

Officer Report On Planning Application: 21/00199/FUL

Proposal :	Change of Use, Conversion and Extension of Former Piggery Building & Adjacent Store Building into Self-Contained Holiday Let Accommodation with Swimming Pool, Associated Parking and Amenity Space.
Site Address:	Foxcub Meadow Farm, Wambrook, Chard, Somerset, TA20 3EU
Parish:	Wambrook
BLACKDOWN, TATWORTH & FORTON Ward (SSDC Member)	Cllr M Wale Cllr J Kenton
Recommending Case Officer:	David Alabi (Specialist) Tel: 01935 462279 Email: david.alabi@southsomerset.gov.uk
Target date :	26th April 2021
Applicant :	Mr and Mrs D Nicholls
Agent: (no agent if blank)	Mr Paul Rowe Paul Rowe Architectural Services 11 Mervyn Ball Close Chard, TA20 1EJ
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Committee at the request of the ward councillors given the level of interest in the application proposals.

SITE DESCRIPTION AND PROPOSAL





The application site is located off a cul-de-sac road south of Wambrook, a village to the south of South Somerset District Council, approximately 5km west of Chard and to the south of the A30. The cul-de-sac serves 6 dwellings and the site is within the open countryside and is farmland previously used as a piggery. The whole site is within the Blackdown Hills Area of Outstanding Natural Beauty.

Planning permission is sought for the change of use, conversion and extension of the former piggery building & adjacent store building into self-contained holiday let accommodation with swimming pool, associated parking and amenity space. The holiday unit would have 10 ensuite bedrooms and be provided with 9 parking spaces.

HISTORY

19/03460/PREAPP: Conversion of former piggery into catered holiday let unit - Favourable advice provided

01/01884/FUL: Erection of a dwelling - Refused

01/00756/OUT: Erection of a dwelling - Refused

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

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 grant 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.

The relevant policies in the Local Plan are:

SS1 - Settlement Strategy
SD1 - Sustainable Development
SS2 - Development in Rural Settlements
EP5 - Farm diversification
EP8 - New and Enhanced Tourist Facilities
EQ2 - General Development
EQ4 - Biodiversity
TA5 - Transport Impact of New Development
TA6 - Parking Standards

The relevant sections of the National Planning Policy Framework 2021 (NPPF) are:

Chapter 2 - Achieving sustainable development
Chapter 5 - Delivering a sufficient supply of homes
Chapter 6 - Building a strong, competitive economy
Chapter 12 - Achieving well-designed places

CONSULTATIONS

A site notice has been displayed

Parish Council - No response received

Natural England - No objections

Blackdown Hills AONB Partnership commented as follows:

Our original comments remain applicable and in respect of those there are two points in particular that are noted from the additional information:

It is noted that the hedge planting has been amended so it does now form a continuous length that links to the existing field boundary west of the building, which is in line in principle with our previous response, however it doesn't appear to follow a natural line so may appear as an unnatural feature in the landscape if this is the extent of the landscape mitigation referred to in the additional information document.

No further details have been provided on the 'agricultural style' design, and so there is no reassurance on issues such as render colour, roof or window materials that would help to minimise visual impact.

Original comments:

The Blackdown Hills Area of Outstanding Natural Beauty is primarily a pastoral landscape that has retained a sense of remoteness and remains largely unspoilt by modern development. It is a lightly settled area characterised by expansive views over field-patterned landscapes. The Planning and Development section of the AONB Management Plan notes that attention should be given to noise and activity arising from developments together with lighting to avoid having an adverse impact on the area's tranquillity and dark skies. Consequently, the AONB Partnership believes that proposals in the more rural parts of the AONB in particular, such as Wambrook in this case, should be given very careful consideration as to their potential impact on the natural beauty of the area, local character and enjoyment of its associated special qualities. The elevated nature of the site amplifies the need for such considerations.

It is therefore disappointing that although pre-application advice highlighted the need to consider design, visual impact and the AONB, this appears to be only superficially covered in the application and opportunities for enhancement in line with policies EQ2 and EQ4 of the local plan have not been taken. For example, an ecological assessment of the wider site rather than just the building could have identified more meaningful and detailed recommendations for enhancements other than the basic provision of bat/bird/bee boxes/bricks, which would have landscape and biodiversity benefits as well as adding value to the tourist offer. This might include hedgerow restoration / planting, wildflower meadow, orchard planting for example.

