

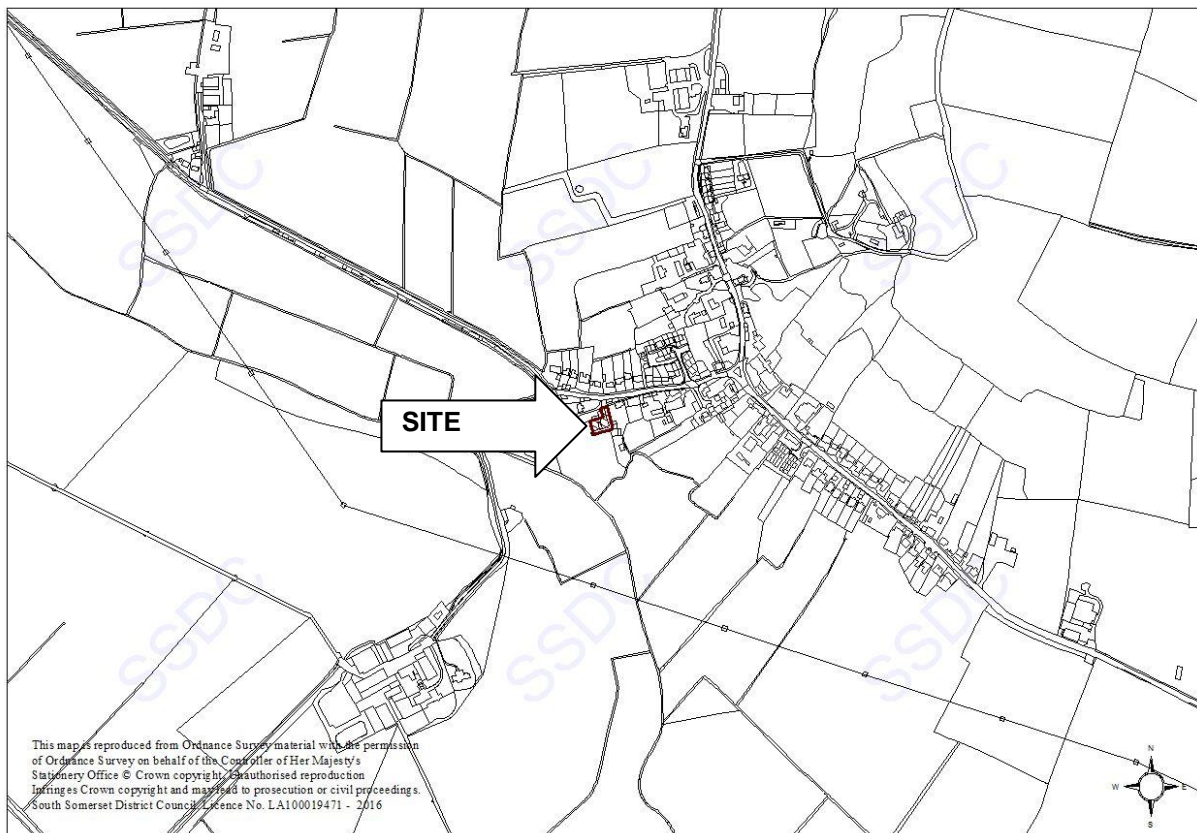
## Officer Report On Planning Application: 16/00153/FUL

