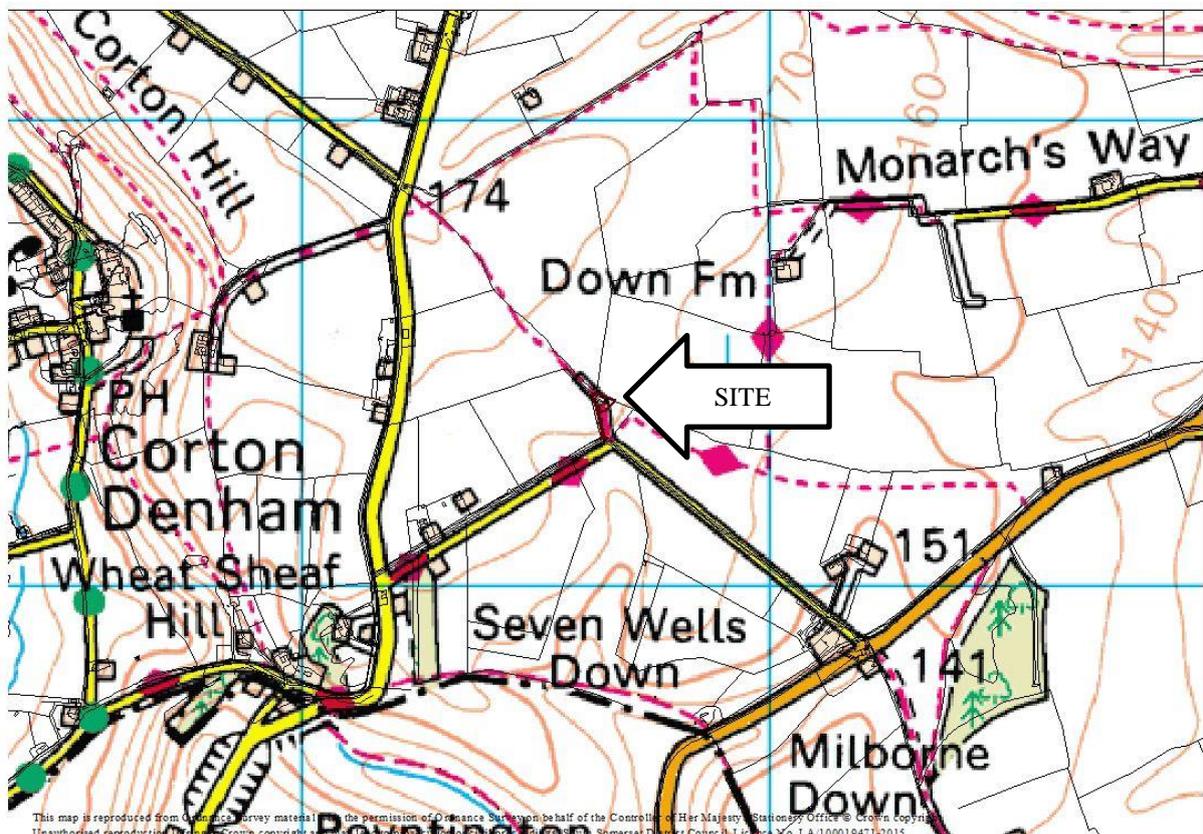


**AREA EAST COMMITTEE**  
**Officer Report On Planning Application: 15/02951/FUL**

<b>Proposal :</b>	Carry out alterations and conversion of agricultural building to residential and business use (GR:364683/122368)
<b>Site Address:</b>	Barn At Land OS 6540 Fiddlers Green Lane Corton Denham
<b>Parish:</b>	Milborne Port
<b>MILBORNE PORT Ward (SSDC Member)</b>	Cllr S Dyke-Bracher
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date :</b>	28th August 2015
<b>Applicant :</b>	Mr & Mrs N Bourne
<b>Agent: (no agent if blank)</b>	Mr Diccon Carpendale Wessex House High Street Gillingham Dorset SP8 4AG
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

The application is brought to committee at the request of the Ward Member and by agreement with the Area Chair to enable the issues raised by members of the public to be discussed further.