In any event, details and design considerations will be crucial as to whether proposals would conserve or enhance the AONB and in this regard, the following aspects of the application deserve particular attention:

- There would be more value to the hedge indicated on the plans if it connected to the wider hedge/tree network. The distance of hedge referenced in the ecology report is not reflected on the plans; 'low level planting' rather than hedge along the parking area is shown. At the very least, it would be useful for the entire length of hedge to be continuous. Any planting should be appropriate mixed native species.
- Roofing material to be matt finish/non-glare
- Metal or timber doors and windows would provide a more traditional/agricultural appearance
- Will the render be coloured/painted? If so, a muted, natural tone should be used
- Recognising that the railings may be required for safety reasons, their appearance/materials used should be appropriate to the rural setting
- Any external lighting should be minimal, well positioned and directed to avoid unnecessary light spill.

SCC Highways - Standing advice applies.

SSDC Highways Consultant have commented as follows:

The highway impact of the scheme on the local highway network is unlikely to be significant or severe especially when considering the traffic that has or could be generated by the extant agricultural use of the sheds.

It would be useful to know the exact width of the access; the applicant should confirm the extent of visibility splays.

Four parking spaces are required for each dwelling.

Electric charging points should be included.

REPRESENTATIONS

Surrounding occupiers have been consulted: Two letters of support have been received for the following reasons:

- The overall scale is modest
- The proposal makes use of an un-utilised farm building and will have a minimal impact on traffic flow
- It would also free up accommodation in the village for other families
- The proposal is in-keeping with local vernacular

Forty-two letters of objection have been received for the following reasons:

- The addition of trees and bat boxes does not detract from the overall application being inappropriate for the location.
- Infrastructure of the area is unsuitable for such a sizeable development
- Traffic access is only staggered on change over days but the increased volume will remain the same
- The only beneficiary would be the proprietors and local pub
- Negative effect on the landscape AONB/ESA
- Unacceptable noise and light pollution having an adverse effect on local environment and ecology
- The proposal does not comply with local planning policy
- The scale of the development would render the farm de-Minimis
- Increased flood risk
- The development is out of scale and too significant
- The amendments do not ameliorate the original objections
- Photographs taken at chosen vantage points
- Similar applications like this have had problems
- The project is too big and not appropriate in the AONB
- The utilitarian design is not in keeping with the AONB
- Huge increase in sewage
- Lack of sustainability and renewable energy
- Noise, disturbance and pollution
- Increase in population of the lane
- Unsympathetic design
- Increased traffic will give rise to safety concerns for pedestrians
- The use will attract hen/stag parties

In support of their application, the applicant has included a summary business plan and a statement that confirms that the applicant has extensive experience in the management of the hospitality trade. They have also advised that they live within close proximity of the site.

The statement also advises that the applicant will operate a staggered regime to reduce traffic congestion along with signage relating to good practice.

CONSIDERATIONS

Principle of the development

The site is located within open countryside where development is strictly controlled. In this case, the proposal is for tourist accommodation utilising an existing building. (With extensions) Paragraph 81 of the NPPF states that:

"Planning policies and decisions should help create the conditions in which business can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development".

Paragraph 84 of the NPPF seeks to support a prosperous rural economy. More specifically, the NPPF states that planning policies and decisions should, among other things, enable sustainable rural tourism and leisure developments, which respect the character of the countryside.

Local Plan Policy EP8 of the South Somerset Local Plan (2006-2028) states that:

"In order to sustain the vitality and viability of tourism in the district, new and enhanced tourist facilities will be supported where:

- They are of a scale appropriate to the size and function of the settlement within which they are to be located;
- The proposal ensures that the district's tourist assets and facilities are accessible through sustainable modes of travel including cycling and walking;
- They do not harm the district's environmental, cultural or heritage assets;
- They ensure the continued protection and resilience of the district's designated nature conservation features;
- They benefit the local community through access to facilities and services; and
- There is no adverse impact on Natura 2000 and other internationally and nationally designated sites

There must be an identified need for tourist facilities in the open countryside, which is not met by existing facilities."

Due to the isolated location of the site, it is necessary to demonstrate that there is an identified need for the accommodation. A Business Plan should normally support an application for planning permission and include justification in respect of a bona fide business enterprise, its viability, marketing and how the accommodation will contribute to the rural economy.

In planning terms a holiday let is somewhere that provides a short term let, normally no longer than 4 weeks, and accordingly such approvals normally carry a condition to restrict this.

