

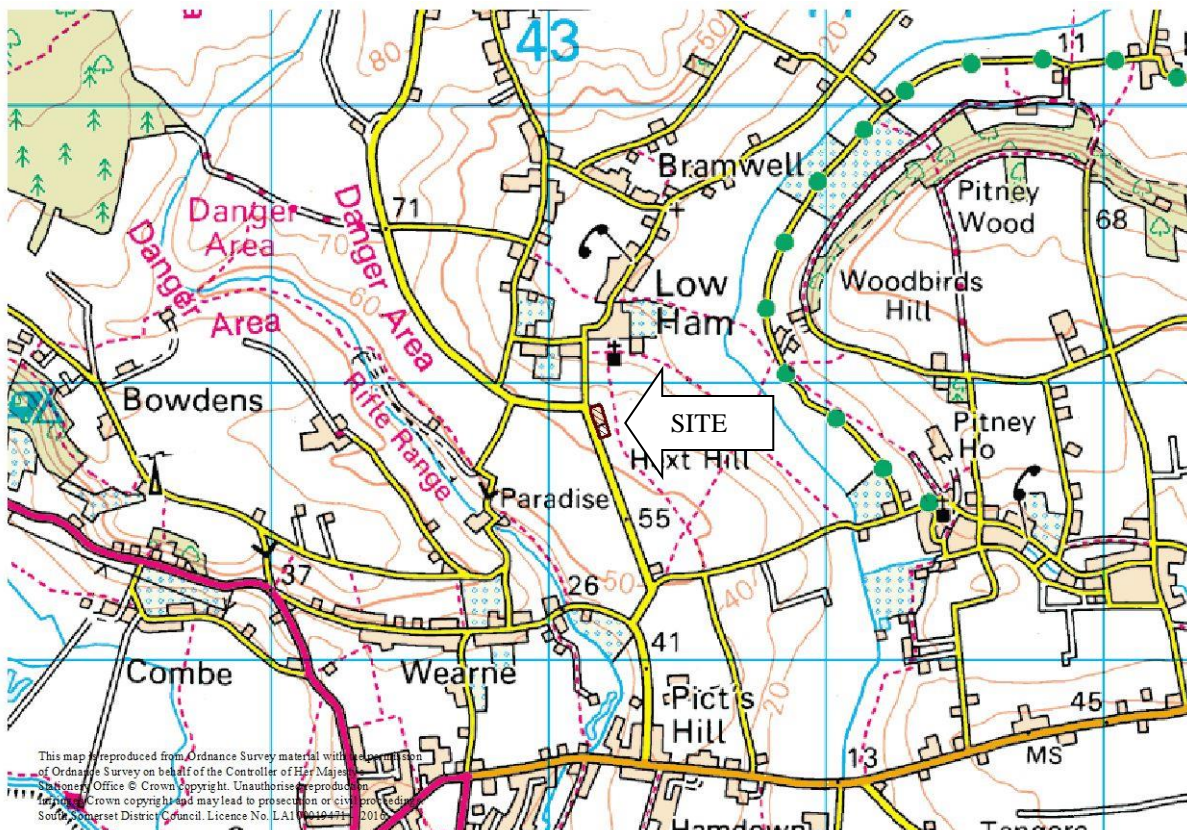
## Officer Report On Planning Application: 15/04542/FUL

