

Officer Report On Planning Application: 15/04538/OUT

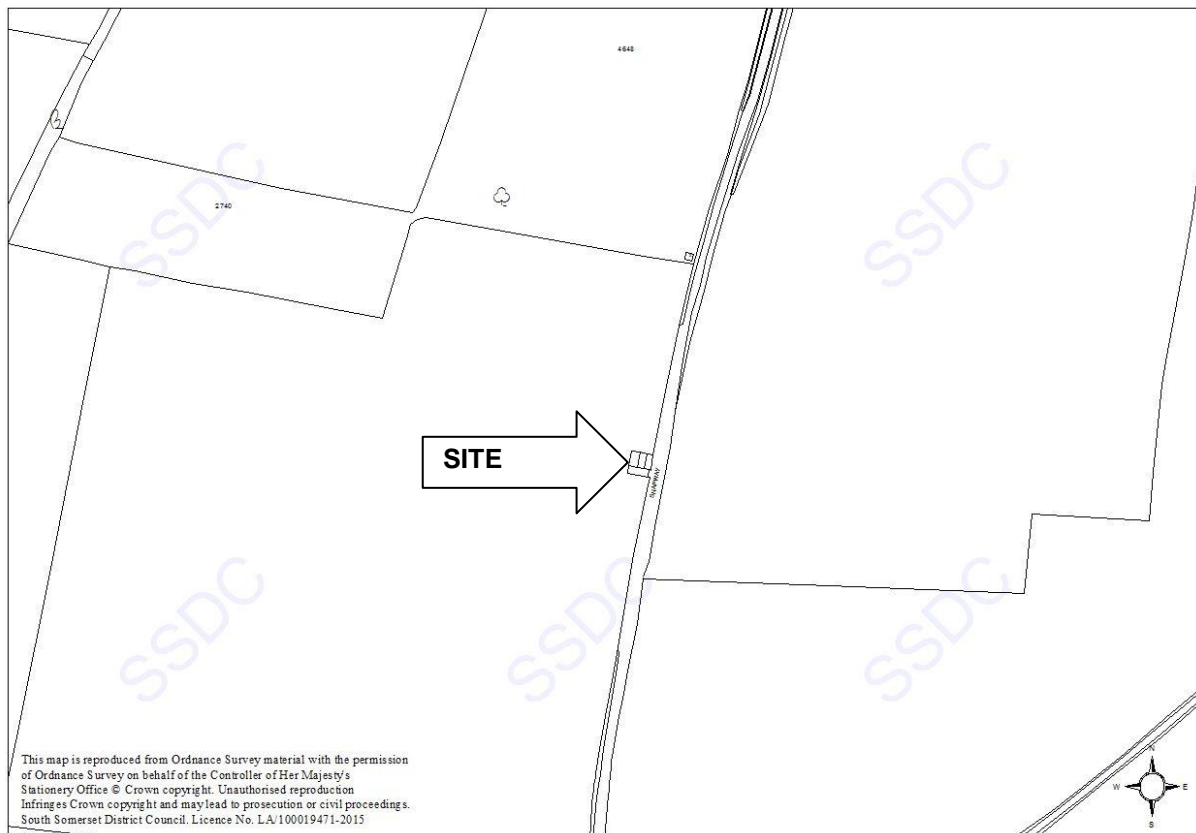
Proposal :	The erection of 1 No. dwelling with associated parking. (GR 341453/116315)
Site Address:	Derelict Barn At Compton Durville, South Petherton.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Member)	Cllr Adam Dance Cllr Crispin Raikes
Recommending Case Officer:	Diana Watts Tel: (01935) 462483 Email: diana.watts@southsomerset.gov.uk
Target date :	4th December 2015
Applicant :	Messrs N & E Wakely & Mrs A Denning
Agent: (no agent if blank)	The Town & Country Planning Practice Ltd, Home Orchard, Littleton, Somerton, Somerset TA11 6NR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Members with the agreement of the Area Chair to allow all the circumstances to be considered in particular the strong local support.