As noted above, the proposals are for the re-use of an existing, permanent building. Whilst located away from the village centre, the re-use of former agricultural buildings to provide for employment or holiday uses is a common theme within the district, which contributes positively towards the local economy. It is considered that the principle of this form of development is

acceptable therefore; other material planning considerations will need to be assessed.

Visual impact and effect on the landscape

Chapter 12 of the NPPF requires a high standard of design in new development. The emphasis on design and its appropriateness is echoed by policy EQ2 that requires that development, among other things, reinforcing local distinctiveness and respect local context.

The piggery is a long rectangular building that is established on the site. The existing building is clad in grey render under a corrugated grey roof. The overall structure is relatively unobtrusive, however the building's presence and general scale is established. The building will be extended by two additions either side of the existing structure. These extensions will follow the overall form of the existing structure with low-pitched roof and simple elevations. The proposed alterations and extensions provide functional changes to the appearance of the building.

The AONB Partnership have raised concerns about the details of the design and finish. It is considered however, that full details in this respect could be made subject of a condition should planning permission be granted for the proposal. Again, a similar approach could be adopted in relation to landscaping with a condition requiring hedgerow restoration, some additional planting, a wildlife meadow and the planting of Orchards.

It is considered that the proposal would comply with the requirements for good design as outlined in Chapter 12 of the NPPF and Policy EQ2 of the South Somerset Local Plan.

Ecology

There are no nature conservation or habitat designations in the immediate area or the wider context that would be impacted by the development. The applicant's ecology report was reviewed by Somerset Ecology Services and considered acceptable subject to the application of planning conditions.

Residential Amenity

The site is located some 80m from the nearest dwelling. Whilst the application proposal would increase the level of activity, deriving from the currently redundant piggery building this would remain within the context of the noise arising from a residential conversion. This would include noise arising from the holiday users as well as vehicle movements; however, this would be within the context of what is overall a modest tourist conversion proposal. There is no objection from the Environmental Protection Unit that such a use would be incompatible with the sites rural setting. It is therefore considered that the proposal would comply with Policy EQ2 of the South Somerset Local Plan.

Impacts arising from the conversion of the piggery on neighbouring privacy and amenity are assessed through Policy EQ2 of the South Somerset Local Plan, which stipulates that development should avoid overlooking and protect the amenity of existing residents.

It is considered that the proposal would be compliant with chapter 12 of the NPPF and Policy EQ2 in respect of the protection of the amenities of neighbouring residents.

Highway Safety

With regard to the level of activity generated by the proposed use and its scale, the applicant's assertion that arrival times would be staggered would appear reasonable and indeed such matters could be controlled by appropriate management measures that could be included in a management plan which could be made subject of a relevant planning condition as the scale of development is not considered to be excessive.

There have been no highway objections in principle subject to details regarding visibility splays and in light of this, it is considered that the proposed use would not give rise to any significant expansion of traffic movements to and from the site. In the circumstances, it is not considered that highway safety would be compromised. The proposal would therefore comply with Policies TA5 and TA6 of the South Somerset Local Plan.

CONCLUSION

The proposal relates to the re-use of an existing redundant building to provide for a holiday use. The building proposed for conversion and extension will measure some 167m² footprint. The need for a planning application (as opposed to a prior approval) derives from the site's location within the Blackdown Hills AONB. The NPPF seeks to find beneficial re-uses for redundant rural buildings with holiday and employment uses being commonly considered. This application is looking to meet a need for a single, larger tourist facility rather than the more typical subdivision into smaller 2-3 bedroom units. Notwithstanding the internal configuration proposed the scheme will contribute towards the local visitor economy and is of a scale that is compatible with the local environment. There is a need to control the cladding of the building as well as any balconies and railings and to secure a lighting management plan given the site's location within the AONB.

The proposal will result in a more intensive use of the building but this would be the case for any re-use of a redundant building and it is not considered that given the scale of use proposed and separation that these concerns outweigh the benefits of the proposal. The proposed development would represent an acceptable use of the site which would not result in a significant adverse impact on the AONB, neighbouring occupiers or highway conditions in the area. For these reasons, the proposal would accord with Policies EP5, EP8, EQ2 and EQ4 of the Local Plan and the guidance contained in the National Planning Policy Framework.