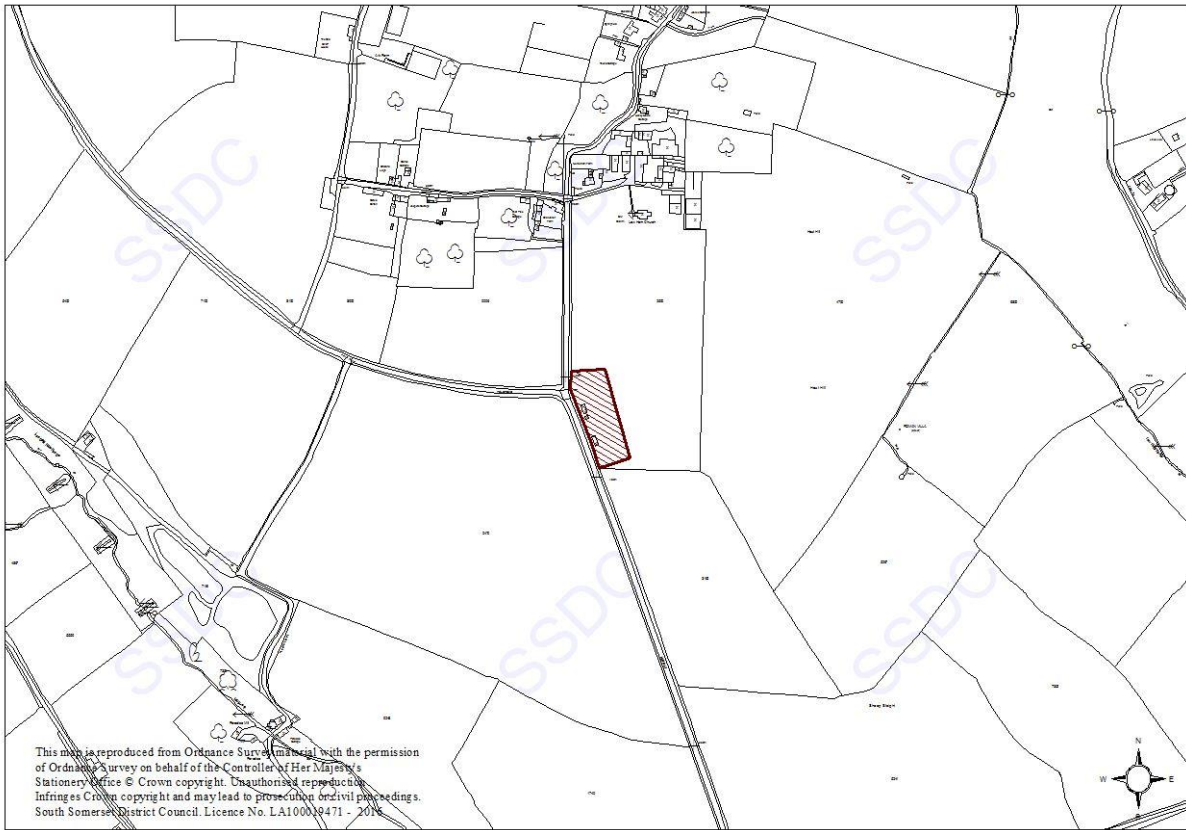
<b>Proposal :</b>	Proposed change of use of two Nissen Huts from agricultural to use as a seasonal cafe with museum and exhibition space together with associated accesses and car parking (GR343176/129141)
<b>Site Address:</b>	Land OS 2500, Netherham Farm, Field Road, High Ham.
<b>Parish:</b>	High Ham
<b>TURN HILL Ward (SSDC Member)</b>	Cllr Shane Pledger
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	8th December 2015
<b>Applicant :</b>	Mr & Mrs Owen and Karen Cook
<b>Agent: (no agent if blank)</b>	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Other Change Of Use

### REASON FOR REFERRAL TO COMMITTEE

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

### SITE DESCRIPTION AND PROPOSAL





The application relates to two dilapidated second world war Nissen Huts, located on agricultural land to the south of Netherham Farm a working farm, located to the east side of Lower Street, Low Ham. The site itself is prominently located on high ground above the farm, approximately 250m away. It is located within a historic landscape that includes the grade I listed Low Ham Church, or "The Church in the Field", two grade II listed farm buildings, and several Archaeological Sites spreading to the south and east, of the main farm complex, including 'Stawall Mansion Garden Earthworks', The Warren', 'Hext Mansion Site' and 'Earthworks, Hext Hill'. There is also a grade II listed boundary wall, which runs all the way from the Church to the north, southwards to the southern edge of the application site. Public Right of Way (footpath) L 12/39 passes north to south, through the field containing the application site, within 75m of the buildings.