**SITE DESCRIPTION AND PROPOSAL**





This application is seeking alterations and the change of use of a redundant agricultural barn to a dwelling with associated business use.

The application building occupies an elevated site in the open countryside but actually falls within the parish of Milborne Port. The barn is set back from the road along a single track drive which gives access to fields beyond. There are two public rights of way in close proximity to the site, one passing along the access drive and one passing through the field immediately to the east. The barn is a stand alone building situated away from other built form and is constructed mainly from concrete blocks and timber boarding with profiled metal sheeting for the roof. There are no close neighbours to the site.

The applicant is self-employed and is responsible for organising local events, predominantly cycling events. Part of the proposal is to have an office to run this business as well as a storage area for the associated equipment required (barriers, marquees, tables etc). The applicant says that these items are only required occasionally and the ability to store them at their own property would be far more convenient and would take away the need to pay for off-site storage.

## HISTORY

12/03185/COL: Application for a Certificate of Lawfulness for the existing use of an agricultural barn as a dwelling house. Refused.

93/01561/FUL: The erection of a general purpose agricultural building. Permitted.

96438: Erection of an agricultural dwelling and alterations to existing access. Refused.

## 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

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HG4 – Provision of Affordable Housing – Sites of 1-5 dwellings

EQ2 - General Development

EQ4 - Biodiversity

EQ7 - Pollution Control

National Planning Policy Framework

Part 1 - Building a strong, competitive economy

Part 3 - Supporting a prosperous rural economy

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting Healthy Communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

## **CONSULTATIONS**

**Milborne Port Parish Council:** No objection

**Corton Denham Parish Council (adjoining parish):** The land in question lies just outside the parish boundary of Corton Denham, although any immediate impact will first be felt by the inhabitants of our village. The resident nearest, about two hundred yards down the road to the proposed development, had expressed several concerns but has since met with the applicant and had her worries about the previous owner being refused planning permission and the conversion itself allayed. She has however commented that as far as the business aspects go I would expect the planners to examine the application very carefully from that angle, to protect the rural nature of the immediate area and the extreme narrowness of the lane on which the barn stands.

The Parish Council would make no particular representations, but do ask that SSDC take this parishioner's particular comments into account when considering the application, and also more general concerns over setting precedents for the future with respect to mixed commercial use, likely expansion of business, and narrowness and inappropriateness of the road for commercial vehicles.

**Charlton Horethorne Parish Council (adjoining parish):** No comments received.

**County Highways:** Referred to their standing advice which requires a minimum of three parking spaces plus additional space for turning on site.

**SSDC's Highway Consultant:** No objection to the revised access arrangements.

**SCC Rights of Way:** No objections.

**Environmental Health:** No comments.

**Ecologist:** No comments or recommendations.

**Landscape Officer:** Objects.

The recently published PPG (Natural Environment) has re-iterated the necessary role of landscape character assessment in planning for change due to development without sacrifice of local character and distinctiveness. An understanding of landscape character is also utilised to help determine a view on what may - or may not - be acceptable in terms of development in any particular landscape. It is this capacity of landscape character assessment to inform appropriate development that is pertinent to this application, along with the need for any proposal to conserve and enhance local landscape character, and reinforce local distinctiveness, to comply with local plan policy EQ2. With that as policy context for my evaluation, turning to this proposal;

1) The site is located toward the head of Seven Wells Down, 1 km. to the east of Corton Denham. The landscape of this area is characterised by open, elevated downland, which is largely featureless, with few trees and hedges present, which allows the contour of the underlying geology to be expressed. Many of the large fields possess broad, sweeping vistas of predominantly arable land across the hilltops. This general area of elevated open land comes close to the equivalent of the character of the Dorset Downs, and is the prime area of downland within this district. There is a lack of development presence, with the few buildings in this vicinity well dispersed over the head of the downs. With village settlements being located in lower, sheltered combs, there is a distinct sense of remoteness over this higher land, and minimal domestic expression.

