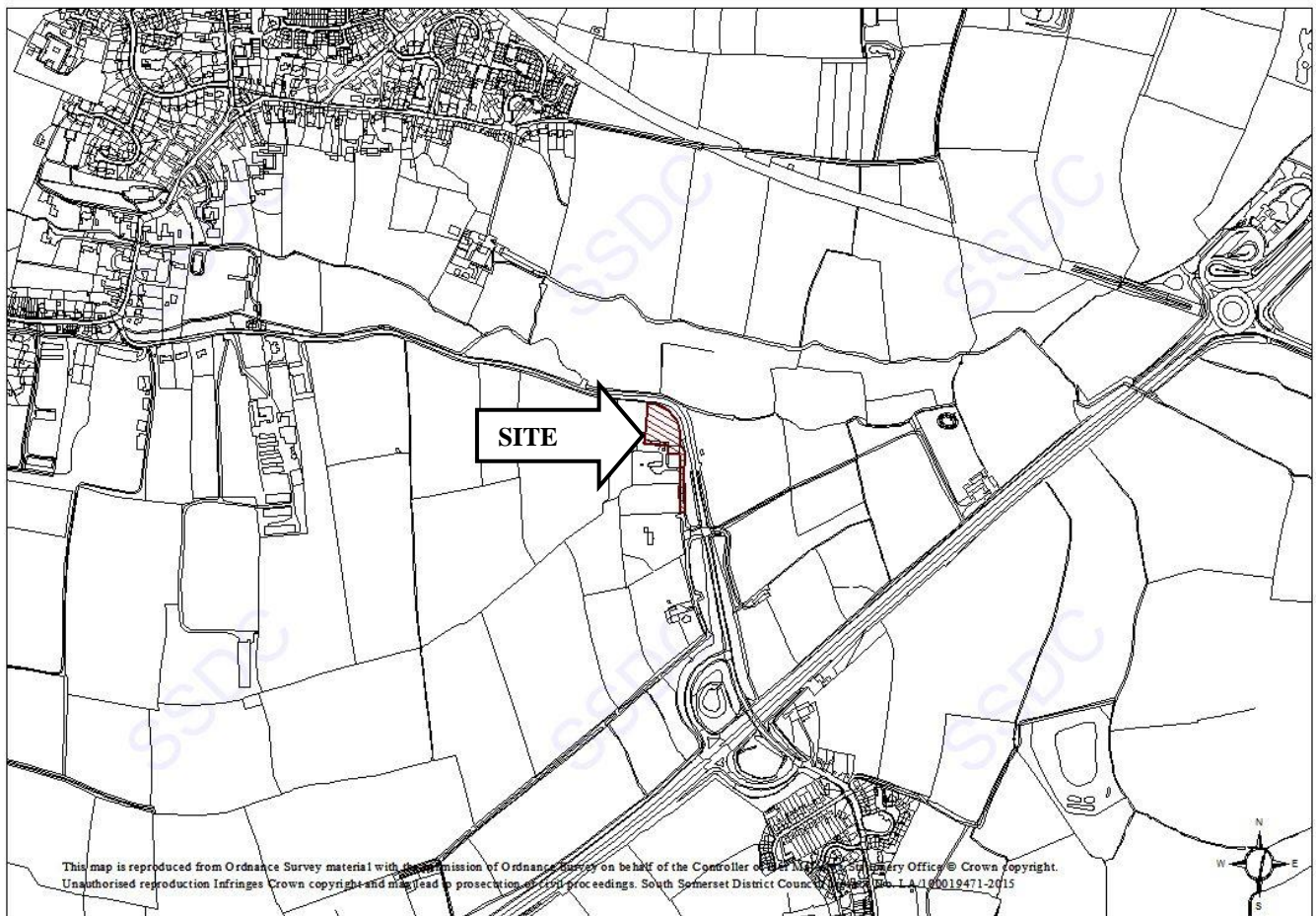
## Officer Report On Planning Application: 16/04453/FUL