SITE DESCRIPTION AND PROPOSAL





The site is located on the western side of Shapway between Fouts Cross and Compton Durville and is surrounded by open countryside.

Outline permission is sought to replace the remains of a former cottage (Fouts Cottage) on the site with a new dwelling. Details are given relating to the means of access and siting but all other matters are reserved for future approval. The site layout shows a small garden mainly to the rear and parking space for 3 cars immediately adjacent to the road. It is proposed to build the cottage on the existing footprint.

A Design and Access Statement has been submitted to explain and support the application:

- Remains of Fouts Cottage apparent, built of natural stone but its roof was a victim of fire and architectural theft
- On agricultural land and no defined curtilage apparent on site or historical maps
- Fouts Cottage has been owned by the Wakely family for nearly 100 years who have owned and farmed much of the surrounding landscape for many generations
- Historical records show family ownership and occupation until 60s
- Applicant's father purchased Fouts Cross Farm from a relative in 1982 by which time the former cottage was being used for hay storage and continued to be used as a secure agricultural store until arson and theft left it open to the elements about 10 years ago
- Proposed small dwelling for local person; applicant was born on the farm and now a widow wishes to return
- Wish to use what remains to recreate the former cottage
- Would use existing footprint and be built from the stone reclaimed from the former cottage
- Garden would be limited to modest area behind the property
- Carparking for 3 vehicles to north

- Application building is redundant and disused and proposal would enhance immediate setting in accordance with NPPF
- In spirit of localism agenda and policy SS2, applicant undertook pre-application discussions with the two nearest parish councils
- Government's introduction of legislation to allow barn conversions without planning permission indicates Government's intention to utilise such buildings to help meet need for rural housing
- Sustainability is a great deal more than discouraging car travel in a rural area; a sustainable village will have a variety of occupants, some will have roots going back several generations and it is for this reason, that the applicant is so keen to return to her childhood home, restoring the house occupied by her ancestors and where she farms with her brothers.
- Low volumes of traffic on road and excellent visibility
- Landscape impact no more than has existed for decades and enclosure of modest garden and parking area with native hedgerow and trees would help assimilate the proposal into the landscape
- Not a greenfield site but undoubtedly previously developed

HISTORY

740594 - Change of use of vacant building to dwelling - refused (rebuilding of derelict cottage in open countryside divorced from any settlement contrary to policy and detrimental to rural amenity).

Appeal dismissed 30.9.74 - Inspector said 'however carefully the alterations and improvements were carried out....the proposal would result in what now looks like a time mellowed old farm barn (an obvious but not unduly obtrusive feature in the very rural landscape..) becoming a much more obvious, randomly sited, rather isolated residential development in the countryside. In my view, the proposed development would inevitably be less in keeping with the surrounding landscape than the existing building which I have noted is clearly of some agricultural use for it has been recently used as a hay store.' He goes on to say that his opinion is strengthened by the site being some distance from services and community facilities and that reasons given for the son to live there to help with managing the farm were not considered to be very strong agricultural or local requirements to merit an exception being made.

792476 - Conversion of barn into agricultural building - refused 31.1.80 (undesirable isolated location/adverse impact on rural area)

830525 - Erect agricultural workers dwelling - refused 6.1.84 (undesirable sporadic development/no essential need/adverse impact on attractive rural locality)

Pre-application advice given in 1999 that planning permission would be unlikely to be granted to reinstate dwelling. Noted that use as dwelling long abandoned and no longer a building on site due to dilapidated state of remaining walls.

10/00293/PREAPP Pre-application advice given in 2010 that certificate of lawfulness or planning application for dwelling would be likely to be refused.

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
TA5 Transport Impact of New Development
TA6 Parking Standards
HG8 Replacement dwellings in the countryside
EQ2 General Development
EQ4 Biodiversity

National Planning Policy Framework (March 2012):

4. Promoting sustainable transport
6. Delivering a wide choice of high quality homes
7. Requiring good design
11. Conserving and enhancing the natural environment

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

Somerset County Council Parking Strategy, March 2012 and September 2013.
Somerset County Council Highways Standing Advice, June 2015.

