

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 15 July 2015 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 24 June 2015 (to follow).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 06/15/0012 Conversion of first floor shop (use class A1) to residential for first floor flat (use class C3) at Church House Interiors, West Street, Bishops Lydeard
- 6 07/15/0011 Change of use of agricultural barn to form 4 No. business units (class B1) and 1 No. work live unit (Sui Generis) and external alterations to building at Heatherton Park Studios, Bradford-on-Tone
- 7 43/15/0001 Erection of 5 No. three bedroom terrace houses and 1 No. two bedroom maisonette with associated access to rear parking and turning areas on Garden Lane to the south of Foxdown Lodge, Foxdown Hill, Wellington
- 8 E/0085/27/15 Unauthorised residential caravan allegedly at Knapp Farm, Hillfarrance
- 9 38/15/0104 Conversion of garage to single dwelling to the rear of 16 Victoria Street, Taunton
- 10 38/15/0127 Conversion of 2 No. flats into 1 No. dwelling with internal and external alterations at 52 Wood Street, Taunton (retention of part works already undertaken)
- 11 49/15/0022 Change of use and conversion of outbuilding to self-contained annex at Culverhead Lodge, Wiveliscombe
- 12 The latest appeals and decisions received

Bruce Lang
Assistant Chief Executive

04 August 2015

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, if a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email r.bryant@tauntondeane.gov.uk

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Planning Committee Members:-

Councillor R Bowrah, BEM	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor M Adkins	
Councillor W Brown	
Councillor M Floyd	
Councillor J Gage	
Councillor C Hill	
Councillor S Martin-Scott	
Councillor I Morrell	
Councillor S Nicholls	
Councillor J Reed	
Councillor N Townsend	
Councillor P Watson	
Councillor D Wedderkopp	
Councillor G Wren	

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors, Coles D Wedderkopp and M Adkins
- Clerk to Milverton Parish Council – Councillor Wren
- Vice-Chairman to Kingston St Mary Parish Council and Chairman to Kingston St Mary Village Hall Association – Councillor Townsend
- Trustee to Home Services Furniture Trust, Trustee to Bishop Foxes Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls

06/15/0012

MRS A BAKER

CONVERSION OF FIRST FLOOR SHOP (USE CLASS A1) TO RESIDENTIAL FOR FIRST FLOOR FLAT (USE CLASS C3) AT CHURCH HOUSE INTERIORS, WEST STREET, BISHOPS LYDEARD

Location: CHURCH HOUSE, 6 WEST STREET, BISHOPS LYDEARD,
TAUNTON, TA4 3AU

Grid Reference: 316780.129817

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A1) DrNo 1 of 2 Existing Plans, Elevations & Block Plan
(A1) DrNo 2 of 2 Proposed Plans & Elevations
(A4) Site Location Plan

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

3. The new windows hereby permitted shall be timber and thereafter maintained as such unless agreed in writing by the Local Planning Authority.

Reason: In the interests of the character and appearance of the conservation area, in accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policies DM1 and CP8 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy

Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

The existing first floor retail area will be converted into a self contained two bedroom flat with two bathrooms, kitchen, dining, living and study areas. It has been determined during the course of the application that the change of use and conversion of the first floor area does not require planning permission, subject to a number of conditions being met, which they are in this instance.

Therefore, the application seeks permission for works relating to the conversion of a first floor to residential flat at Church Street Interiors, Bishops Lydeard, specifically the alteration to two windows, one within the first floor West elevation and one to the Northwest corner of the building at first floor level.

SITE DESCRIPTION AND HISTORY

The application site comprises a former public house that was previously granted permission for conversion to a retail premises with residential accommodation. The site is located within the centre of Bishops Lydeard and is surrounded by business, residential and ecclesiastical land uses. The building is of render and stone walls, slate roof and timber fenestration. The agent has confirmed that the first floor area is in use for retail with a small element of storage of goods.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL - The Parish Council objects to the granting of permission for the following reasons:

- The conversion would contribute to the erosion of valuable commercial space in the village
- Such a conversion would contradict the emerging Bishops Lydeard and Cothelstone Neighbourhood Plan policies
- Likewise such a conversion would contradict the TDBC Technical Note: Policy Guidance for the change of use of rural service provision and conversion of existing buildings. This policy guidance requires considerable marketing of the premises before a conversion should be permitted. The Parish Council has not had sight of any evidence and is unaware of any such marketing.

Representations

2 letters of objection received from 1 neighbouring property making the following planning related comments:

- When previous permission granted to convert the public house a commercial tie between business and residential floorspace suggested but not enforced;
- Presume flat will be for present owners residence with such valuable stock on

- site and surely a commercial tie will be enforced this time;
- Applicants own the car park but right of access and parking in place for occupiers of 5 West Street;
 - Car park serves approx. 100 vehicles on Tuesday, Wednesday and Thursday and 150 on Friday and Saturday; right of access must be maintained;
 - Fail to see reduction in retail premises vehicle movements allowing ample parking for the flat as first floor has been empty since original approval.

PLANNING POLICIES

CP8 - CP 8 ENVIRONMENT,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

Objections have been raised to the change of use of the first floor retail area to residential accommodation. Reasons for objection have been made and the loss of retail space is regrettable, however, as stated above, during the application process it has been determined that the use of the first floor area as a flat does not require planning permission. No restriction or tie was placed on the accommodation under the original planning permission and, therefore, the change of use does not fall to be considered.

Taking the above matter into consideration, the pertinent issue to consider is the impact of the fenestration alterations upon the character and appearance of the building and Conservation Area.

The window within the East elevation will be enlarged whilst that to the Northwest corner of the building within the North elevation will have a new casement installed. Both windows will have a different opening mechanism in order to allow emergency access as required by building regulations. Subject to the windows being of matching materials and finished colour to the existing fenestration, the proposals are considered to maintain the character and appearance of the building and Conservation Area.

Taking the above matters into consideration, it is recommended that planing permission be granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

07/15/0011

EVERETT FINE ART LTD

CHANGE OF USE OF AGRICULTURAL BARN TO FORM 4 No. BUSINESS UNITS (CLASS B1) AND 1 No. WORK LIVE UNIT (SUI GENERIS) AND EXTERNAL ALTERATIONS TO BUILDING AT HEATHERTON PARK STUDIOS, BRADFORD-ON-TONE

Location: HEATHERTON PARK STUDIOS, HEATHERTON PARK,
BRADFORD ON TONE, TAUNTON, TA4 1EU

Grid Reference: 317015.122078 Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Subject to the receipt of an amended plan including the parking area in the application site, Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) Location Plan

(A1) DrNo 19D_13 REV A Existing & Proposed S & N Elevations

(A1) DrNo 19D_12 REV A Existing & Proposed E & W Elevations

(A1) DrNo 19D_11 Rev A Proposed Plans & Sections

(A1) DrNo 1_D10 Existing Ground Floor Plan

(A4) Block Plan

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

3. The residential floor space hereby permitted shall not be occupied until the associated business floor space in Unit 1 is fully fitted and capable of use.

The occupation of the residential floor space shall be limited to a person solely or mainly working within the business floor space within Unit 1, their spouse (or partner) and to any resident dependants or relatives living together as a single family unit.

The occupation of the business floor space of Unit 1 shall be limited to a person who resides in the residential floor space.

Reason: To ensure that the live-work units are provided in a manner that ensures that the building operates as a live-work unit without detriment to other nearby property.

4. Prior to their installation, samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area.

5.
 - (i) Prior to its implementation, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area.

6. The business units hereby permitted shall be used only for those purposes defined within class B1 of The Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason: Other uses have the potential to cause detrimental impacts to the amenities of neighbouring properties and may lead to increased traffic that would be detrimental to highway safety.

7. Between the hours of 08.00 - 18.00 Monday to Friday and 08.00 - 13.00 hrs Saturday:

Noise emissions from any part of the premises or land to which this permission refers shall not exceed background levels by more than 3 decibels expressed in terms of an A-Weighted, 2 Min Leq, at any time when measured at the façade of any residential premises.

Noise emissions having tonal characteristics, e.g. hum, drone, whine etc, shall not exceed background levels at any time, when measured as above.

For the purposes of this permission background levels shall be those levels of noise which occur in the absence of noise from the development to which this permission relates, expressed in terms of an A-Weighted, 90th percentile level, measured at an appropriate time of day and for a suitable period of not less than 10 minutes.

At all other times, including Bank Holidays, noise emissions shall not be audible when so measured.

Reason: To ensure that the amenities of neighbouring residents are protected.

8. Prior to the commencement of any other works, the vehicular access onto/from the access road to the south of the site shall be permanently stopped up in accordance with details that shall first be submitted to and approved in writing by the Local Planning Authority and shall thereafter be maintained as such.

Reason: In the interests of highway safety.

9. No external lighting shall be provided on site without the prior approval of the Local Planning Authority.

Reason: In the interests of the visual amenity of the area.

10. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced, drained and marked out before the use commences or the building(s) are occupied and shall thereafter not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: To ensure that there is adequate space within the site for the parking of vehicles clear of the highway.

Notes to Applicant

PROPOSAL

This application seeks full planning permission for the conversion of an existing agricultural building to a mixed used development comprising 5 industrial units (B1) and living accommodation. It is proposed that one of the industrial units and the residential accommodation are tied to form a 'work/live' unit. As such, they are proposed to be linked by internal staircase. A balcony would be provided to the front of the first floor, which would also provide a fire escape from the residential accommodation.

Following the formation of window openings, the building would be re-clad in metal profiled sheeting.