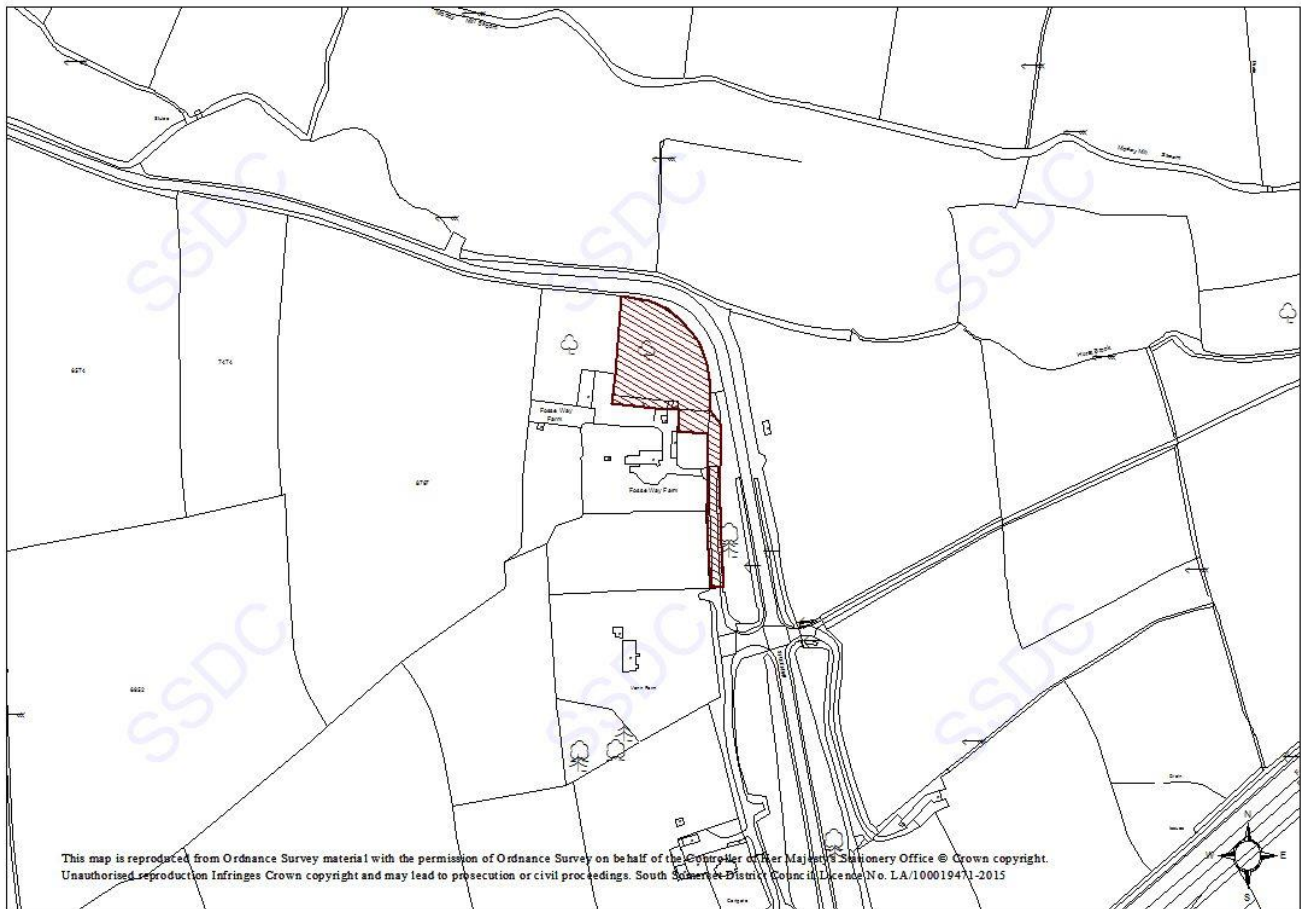
<b>Proposal :</b>	The Erection of 1no. dwellinghouse.
<b>Site Address:</b>	Land Adjoining Fosse Way Farm, Stoke Road, Martock.
<b>Parish:</b>	Martock
<b>MARTOCK Ward (SSDC Members)</b>	Cllr Neil Bloomfield Cllr Graham Middleton
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	18th January 2017
<b>Applicant :</b>	Sarah Dike
<b>Agent: (no agent if blank)</b>	Shaun Travers, Boon Brown Architects (3671), Motivo, Alvington, Yeovil BA20 2FG
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Ward Members with the agreement of the Area Chair to enable the issues raised to be fully debated by Members.