The application is made to renovate, convert and extend the buildings to provide a café in one and a museum/exhibition space within the other. The proposal includes the opening of a new access from New Way, a classified 'C' road, to the south of the buildings and making minor alterations to an existing access to the north of the buildings, close to the junction of New Way and Field Road, the main road to High Ham. It is also proposed to provide visitor parking. It is proposed to use of the buildings for seasonal use only, with it suggested that they would only be open Thursdays to Sundays during April to October.

## HISTORY

None at application site

The following applications have recently been considered at the main Netherham Farm complex to the north:

- 15/03531/FUL: Removal of existing silage clamp and construction of a replacement - Permitted with conditions.
- 15/03521/FUL: Demolition of existing cubicle shed and erection of new livestock building - Permitted with conditions.

## **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  
EP5 - Farm Diversification  
EP8 - New and Enhanced Tourist Facilities  
TA5 - Transport Impact of New Development  
TA9 - Parking Standards  
EQ2 - General Development  
EQ3 - Historic Environment

### **National Planning Policy Framework**

Core Planning Principles - Paragraph 17  
Chapter 1 - Building a Strong Competitive Economy  
Chapter 3 - Supporting a Prosperous Rural Economy  
Chapter 4 - Promoting Sustainable Transport  
Chapter 7 - Requiring Good Design  
Chapter 11 - Conserving and Enhancing the Natural Environment  
Chapter 12 - Conserving and Enhancing the Historic Environment

### **National Planning Practice Guidance**

Conserving and Enhancing the Historic Environment  
Design  
Natural Environment

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

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

## **CONSULTATIONS**

**Parish Council:** The Parish Council raise no objection to this application. There have been no adverse comments made to the Parish Council about the application. It is felt that it makes good use of the building.

**County Highway Authority:** The applicant will need to provide additional information in order for the highway authority to be able to fully consider the implications of this application. The

applicant will need to demonstrate that the visibility available from the access is sufficient for the vehicle speeds on the Class 3 road with a 60mph speed limit. The proposed "one way" system is unenforceable and therefore to ensure highway safety the visibility from both accesses needs to be properly assessed and provided. It is likely that a speed survey will be required to support that assessment. It appears that there is probably sufficient land within the control or ownership of the applicant to provide the necessary visibility but the extent and impact of the required hedge removal will need to be defined and its impact considered.

The proposed car parking will need to be properly defined and surfaced and a layout plan should be provided.

Therefore until the matters described above have been addressed 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 inadequate information has been submitted to satisfy the Local Planning Authority that a satisfactory means of access to the site can be achieved.*

**SSDC Highway Consultant:** Refer to SCC comments. Consider sustainability issues (transport). Understand the theory behind the proposed in/out arrangement but it would operate in a non-standard manner (anticlockwise rather than clockwise) which could be misleading. Other details are required such as extent of visibility splays, surfacing, drainage, etc.

**Historic England:** No comment - The application should be determined in accordance with national and local policy guidance, and on the basis of the Local Planning Authority's specialist conservation advice.

**County Archaeology:** It does not appear from the design statement that there is going to be any subsurface impacts from this proposal so as far as we are aware there are limited or no archaeological implications to this proposal and we have no objections on archaeological grounds.

**SSDC Environmental Protection:** No observations.

**SSDC Ecologist:** No comments or recommendations to make.

**SSDC Landscape Architect:** there are elements to this proposal that I am not convinced are landscape-compatible. The proposal relates to two Nissen huts - originating from WW2 use, and more recently utilised in support of the farming business - that are sited within the field adjacent New Way, the road which links Huish Episcopi with High Ham. Whilst on the county's historic record, they are of no particular architectural merit, and I suspect of limited historic significance. Their location is set aside from other built form, and the head of the local hill on which they sit is generally not characterised by development form, but does express historic interest in the adjacent scheduled earthworks.

The proposal is to update and convert the huts for seasonal use, and introduce formal parking areas, and access arrangements.