SITE DESCRIPTION AND HISTORY

The site comprises a modern portal framed agricultural building on the north eastern side of the complex of buildings at Heatherton Park. The immediate area contains a number of residential and employment uses, but is outside any defined settlement limit and is some distance from the public highway – accessed by two alternative lengths of private drive. The most logical route to the application site is via the northern access from the road linking Bradford on Tone to the A38 and is a long, straight private drive with good visibility at its junction with the public highway.

The building is currently formed of concrete walls with profiled sheet upper sections and roof. It is broadly divided into two parts; with a higher section on the eastern side and lower to the west, under an asymmetrical roof.

The area to the east and between this and the neighbouring light industrial buildings has been laid out as a parking/yard area.

There is planning history relating to the development/conversion of buildings to form dwellings in the immediate area. In respect of the applicant's site, the following applications are considered to be relevant.

07/07/0016 – Change of use and extension of building to B1 use – Granted.

07/07/0023 – Change of use and extension of building to B1 use (revised scheme to the previous) – Granted.

These applications relate to the building directly adjoining the current application site. Conditions were imposed including a requirement for a parking area for 5 vehicles, that there should be no vehicular access from the south, that noise emissions should be restricted, and that work should only be carried out between 9 and 5 Monday to Friday.

07/10/0028 – Change of use and conversion of agricultural barn to form business units – Granted.

This permission relates to the current application site. 6 units were shown on the proposed plan – 4 at ground floor and two at first floor. Conditions were imposed including a restriction of the use to B1, restricting noise emissions, restricting the time at which machinery, business and processes could be carried out (08.00-18.00

Monday to Friday; 08.00-13.00 Saturday). The permission also required the permanent stopping up of the access to the south, prior to occupation.

07/14/0006/CMB & 07/14/0009/CMB – conversion of agricultural building to residential accommodation (under permitted development rights) – Refused.

Last year, these two applications seeking a determination as to whether prior approval of the Local Planning Authority was required for the conversion of part of the application site to a residential dwelling under permitted development rights were refused. The reasons for refusal (and subsequent dismissal at appeal) were that the conversion was not actually permitted development. The planning merits were not considered, so they have little bearing on the current application.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

BRADFORD ON TONE PARISH COUNCIL – Objects for the following reasons:

1. No objection to the principle of conversion from agricultural use to business use.
2. Some concern that the proposed residential accommodation was inappropriate.
3. Significant concern over vehicular access:
 - a. It is wrong that no contribution is made to the cost of maintaining the right of way (although acknowledge it is not a planning consideration)
 - b. The original permission required no use of the Heatherton Park 'archway' which has remained open and is clearly used in breach.
 - c. Provision for parking for 25 cars likely to cause an increase in the problems already experienced at the Heatherton Junction, regardless of which access is used.

In view of the fact that the PC cannot indicate approval subject to conditions, it appears that the only option is to object on the above grounds.

SCC - TRANSPORT DEVELOPMENT GROUP - As the planning officer will be aware this site was the subject of a previous application 07/10/0028 for the change of use and conversion of agricultural barn to form a similar number of business units at Heatherton Park Studios, Bradford on Tone which was subsequently approved by the LPA on the 18th January 2011, with no highway objection being raised at that particular time.

As such and in light of this previous approval the Highway Authority has no objection in principle to the latest set of proposals (as they only represent a relatively minor change to that already approved) subject to the following conditions being attached to any consent

Recommends conditions that there is no access from the site to the A38, the parking area is kept clear of obstruction, the submission of a construction management plan.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – The recommended condition (7) is sufficient to prevent unacceptable disturbance of neighbouring residents. Neighbours may hear a bit of noise during the day but the condition would restrict it to a reasonable level and they should not be disturbed by noise at night/most of the weekend.

ECONOMIC DEVELOPMENT OFFICER – Rural enterprise is vital to the local economy in Taunton Deane and the provision of business units to meet demand in rural areas is crucial. Therefore, I am happy to support this application.

Representations

5 letters of support making the following points:

- It would not appear to impact upon anybody nearby.
- The development is entirely appropriate and in keeping with the current environment.

1 letter confirming support for residential accommodation but raising concern over traffic. Suggests conditions of the previous permission should be applied to this development.

1 letter raising no objection to the residential accommodation, but raising objection to the proposed industrial units for the following reasons:

- Inappropriate in a residential area, there are large appropriate industrial estates available at Chelston.
- Excessive traffic movements on and near the site.
- Parking on the site.
- Noise.
- Working times.
- Other possible pollutants.
- Environmental impact.
- Vehicular access to the south must not be permitted.
- There should be no further enlargement of the parking area into the adjoining agricultural field.
- Working times should be aligned with planning permission 07/07/0023 not 07/10/0028.
- Conditions should prevent the installation of air source heating units which could cause noise nuisance.

1 letter of concern suggesting that the gate to the southern access should be permanently closed if permission is to be granted.

PLANNING POLICIES

NPPF - National Planning Policy Framework,

CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP2 - TD CORE STRATEGY - ECONOMY,
CP4 - TD CORE STRATEGY - HOUSING,
CP8 - CP 8 ENVIRONMENT,
DM2 - TD CORE STRATEGY - DEV,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

LOCAL FINANCE CONSIDERATIONS

Community Infrastructure Levy

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £27,250

New Homes Bonus

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1,079
Somerset County Council (Upper Tier Authority)	£270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6,474
Somerset County Council (Upper Tier Authority)	£1,619

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application are the principle of the development, the impact on surrounding property, the impact on the highway network and the design of the proposal.

Principle

Planning permission was previously granted in 2011 for the change of use of the building to form B1 industrial units. The permission was implemented (although not completed) and therefore remains extant. There is a strong fallback position, therefore, relating to the use of the site for industrial purposes. In any case, the conversion of existing buildings to employment (B1) uses is permissible under Policy DM2 of the Taunton Deane Core Strategy and is considered to be acceptable in principle.

Policy DM2 sets out which uses are considered to be appropriate in the rural area. Appropriate uses for existing buildings are set out at section 7 of the policy. It sets out that a sequential approach must be followed in the following priority:

1. Community uses;
2. Class B business uses;
3. Other employment generating uses;
4. Holiday and tourism;
5. Affordable, farm or forestry dwellings;
6. Community housing;
7. In exceptional circumstances, conversion to other residential use.

The 'exceptional circumstances' referred to in criterion 7 are clarified in paragraph 6.16, in that "residential uses will only be acceptable if the building is of particular architectural merit, worthy of retention and demonstrably unsuitable for all other listed uses". The policy, therefore, strongly restricts new residential accommodation in the rural area, such as this. There is no provision in the policy for Work/Live units.

Whilst the business use is acceptable, the proposed residential use is contrary to policy. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, permission should, therefore, be refused unless material considerations indicate otherwise.

In this case, the applicant argues that there are extraordinary circumstances that justify residential development. The applicant operates a fine art restoration business from the site and has done for some years now. It is argued that he wishes to expand but is unable to compete with other providers (which are mainly based in London and the South East) because there is insufficient security at the site. It is suggested that an on-site presence would at least double the amount of business, bringing additional employment opportunities to the area.

Rural workers dwellings are permissible as an exception to normal planning policy under paragraph 55 of the NPPF. Typically, these relate to agricultural enterprises or other land based activities where there is a requirement to live on site for the proper functioning of the enterprise. The isolated matter of security is seldom a reason that justifies such proposals, which are based upon a functional need for a continuous on-site presence for business activities.

In this case, the accommodation is proposed to be associated with the fine art restoration business. There is no need for anybody to live on site in order to carry out the business activities – it is solely a matter of security. Given the value of some of the items that are stored on site – and the fact that they are merely entrusted to the safe keeping of the applicant – it is understandable that customers and insurers alike would be comforted by a continuous on-site presence. There is no evidence to suggest that the applicant has considered other means of improving security, such as CCTV, alarms or an out of hours security presence. However, this is not simply a proposal for a stand-alone dwelling.

In this particular case, the proposed development is a mixed use proposal involving significant commercial development alongside the residential accommodation. In total, the proposed business floorspace would be larger than that proposed for residential accommodation. In terms of unit 1, which the residential accommodation would be tied to, the business floorspace would be 155 square metres. There would also be a meeting room of 27 square metres shared between all units. The residential floorspace would be 214 square metres, so only 32 square metres larger

than the business floorspace, when the meeting room is added to unit 1. This is not, therefore, considered to be a proposal where the business floorspace is little more than a token justification. In terms of the overall business floorspace, 551 square metres are proposed, so the overall residential accommodation is less than half of the proposed business floorspace.

The site is in the rural area, outside any defined settlement. Residents of the accommodation would be dependent on their cars for most of their day to day needs. There is a bus-service on the A38, but residents are likely to be deterred from using this due to the difficulties crossing the A38 at this point when travelling from Taunton/towards Wellington. Whilst work/live units are not permitted by Policy DM2, it is considered that this mixed use development can be justified by the unusual needs of the applicant and his business in the context of the overall mixed use development. The site is surrounded by a mix of other employment uses and numerous other dwellings in and around the site and the proposal will not be isolated. Therefore, on balance, it is considered that the development is acceptable in principle.

Highways

The site is currently accessible directly from the A38 to the south or from the road to Bradford on Tone to the east. The eastern access is far preferable in terms of visibility at its junction with the public highway. Previous permissions have sought to ensure the use of the eastern access over the southern one, although no physical measures were put in place in 2007 to prevent its use – this is perhaps why the use has continued as noted by the Parish Council.