### SITE DESCRIPTION AND PROPOSAL





The application relates to an orchard to the north of Fosse Way Farm, a detached, pre-war dwelling located in the open countryside remote from any defined development areas or established settlements. The site contains a single storey former agricultural building that has recently been granted prior approval for conversion to a dwellinghouse, under Part 3 Class Q of the General (Permitted Development Order) (England) 2015.

The proposal is made to erect a large detached dwellinghouse at the centre of the site, effectively replacing the permitted development barn conversion, which is to be demolished with the rear wall to be retained as the boundary with Fosse Way Farm. The dwelling is proposed to be constructed with a mix of natural stone, timber cladding and glazing, with reclaimed plain tile roof.

## HISTORY

15/01837/PAMB: Prior approval from agri to dwellings - Prior approval granted.

14/04237/FUL: Erection of an ancillary annexe to dwellinghouse (retrospective) - Permitted with conditions.

13/04764/OUT: Outline application for the erection of a detached dwellinghouse - Refused by reason of its unsustainable location. This decision was appealed against and the appeal dismissed.

## POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the

development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1 - Sustainable Development  
SS1 - Settlement Strategy  
SS2 - Development in Rural Settlements  
EQ2 - General Development  
EQ4 - Biodiversity  
TA5 - Transport Impact of New Development

### **National Planning Policy Framework**

Core Planning Principles - Paragraph 17  
Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 11 - Conserving and Enhancing the Natural Environment

### **National Planning Practice Guidance**

Design  
Natural Environment  
Rural Housing

### **Policy-related Material Considerations**

Somerset County Council Parking Strategy (September 2013)  
Somerset County Council Highways Development Control - Standing Advice (June 2015)

## **CONSULTATIONS**

**Parish Council:** No objections.

**SCC Highway Authority:** Standing Advice applies.

**SSDC Highway Consultant:** It would appear that the principle of residential development at this location has been accepted by the Prior Approval for the conversion of the agricultural building to a dwelling. The means of access appears reasonable. Ensure sufficient on-site parking is provided in line with the Somerset Parking Strategy standards.

**SSDC Ecologist:** No comments nor recommendations to make, having considered the applications and submitted bat survey report.

**SSDC Landscape Architect:** Noting the principle of a residential unit in this location has been established through the earlier PAMB, and the site to be well-contained by bounding features, I have no substantive landscape issues to raise.

Should you be minded to approve, please condition a scheme of planting, aimed to (a) substantiate the existing boundaries, and (b) introduce select tree planting within the plot, to soften the outline of this enlarged (relative to the scale of the PAMB proposal) residential form.

## **REPRESENTATIONS**

None

## **CONSIDERATIONS**

### **Principle of Development**

The application site is located in open countryside, remote from any key services or facilities. It is to the west of Stoke Road, between the two nearest settlements of Martock and Stoke Sub Hamdon, however due to distance and lack of safe walking routes, occupiers of the proposed development would be reliant on private motor vehicle transport for their day-to-day needs. For this reason, the site is unacceptable located and any new unjustified housing development would constitute unsustainable development, contrary to the aims and objectives of the NPPF and saved policy SD1 of the South Somerset Local Plan.