RECOMMENDATION

Approve with conditions

01. The proposal, by reason of its size, scale, location and design, would have no adverse effects on the character of the area and would cause no demonstrable harm to visual and residential amenity or highway safety in accordance with Policies EQ2, EQ4, TA5 & TA6 of the South Somerset Local Plan (2006-28) and the provisions of the National Planning Policy Framework 2021.

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 referenced:

NPHLAP1 - Existing plans and elevations
NPHLAP2 Rev 1 - Proposed plans and elevations
NFMHLP P3 - 1:500 - Block/roof plan as existing
NFMHLP4 Rev 1 - 1:500 - Block/roof plan as proposed
1:1250 - Site location plan as existing

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

03. Details of the external surfaces of the holiday accommodation shall be submitted to and approved in writing by the local planning authority prior to the completion of construction works above ground level. The development shall thereafter accorded with the approved materials.

Reason: To ensure the proposed development is completed in accordance with Policy EQ2 of South Somerset Local Plan and the provisions of the National Planning Policy Framework 2019.

04. The accommodation to be provided within the development hereby approved shall not be occupied at any time other than for bona fide holiday makers. Occupation by holiday makers shall be for individual periods not exceeding 4 weeks in total in any period of twelve weeks. The owners/operators shall maintain an up-to-date register of the names of owners/occupiers of the units hereby approved, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: The application has been assessed on this use only and not as separate residential planning units and in the interest of highway safety and residential amenity and to accord with policies EP8, EQ2 and TA5 of the South Somerset Local Plan (2006-2028)

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the following shall not be implemented/erected on the holiday let accommodation hereby approved or within the approved curtilage without the prior express grant of planning permission (other than those expressly authorised by this permission and shown on the approved plans).

- No extensions

- No porches
- No addition or alterations of the roof
- No outbuildings, garages, swimming pools or enclosures

Reason: In the interests of visual amenity and landscape character and to accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

06. Prior to the building hereby approved being first brought into use, a management plan to cover the provision and timings for use of any outside lighting, together with the hours of both arrival and departure of guests at the start and end of bookings shall be submitted to and approved in writing by the local planning authority and the measures therein shall be maintained permanently thereafter.

Reason: In the interests of the amenities of surrounding occupiers to accord with Policy EQ2 of the South Somerset Local Plan 2006-2028.

07. No development shall take place above ground until full details of the provision and subsequent retention of landscape works on the site have been submitted to and approved in writing by the local planning authority. These details shall include:

- 1) Details of proposed schedules of species of trees and shrubs to be planted, which should include hedgerow restoration / planting, wildflower meadow and orchard planting.
- 2) Details of the aftercare and maintenance programme

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development unless otherwise agreed in writing by the local planning authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation

Reason: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policies EQ2 and EQ4 of the adopted South Somerset Local Plan 2006-2028.

08. No development shall commence [above ground level] until details of the surfacing materials to be used within the courtyard and car parking areas, paths and any other hardstanding areas shown on the approved plans have been submitted to and agreed in writing by the local planning authority. The surfacing materials of the development shall be implemented in accordance with the details as approved.

Reason: In the interests of visual amenity and character of the area to ensure that the proposed development is integrated with its surroundings in accordance with policy EQ2 of the adopted South Somerset Local Plan 2006-2028.

09. Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be

submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

10. Full details of mitigation measures to include Bat boxes, Bee bricks, Swift bricks and Swallow cups shall be submitted to and approved in writing by the local planning authority. The approved scheme will be implemented in accordance with the approved details prior to the first use of the holiday accommodation hereby permitted and thereafter maintained in the approved condition permanently thereafter.

Reason: In order to create the conditions to enable biodiversity and create conditions for varied species to be accommodated in accordance with policy EQ4 of the adopted South Somerset Local Plan 2006-2028.

11. Full details of visibility splays shall be submitted to and approved in writing by the Local Planning Authority, implemented in accordance with the approved details prior to the first use of the development hereby permitted and maintained in the approved condition permanently thereafter.

Reason: In order to safeguard highway conditions in accordance with Policy TA5 of the South Somerset Local Plan 2006 -2028.

12. Full details of the location of 6 Electric charging points shall be submitted to and approved in writing by the Local Planning Authority and the approved charging points shall be installed in accordance with the approved details prior to the first use of the holiday accommodation hereby permitted.

Reason: In order to safeguard the amenities of the area in accordance with Policies EQ2 and TA5 of the South Somerset Local Plan 2006-2028.

13. No vegetation removal works or demolition of buildings or structures shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by

dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

Informatives:

01. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
02. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.