The 2010 permission required the physical stopping up of the applicant's connection to the southern access. This has not been implemented as the trigger for doing so was upon the occupation of the industrial units. The Highway Authority have recommended that this requirement is repeated and on this basis they raise no objection. The stance is considered to be a reasonable one in the face of the extant permission. The proposed parking/yard area has already been laid and a condition is recommended to ensure that it remains available for users of the building, as in 2010. The Highway Authority also recommends a construction management plan be submitted, but this is not considered to be justified if the trigger to close the southern access is revised to be prior to the commencement of any other works.

With regard to the above, the impact upon the highway network is considered to be acceptable.

Neighbouring property

The site is surrounded by commercial and residential properties in reasonably close proximity. The previous permission for B1 units in this building included restrictions on noise and working hours. It is not considered that there is any difference now to the situation in 2010 and it is recommended that the same conditions are re-applied.

This was previously covered in two conditions, one controlling noise and another

controlling working hours. It is not considered that work needs to cease outside the controlled hours if it is not audible at nearby dwellings and, therefore, the condition has been amalgamated as recommended above.

Design and impact on the character of the area

The proposal involves the conversion of a large, modern agricultural building. The proposals to clad the building in profiled sheeting are acceptable and have been well conceived to respect the character of the building, whilst giving it a softer appearance in the landscape. In many ways, the design is similar to that permitted in 2010, including the provision of the balcony/fire exit, although the detailed design and materials would be slightly different. It is, therefore, considered that this is acceptable and will not detract from the character and appearance of the area.

Conclusions

The proposed B1 uses are considered to be an acceptable, policy compliant, re-use of the site. The residential accommodation, including its provision as part of a work/live unit is considered to be contrary to Policy DM2 of the Taunton Deane Core Strategy. However, it is considered that the applicant's business is likely to significantly benefit from an on-site presence and this may well lead to an expansion of the business and increased employment opportunities/economic development benefits in the future. In this particular case, the residential accommodation is proposed as part of a mixed use scheme that is heavily weighted towards the business accommodation overall and not disproportionate in terms of the space to which the unit would be tied. Despite the rural location, the site is surrounded by other residential accommodation. On balance, therefore, it is recommended that planning permission is granted.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr M Bale Tel: 01823 356454

43/15/0001

MR & MRS R DICKINSON

ERECTION OF 5 No THREE BEDROOM TERRACE HOUSES AND 1 No TWO BEDROOM MAISONETTE WITH ASSOCIATED ACCESS TO REAR PARKING AND TURNING AREAS ON GARDEN LAND TO THE SOUTH OF FOXDOWN LODGE, FOXDOWN HILL, WELLINGTON

Location: FOXDOWN LODGE, FOXDOWN HILL, WELLINGTON, TA21 9NH

Grid Reference: 313394.119704

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) DrNo 1429/10/4 Location Plan

(A2) DrNo 1429/10/2 Elevations

(A1) DrNo 1429/10/3A Plans and Elevations

(A1) DrNo 1429/10/1A Site Layout Plan (Revised 01 May 2015)

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

3. Prior to their installation samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. Prior to the commencement of the development hereby permitted full details of the proposed means for the disposal of surface water shall be submitted to approved in writing by the Local Planning Authority. The agreed details shall have regard to the drainage information submitted with the application and shall be implemented prior to the occupation of the dwelling to which it relates and shall thereafter be retained as such.

Reason: To reduce the risk of off-site flooding in accordance with Section 10 of the National Planning Policy Framework.

5. The area allocated for parking on the submitted plan Drwg No. 1429/10/1A shall be provided prior to the occupation of the dwelling to which it relates and shall thereafter be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6. Lockable cycle and bin storage shall be provided on site prior to the dwellings hereby approved being occupied in accordance with details to be agreed, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities exist for the future residents of the site, in accordance with policies DM1 of the Taunton Deane Core Strategy and Saved Policy M5 of the Taunton Deane Local Plan.

7. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting the 2015 Order with or without modification), no addition or extension to the dwelling shall be carried out without the further grant of planning permission.

Reason: To prevent over development and to ensure that the proposed development does not harm the amenity of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

8. The window to the staircase at first and second floor level at the rear shall be obscure glazed with a limited opening in accordance with details that shall previously have been submitted to and approved by the Local Planning Authority. The approved details shall be installed before the dwelling is used or occupied and shall remain in place at all times thereafter.

Reason: To ensure privacy and to protect residential amenity in accordance with policy DM1 of the adopted Taunton Deane Core Strategy.

9. No development shall commence until details of the construction of the new

section of highway have been submitted to and agreed in writing with the Local Planning Authority. The approved section of highway shall be constructed in accordance with the agreed details prior to the commencement of any other works on site and then after retained as such.

Reason: In the interests of highway safety in accordance with Policy DM1 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. You are advised that agreement must be made with the Highway Authority regarding the enlargement of the highway.

PROPOSAL

The proposal comprises the erection of a row of terrace properties, comprising five three storey dwellings, including accommodation within the roofspace, and a maisonette. The dwellings have a central entrance (under the maisonette) to a rear parking area with 11 parking spaces.

Each of the dwellings would have a rear garden area.

The properties have been designed with a pitched roof, with some small two storey projections to the front and dormer windows at the rear. The dwellings would be finished in brick and render with a tiled roof.

A low brick wall is proposed as the front boundary and the garden of the dwellings would be enclosed by a 1,8m timber fence.

SITE DESCRIPTION AND HISTORY

The site is currently used as part of a garden to Foxdown Lodge, which is located on the edge of Wellington. The rear of the site is bound by agricultural land whilst to the side there is an existing row of terrace properties; opposite the site the rear of a modern housing estate is visible. There are hedgerows bounding the site and some small trees.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP -

It is a matter for TDBC as LPA to determine if the principle of residential

development in this location is acceptable, however I am happy to comment on the detail (or lack thereof) provided.

It would appear that there is a proposal to widen the existing highway and alter the alignment of the carriageway, although insufficient detail has been provided for the full assessment of this at this stage. This will need to be secured by appropriate legal agreement should consent be granted and I would request that this is either included within any s106 agreement or that a suitable Grampian condition is attached to any consent.

There is however concern at the adjacent access (north of the site) that serves a garage. This currently benefits from turning within the site, which will no longer be available if the scheme is progressed as per the submitted plans. The highway is unclassified, so this may be less of a concern if visibility is improved for this access. It is noted however that this is beyond the red line area.

A further concern is that the visibility splays as shown on the submitted plan (1429/10/1'A) are shown across land that is not within the red line, or within the adopted highway limits. This is not acceptable and should be resolved as a matter of highway safety.

Given the above therefore, it may be necessary to recommend the refusal of this application on highway safety grounds, although it may be possible to overcome this with amendments to take in the comments provided.

WELLINGTON TOWN COUNCIL - Recommend permission be refused

- The proposal would not be in keeping with the surrounding area
- The proposal would result in overdevelopment of the area.
- There is a lack of supporting infrastructure in the area
- There are concerns for drainage and flooding on this site.

WESSEX WATER -

Water Supply and Waste Connections

New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.

S105a Public Sewers

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

DRAINAGE ENGINEER -

No details of discharge to the watercourse.

Permeable paving, Have porosity tests been carried out to see if underlying strata is porous

HOUSING ENABLING -

25% of the new housing should be in the form of affordable homes, which would equate to 1.5 units. I would consider the commuted sum an appropriate alternative for this site, which is stated to be the applicant's preference. The commuted sum in lieu of affordable housing on site for the scheme proposed is £57,135. This will be ring fenced for the provision of affordable housing within Taunton Deane Borough.

COMMUNITY INFRASTRUCTURE LEVY (CIL) OFFICER - Development within Wellington zero charging zone so CIL liability is zero.

COUNTY ARCHAEOLOGIST - No objection: -

Limited or no archaeological implications to this proposal.

Representations

LETTER OF SUPPORT from WARD COUNCILLOR

- Sits well within site, sympathetic to the surrounding houses without impact on street adjacent (Cox Road) as much lower ridge height than could have been.
- Well designed with space for parking.

FOUR LETTERS OF SUPPORT

- In keeping with Farthings Pitts properties.
- Good use of brownfield site
- Additional vehicles using lane would not have problem as lane being made wider.
- Off road parking will not impact on parking issues.
- Need more housing.

15 LETTERS OF OBJECTION

- Disruption during development from noise and lane unsuitable for HGV's, and no parking facilities.

- Narrow lane, unsuitable visibility, increased parking on the road.
- No passing place in lane or tuing point.
- Highway safety for road users and pedestrians.
- Design not in keeping with Farthings Pitt - Ridge higher, three storey and not two storey.
- Prominent, too large.
- Overlooking and loss of privacy from rooflights.
- Flooding, already a lot of surface water.
- Precedent for future development
- Lighting pollution.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 CP8 - CP 8 ENVIRONMENT,
 NPPF - National Planning Policy Framework,

LOCAL FINANCE CONSIDERATIONS

Development within Wellington zero charging zone so CIL liability is zero.

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6474
Somerset County Council (Upper Tier Authority)	£1619

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£38846
Somerset County Council (Upper Tier Authority)	£9712

DETERMINING ISSUES AND CONSIDERATIONS

Principle

The proposed dwellings are currently sited within the curtilage of Foxdown Lodge, though this additional area of curtilage falls outside of the settlement limits of Wellington. A proposed site that falls outside of the settlement is normally considered to be within open countryside where policies would not allow the creation of a new dwelling. In this particular case, the site is found adjoining the settlement, within an existing garden and is not isolated. Furthermore, the site has been included as a proposed extension to the settlement boundary of Wellington and is a material consideration that is of sufficient weight to make the development acceptable in principle.

