

14/09/0043

MR D HILL

CONVERSION OF BARN TO PROVIDE ACCOMMODATION FOR SEASONAL FARM WORKERS AT WEST NEWTON FRUIT FARM, ADSBOROUGH (AS AMENDED)

Grid Reference: 327879.129216

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed scheme is in association with a need for seasonal workers accommodation. The conversion of the barn can be undertaken without any adverse ecological impact or harm to the character of the rural building, the setting of the nearby listed building or to the appearance of the surrounding area. The scheme, as amended, is not considered to result in detriment to the amenities of neighbouring properties or to highway safety. As such, the proposal is in accordance with policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements) and EC6 (Conversion of Rural Buildings) of the Taunton Deane Local Plan.

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:

(A3) DrNo 41108/4 Elevations
(A3) DrNo 41108/3 Floor plans
(A3) DrNo 41108/2 Elevations
(A3) DrNo 41108/1 Floor plans
(A2) DrNo 41108/5 Location/ Site plan (site plan superseded)
(A2) DrNo 41108/5 Rev B Location/Site plan

3. Reason: For the avoidance of doubt and in the interests of proper planning. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. All rooflights hereby approved shall be flush fitting Conservation Style with a central glazing bar.

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 in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

5. The windows and doors hereby permitted shall be of timber and thereafter maintained as such, unless otherwise agreed in writing with 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 in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

6. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Alex Crossman Ecological Consulting's wildlife survey, dated June 2009 and any further surveys and include:

- Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
- Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance.
- Measures for the enhancement of places of rest for, wildlife.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect wildlife and their habitats from damage, which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) in accordance with relevant guidance in PPS9.

7. Before the seasonal workers accommodation hereby permitted is first occupied, the first 6 metres of the access shall be properly consolidated and surfaced (not loose stone or gravel), details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

8. Parking and turning for the seasonal workers accommodation hereby permitted shall be limited to the area shown on drawing 41108/5 Rev B and this area shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

9. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m to the left of the access and 25m to the right of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

10. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
- (b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
- (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately

prior to the use hereby approved by the Local Planning Authority in accordance with Taunton Deane Local Plan Policy EN32.

11. The seasonal workers accommodation shall not be occupied between the months of November to February (inclusive) in any one year.

Reason: The local planning authority are of the opinion that the unit is only acceptable on the basis of providing seasonal workers accommodation in connection with the fruit farm and not permanent accommodation, as set out in the guidance in PPS7.

12. The occupation of the seasonal workers accommodation shall be limited to a person or persons solely or mainly working on West Newton Fruit Farm.

Reason: The local planning authority are of the opinion that the unit is only acceptable on the basis of providing seasonal workers accommodation in connection with the fruit farm and not permanent accommodation, as set out in the guidance in PPS7.

13. Notwithstanding the provisions of Article 3, Schedule 2, Part 5, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), the land edged red shall not be used as a caravan site for the accommodation during a particular season of a person or persons employed in farming operations or forestry on land in the same occupation being a circumstance for which a caravan site licence is not required as referred to in Section 2, Schedule 1, paragraphs 7 and 8 of the Caravan Sites and Control of Development Act 1960 without the further grant of planning permission.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

Notes for compliance

1. Note to applicant at request of Nature Conservation Officer:
 - Condition 6 requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
 - It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

2. Note at the request of the County Highways Authority:

The alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager Taunton Deane Area Office, Burton Place, Taunton Tel Num 0845 3459155. He will be able to advise upon and issue the relevant licenses, necessary under the Highways Act 1980.

3. Note at request of Wessex Water:

- It will be necessary, if required, for the developer to agree a point of connection with Wessex Water, for water supply.
- The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

4. Soakaways should be constructed in accordance with British Research Digest 365 (September 1991).

5. With reference to Condition 7, the use of a concrete or similar is considered a more appropriate material for a countryside location than tarmac.

6. Note at request of Council's Drainage Engineer:

- With reference to the installation of the septic tank, percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage.
- Environment Agency consent to discharge to underground strata may be required.

PROPOSAL

The barn is a stone and tile barn, on which various works have taken place over the years. It is situated in the corner of an agricultural field, to the east of Adsborough and to the east of Adsborough Farmhouse, a Grade II listed building. To the south is a further residential property, separated from the site by a boundary of fir trees. The barn is accessed from the lane running between Adsborough and West Newton, via a track running around the edge of the field. The track is not hardsurfaced. It is understood that there is also a right of way across land to the south of Adsborough Farmhouse to access the site.

This application seeks permission to convert the barn to provide accommodation for seasonal workers on the fruit farm. The accommodation would provide a lounge, kitchen/dining room, 4 bedrooms (one en-suite) and a bathroom. Accompanying information states that the building would be to accommodate a maximum of 10

adults between the months of March to October. Further clarification was received from the agent (email received 10 March 2010) confirming that the proposed vehicular access to the barn is to be over the track identified on the site plan and not over the right of way through the adjoining property.

It was initially proposed to provide the car parking and turning area at the rear of the garden at Adsborough Farmhouse, however following concerns raised, amended plans were received repositioning this to the east of the barn.

The application was accompanied by a structural survey, which concluded that the barn was capable and suitable for conversion into habitable accommodation.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development site lies outside any development boundary limits and is therefore distant from adequate services and facilities, such as, education, employment, health and retail. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and Policy S7 of the Taunton Deane Local Plan, and would normally receive a recommendation of refusal from the Highway Authority as a result.

However it is noted that the application is for an agricultural workers dwelling and therefore it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car.