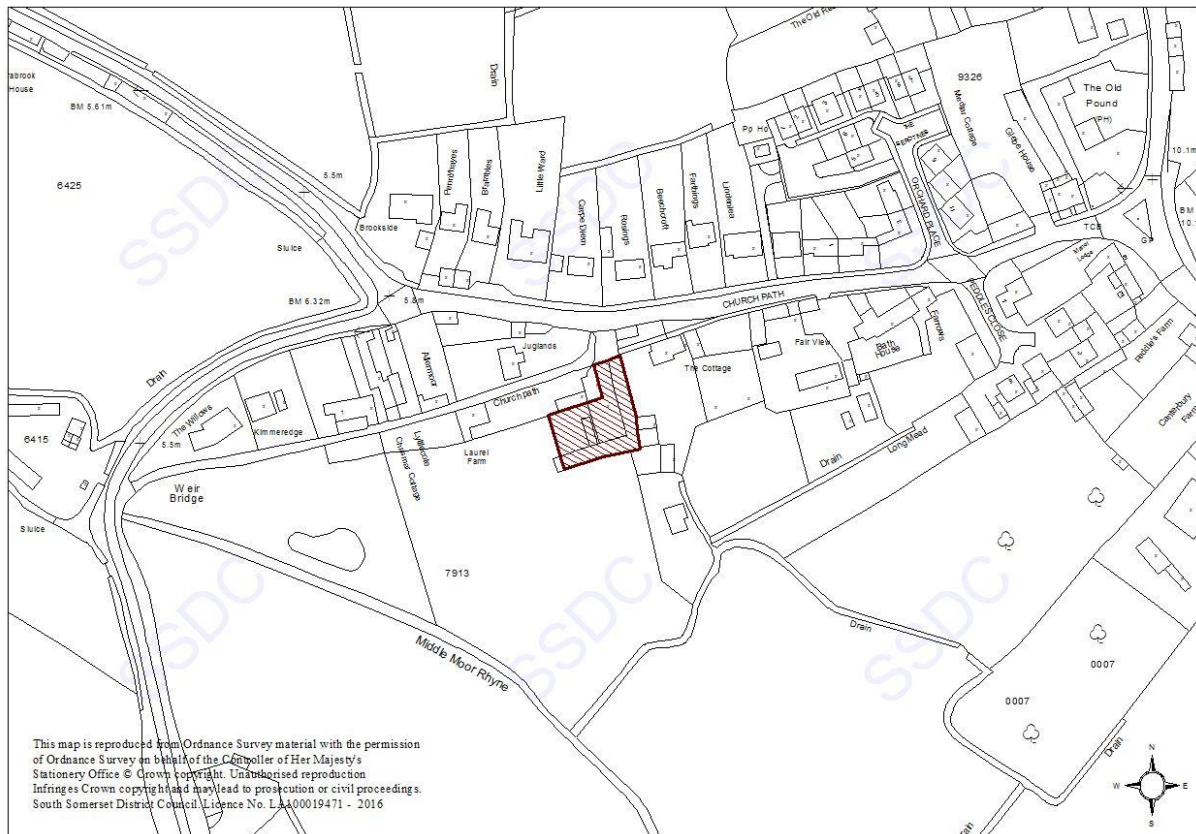
<b>Proposal :</b>	Partial demolition of an agricultural barn and erection of a single storey dwelling and garage. (GR: 339873/129148)
<b>Site Address:</b>	Willands Farm, Church Path, Aller.
<b>Parish:</b>	Aller
<b>TURN HILL Ward (SSDC Member)</b>	Cllr Shane Pledger
<b>Recommending Case Officer:</b>	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date :</b>	22nd March 2016
<b>Applicant :</b>	Mr And Mrs W Stamp
<b>Agent: (no agent if blank)</b>	Mr Gary Smith, Smith Planning & Design Limited, Wayside, Fivehead, Taunton TA3 6PQ
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

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

### SITE DESCRIPTION AND PROPOSAL





The site is located on the west side of the village of Aller, south of Aller Drive. It takes access across a pedestrian footpath - Church Path - and is bounded by residential curtilages to east and in part to the west. To the south and west is open farmland in the ownership of the applicant. There are existing open fronted farm sheds at the entrance constructed with a steel frame and partially "clad" with corrugated sheeting and block-work. The residential building to the east has a clear view of the site. The site is also within Environment Agency designated Flood Zones 2 and 3. Four previous application for residential use of the site have been refused and a further two applications have been withdrawn. An appeal lodged in respect to the most recent refused application (08/01432/FUL) was dismissed on the basis of the unsustainability of the site and the need to steer new dwellings away from areas of high flood risk. In 2014 prior approval was granted to allow permitted development rights to be exercised in changing the use of the building from agricultural use to commercial use. This change of use has not yet been implemented.

The proposal seeks full planning permission for the demolition of most of the existing agricultural barn, with a small part retained for use as a store building, and the erection of a two bedroom bungalow. The property is to be accessed via the existing farm access gate.

## HISTORY

14/00763/P3MPA - Prior approval for proposed change of use of agricultural barn to commercial (B1 or B8). Prior approval granted 23/04/2014

13/00179/FUL - Demolition of modern agricultural barn and the erection of a dwelling. Application withdrawn.

08/01432/FUL: The erection of a bungalow on the site of existing modern barn to be

demolished. Refused 27/08/2008 (subsequent appeal dismissed).