Design

The row of properties reflects the existing terrace within Foxdown Lane (Farthings Pitts), albeit with some variations. The introduction of roof lights and gables are considered acceptable, as are the proposed small front gardens, enclosed by a small boundary wall. The design is considered acceptable within the street scene and in keeping with the area.

The fact that the ridge height is higher by 750mm than the existing row of terrace properties, does not make the scheme unacceptable.

Amenity

There are no properties to the rear of the site, and to one side is Foxdown Lodge, which is within the same ownership. Opposite the site is Foxdown Cottage, given the proposed dwellings are set back 17m from this property, on the opposite side of the road, there is not considered to be any detrimental overlooking or loss of privacy.

The proposal would be in-line with the side of the existing terrace of Farthing Pitts and is set away from the boundary by 3.6m. Furthermore the two windows within the side elevation serve the staircase and are proposed with obscure glazing and a limited opening. Whilst the introduction of the properties may introduce some overlooking from bedroom windows, this is no different than the current situation for the properties at Farthings Pitts, and in this case the closest property would be set away from 1 Farthings Pitts. Overall there would not be detrimental overlooking beyond that is current at Farthings Pitts.

Affordable Housing

In line with Policy CP4 of the Taunton Deane Core Strategy, the Housing Enabling Lead suggests that the development should provide 25% affordable housing. However, recent changes to the National Planning Practice Guidance indicate that affordable housing contributions should not be sought on schemes of 10 or less in urban areas such as Wellington. Therefore, it is not recommended that any affordable housing contribution is sought in this case.

Highways

The concerns of the Highway Authority have been met; the application has been amended to include the visibility splays as part of the application and a new turning area has been provided for the existing garage at Foxdown Lodge.

The proposal is considered to provide sufficient car parking for the dwellings and there is sufficient space for cycle storage. There is also a turning area within the parking area, allowing vehicles to leave in a forward gear.

There is adequate visibility for vehicles leaving the site, and the road, at this point, is also proposed to be made wider.

Flooding

The site is not within a Flood zone. Concerns have been raised over surface water flooding and these are considered to be resolved; the applicant has provided details of surface water and has undertaken some works to show that water can be discharged to the existing mains of Wessex Water after being stored in an underground tank. The discharge of water would be at a discharge flow rate agreed by Wessex Water. As such, the concerns raised by the Drainage Officer have been overcome as surface water is no longer proposed to be discharged to a watercourse and a solution regarding the surface water from the car park has been proposed. Given the solutions available, the development is not considered to be a future cause of any localised flooding from surface water.

Conclusion

The proposed site is within a suitable and sustainable location that can accommodate new residential development without harm to the amenity of the area and highway safety. The design of the proposal is acceptable, incorporating elements of the existing properties at Fathings Pitt and retaining a suitable street scene for this location. The proposal is therefore considered acceptable and recommended for approval.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

E/0085/27/15

**UNAUTHORISED RESIDENTIAL CARAVAN ALLEGEDLY AT KNAPP FARM,
HILLFARRANCE**

OCCUPIER:

OWNER: MR & MRS PEACE
KNAPP FARM, HILLFARRANCE ROAD, HILLFARRANCE
TAUNTON
TA4 1AN

PURPOSE OF REPORT

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the cessation of residential occupation of and removal from the land the mobile home.

RECOMMENDATION

The Solicitor to the Council be authorised to serve an Enforcement Notice and take prosecution action subject to sufficient evidence being obtained that the Notice has not been complied with.

The Enforcement Notice shall require -

- the cessation of the residential use of the land;
- the removal from the land of the mobile home.

Time for Compliance

2 Months from the date on which the notice takes effect.

SITE DESCRIPTION

Knapp Farm is a Grade II listed dwelling that has undergone extensive and sympathetic renovation. The site comprises a range of outbuildings and three adjoining fields. Two fields have field gate access to the classified highway. There is a further domestic access between the dwelling and the outbuilding onto a small yard area. A new agricultural storage building has recently been erected in the adjacent field to the south west of the original outbuildings. A public right of way crosses the site and utilises the existing field gate in the northern field to gain access to the highway. The mobile home is located in the field to the southwest of the new agricultural storage building outside the recognised curtilage of the residential dwelling.

BACKGROUND

A previous complaint was received regarding a mobile home on the site adjacent to the dwelling. Following an investigation into this matter an enforcement notice was served in December 2013. This required the mobile home to be removed by late

October 2014.

A further complaint was received in March 2015 stating that the mobile home had been relocated to a position behind the new storage building.

Upon inspecting the site your officers have identified that the mobile home has been used for residential accommodation. The owners of the site have admitted that the mobile home is used intermittently by a family member (of no fixed abode). The owners have no knowledge of when the occupant comes and goes from the property and that he is at times away for extended periods while working. It is understood that the occupant does not leave any personal items in the building, bringing bedding and personal effects with him each time he visits.

DESCRIPTION OF BREACH OF PLANNING CONTROL

Without planning permission the change of use of the land to residential for the stationing of a mobile home.

RELEVANT PLANNING HISTORY

There have been various applications for listed building consent for alterations to the main dwelling, and applications for new agricultural tracks, access alterations and the erection of new structures including new barn adjacent to the mobile home.

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

NPPF paragraph 207

Taunton Deane Local Plan 2011 - 2028

DM1 - General Requirements

DM2 - Development in the Countryside

SP1 - Sustainable Development Locations

DETERMINING ISSUES AND CONSIDERATIONS

The caravan represents a new dwelling in open countryside. The site is located in a remote location, distanced from facilities and services required for day to day living. It is, therefore, considered that residents of the caravan would be reliant on the private motor vehicle for most of their day to day needs.

New dwellings in locations such as this are considered to be unsustainable in transport terms and are contrary to the settlement policies in the Taunton Deane Core Strategy, specifically Policies SP1 and DM2. There do not appear to be any other reasons or material considerations that would indicate that the stationing of the

caravan would be acceptable and outweigh those settlement policies.

It is, therefore considered that the unauthorised development is unacceptable. If any application for planning permission were made, it would likely be recommended for refusal. It is, therefore, considered to be expedient to take enforcement action.

In preparing this report the Enforcement Officer has considered fully the Implications and requirements of the Human Rights Act 1998

PLANNING OFFICER:

PLANNING ENFORCEMENT OFFICER: Christopher Horan

CONTACT OFFICER: Christopher Horan, Telephone 01823 356479

38/15/0104

GABLES PROPERTY MANAGEMENT LTD

CONVERSION OF GARAGE TO SINGLE DWELLING TO THE REAR OF 16 VICTORIA STREET, TAUNTON

Location: 16 VICTORIA STREET, TAUNTON, TA1 3JB

Grid Reference: 323581.124525

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) DrNo 5028_03 Location Plan

(A4) DrNo 5028_04 Site Plan

(A3) DrNo 5028_05 Existing and Proposed Plans

(A3) DrNo 5028_06 Existing and Proposed Elevations

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

3. Prior to new wall construction commencing details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. Lockable cycle and bin storage within the courtyard of the dwelling, as indicated on drawing number 5028_05, shall be provided on site prior to occupation of the dwelling hereby permitted, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities exist for the future residents of the site, in accordance with policies DM1 of the Taunton Deane Core Strategy and Saved Policy M5 of the Taunton Deane Local Plan.

5. Lockable cycle and bin storage for flats 2-5, 16 Victoria Street, as indicated on drawing number 5028_05, shall be provided on site prior to any works commencing, and shall thereafter be retained for those purposes, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that adequate facilities exist for the future residents of the site, in accordance with policies DM1 of the Taunton Deane Core Strategy and Saved Policy M5 of the Taunton Deane Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order (England) Order 2015 (or any order revoking and re-enacting the 2015 Order) (with or without modification), no window/dormer windows shall be installed in the development hereby permitted without the further grant of planning permission.

Reason: To protect the amenities of adjoining residents in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has imposed planning conditions to enable the grant of planning permission.

PROPOSAL

The proposal comprises the conversion and extension of an existing outbuilding (garage) to the rear of 16 Victoria Street to a one bed dwelling.

External alterations to the building include: raising the height of the roof; three rooflights; new door; changing door to window; blocking up two windows; replacing garage doors with glazing.

The proposed dwelling will be finished in render, with a fibre cement roof, timber windows and timber doors.

An amenity area for bin/cycle storage is available within the rear garden of 16 Victoria Street for the new dwelling and a new bin/cycle storage for the flats within 16 Victoria Street is also proposed, accessed via a new gated entrance on Queen Street.

The application is presented at Planning Committee as the agent is related to a member of staff within the department.

SITE DESCRIPTION AND HISTORY

The building is sited to the rear of 16 Victoria Street, constructed in stone and brick, with some sections painted, and a clay double roman tiled roof. The building has been used as a garage and has access via Queen Street. The rear of the building faces onto the rear gardens of properties within Church Street.

The property is within a predominately residential area on the edge of the town and within close proximity to East Reach. There are some commercial uses close to the building.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - See Standing Advice.

WESSEX WATER - New water supply and waste water connections will be required from Wessex water to serve this proposed development. Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Please note that DEFRA intend to implement new regulations that will require the adoption of all new private sewers. All connections subject to these new regulations will require a signed adoption agreement with Wessex Water before any drainage works commence.

On 1st October 2011, in accordance with the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011, Wessex Water became responsible for the ownership and maintenance of thousands of kilometres of formerly private sewers and lateral drains (section 105a sewers).

At the date of transfer many of these sewers are unrecorded on public sewer maps. These sewers can be located within property boundaries at the rear or side of any premises in addition to the existing public sewers shown on our record plans. They will commonly be affected by development proposals and we normally advise applicants to survey and plot these sewers on plans submitted for Planning or Building Regulations purposes.