2) This character description portrays a landscape that has a minimal development presence. A sense of remoteness, combined with the open and relatively featureless character of the downland, allows a potential for development to intrude into this landscape. Whilst this is an existing agricultural building, as such a singular barn is not altogether at variance with the isolation of this location. However, it is clear that the introduction of an extension to the building,; the consequent aggregation of built form; and the introduction of domestic features such as the large glazed areas, and gravelled areas, would introduce elements that are at variance with the character of the area, and have the capacity to intrude into the understated, open character of the downs, and I would assess this to be a negative landscape impact.

3) The extent of a location's isolation from factors contributing to visual or noise intrusion, to thus be considered unspoilt by urban or development issues, is a measure of its tranquillity, which is a factor contributing toward the sensitivity and characterisation of a landscape. This location enjoys a substantial measure of tranquillity, in its remoteness from settlement, and distance from the main road network, which contribute to the general quiet, and a 'dark sky' backdrop at night. These 'tranquil' factors contribute to the landscape sensitivity of the downland. This application will introduce night-light; vehicular use; and activity typically associated with residential use in this 'dark-sky' and little-developed location. As such, it constitutes a subtle erosion of the tranquillity of this general area, and its contribution to landscape sensitivity and character, to be a further negative landscape impact in the consideration of this application.

4) Visibility becomes an issue when an application proposal creates an adverse landscape impact. Not only is this extended, domesticated proposal set within an open landscape, to have the capacity to intrude into the little-developed character of the open downland, it will also

be clearly visible from the local rights of way and by-road network, and due to its general elevation, can be viewed as a skyline feature from some quarters. The Monarchs Way - a regional trail and thus a sensitive receptor - runs immediately by the side of the property, from where the change in character is clearly evident to negative effect. Hence I would view this proposal as introducing an uncharacteristic and obtrusive visual element into the locality.

Given the clear adverse landscape effects of the proposed domestic conversion/extension works, along with the change of use of agricultural land to residential, with the subsequent loss of agricultural land, I view the proposal as failing to meet both national planning guidance relating to landscape, and our LP policy EQ2, and advise grounds for objection. As an aside, had this come in as a Part Q, it would clearly be considered 'undesirable' from a landscape standpoint, which recent Inspectorate decisions have indicated to be a valid assessment criterion.

## **REPRESENTATIONS**

Written representations have been received from three local residents expressing the following concerns and objections:

- Taking into account paragraph 55 of the NPPF the application should be refused.
- The application is for housing in a very isolated, open, rural and farmed countryside which does not and will not enhance, contribute to or help to maintain the vitality of a rural community.
- This is not the type of dwelling needed to sustain our local communities being financially out of reach and positioned in too isolated a location.
- LPA's should avoid isolated residential applications such as this because there is no special circumstances.
- It is not viable to turn this part wood clad barn into a residential property.
- The application will not enhance the immediate setting of the barn, quite the opposite it will change its existing completely rural aspect.
- The barn is perfectly practical for agricultural use.
- The building is completely unsuitable for a house and would spoil the lovely countryside all around, especially with one end all in glass.
- The design is not innovative or outstanding in any way or of a high standard, offers no enhancements and will be detrimental to the rural, open characteristics of the area.
- The barn is not an eyesore, it is an agricultural building and something you expect to see in open farmland, however, converting it to a dwelling with the preponderance of glass as proposed would make it so in this location.
- We own the track that leads to the above barn, it is a farm track leading to my adjoining land where we keep livestock. The barn runs right alongside our track. We applied for a barn and staff bungalow adjacent to this building and were turned down on the grounds it was 'on top of the Dorset Downs'. The same reason should apply here.
- I oppose the application because the planners rejected the application three years ago by a man who was camping in the barn. He did not have the means to engage professionals to present and support his application and was forced to sell the barn. To give permission to the applicant to live here and start a business would not be fair.
- The road leading to the site is single track and the access is on a very bad bend and is not appropriate for use by commercial vehicles / business.
- I understand the owners wish to store marquees in the barn. Claims that this would involve very few vehicle movements cannot be maintained. How could vehicle movements be restricted and what happens if such movements are exceeded.
- There is a right of way, not mentioned in the application, inside the site and another along the access track.

- The development is also visible from the Monarch's Way.