South Somerset Sustainable Community Strategy (2008-2026)

CONSULTATIONS

South Petherton Parish Council: The Planning Committee recommended approval on the basis that it was not exceeding the existing footprint.

Shepton Beauchamp Parish Council: No Objections

Highway Authority: Following a site visit, the Highway Authority has the following observations to make on the highway and transportation aspects of the proposal.

The proposed dwelling is to be accessed from a Class 3 highway and as such will need to be provided with sufficient space for vehicles to turn within the site so that they can enter and leave the site in a forward gear and the access will need to be provided with visibility

commensurate with the vehicle speeds on the Shapway. The additional traffic associated with the proposed dwelling is unlikely to create a severe problem on the highway network in terms of safety or capacity once the issues with the site layout have been resolved.

Therefore I would recommend that this application be refused on highway grounds for the following reason(s):-

The proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) since the proposed access to the proposed dwelling does not incorporate the necessary visibility splays, turning spaces or adequate radii which are essential in the interests of highway safety.

Were the applicant to revise their scheme to incorporate the necessary visibility, radii and turning space the highway authority may be able to take a more positive view of the proposal.

SSDC Highway Consultant: Refer to SCC comments. Consider sustainability issues (transport) if building is no longer deemed to be a dwelling in planning terms. Traffic impact on approach road unlikely to be significant. Extent of visibility splays commensurate with speed of traffic need to be shown. Given land-ownership no reason why on-site turning facilities should not be provided. Access should be properly consolidated/surfaced for at least the first 6.0m with appropriate drainage measures. Suggest amended plans are submitted.

SSDC Landscape Officer: As I understand it, this proposal intends the construction of a new dwelling on the site of a building formerly used for agriculture, and stated to have originated as a cottage. There is little left of the building now, and its ruin, set back a little from the highway, is obscured in most part from the road by woody vegetation, and is clearly a vestige of a past rural landscape. The intention of this application is to build a new dwelling, based on local recollection of the earlier built form.

The recent 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 for a new dwelling. National planning policy on landscape character has since been highlighted by the letter (March 2015) from the Planning Minister to the Planning Inspectorate, with a reminder that the impact of development on the landscape can be an important material consideration, and is "one of the 12 core principles at paragraph 17 of the National Planning Policy Framework - that plans and decisions should take into account the different roles and character of different areas, and recognise the intrinsic character and beauty of the countryside - to ensure that development is suitable for the local context".

The landscape context here is distinctly rural; and is not characterised by residential form or expressions of domestic use - rather it is an agricultural landscape where the rolling topography; narrow lanes; and hedgelines separating the (primarily arable) fields are the main landscape components, to thus project the intrinsic rural character of the area. Shapway itself - alongside which this site lays - is a rural lane that links Seavington St Michael with West Lambrook. In most part it is characterised by its narrow width; hedgerow enclosure; and lack of development form. Other than at Fouts Cross, circa 300 metres to the south, there is no other residential development along this lane until it reaches the Compton Durville junction, circa 850 metres to the north. The site also occupies a location close to the skyline as viewed from Shepton Beauchamp, which due to the lack of development form in the vicinity, is also a dark sky location. What remains of the structure is clearly a relic, and does not express a residential

use.

A new dwelling in this location would be at variance with the sparse pattern of settlement that characterises the area; and as a singular development in a field location that is not characterised by residential form; nor one that is recognisable as having the character of a residential plot; will mark an intrusion within this rural landscape. The introduction of a residential use also brings with it the additional impacts of residential traffic; an entrance that is formalised by the need for visibility splays, that to meet the SCC highway's standard requirements would require hedge removal, to further impact upon the enclosed character of the local lane network. Nightlight will also be potentially intrusive against a 'dark-sky' skyline. Consequently I consider the proposal to erode both local character and distinctiveness, contrary to LP policy EQ2, to provide landscape grounds for refusal.