More information relating to this transfer can be found on our website. It is important to undertake a full survey of the site and surrounding land to determine the local drainage arrangements and to contact our sewer protection team on 01225 526333 at an early stage if you suspect that a section 105a sewer may be affected.

DRAINAGE ENGINEER - None received.

CIL OFFICER - CIL rate is £70 per sqm. Existing garage is 24.5sqm and proposed dwelling is 49sqm. If garage lawful then liability is approximately £1500.

Representations

3 letters of objection on grounds of:
overdevelopment,
town cramming,
effect character of property,
impacts on neighbour,
loss of privacy and light,
will cause more on street parking and highway safety issues,
damage to tree roots,
problems of construction.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP4 - TD CORE STRATEGY - HOUSING,
M4 - TDBCLP - Residential Parking Provision,
M5 - TDBCLP - Cycling,

LOCAL FINANCE CONSIDERATIONS

CIL rate is £70 per sqm. Existing garage is 24.5sqm and proposed dwelling is 49sqm. If garage lawful then liability is approximately £1500.

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£1079
Somerset County Council (Upper Tier Authority)	£270

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£6474
Somerset County Council (Upper Tier Authority)	£1619

DETERMINING ISSUES AND CONSIDERATIONS

Principle of development.

The proposed dwelling is located close to the town centre, close to facilities, shops and public transport. As such, this is a suitable location for the use. The proposal will provide storage areas for bin and cycles and an amenity space for the dwelling. The

proposal is therefore considered to provide the necessary amenities and facilities required for the proposal.

Highways

The proposed one bed dwelling will be located within an area close to the town centre, its facilities, public transport and public car parks. The Somerset Parking Strategy would normally require an optimum level of parking of 1 space per bedroom, though lower levels of parking provision can be considered in sustainable locations and by type of development. As such, car free development is acceptable in this location.

A storage area for cycles has been provided for the new dwelling and the existing flats at 16 Victoria Street.

Alterations

Whilst the roof is proposed to be raised, the pitch of the roof has been retained, maintaining the character and appearance of the building. Though render is not currently used on the building, there sections of wall that have been painted, as such render is appropriate. The proposed roofing material would be acceptable, subject to agreement. Reusing the large opening on the front of the building is acceptable, as is replicating the opening above for the new first floor.

Amenity

The gable end of the building is sited along the rear boundary of 15 Church Street and is visible from the garden. Alterations to the building include raising the height of the building; the eaves by 1.19m and the ridge height by 1.3m. Given this small increase in height, the proposed alteration is not considered to create an overbearing presence on the properties in Church Street beyond the existing situation.

The building is sited to the N/NW of the gardens in Church Street and as such there is not considered to be any loss of sunlight or overshadowing from the new dwelling.

There are no windows within the first floor rear or side elevations; the first floor window in the front elevation faces onto the side of an office building. There are three rooflights within one slope and this side faces onto a parking area, outbuilding and a garage. Furthermore, the rooflights will be sited at least 1.8m above the finished floor level, limiting any views out of the windows. As such, there is not considered to be any overlooking or loss of privacy from the proposal.

Other matters

The planting to the rear of the building is unlikely to be affected by the proposal. The agent has indicated that there are currently no plans to provide new foundations; these matters would be dealt with at a Building Regulations stage of development. Given the confines of the site and small foundation that could be required, it is likely that the foundation would be dug by hand limiting any root damage. Notwithstanding the above, the landscaping itself is not protected in planning terms, and matters regarding foundations would be a civil matter between both parties

Conclusion

The proposal is sited in a suitable and sustainable location for a small dwelling, within a building that can be converted without any detrimental harm to the visual or residential amenity of the area. The proposal is therefore considered acceptable and recommended for approval.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

38/15/0127/LB

WINDSOR PROPERTIES

CONVERSION OF 2 No. FLATS INTO 1 No. DWELLING WITH INTERNAL AND EXTERNAL ALTERATIONS AT 52 WOOD STREET, TAUNTON (RETENTION OF PART WORKS ALREADY UNDERTAKEN)

Location: 52 WOOD STREET, TAUNTON, TA1 1UW

Grid Reference: 322449.124934

Listed Building Consent: Works

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent.

Reason: To comply with the requirements of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended by S51(4) Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo J102/01 Survey Drawing

(A3) DrNo J102/02C Proposed Floor Plans

(A3) DrNo J102/03B Proposed Elevations and Section A A

(A4) Block Plan

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

3. The windows to the front elevation hereby permitted shall be timber and thereafter maintained as such, in accordance with details to include sections, mouldings, profiles, working arrangements and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

Reason: To ensure the use of materials and details appropriate to the character of the Listed Building, in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the relevant guidance in Section 12 of the National Planning Policy Framework.

Notes to Applicant

PROPOSAL

Works associated with the conversion of 2 no. flats into 1 no. dwelling with internal and external alterations (retention of part works already undertaken).

The application comes before Members as the Agent is related to a member of staff.

SITE DESCRIPTION AND HISTORY

No. 52 Wood Street is one of a pair of early C19 houses in a long terrace of later houses opposite Wood Street car park. It was listed at Grade II on 4 July 1975. There is no recent planning history relating to this house. Planning permission is not required for the current works.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

None received.

Representations

No replies received.

PLANNING POLICIES

CP8 - CP 8 ENVIRONMENT,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

This application is part retrospective and much of the internal work has already been carried out. It is clear, however, that little original fabric had survived and the former plan form was substantially altered when the dwelling was converted to two flats - presumably before the date of listing. There has also been a single storey ground floor extension added at some point.

In its current state it is arguable whether the building warrants its listed status, but as it stands the alterations must be assessed against the same criteria as any other listed building consent application. That said, the absence of significant historic fabric and original plan-form means that its character and appearance are far less sensitive than typically encountered and a greater degree of alteration is therefore permissible.

On balance, given the amount of previous alteration that this house has been subjected to, I do not consider that the works applied for would cause an unacceptable amount of harm to the significance of this listed building. The proposed windows to the front elevation, which, despite the current modern windows, does retain more of its historic character, should, however, be of a design appropriate to this listed building and a condition should be included for the approval of full details prior to installation.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Mr N Pratt Tel: 01823 356492

49/15/0022

MR & MRS M VALUKS

CHANGE OF USE AND CONVERSION OF OUTBUILDING TO SELF CONTAINED ANNEX AT CULVERHEAD LODGE, WIVELISCOMBE

Location: CULVERHEAD LODGE, CULVERHAY LANE, WIVELISCOMBE,
TAUNTON, TA4 2TA

Grid Reference: 307620.127708

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) DrNo 5050_02 Location Plan

(A4) DrNo 5050_03 Site Plan

(A1) DrNo 5050_01 Plans and Elevations (Existing and Proposed)

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

3. The annexe hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Culverhead Lodge.

Reason: To ensure the annexe does not become occupied separately from the main dwelling, which would constitute a separate dwelling.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy

Framework the Council has worked in a positive and pro-active way and has granted planning permission.

PROPOSAL

The proposal is to convert a single storey outbuilding to a self contained annexe. The annexe contains the following accommodation: two bedrooms, a bathroom and a sitting room.

The materials proposed will match those on the existing building, a wider opening is proposed on the South elevation and an existing window is to become a door on the East elevation. No new windows or doors are proposed on the North or West elevations. The application is to be determined by the Planning Committee as the agent is related to a member of staff.

SITE DESCRIPTION AND HISTORY

The Nissen Hut is within the grounds of Culverhead Lodge to the west of the main dwellinghouse. The Nissen Hut is well screened from the road by existing hedging. The hut is constructed of corrugated sheet steel with wooden windows and doors.

There is no relevant planning history for this proposal.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE TOWN COUNCIL - No comments received.

Representations

None received.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
H18 - TDBCLP - Ancillary Accommodation,

LOCAL FINANCE CONSIDERATIONS

Not applicable.

DETERMINING ISSUES AND CONSIDERATIONS

It is considered that the conversion of the Nissen hut to ancillary accommodation will not have a significant impact on the neighbouring properties due to it being approximately 30 metres from the near neighbour and that it is well screened from the road by existing hedging. The windows to become doors are facing Culverhead Lodge and therefore will not have a significant impact on the amenity of the neighbouring properties. The annexe is not proposed to include a kitchen and is

therefore dependent on the existing dwelling in this respect it is unlikely to become a dwelling and therefore the current parking situation is acceptable.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: Briony Martin Tel: 01984 635366/01823 356559

APPEAL DECISIONS FOR COMMITTEE AGENDA –15 July 2015

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	INSPECTOR'S REMARKS
APP/D3315/D/15/3 006226	ERECTION OF SINGLE STOREY EXTENSION AND THREE STOREY EXTENSION TO THE REAR OF 17 HIGH PATH, WELLINGTON	The proposed extension, by reason of its size and location would reduce light to the adjoining 18 High Path to an unacceptable degree and would have an unacceptable adverse overbearing impact upon that neighbouring dwelling. The amenities of 18 High Path would be harmed to an unacceptable degree, contrary to Retained Policy H17 of the Taunton Deane Local Plan and Policy DM1 of the Taunton Deane Core Strategy.	43/14/0131	Allowed. See letter on Acolaid
APP/D3315/A/14/2 229073	PRIOR APPROVAL FOR PROPOSED CHANGE OF USE FROM AGRICULTURAL BUILDINGS TO DWELLING HOUSES (USE CLASS C3) AND ASSOCIATED BUILDING OPERATIONS AT FITZROY FARM,	The conversion of the buildings to residential use, by virtue of their isolated location within open countryside, distant from services and sustainable settlements, would result in an unsustainable pattern of development where occupiers of the dwelling houses would be heavily reliant upon the use of private motor vehicles. As such, the siting of the buildings make it	25/14/0030	Allowed. See letter on Acolaid