Whilst restrained in scale, the proposal will consolidate built form in this location, and introduce public use and activity; greater vehicular activity and presence; and formalised access and parking arrangements. I view these elements as contributing to a subtle erosion of the historic landscape setting (of the scheduled garden earthworks) and the landscape character of the local hilltop, hence there is no landscape support for the proposal.

**SSDC Conservation Officer:** The remaining WW2 Nissan huts sit within the historic landscape which is well documented within the RCHM report. The site is clearly within the setting of the grade I church, the grade II farm buildings and the grade II wall.

The buildings are in poor condition and it is proposed to convert and alter the buildings, change their use and provide two vehicle accesses and parking.

In my view the alterations to the buildings and the creation of the car parking and accesses, and the terrace area would greatly undermine and harm the setting of the wall, Church and farm buildings. I would agree with the more detailed comments made by Robert Archer in this respect.

As you are aware case law would indicate that there is a strong statutory presumption against development where there is harm.

Whilst the buildings have some significance, I do not consider that the harm that would be caused to the setting of the listed buildings would be outweighed by the limited benefits of the proposal.

In my view this business opportunity would be better sited in the reuse of the redundant listed barns at the bottom of the site.

## **REPRESENTATIONS**

Two letters of objection has been received from a resident of Low Ham. The main points raised are as follows:

- With the exception of access for disabled users, there is no need for parking and access as the museum/café would expect a similar number of people as the church. Existing church parking should be used, with users of the proposed development able to use the existing public footpath.
- The provision of car parking would have an adverse effect on the general beauty of the area, and views from the valley in particular.
- The access is proposed on a dangerous corner. Given the remote location, the junction is mainly used by locals who are aware of the risk, however non-local users of the facilities are unlikely to be aware of the problem, resulting in unexpected slowing down and turning of vehicles.

## **CONSIDERATIONS**

### **Principle of Development**

The application proposes to make use of existing buildings to create a tourist facility that could cater for tourists already visiting the local heritage assets to the north. It is also suggested that the proposal will provided museum and educational space that may be able to display local second world war archives, as well as hosting other local history talks and displays.

In considering against Local Plan policies EP5 (farm diversification) and EP8 (new and enhanced tourist facilities), the proposal does not fully accord as there is no evidence that there is any demand for these facilities or that they form part of a comprehensive farm diversification scheme. Nonetheless, the proposal is described as a unique opportunity to

make use of existing buildings and provide a modest farm diversification project, with some benefit to the local economy. In principle, this economic use of existing buildings could be supported, however careful consideration would have to be given to the compatibility of the proposal, particularly bearing in mind the prominent open countryside location, and the immense historic value of the local landscape.

Particular consideration is therefore given to the impact on local landscape character, the setting of nearby listed buildings and other important heritage assets, and highway safety.

### **Scale, Appearance and Historic Context**

In considering the application, consideration has to be given to the impact of the proposed development on the buildings themselves and the local area, and in particular impact on a number of heritage assets, which include the grade II listed boundary wall passing close to the site, the grade I Church in the Field, existing grade II listed agricultural buildings, and the extensive archaeological sites.

In considering the buildings themselves, while included within the County's historic record, they are not of any particular architectural merit, being largely dilapidated and in poor condition. The conversion and alteration of the 'museum building' is relatively modest. While largely requiring the complete replacement of all surfaces (roof and gable), it will retain a similar form to existing. The proposed café building however, is proposed to be extended, and altered in a way that will change its form and character, to the detriment of the building itself. Again the proposal will necessitate almost complete replacement of all external surfaces.

Prior to submission of the application, pre-application discussion were had with the applicant, in which it was advised that officer support was unlikely to be forthcoming, with particular concern raised over the increased built presence, and potential impact of increased activity at this prominent, generally undeveloped location. Despite these concerns, which related to impact on local landscape character, as well as potential impact on historic setting, the application was submitted. In response to formal consultation, both the Council's Landscape Architect and Conservation Officer have objected, with specific concern regarding erosion of historic landscape setting of the scheduled garden earthworks, within which the buildings sit, general landscape character at this hilltop location, and the specific harm to the setting of the listed wall, Church and farm buildings. There may be some limited benefits associated with the retention of the buildings and the economic use proposed, however this does not outweigh what is considered to be significant harm to the setting of local heritage assets and local landscape character.