Written representations have also been received from one local resident in support of the proposal:

- This building is redundant and an eyesore. The conversion is of high quality, restrained and sympathetic to the countryside around and would be a huge improvement.
- The plans show dry stonewalling which are in need of repair and the planting of indigenous hedging, all of which will immeasurably improve the location.
- The new use will enable the applicants, who are a local family, to work from home. Such development should be encouraged to enable young people to enhance the local economy.

## **CONSIDERATIONS**

This application is seeking alterations and the change of use of a redundant agricultural barn to a dwelling with associated business use.

Since the application was first submitted the scheme has been amended with the development served by a new access and track separate to the adjacent farm track which was initially proposed.

### **Principle:**

Planning policy does support the principle of bringing redundant agricultural buildings back into use on the basis that they can make a contribution to our housing stock. Furthermore, it is recognised that the commercial use of buildings can also make a contribution to the local economy. The NPPF does state that such conversions do offer the opportunity for development to enhance the appearance of buildings and surrounding environment.

In this instance, the proposal seeks to convert a redundant rural building into a live-work dwelling thereby creating a house and an employment opportunity for the occupier.

It is inevitable that such buildings will be remote from local services and as such it is not appropriate to object on the basis of locational sustainability. Additionally, this scheme allows for the occupier to work from home thereby reducing the need to travel to and from their place of employment.

### **Landscape character and visual amenity:**

It is accepted that this site is quite prominent within the wider landscape and the views of the Landscape Officer are fully understood. This is an attractive area of open countryside that is largely unspoilt and there is an argument that the domestication of this building will have a harmful impact upon the character of the area.

It is however important to bear in mind that these agricultural buildings are already in situ and this application is only considering the adaptation of them to facilitate the live-work use. They are already visible from some distance and the assessment has to be whether there conversion will have a significant additional impact.

The applicant has also put forward a response to the comments of the Landscape Officer in which they stress the improvements that they are making to the appearance of the building. They also confirm that that garden area will be limited and that the rest of the land will remain as paddock.

In regard to the revised access arrangements, it is anticipated that these will be quite low key

and agricultural in character and to therefore be in keeping in this rural context. A condition requiring details of the appearance of the new access and track and the removal of permitted development rights relating to new walls, gates and fences will ensure that control over its appearance is maintained in the future.

**Residential amenity:**

Due to the remote location of the site and the nature of the proposed uses this development is not considered to give rise to any significant residential amenity concerns. It is however necessary to impose a condition that ensures that only the occupant of the property can operate the business.

**Highway safety:**

The proposed access arrangements are on to Fiddlers Green Road, a narrow lightly trafficked country lane that is an unclassified highway. It is accepted that the level of visibility afforded the access will be good due to its position on the outside of the bend in the road and that on this basis the revised access details are acceptable. Furthermore it is accepted that the area given over to parking and turning on site meets the highway authority's parking requirements and that overall the scheme broadly accords with the highway authority's standing advice and will not therefore be prejudicial to highway safety.

**Other matters:**

- Ecology - The Council's Ecologist is satisfied that the proposal raises no significant ecology related concerns or harm to protected species.
- Public rights of way (PROW) – The new access enters the applicant's field at the same point of a public right of way and then passes to the northeast away from the new track and the barn. The conversion would be clearly visible from the PROW however there is no reason why the development should result in any obstruction or other problems to the users of the PROW.

**Section 106:**

The creation of this new dwelling is subject to policy HG4 of the South Somerset Local Plan and therefore is required to make a contribution of £40 per square metre towards the provision of affordable housing

**Conclusion:**

This is a finely balanced application which requires a careful assessment of the balance between the benefits and the impacts. The alterations to the building are not considered to be significant however the residential use of the property and the creation of curtilage will increase the visibility of the buildings which are located in a prominent location, visible from parts of Dorset. It is not considered that these impacts outweigh the benefits of a new dwelling and associated employment space and it is considered that on balance the principle of the scheme should be supported subject to appropriate conditions. The development is not considered to give rise to any highway safety, residential amenity or other environmental issues and for these reasons the application is recommended for approval.