	TAUNTON	impractical and undesirable for the change to residential use, being contrary to Policy 55 of the NPPF which seeks to prevent the creation of new isolated homes in the countryside.		
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Appeal Decision

Site visit made on 5 May 2015

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 May 2015

Appeal Ref: APP/D3315/D/15/3006226

17 High Path, Wellington, Somerset TA21 8NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Christina Gross against the decision of Taunton Deane Borough Council.
 - The application Ref 43/14/0131, dated 28 November 2014, was refused by notice dated 16 February 2015.
 - The development proposed is "single storey and three storey rear extensions to form dining / kitchen and bedroom facilities. NB front elevation remains unaltered".
-

Decision

1. The appeal is allowed and planning permission is granted for single storey and three storey rear extensions to form dining / kitchen and bedroom facilities, at 17 High Path, Wellington, Somerset TA21 8NH, in accordance with application Ref 43/14/0131, made on the 28 November 2014, and subject to the following conditions:-
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below): PL/2014/143_101_03 and PL/2014/143_104_F 04.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 4. The windows in the side elevations of the extensions shall have restricted openings and shall be obscured glazed, details of which shall be submitted to and approved in writing by the local planning authority before the commencement of any development. The development shall be undertaken in accordance with these approved details and shall be retained as agreed thereafter.
 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking, re-enacting or modifying that Order, no windows, dormers, or rooflights other than those expressly authorised by this permission shall be installed on the side elevations of the building.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) came into force in April 2015. This consolidated the 1995 (as amended) GPDO that the Council determined the proposed scheme under. Consequently, I have determined the appeal on the basis of the current legislation.
3. The application refers to the first name of the appellant as being Christine Gross. However, the appeal form and the grounds of appeal refer to the appellant as being Christina. As the appeal documents were prepared by Mrs Gross, I have referred to her by the name cited in them.
4. The description of the proposal on the application and appeal forms refers to the front elevation of the house being unaltered. I have not included this reference above, as it does not refer to an act of development.

Main Issue

5. The main issue is the effect of the proposed rear extensions on the living conditions of the occupiers of neighbouring properties, with particular regard to daylight, privacy and outlook.

Reasons

6. The appeal property lies within a residential area comprising a mix of mostly houses and bungalows. 17 High Path is a two storey double fronted detached brick and slate house, centrally positioned within the width of its plot. It is part of a long row of similar styled and aged large detached and semi-detached houses elevated above the road behind regular shaped front gardens. To the rear, the deep garden of No 17 is a similar size to its neighbours, and is bounded by high brick walls.
7. The similarity of the houses along High Path, including their rich architectural detailing, their size and spacing, gives an attractive and rhythmical character and appearance to the area. To the rear, many of the semi-detached houses have deep two storey back additions, including Nos 18 and 16, with some properties having been extended beyond them.
8. The proposed rear extensions would be constructed of brick, render and natural slate, with Victorian style sash windows. Although three stories in height, the proposed ridge would be set below that of the existing house, with the side wall stepped in. The third floor window would be much smaller than those below it, thereby having the appearance of an attic room. The single storey extension element with its sloping lean-to roof would be subservient to both the house and the proposed three storey extension. Despite their size, the proposed extensions would not project beyond the depth of the neighbouring houses. The proposal would, therefore, maintain the character and appearance of the house and the surrounding area.
9. However, the occupiers of the properties either side of the appeal property are concerned that the proposed extensions would result in an unacceptable loss of light and be an overbearing outlook. Both Nos 18 and 16 have ground floor side windows that overlook the appeal site. Like the appeal property, each house is set away from the side boundary, which in both cases is delineated by a high boundary wall. I accept there would be some loss of light to these

ground floor windows, particularly in the winter, and that the extensions would be much taller than the existing conservatory. However, the separation of the houses from each other would be maintained by the proposed extensions, and there is already a loss of light and outlook to these windows with regard to the existing boundary wall and the deep two storey rear extension to No 16. The use of white painted render to the sides of the proposed extensions would reflect some light into the neighbouring properties. Furthermore, in addition to the side windows serving the kitchen of No 18, it also benefits from other windows. Taken together, the impact of the proposed extensions on the daylight and outlook of the neighbouring residents would not be a significant and harmful loss over and above the existing situation.

10. I have also had regard to the concerns of neighbouring residents as to loss of privacy. However, there are a number of windows in the appeal building and also within those of the neighbouring houses that give mutual overlooking for occupiers between the properties. The proposed first floor side windows within the extensions would serve a bathroom and landing, whilst those to be inserted within the main house would be for an ensuite and bathroom, and all would be obscure glazed. As such there would not be an unacceptable loss of privacy to the occupiers of the surrounding properties.
11. Local residents are concerned that the future occupiers of the extended house would increase noise and disturbance in the area. Whilst there would be likely to be some increase with potentially more occupants of the appeal house, it would occur within an established residential area and would be experienced within this context. As such it would be unlikely to significantly increase noise and disturbance in the area.
12. I therefore find the proposed extensions would not unacceptably harm the living conditions of neighbouring residents with regard to daylight, privacy and outlook. The proposal would accord with the requirements of Policies H17 of the Taunton Deane Local Plan (2004) and DM1 of the Taunton Deane Core Strategy (2012). These policies seek amongst other things and like an objective of the National Planning Policy Framework (the Framework), a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

13. Local residents refer to subsidence problems. However, in the absence of substantive evidence that the extensions would cause problems of this sort, I can only afford this matter limited weight.
14. Concerns regarding the Council's handling of the application and relationship with the Town Council are procedural matters and have no bearing on my consideration of the planning merits of the case.
15. The degree of harm would not, therefore, be so serious as to justify dismissing the appeal on these points alone.

Conditions

16. The conditions suggested by the Council have been considered against paragraph 206 of the Framework. Where necessary and in the interests of clarity and precision they have been altered to better reflect these requirements. I have imposed the standard time limit condition and one

requiring the development to be carried out in accordance with the approved plans, so as to avoid doubt and in the interests of proper planning.

17. I have also imposed a condition requiring matching external materials, to ensure that the extensions harmonises with the character and appearance of the host building and that of the surrounding area.

18. To protect the living conditions of the occupiers of nearby houses, I have imposed a condition requiring obscure glazed and restricted opening windows within the side elevations of the extensions, and have removed permitted development rights as regards the insertion of additional openings.

Conclusion

19. For all the reasons given above, I therefore conclude that the appeal should be allowed.

J J Evans

INSPECTOR



Appeal Decision

Site visit made on 26 May 2015

by Mike Fox BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 June 2015

Appeal Ref: APP/D3315/A/14/2229073

Fitzroy Farm, Fitzroy, Norton Fitzwarren, Somerset, TA2 6PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr and Mrs Andrew Ritchie against the decision of Taunton Deane Borough Council.
 - The application Ref 25/14/0030/CMB, dated 1 September 2014, was refused by notice dated 31 October 2014.
 - The development proposed is change of use from agricultural buildings to dwelling houses (Use Class C3) and associated building operations.
-

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for change of use from agricultural buildings to three dwelling houses (Use Class 3) and associated building operations at Fitzroy Farm, Fitzroy, Norton Fitzwarren, Somerset, TA2 6PH, in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph W of the GPDO, subject to the following conditions:
 - 1) The development hereby approved shall begin not later than three years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans, with drawing numbers in brackets: *Location Plan* (10; Rev C); *Existing Site/Block Plan Barns A, B & C* (11; Rev A); *Proposed Site/Block Plan Barns A, B & C* (12 Rev B); *Existing Barns A, B & C* (13; Rev A); *Existing Elevations Barn A* (14; Rev A); *Existing Elevations Barns B & C* (15; Rev A); *Proposed Elevations Barn A* (16); *Proposed Elevations Barns B & C* (17; Rev A); and *Proposed Site Plan* (18).
 - 3) Prior to the dwellings hereby approved first being occupied, the access, driveway and parking areas shall be fully hard surfaced. The areas shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings or within an alternative area acceptable to the local planning authority. The area allocated for parking shall remain unobstructed and available for the parking of

vehicles in association with the development hereby permitted, unless otherwise agreed in writing by the local planning authority.

Application for costs

2. A late application for costs was made by Mr and Mrs Andrew Ritchie against Taunton Deane Borough Council. The Inspectorate's Decision Officer, however, in his letter of 13 April 2015, has written to state that the Appellant has failed to demonstrate that there is a good reason for accepting the late costs application for consideration, and that no further action can be taken on it.

Procedural Matters

3. The application to the Council was made under Schedule 2, Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, that statutory instrument has been largely replaced with the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015¹. Equivalent provisions are now included within Schedule 2, Part 3, Class Q of that Order (hereafter referred to as Class Q). The relevant legislation provides for anything done under the previous provisions to be treated as if done under the new provisions, so an application made under Class MB has effect as if made under the new Class Q. I have proceeded on this basis.
4. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwelling house) of the Schedule to the Use Classes Order² and building operations reasonably necessary to convert the building.