### **Highway Safety**

The proposal includes the provision of a new access directly onto the adjoining classified road and use of an existing field gate for which some improvements are proposed. In both cases, the access do not benefit from the visibility arrangements required for a 60mph classified road, with very little detail given. The applicant relies on a one-way arrangement that would allow only access into the new opening, hence no need for extensive visibility splays, and exit only form the existing field gate, which is unacceptable for access due to its proximity to the High Ham road junction (Field Way), which itself has poor visibility for vehicles turning towards the site. It is highlighted that this arrangement is common for filling stations, and that a similar arrangement works well at Huish Episcopi Academy. It has also been noted that there is an annual steam fair that uses the site, which generates a significant number of vehicle movements, which use the existing field gate safely.

Both the County Highway Officer, and the Council's Highway Consultant have raised concerns

about the one-way arrangement, with a lack of visibility details also an issue. In particular, the Highway Authority have recommended refusal as they do not believe that the arrangement would be enforceable, therefore improved visibility would be required at the new access, the level of which should be dictated by a speed survey. From a landscape point of view, the provision of extensive visibility splays, if required would raise further concern. As a result of the uncertainty over the access arrangements, and associated lack of information, the scheme is not considered to be acceptable from a highway safety point of view and refusal is recommended.

Further to the Highway Authority comments, it is acknowledged that there are situations where one-way arrangements work, however those quoted are in more urban situations, where this is more likely to be considered the norm, and therefore more likely to be adhered to. In this case, there would be need to advertise the arrangements with signage, which is not proposed as part of this application and would require a separate application for advertisement consent. While not fully considered at this stage, as the details are not submitted, it would be fair to take a view that the addition of signage, in this very rural location, where there is limited advertisement, it is unlikely to be viewed favourably by officers, as this would further impact on the landscape character of the area.

In reference to the steam fair, the Local Planning Authority has no control as this falls under a permitted temporary use of the land, as allowed under the General Permitted Development Order. Nonetheless, this is an annual event that is well-advertised, likely to be well signed and most likely access will be marshalled, although these exact details are unknown. This use however, is not considered an appropriate comparison to the assess the proposed use, which will bring a permanent presence, albeit seasonal, with what is considered to be substandard access arrangements on a 60mph classified road, close to a junction with substandard visibility.

For this reason the proposal is unacceptable from a highway safety point of view.

## **Conclusion**

Overall, the while the proposal may provide some benefits through refurbishment of existing buildings of some historic value, the proposed scheme by way of design and associated introduction of formalised access and parking arrangements, in addition to the increased public use and activity, is considered to have an adverse impact on local rural character and the setting of the local historic landscape, as well as undermining and causing harm to the setting of importance local heritage assets. Furthermore, the proposed access details are considered to be unacceptable and do not allow the Local Planning Authority to determine whether satisfactory means of access can be achieved.

## **RECOMMENDATION**

Refuse

## **FOR THE FOLLOWING REASON:**

01. The proposed conversion of these simple, functional, isolated rural buildings, sited in a prominent hilltop location, introduction of formalised access and parking arrangements, and associated increased public use and activity, is unacceptable as it will have an adverse impact on the character, appearance and the rural context of the locality, erode the local historic landscape setting and undermine the setting of the nearby grade II

listed boundary wall, grade II listed agricultural buildings and the grade I listed Church, resulting in significant harm to the setting of these heritage assets. The proposal is therefore contrary to policy TA5, EQ2 and EQ3 of the South Somerset Local Plan (2006-28) and provisions of chapters 4, 7, 11 and 12 of the National Planning Policy Framework.

02. The proposal is contrary to policy TA5 of the South Somerset Local Plan (2006-28) and the provisions of chapter 4 of the National Planning Policy Framework, since inadequate information has been submitted to satisfy the Local Planning Authority that a satisfactory means of access to the site can be achieved.
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