07/03893/FUL - Demolition of farm buildings and the use of land for the siting of a mobile timber lodge to provide disabled living accommodation. Application withdrawn.

07/00453/FUL - Change of use and alterations to existing barn to form bungalow with disabled accommodation. Refused 25/04/2007

06/04020/FUL - Demolition of Farm Buildings and Erection of Detached Single Storey Dwelling with Rooms in the Roof. Refused 22/12/2006

06/00932/OUT - Demolish Existing Farm Building and Erect Detached Dwelling. Refused 03/07/2006

## **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  
SS4 - District Wide Housing Provision  
SS5 - Delivering New Housing Growth  
HG4 - Affordable Housing Provision  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ1 - Addressing Climate Change in South Somerset  
EQ2 - General Development

National Planning Policy Framework  
Core Planning Principles - Paragraph 17  
Chapter 4 - Promoting Sustainable Transport  
Chapter 6 - Delivering a Wide Choice of High Quality Homes  
Chapter 7 - Requiring Good Design  
Chapter 10 - Climate Change and Flooding  
Chapter 11 - Conserving and Enhancing the Natural Environment

### **National Planning Practice Guidance**

Design  
Flood Risk and Coastal Change  
Natural Environment  
Rural Housing  
Planning Obligations

## **Policy-related Material Considerations**

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2015)

## **CONSULTATIONS**

**Parish Council:** No objections.

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

**SSDC Highway Consultant:** Traffic impact on the local highway network is unlikely to be significant given the traffic that could be generated by the extant use of the barn (part of which would be demolished). The existing means of access appears substandard in terms of restricted visibility but the increase in use of the access may not be significant given existing uses within the site and taking into account the traffic generated by the barn. Recommend the first 6.0m of access is properly consolidated and surfaced with the implementation of appropriate surface water drainage measures. Ensure on-site parking accords with SPS optimum standards.

**SCC Rights of Way:** No objections in principle, however notes the proximity of a public footpath. The applicant is advised of their responsibilities should any part of the footpath be affected by the proposed development.

**Environment Agency:** No objection in principle, however did object as the finished floor levels were 6.3m AOD (above ordnance datum), which was below a previously agreed minimum of 6.4m AOD. The scheme has since been amended to raise the floor level to this agreed level of 6.4m AOD.

Despite raising no objection in principle, the Environment Agency reminds the Local Planning Authority of the need for the development to pass the Sequential Test, where relevant.

**Somerset Drainage Board:** No objections in principle, however the Drainage Board have requested the imposition of a condition requiring the agreement of surface water and land drainage proposals, to ensure effective management of surface water within the Board's area of jurisdiction. An informative is also requested to advise the applicant of their responsibilities to seek any appropriate Land Drainage Consent, as appropriate.

Following receipt of these comments, the applicant has provided further detail in respect to drainage of the site, which the Drainage Board have confirmed is acceptable in principle.

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

**SSDC Landscape Architect:** I have reviewed the above application seeking the demolition of an agricultural building, and its replacement by a single-storey dwelling. I also recollect the initial application of 2008, where my response to that earlier proposal - which follows - set out landscape parameters that would move the proposal toward an acceptable arrangement from a landscape perspective.

*'Looking at the village plan, it is clear that whilst Aller is a linear settlement, with the streets primarily made up of single-plot depths, there are some areas of residential form behind the main village streets. Hence a residential plot off Church Path would not necessarily be considered incongruous when viewed in the context of the village plan. However, I also note that Aller has no development area, hence any new dwelling will be a departure from policy. If*

*this application is thus to be viewed as acceptable, and sympathetic to village form, then the extent of the residential footprint (both house and garden) should be strictly controlled.*

*As the proposal stands, the footprint of the house extends beyond that of the existing farm building that is to be demolished, and will create a lengthy domestic form that will obtrude beyond other housing, toward open countryside. Of greater concern is the extent of domestic (red-line) land that is indicated as curtilage. This is a substantial area, and does not conform with either the village pattern, or the orientation of the present farm building and its associated hardstanding/storage areas. I view an extension of domestic land of this scale as i) an erosion of the countryside, with no intrinsic environmental enhancement as required by policy ST3, and ii) of a scale and arrangement that is at variance with local character (as policy ST5 para 4) and thus do not support this application in its current form.*

*For guidance, if the principle of development were to be considered acceptable, then I would advise;*

- a) the house extends no further south than the current barn footprint;*
- b) its associated garden area is substantially reduced (circa 65%) and given a north-south emphasis, and;*
- c) the garden area to be enclosed, either by walling or native species hedging.*

I see that this latest application proposes a site arrangement that is consistent with the guiding comments (a) and (b) provided above. Consequently those concerns relating to an obtrusive scale of development are no longer applicable. Providing the enclosure of the residential plot by either walling or hedging can be agreed, as advised (c) above, then there is no landscape objection to this current proposal.