Main Issue

5. The Council raises no concerns regarding the tests in what is now paragraph Q.1, including whether the appeal buildings have been in sole agricultural use at the material date (20 March 2013); the cumulative number of separate dwelling houses developed under Class Q does not exceed three; the cumulative floorspace changing use does not exceed 450 sq m; and the proposed building operations are reasonably necessary to convert the buildings to dwelling houses. I have no reason to take a different view.
6. In relation to the criteria under paragraph Q.2 (1), the Council has raised no concerns in relation to transport and highways and noise impacts of the development; contamination and flooding risks on the site; and the design or external appearance of the buildings. Again, I have no reason to take a different view.
7. Prior approval was refused solely on the grounds that the location would be impractical or undesirable for it to change from agricultural use to a dwelling (criterion (e) in paragraph Q.2.). This is the main issue for consideration in this appeal.

Reasons

8. The appeal site forms part of a cluster of agricultural buildings and stables, centred on the main farmhouse, Fitzroy Farm, within the open countryside.

¹ S.I. 2015 No. 596.

² SI 1987/764 – The Town and Country Planning (Use Classes) Order 1987, as amended.

- The properties are connected to the A358 Taunton-Minehead main road by a short country lane. The proposal is to convert four agricultural buildings into three dwellings, comprising one 2 bed, one 3 bed and one 5 bed dwelling.
9. The Council's concern is that the proposed development would be contrary to paragraph 55 of *the Framework*³, which states that national planning policy is to avoid isolated new homes in the countryside. The Council's view is that the site is in an unsustainable location because there are no public services within the area.
 10. The Council also points out that there are no safe pedestrian routes between the site and the bus stops on the A358, some 800m distant, and that the grass verges which provide access to them are affected by localised flooding in winter. In addition, pedestrians using buses going westwards would have to cross the busy A358 without the benefit of a formal crossing. Future occupiers would therefore be likely to use cars for most journeys.
 11. The recent amendments to the PPG⁴ are relevant to this case. Paragraph 108⁵ answers the question: *Is there a sustainability prior approval for the change to residential use?* It states that the permitted development right does not apply a test in relation to the sustainability of a location, and explains that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs.
 12. Paragraph 109⁶ answers the question: *What is meant by impractical or undesirable for the change to residential use?* It states that when considering whether it is appropriate for the change of use to take place at a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. It also states that, the fact that an agricultural building is in a location where a local planning authority would not normally grant planning permission for a new dwelling, is not a sufficient reason for refusing prior approval. This provision in my view outweighs the Council's arguments based on the sustainability considerations set out in paragraph 55 of *the Framework*.
 13. The PPG is the most up-to-date guidance on the interpretation of the Class Q provisions and it therefore carries substantial weight. It is also clear from the examples given in the PPG where impact cannot be mitigated, such as an agricultural building at the top of a hill with no road access, power source or other services, that the appeal site does not fall into this category of undesirability. Integral to the PPG's stance, therefore, is whether the proposed conversion from agricultural use to a dwelling would be impractical. Whilst I agree with the Council that there are sustainability considerations that would be brought to bear in the case of a planning application, it cannot be argued that the proposal before me would be impractical in the light of paragraph 109 of the PPG. I therefore consider that the isolated location of the appeal site would not be a justified ground to withhold prior approval.

³ DCLG: national Planning Policy framework (*the Framework*); March 2012.

⁴ DCLG: national Planning Practice Guidance (PPG); updated 27 March 2014.

⁵ PPG Reference ID: 13-108-20150305.

⁶ PPG Reference ID: 13-109-20150305.

14. In the light of the above considerations, I conclude in relation to the main issue that there would be no adverse impacts regarding any of the criteria listed in paragraph Q.2 (1) of the GPDO.

Other matters

15. Several letters of objection from local residents express concern over increased vehicular traffic and danger to pedestrians. The highway authority, however, has not expressed concern over these matters and the Council states that the proposal is unlikely to significantly harm highway safety. I see no reason to disagree. I do not consider that the proposal would harm the impact on the character and appearance of the landscape, as the buildings already exist and the proposal would not change their height, footprint or any other feature that would result in visual harm to the character and appearance of the surrounding countryside. Finally, no evidence has been submitted to demonstrate that any wildlife interests would be adversely affected.

Conditions

16. In accordance with the GPDO, development must be carried out within three years of the date of this decision and in compliance with the approved plans, and I have imposed these conditions accordingly.
17. The Council suggested four additional conditions. I have accepted, with modifications, the suggested condition relating to the surfacing of the access, driveway and parking areas and their retention as such, in the interests of highway safety and sustainable drainage.
18. The Council suggested a condition restricting permitted development rights. The PPG advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. As I have no evidence to suggest that exceptional circumstances apply, I have not imposed this suggested condition.
19. The Council suggested two further conditions relating to specific materials for external windows and doors, and guttering, downpipes and rainwater goods. I am not persuaded that this level of detail is necessary to make the application acceptable, and I agree with the Appellants that the imposition of these conditions would place unjustifiable and disproportionate burdens on them. I have therefore not imposed these conditions.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that, subject to the appropriate conditions, the appeal should be allowed and prior approval granted.

Mike Fox

INSPECTOR



Appeal Decision

Site visit made on 5 May 2015

by J J Evans BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 May 2015

Appeal Ref: APP/D3315/D/15/3006226

17 High Path, Wellington, Somerset TA21 8NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Christina Gross against the decision of Taunton Deane Borough Council.
 - The application Ref 43/14/0131, dated 28 November 2014, was refused by notice dated 16 February 2015.
 - The development proposed is "single storey and three storey rear extensions to form dining / kitchen and bedroom facilities. NB front elevation remains unaltered".
-

Decision

1. The appeal is allowed and planning permission is granted for single storey and three storey rear extensions to form dining / kitchen and bedroom facilities, at 17 High Path, Wellington, Somerset TA21 8NH, in accordance with application Ref 43/14/0131, made on the 28 November 2014, and subject to the following conditions:-
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below): PL/2014/143_101_03 and PL/2014/143_104_F 04.
 3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 4. The windows in the side elevations of the extensions shall have restricted openings and shall be obscured glazed, details of which shall be submitted to and approved in writing by the local planning authority before the commencement of any development. The development shall be undertaken in accordance with these approved details and shall be retained as agreed thereafter.
 5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking, re-enacting or modifying that Order, no windows, dormers, or rooflights other than those expressly authorised by this permission shall be installed on the side elevations of the building.

Procedural Matter

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) came into force in April 2015. This consolidated the 1995 (as amended) GPDO that the Council determined the proposed scheme under. Consequently, I have determined the appeal on the basis of the current legislation.
3. The application refers to the first name of the appellant as being Christine Gross. However, the appeal form and the grounds of appeal refer to the appellant as being Christina. As the appeal documents were prepared by Mrs Gross, I have referred to her by the name cited in them.
4. The description of the proposal on the application and appeal forms refers to the front elevation of the house being unaltered. I have not included this reference above, as it does not refer to an act of development.

Main Issue

5. The main issue is the effect of the proposed rear extensions on the living conditions of the occupiers of neighbouring properties, with particular regard to daylight, privacy and outlook.

Reasons

6. The appeal property lies within a residential area comprising a mix of mostly houses and bungalows. 17 High Path is a two storey double fronted detached brick and slate house, centrally positioned within the width of its plot. It is part of a long row of similar styled and aged large detached and semi-detached houses elevated above the road behind regular shaped front gardens. To the rear, the deep garden of No 17 is a similar size to its neighbours, and is bounded by high brick walls.
7. The similarity of the houses along High Path, including their rich architectural detailing, their size and spacing, gives an attractive and rhythmical character and appearance to the area. To the rear, many of the semi-detached houses have deep two storey back additions, including Nos 18 and 16, with some properties having been extended beyond them.
8. The proposed rear extensions would be constructed of brick, render and natural slate, with Victorian style sash windows. Although three stories in height, the proposed ridge would be set below that of the existing house, with the side wall stepped in. The third floor window would be much smaller than those below it, thereby having the appearance of an attic room. The single storey extension element with its sloping lean-to roof would be subservient to both the house and the proposed three storey extension. Despite their size, the proposed extensions would not project beyond the depth of the neighbouring houses. The proposal would, therefore, maintain the character and appearance of the house and the surrounding area.
9. However, the occupiers of the properties either side of the appeal property are concerned that the proposed extensions would result in an unacceptable loss of light and be an overbearing outlook. Both Nos 18 and 16 have ground floor side windows that overlook the appeal site. Like the appeal property, each house is set away from the side boundary, which in both cases is delineated by a high boundary wall. I accept there would be some loss of light to these

ground floor windows, particularly in the winter, and that the extensions would be much taller than the existing conservatory. However, the separation of the houses from each other would be maintained by the proposed extensions, and there is already a loss of light and outlook to these windows with regard to the existing boundary wall and the deep two storey rear extension to No 16. The use of white painted render to the sides of the proposed extensions would reflect some light into the neighbouring properties. Furthermore, in addition to the side windows serving the kitchen of No 18, it also benefits from other windows. Taken together, the impact of the proposed extensions on the daylight and outlook of the neighbouring residents would not be a significant and harmful loss over and above the existing situation.

10. I have also had regard to the concerns of neighbouring residents as to loss of privacy. However, there are a number of windows in the appeal building and also within those of the neighbouring houses that give mutual overlooking for occupiers between the properties. The proposed first floor side windows within the extensions would serve a bathroom and landing, whilst those to be inserted within the main house would be for an ensuite and bathroom, and all would be obscure glazed. As such there would not be an unacceptable loss of privacy to the occupiers of the surrounding properties.
11. Local residents are concerned that the future occupiers of the extended house would increase noise and disturbance in the area. Whilst there would be likely to be some increase with potentially more occupants of the appeal house, it would occur within an established residential area and would be experienced within this context. As such it would be unlikely to significantly increase noise and disturbance in the area.
12. I therefore find the proposed extensions would not unacceptably harm the living conditions of neighbouring residents with regard to daylight, privacy and outlook. The proposal would accord with the requirements of Policies H17 of the Taunton Deane Local Plan (2004) and DM1 of the Taunton Deane Core Strategy (2012). These policies seek amongst other things and like an objective of the National Planning Policy Framework (the Framework), a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

13. Local residents refer to subsidence problems. However, in the absence of substantive evidence that the extensions would cause problems of this sort, I can only afford this matter limited weight.
14. Concerns regarding the Council's handling of the application and relationship with the Town Council are procedural matters and have no bearing on my consideration of the planning merits of the case.
15. The degree of harm would not, therefore, be so serious as to justify dismissing the appeal on these points alone.