REPRESENTATIONS

14 letters of support has been received:

- Over the years it has become an eyesore; collapsed and deteriorating structure
- We would be delighted to see it reinstated as an attractive rural home
- Would improve landscape and enhance countryside
- Such a shame to lose a small piece of local history
- Cannot see any reason why renovating the cottage can cause concern
- Sad to see it used for fly tipping and resting place for tramps
- No near neighbours, access not a problem, existing structure
- Have known applicant since childhood and would like to see her return to the area she grew up in
- Would cut down her travel as she is working part-time on the farm
- Would not impact on anyone's view
- Housing is in short supply
- Countryside would look empty and bare without dwellings
- I remember it once being a cottage and it has been in the Wakely family for generations
- Known the Wakely family for many years and applicant should be able to come back to live and work near her family
- Would bring benefits - creation of dwelling without using greenfield land, visual enhancement, strengthen village history and culture
- Would not set a precedent as few derelict cottages in area

CONSIDERATIONS

Principle of Development

The proposed development would provide a new dwelling, the former cottage on the site having been abandoned over 50 years ago.

The application site is positioned in an isolated rural location where there are no pavements or direct public footpath links to the nearest rural settlements of South Petherton, Shepton Beauchamp and Seavington St Michael (all between 1km and 1.5km away).

In the interests of sustainable development, paragraph 55 of the National Planning Policy Framework (NPPF) requires that "local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances". Policy SD1 of the South Somerset

Local Plan (2006-2028) endorses this approach, stating a presumption in favour of sustainable development.

Policy SS1 of the Local Plan identifies the areas where new development is to be focused, grouping certain towns and villages into a hierarchy of settlements - from Yeovil as the 'Strategically Significant Town' to Primary Market Towns, Local Market Towns and Rural Centres.

Other settlements are designated 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2).

The proposed development would be an isolated new dwelling outside any rural settlement which is to be protected as open countryside. The site has poor access to services and facilities and policy SS2 does not apply.

One of the exceptions (special circumstances) referred to in para 55 of the NPPF is " where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting".

This application proposes to replace the remains of a building on the site with a new dwelling. Whilst there is no doubt that Fouts Cottage once existed on the site , it appears to have been last occupied as a dwelling over 50 years ago and the building was last used for agricultural storage in the 70s, 80s and early 1990s before falling into disrepair. The appeal in 1975 refers to it as an old barn recently used as a hay store. There is a file note on the planning records for the site in 1999 that referred to there being no roof and the walls being in a poor state of repair and that it was considered that it would not be treated as a building for planning purposes. Today there are sections of walls remaining, overgrown with ivy but mostly crumbling and unstable with some areas having completely collapsed. Consequently, it is considered that these remains cannot be described as a building for the purposes of paragraph 55 and therefore the exception of re-using redundant or disused buildings to provide a dwelling cannot apply here.

Policy HG8 is not applicable as the proposal would not replace an 'existing' dwelling. As highlighted by the Council's Landscape Architect, the intention of this application is to build a new dwelling, based on local recollection of the earlier built form.

The applicant has referred to relatively new legislation which permits barn conversions (subject to strict criteria) but this would not apply as this is not an existing building and such legislation cannot be used to infer that the Government want to see ruined or former buildings rebuilt or replaced to provide new rural dwellings.

The applicant has also referred to this being previously developed land but the remains have blended into the landscape over time and so is excluded from the definition in the NPPF. Its use for agricultural storage also means that it is excluded from this definition.

Visual and Landscape Impact

As explained by the Council's Landscape Architect, the landscape context here is distinctly rural and is not characterised by residential form or expressions of domestic use - rather it is an agricultural landscape where the rolling topography narrow lanes and hedgelines separating the fields are the main landscape components. Other than at Fouts Cross, circa 300 metres to the south, there is no other residential development along this lane until it reaches the Compton Durville junction. There is little left of the building now, and its ruin, set back a little

from the highway, is obscured in most part from the road by woody vegetation, and is clearly a vestige of a past rural landscape. It is not considered to be an obtrusive feature or an eyesore but overgrown ruins which are not unusual in a rural landscape.