## **REPRESENTATIONS**

18 letters of support have been received and 2 letters of objection have been received. The main points of support relate to the following areas:

- Improvements to local visual amenity
- Location within developed limits of village
- Applicant has lived in the village for a long time and is an important member of the community. The application will allow him to remain in the village
- Residential use is preferred to the permitted commercial use of the site
- No flooding has occurred on site
- Improved security of area
- No highway safety concerns

The reasons for objection relate to the following areas:

- Nothing has changed since previous refusals and appeal decision
- Highway and pedestrian safety
- Flood risk and surface water problems
- Impact on surrounding properties during construction
- Local sewage infrastructure issues

## CONSIDERATIONS

### History and Principle of Development

Planning permission has been sought on several occasions since 2006, for the replacement of the existing barn and erection of a dwelling on the application site. The most recent application, 13/00179/FUL, was withdrawn and last application determined, 08/01432/FUL, was refused by Area North Committee, with subsequent appeal dismissed. In the planning policy backdrop at the time, Aller was not designated as a village in the last South Somerset Local Plan, and did not benefit from a defined development area. As such, further residential development was considered unacceptable in principle, a view supported by the appeal decision. The appeal decision (APP/R3325/A/08/2092767), also clarified matters in relation to the need to follow national flood policy in passing the Sequential Test, a policy requirement, now repeated in the Government's Planning Practice Guidance (Flood Risk and Coastal Change).

This re-submission is made following changes to planning policy following the adoption of the South Somerset Local Plan (2006-2028), in 2015. Policy SS1 (Settlement Strategy) of the Local Plan highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, including Aller, are '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. Policy SS2 states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning Authority are currently unable to demonstrate a five year supply of housing sites. As such, several recent appeal decisions have confirmed that in the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, the main consideration will be whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

As a starting point, in the current policy context, Aller is considered to be a generally sustainable location, in terms of policy SS2, as it contains several of the key services identified within that policy, such as a public house, village hall, church and playing field. The site is located along Church Path, close to the centre of the village, where it is well located in relation to these identified village services. The submission also advises that the dwelling is proposed

to meet the long-term needs of the applicant, who has been a resident of Aller for most of his life. It is suggested that this will allow him to downsize and remain within the village. While these personal circumstances are noted, they are not considered to represent an 'identified local housing need', as usually required by SS2, however it is noted that the proposal has the support of the Parish Council and a large number of local residents, although it is also acknowledged that there have been two objections received also. Taking into account the above, and the lack of 5 year land supply, it is considered that the development of this site for residential purposes could now be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

### **Scale and Appearance**

The proposed bungalow is modestly proportioned and simply designed to have a relatively low impact visually. It is proposed to be constructed from a mix of local natural stone and render, with double Roman clay tiles, which are considered to be acceptable.

Previous objections had been raised in relation to encroachment into open countryside, however advice had previously been given about how to reduce this concern through reducing built form southwards and reducing extended curtilage. These points have been taken on board and there are no objections from the Council's Landscape Architect in respect to encroachment into surrounding open countryside.

### **Residential Amenity**

The site is closely related to two properties to the east and west, the proposed dwelling is set at a reasonable distance from the two dwellings to avoid any unacceptable harm through overshadowing or general overbearing impact. The orientation, design and position of windows are also considered carefully so as to avoid unacceptable harm by overlooking adjoining properties and gardens. It is therefore considered that there is no adverse impact on the residential amenity of local residents.