Conditions

16. The conditions suggested by the Council have been considered against paragraph 206 of the Framework. Where necessary and in the interests of clarity and precision they have been altered to better reflect these requirements. I have imposed the standard time limit condition and one

requiring the development to be carried out in accordance with the approved plans, so as to avoid doubt and in the interests of proper planning.

17. I have also imposed a condition requiring matching external materials, to ensure that the extensions harmonises with the character and appearance of the host building and that of the surrounding area.
18. To protect the living conditions of the occupiers of nearby houses, I have imposed a condition requiring obscure glazed and restricted opening windows within the side elevations of the extensions, and have removed permitted development rights as regards the insertion of additional openings.

Conclusion

19. For all the reasons given above, I therefore conclude that the appeal should be allowed.

J J Evans

INSPECTOR



Appeal Decision

Site visit made on 26 May 2015

by Mike Fox BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 June 2015

Appeal Ref: APP/D3315/A/14/2229073

Fitzroy Farm, Fitzroy, Norton Fitzwarren, Somerset, TA2 6PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr and Mrs Andrew Ritchie against the decision of Taunton Deane Borough Council.
 - The application Ref 25/14/0030/CMB, dated 1 September 2014, was refused by notice dated 31 October 2014.
 - The development proposed is change of use from agricultural buildings to dwelling houses (Use Class C3) and associated building operations.
-

Decision

1. The appeal is allowed and approval granted under the provisions of Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 for change of use from agricultural buildings to three dwelling houses (Use Class 3) and associated building operations at Fitzroy Farm, Fitzroy, Norton Fitzwarren, Somerset, TA2 6PH, in accordance with the details submitted pursuant to Schedule 2, Part 3, Paragraph W of the GPDO, subject to the following conditions:
 - 1) The development hereby approved shall begin not later than three years from the date of this decision.
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans, with drawing numbers in brackets: *Location Plan* (10; Rev C); *Existing Site/Block Plan Barns A, B & C* (11; Rev A); *Proposed Site/Block Plan Barns A, B & C* (12 Rev B); *Existing Barns A, B & C* (13; Rev A); *Existing Elevations Barn A* (14; Rev A); *Existing Elevations Barns B & C* (15; Rev A); *Proposed Elevations Barn A* (16); *Proposed Elevations Barns B & C* (17; Rev A); and *Proposed Site Plan* (18).
 - 3) Prior to the dwellings hereby approved first being occupied, the access, driveway and parking areas shall be fully hard surfaced. The areas shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings or within an alternative area acceptable to the local planning authority. The area allocated for parking shall remain unobstructed and available for the parking of

vehicles in association with the development hereby permitted, unless otherwise agreed in writing by the local planning authority.

Application for costs

2. A late application for costs was made by Mr and Mrs Andrew Ritchie against Taunton Deane Borough Council. The Inspectorate's Decision Officer, however, in his letter of 13 April 2015, has written to state that the Appellant has failed to demonstrate that there is a good reason for accepting the late costs application for consideration, and that no further action can be taken on it.

Procedural Matters

3. The application to the Council was made under Schedule 2, Part 3, Class MB of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). However, that statutory instrument has been largely replaced with the Town and Country Planning (General Permitted Development) (England) Order (GPDO) 2015¹. Equivalent provisions are now included within Schedule 2, Part 3, Class Q of that Order (hereafter referred to as Class Q). The relevant legislation provides for anything done under the previous provisions to be treated as if done under the new provisions, so an application made under Class MB has effect as if made under the new Class Q. I have proceeded on this basis.
4. Class Q permits development consisting of a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within Class C3 (dwelling house) of the Schedule to the Use Classes Order² and building operations reasonably necessary to convert the building.

Main Issue

5. The Council raises no concerns regarding the tests in what is now paragraph Q.1, including whether the appeal buildings have been in sole agricultural use at the material date (20 March 2013); the cumulative number of separate dwelling houses developed under Class Q does not exceed three; the cumulative floorspace changing use does not exceed 450 sq m; and the proposed building operations are reasonably necessary to convert the buildings to dwelling houses. I have no reason to take a different view.
6. In relation to the criteria under paragraph Q.2 (1), the Council has raised no concerns in relation to transport and highways and noise impacts of the development; contamination and flooding risks on the site; and the design or external appearance of the buildings. Again, I have no reason to take a different view.
7. Prior approval was refused solely on the grounds that the location would be impractical or undesirable for it to change from agricultural use to a dwelling (criterion (e) in paragraph Q.2.). This is the main issue for consideration in this appeal.

Reasons

8. The appeal site forms part of a cluster of agricultural buildings and stables, centred on the main farmhouse, Fitzroy Farm, within the open countryside.

¹ S.I. 2015 No. 596.

² SI 1987/764 – The Town and Country Planning (Use Classes) Order 1987, as amended.

- The properties are connected to the A358 Taunton-Minehead main road by a short country lane. The proposal is to convert four agricultural buildings into three dwellings, comprising one 2 bed, one 3 bed and one 5 bed dwelling.
9. The Council's concern is that the proposed development would be contrary to paragraph 55 of *the Framework*³, which states that national planning policy is to avoid isolated new homes in the countryside. The Council's view is that the site is in an unsustainable location because there are no public services within the area.
 10. The Council also points out that there are no safe pedestrian routes between the site and the bus stops on the A358, some 800m distant, and that the grass verges which provide access to them are affected by localised flooding in winter. In addition, pedestrians using buses going westwards would have to cross the busy A358 without the benefit of a formal crossing. Future occupiers would therefore be likely to use cars for most journeys.
 11. The recent amendments to the PPG⁴ are relevant to this case. Paragraph 108⁵ answers the question: *Is there a sustainability prior approval for the change to residential use?* It states that the permitted development right does not apply a test in relation to the sustainability of a location, and explains that many agricultural buildings will not be in village settlements and may not be able to rely on public transport for their daily needs.
 12. Paragraph 109⁶ answers the question: *What is meant by impractical or undesirable for the change to residential use?* It states that when considering whether it is appropriate for the change of use to take place at a particular location, a local planning authority should start from the premise that the permitted development right grants planning permission, subject to the prior approval requirements. It also states that, the fact that an agricultural building is in a location where a local planning authority would not normally grant planning permission for a new dwelling, is not a sufficient reason for refusing prior approval. This provision in my view outweighs the Council's arguments based on the sustainability considerations set out in paragraph 55 of *the Framework*.
 13. The PPG is the most up-to-date guidance on the interpretation of the Class Q provisions and it therefore carries substantial weight. It is also clear from the examples given in the PPG where impact cannot be mitigated, such as an agricultural building at the top of a hill with no road access, power source or other services, that the appeal site does not fall into this category of undesirability. Integral to the PPG's stance, therefore, is whether the proposed conversion from agricultural use to a dwelling would be impractical. Whilst I agree with the Council that there are sustainability considerations that would be brought to bear in the case of a planning application, it cannot be argued that the proposal before me would be impractical in the light of paragraph 109 of the PPG. I therefore consider that the isolated location of the appeal site would not be a justified ground to withhold prior approval.

³ DCLG: national Planning Policy framework (*the Framework*); March 2012.

⁴ DCLG: national Planning Practice Guidance (PPG); updated 27 March 2014.

⁵ PPG Reference ID: 13-108-20150305.

⁶ PPG Reference ID: 13-109-20150305.

14. In the light of the above considerations, I conclude in relation to the main issue that there would be no adverse impacts regarding any of the criteria listed in paragraph Q.2 (1) of the GPDO.

Other matters

15. Several letters of objection from local residents express concern over increased vehicular traffic and danger to pedestrians. The highway authority, however, has not expressed concern over these matters and the Council states that the proposal is unlikely to significantly harm highway safety. I see no reason to disagree. I do not consider that the proposal would harm the impact on the character and appearance of the landscape, as the buildings already exist and the proposal would not change their height, footprint or any other feature that would result in visual harm to the character and appearance of the surrounding countryside. Finally, no evidence has been submitted to demonstrate that any wildlife interests would be adversely affected.

Conditions

16. In accordance with the GPDO, development must be carried out within three years of the date of this decision and in compliance with the approved plans, and I have imposed these conditions accordingly.
17. The Council suggested four additional conditions. I have accepted, with modifications, the suggested condition relating to the surfacing of the access, driveway and parking areas and their retention as such, in the interests of highway safety and sustainable drainage.
18. The Council suggested a condition restricting permitted development rights. The PPG advises that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances. As I have no evidence to suggest that exceptional circumstances apply, I have not imposed this suggested condition.
19. The Council suggested two further conditions relating to specific materials for external windows and doors, and guttering, downpipes and rainwater goods. I am not persuaded that this level of detail is necessary to make the application acceptable, and I agree with the Appellants that the imposition of these conditions would place unjustifiable and disproportionate burdens on them. I have therefore not imposed these conditions.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that, subject to the appropriate conditions, the appeal should be allowed and prior approval granted.

Mike Fox

INSPECTOR