In this case, the applicant has sought to justify the proposal on the basis that the proposed dwelling will replace the dwelling permitted by Part 3 Class Q of the GPDO. There are no planning policy grounds to support such a replacement dwelling, as barn conversions are usually only allowed in unsustainable locations under a specific exception policy, or as permitted development, as in this case. Notwithstanding the lack of policy, it is noted that the Local Planning Authority have given advice to applicants and agents that in some circumstances there may be a case to take a permissive approach to the substitution of a barn conversion allowed under permitted development rights, with a new build dwelling. This is however on the basis that the new build dwelling would offer enhancements over the approved scheme. In this case, the applicant argues that the proposal would allow for a dwelling with a much more efficient layout and that would be built to a much higher standard in sustainability terms.

The above is generally accepted and will be given weight in the final assessment of this application, alongside other issues such as visual impact, residential amenity and highway safety.

### **Scale and Appearance**

Policy EQ2 states that "development will be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district." Furthermore, development proposals...will be considered against (among other things):

- Conserving and enhancing the landscape character of the area
- Reinforcing local distinctiveness and respect local context
- Local area character
- Site specific considerations

Guidance within chapter 7 of the NPPF (requiring good design) states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making better places for people." The Core Planning Principles contained within paragraph 17 of the NPPF repeat the need to "always seek to secure high quality design."

In this case, the dwelling proposed, is considered to be an inappropriate design, which fails to respect the prevailing character of development found locally, thereby failing to reinforce local distinctiveness or respect local context. The proposed dwelling will have a bulky appearance, with design elements and proportions that fail to respect the design characteristics and general form of a development traditionally found within the district.

The Landscape Officer has raised no substantive landscape issues on the basis that the principle of a

residential unit is established and that the site is very well-contained limiting any opportunities to see the development form beyond the site. Notwithstanding this, it should be noted that the dwelling permitted is through an exception to general planning policies strictly controlling development in open countryside locations such as this. Despite the comments made in the submitted planning statement (paragraph 6.2), the permitted barn conversion does not benefit from permitted development rights, which are explicitly removed in the relevant permitted development classes in Part 1 of the GPDO. It is also noted that the domestic curtilage of the permitted dwelling is only limited to the size of the building itself. This development proposal not only seeks to substantial increase the mass of built form on site but also spreads development further into greenfield land, opening up the possibilities for additional built form, unless of course permitted development rights are specifically withdrawn in the grant of any permission.

Taking into account the lack of enhancements over and above the permitted dwelling, and noting the additional harm identified above, the proposed dwelling is considered to be unacceptable and it is therefore deemed appropriate to recommend refusal.

### **Highway Safety**

The Highways Authority has raised no specific objection, stating that Standing Advice should be applied. Similarly the Council's Highway Consultant has raised no objection, noting the existing permitted development that would make use of the same existing access. The proposal can easily accommodate the parking needs for this dwelling.

Overall, the proposal is not considered to have any detrimental impact on highway safety and general accords with highway Standing Advice.

### **Residential Amenity**

The proposed development is located at sufficient distance from the adjoining dwelling, Fosse Way Farm to avoid any unacceptable impact on residential amenity. There are no other immediately adjacent properties that would be affected.

### **Other Issues**

A bat survey has been submitted in support of the application, the outcomes of which identified no bat activity. The Council's Ecologist has considered the report and has no objections. It is therefore considered that the proposal would have no adverse impact on local ecology.

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district. In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore the Local Planning Authority are not seeking an affordable housing obligation from this development.

### **Conclusion**

The proposed development is considered to be of a design, scale and appearance that fails to reflect local distinctiveness and has an adverse impact on the character of the area. The development proposal is therefore considered to be unacceptable and fails to meet the aims of sustainable development.

## **RECOMMENDATION**

Refuse permission

### **FOR THE FOLLOWING REASONS:**

01. The proposal, by reason of its siting, design, scale, proportions, bulk and massing, represents an incongruous form of development that fails to respect the established character and appearance of the locality, reinforce local distinctiveness or respect local context, contrary to policies SD1 and EQ2 of the South Somerset Local Plan (2006-28) and aims and objectives of the National Planning Policy Framework.

### **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, the applicant/agent did not take the opportunity to enter into pre-application discussions and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

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