### **Highway Safety**

In previous applications, the Highway Authority have raised concerns relating to increased use of a substandard access, however on this occasion they have simply referred to Standing Advice. The Council's Highway Consultant has considered the proposal and has raised no objections in principle, considering any additional traffic unlikely to be significant. It is noted that the barn is currently in use for agricultural purposes, and there is also extant consent through prior approval, for the use of the building for light commercial use. Overall, subject to the provision of appropriate parking space (3 spaces identified in the submitted plans), surfacing of the access, and provision of drainage arrangements, it is not considered that the proposal will lead to a severe adverse impact on highway safety so as to recommend refusal. It is also noted that the previously refused applications were not refused on highway safety grounds, and the appeal decision did not refer to this matter either. While there have been several key planning policy changes since the last proposals, there is no fundamental change proposed in respect to access.

### **Flood Risk**

The area of the proposal that does raise concern still, is in respect to flood risk. The site is located within Flood Risk Zone 3a, where the probability of flooding is high in terms of government policy on development and flood risk (as detailed in NPPF chapter 10 and Planning Practice Guidance (PPG) 'Flood Risk and Coastal Change'. Dwellings are

classified as 'More Vulnerable' uses in the 'Flood Risk Vulnerability Classification' within the PPG, and should only be allowed in flood risk zones 3, where first the Sequential Test is applied, then the Exception Test.

The applicant has sought to address flood risk by advising that the site is never known to have flooded, even in very recent severe events and also confirming that the finished floor levels (proposed at 6.4m AOD) will be such that they will be safe from flooding. The Environment Agency have considered that 6.4m AOD is acceptable to reduce the risk of the property being flooded, however note that there is a need to implement the Sequential Test. The Environment Agency do not specifically comment on this required assessment, therefore the lack of objection should not be taken as assuming that all other flood risk consideration have been satisfactorily addressed.

The requirement for the applicant to carry out a Sequential Test, is to meet government policy aims of directing development towards areas with a lower probability of flooding. Guidance within the NPPF and PPG advises that the Sequential Test should be considered and deemed to be acceptable prior to even considering other flood risk issues. In this case, the applicant states that the sequential approach has been applied *"in that the proposed dwelling is positioned on the highest ground levels/lowest flood risk are of the land owned by the applicant and further to the test, the PPG Flood Risk Vulnerability and Flood Zone 'Compatibility' table indicates that an Exception Test is required for the proposed development."* Despite the assertions of the applicant, the test that has been carried out does not meet the requirements of the Sequential Test, which requires more than just consideration of the land available in the applicant's ownership. There have been several appeal decision that confirm that in order to direct development towards areas of lower probability of flooding, there is a need to carry put a wider district-wide assessment. In fact, in determining the appeal, in relation to the 2008 refusal on this very site, the Planning Inspector states that *"it is not sufficient, for the purposes of this sequential test, to limit the area of search to land that is already in the appellants' ownership; that approach is too narrow. The need is to consider the availability of sites on which a bungalow could be built. I recognise that this aspect of the development's impact is not reflected in the Council's reasons for refusing permission for the scheme. Even so, from the available evidence, I am unable to conclude that the proposed development would be consistent with the thrust of (PPS25) policy (now PPG - Flood Risk and Coastal Change), which seeks to direct residential development away from areas where the probability of flooding is high."* On the basis that the applicant has not been able to demonstrate that there is no other land within the district, or even local area, where there is a lower probability of flooding, and where it would possible to provide a dwelling.

The applicant does make reference to the Exception Test, on the grounds that the proposal will allow the applicant to remain in the village, close to extended family, as well as the dwelling better suiting the applicant's long-term physical needs. Despite these assertions, it is not considered that the proposed development would offer wider sustainability benefits that would outweigh flood risk. Furthermore, before applying the Exception Test, it is necessary to actual apply the Sequential Test properly, which has not been done. For these reasons, it is considered that planning permission should be refused.

## **CONCLUSION**

Despite the level of support, and the changing planning policy circumstances, which have to a degree addressed several of the previous reasons for refusing planning permission on this site, the proposal does not meet the requirements of the Sequential Test, which is aimed at directing development to areas where the probability of flooding is lower. As such, it is it is recommended that planning permission is refused.



## **RECOMMENDATION**

Refuse

### **FOR THE FOLLOWING REASON:**

01. The Sequential Test nor Exception Test have been satisfactorily carried out to demonstrate that there are no reasonably available sites in areas where the probability of flooding is lower or that the development provides wider sustainability benefits to the community that outweigh the identified flood risk. As such the proposal is contrary to policy EQ1 of the South Somerset Local Plan 2006-2028, the policies contained within the National Planning Policy Framework and the guidance contained within the Planning Practice Guidance.
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