**RECOMMENDATION**

That this application be approved subject to the successful completion of a Section 106 Agreement securing a contribution towards affordable housing as required by policy HG4 of the South Somerset Local Plan.

**Reason:**

This live work conversion scheme, by reason of its nature, layout, design and materials, is

considered to represent a sustainable form of development that makes appropriate use of this disused building without causing any substantive harm to the rural character of the area, visual amenity, residential amenity, highway safety or the environment and accords with the aims and objectives of policies SD1, TA5, TA6, HG4, EQ2, EQ4 and EQ7 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 drawings numbered 14161-1 Rev C and 14161-4 Rev F received 13/11/2015.

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

03. 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), the areas of rebuilding for the development shall be restricted to that detailed within Diccon Carpendale's email dated 13/08/2015 and shall not be altered without the prior express grant of planning permission. In the event that completion strictly in accordance with such approved details become impracticable for whatever reason, work shall thereupon cease and only be re-commenced if and when an express grant of planning permission has been obtained in regard to an amended scheme of works which renders completion of the scheme practicable.

Reason: In order to ensure that the buildings are of permanent and substantial construction and capable of conversion without major reconstruction, in the interests of sustainable development, to accord with paragraph 55 of the NPPF.

04. All workspace shown on the approved plan including the office shall be used for Class B1a (Office) and B8 Use, as defined in the Town and Country Planning (Use Classes Order) 1987 (or in provision equivalent to that Class in any statutory instrument revoking and re-enacting that order with or without modification), in association with the occupier of the barn's business and for no other purpose.

Reason: In order to maintain employment on the site, to reduce the need to travel and to safeguard the rural amenities of the locality in accordance with policies SD1, TA5 and EQ2 of the South Somerset Local Plan and Part 4 of the NPPF.

05. The development hereby permitted shall not be commenced unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the either the completion of the development or the first occupation of any of the dwellings hereby permitted, whichever is the sooner. Any trees or plants which within a period of five years from the completion of the development die, are removed or

become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To safeguard the rural character of the area to accord with policy EQ2 of the South Somerset Local Plan.

06. No works shall be carried out unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority;
- a) materials (including the provision of samples where appropriate) to be used for all new external walls and roofs;
  - b) details of the design, materials and external finish for all external doors, windows, boarding and openings, including detailed sectional drawings as appropriate;
  - c) details of the surface material for the parking and turning area;
  - d) details of all boundary treatment.
  - e) details of any external lighting

Thereafter the development shall be carried out in full compliance with the approved details unless otherwise agreed in writing.

Reason: To safeguard the rural character of the locality to accord with policy EQ2 of the South Somerset Local Plan.

06. No works shall be carried out unless details of the appearance of the new access and track, including details of any walls, fencing and gates, have been submitted to and agreed in writing by the local planning authority. The approved details shall thereafter be carried out in full and shall not be altered without the express grant of planning permission

Reason: To safeguard the rural character of the area to accord with policy EQ2 of the South Somerset Local Plan.

07. The proposed access over the first 6m of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced (not loose stone or gravel) for which details shall have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan.

08. Before the new access is first brought into use, provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto any part of the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority and thereafter maintained in this fashion at all times.

Reason: In the interests of highway safety in accordance with policy TA5 of the South Somerset Local Plan.

09. The development hereby permitted shall not be commenced unless a detailed parking and turning plan has been submitted to and agreed in writing by the local planning authority. Such approved details shall thereafter being fully implemented and the allocated parking and turning areas shall be kept clear of obstruction and shall not be

used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that adequate parking is provided and maintained to meet the needs of the development in accordance with policy TA6 of the South Somerset Local Plan.

10. 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), there shall be no extensions and no additional windows, including dormer windows, or other openings (including doors) formed in the dwelling hereby permitted without the prior express grant of planning permission.

Reason: To safeguard the rural character of this building and the locality to accord with policy EQ2 of the South Somerset Local Plan.

11. 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 buildings shall be erected within the curtilage of the dwelling other than those expressly authorised by this permission.

Reason: To safeguard the rural character of the locality to accord with policy EQ2 of the South Somerset Local Plan.