The Appeal Inspector concluded in 1975, when the proposal was to convert the building to a dwelling (rather than replace it), that it would make what 'looked like a time mellowed old farm barn (an obvious but not unduly obtrusive feature in the very rural landscape..) becoming a much more obvious, randomly sited, rather isolated residential development in the countryside.'

A new dwelling in this location would be at odds with the sparse pattern of settlement that characterises the area and as a singular development in a field location that is not characterised by residential form; nor one that is recognisable as having the character of a residential plot would mark an intrusion within this rural landscape. The introduction of a residential use would also bring additional impacts of residential traffic, an entrance that is formalised by the need for visibility splays, that to meet the SCC highway's standard requirements would require hedge removal, to further impact upon the enclosed character of the local lane network. Extending the plot to provide turning space would also increase the impact of the development and further erode the landscape. In addition, nightlight would be potentially intrusive against a 'dark-sky' skyline. Consequently, it is considered that the proposal would erode local character and distinctiveness.

Previous applications and appeal

Similar applications, including conversions, have been consistently refused on this site and a refusal upheld on appeal. They were all made by relatives of the applicant and agricultural and personal reasons were advanced but were not considered to outweigh the policy objections.

Local support and dwelling to provide accommodation for local person

It is appreciated that there is significant local support for the proposal and for the applicant to return to the area where she has strong family connections and works part-time. However, it is felt that this site is not an eyesore and that the proposal does not present such an overriding essential need to justify setting aside important planning policies to promote sustainability development in rural areas and to safeguard the rural landscape. There are a number of villages nearby where the applicant could seek accommodation in order to live close to family and work.

Impact on Residential Amenity

This is an isolated site and therefore there would be no adverse impact on local residential amenity.

Highway Safety

The County Highway Authority has recommended refusal on the basis that the scheme lacks the necessary visibility splays, turning space and radii onto this Class 3 road. The Council's Highway Consultant has referred to the need to consider sustainability issues (transport) if the building is no longer deemed to be a dwelling in planning terms. This has been addressed above. He also states that the traffic impact on the approach road would be unlikely to be significant but, like the County Highway Authority, states that the extent of visibility splays commensurate with speed of traffic need to be shown and on-site turning facilities provided. Amended plans have not been sought to show this given the fundamental objection to the proposal but whilst it is felt that plans could be revised so that there would be no highway safety

objection, it would raise landscape objections due to the extent of hedgerow that would need to be removed and the increased extent of the garden to accommodate turning space.

Conclusion

The site is remote from services and facilities where occupants of the proposed development would be wholly reliant on private motor vehicle transport for day to day needs. The site is in the open countryside where new residential development should be strictly controlled and the proposed development would not be one of the special circumstances set out in para 55 of the NPPF. Furthermore, the proposal would have an unacceptable impact on local landscape character and highway safety. For these reasons, the proposal is recommended for refusal.

RECOMMENDATION

Refuse

For the following reasons:

01. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local key services and as such would increase the need for journeys to be made by private vehicles. The proposal constitutes unsustainable development that is contrary to policies SD1 and SS1 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework, including paragraph 55.
02. A new dwelling in this location would be at variance with the sparse settlement pattern that characterises the area and as a singular development in a field location, with associated domestication of the site including the loss of hedgerow to provide visibility, it would be intrusive in the rural landscape. It would therefore erode local character and distinctiveness, contrary to policy EQ2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
03. The proposal is contrary to policy TA5 of the South Somerset Local Plan (2006-2028) and section 4 of the National Planning Policy Framework (NPPF) as the proposed access to the dwelling does not incorporate the necessary visibility splays, turning spaces or adequate radii which are essential in the interests of highway safety.

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, pre-application advice was given to the applicant in the 2010 that such a proposal would be unlikely to be successful. No recent pre-application advice was sought.