It should be noted that the proposal would look to utilise an existing farm access to the site. It is my opinion that this access does not provide sufficient visibility in either direction and is not properly consolidated and surfaced. Suggests conditions.

Subsequent comments following revisiting site:

Following our conversation in regards to the required splays for this proposal I have taken the opportunity to revisit the site and I have the following observations to make.

Firstly the concerns raise in my original letter dated 15th March 2010 over the site being in an unsustainable location in terms of transport policy still stand. However it is a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car.

The application will utilise an existing access onto the highway. From visiting the site it is apparent that the hedgerows either side of the access are over grown which limits the visibility in either direction. However if the applicant were to cut back the

existing hedge to a approximate height of 900mm this would provide a splay of 42.9m to the left of the access. This is considered to be acceptable.

However even if the applicant were to cut back the hedge to the right of the access it would only provide a splay of 25.5m. I understand that the Local Authorities Conservation Officer is resistant to removal of the hedge as such I would be happy if the applicant could provide a splay of 35m. This would mean removing the first 10m of hedge to provide this splay. I hope this is acceptable to your colleague.

Finally the access would be required to be properly consolidated and surfaced. Raise no objection and suggest conditions.

CREECH ST MICHAEL PARISH COUNCIL - Support subject to conditions that: access would be from existing track entrance at West Newton Lane and no access will be permitted through Mr Stoakley's farm/garden; and no vehicles or caravans shall be parked behind the barn to impede Mr Stoakley's view from his listed building, hedge and wall.

It was explained to the Parish Council that the use of the right of way crossing the adjacent site is a private/legal matter, which is outside of the remit of planning and as such, the first suggested condition could not be applied as it fails to meet the criteria set out in Circular 11/95 (The Use of Conditions in Planning Permissions).

Following this, further correspondence was received stating that the Parish Council object due to highway safety as the lane at West Newton Farm was very narrow. Mini buses using the lane and number of workers walking through the village was a safety issue. Noise and disturbance, loss of privacy, the effect on the listed building and conservation area was also raised.

ENVIRONMENTAL HEALTH – Suggest contaminated land condition.

NATURE CONSERVATION & RESERVES OFFICERS - The application is for conversion of a barn to provide accommodation for seasonal farm workers at West Newton fruit farm, Adsborough. Alex Crossman Ecological Consulting carried out a wildlife survey of the site in June 2009.

Findings were as follows:

- Bats - The surveyor found no bats or signs of bat usage. He did however find some sites that could be exploited by crevice dwelling bats. A precautionary approach is required in the conversion of the building. I support the surveyor's suggestion that provision should be made for bats, on completion of the development as the building has some connectivity to the wider landscape via hedgerows.
- Birds - The surveyor concluded that the barn offered suitable potential for nesting birds, particularly swallows. In accordance with PPS9 I would like to see wildlife protected and accommodated in this development.

Suggest condition for protected species and informative.

DRAINAGE ENGINEER - Septic tank to be installed to treat foul sewage. Percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage. EA consent to discharge from underground strata may also be required. Suggests soakaway informative.

CONSERVATION OFFICERS - No objection

WESSEX WATER - Proposal not within a Wessex Water sewered area. There are water mains within the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for water supply and council should be satisfied with arrangements for foul and surface water disposal. Suggests note to applicant regarding uncharted sewers or water mains.

Representations

13 letters of objection received (from 10 households) on the grounds of:

- Intensification of use of access and increased traffic on narrow lane, increased use of junction of Adsborough Lane and A38, potential highway safety issues.
- Possibly 20 – 25 traffic movements per day.
- Detriment to character of adjoining listed building.
- Mini-buses would lead to loss of privacy of adjoining listed property and loss of their visual amenity.
- Noise and disturbance of mini-buses shuttling workers to and from the site.
- Seasonal accommodation only used 3 months a year, could be provided through caravans or other temporary accommodation like previously.
- Could be up to 28 people living in building, hostel for 28 is disproportionate to the size of the hamlet.
- Proposal contrary to PPG13, distant from local amenities and West Newton Farm where other seasonal workers are housed and where sorting/packing of fruit takes place.
- Proposal outside of development limits of the village, other development in Adsborough has been turned down.
- Transport Development Manager expressing strong reservations about access to West Newton Lane. Applicant and successors could decide to use Halflands Lane, far more dangerous than West Newton Lane, causing concern to highway safety.
- Despite it being the height of the strawberry picking season there are only caravans accommodating four workers on the site this year.
- Request application be dealt with by planning committee.

Other matters raised including:

- Increased security risk to existing residents with unknown people roaming the village day and night.
- Increased pedestrians in Adsborough, hazard at night as Maypole pub other side of A38.
- There have been break-ins in hamlet as people cross fields from West Newton Lane, using the right of way as a means of access. Use of barn for seasonal workers could weaken security of properties as workers would be unknown to residents and legitimacy of people using access could not be proven.
- Previously workers accessed the hamlet to visit the Maypole pub during daytime hours but once residing have the opportunity to access it all evening, 20 people going through hamlet could cause more noise and disturbance.
- Increased use of lane between Adsborough Farm and Adsborough Lane could result in weakening boundary wall at Rock House. Commercial vehicles have in the past got stuck in the lane.
- Hedge planted in front of ornamental archway, main feature of garden.

1 letter of support received on the grounds of:

- In favour of a plan that finds a use for an existing rural building, located within the village.
- More sense environmentally and aesthetically to have barn restored than collection of caravans in same place.

PLANNING POLICIES

S&ENPP5 - S&ENP - Landscape Character,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
EC6 - TDBCLP - Conversion of Rural Buildings,
EN12 - TDBCLP - Landscape Character Areas,
PPS7 - Sustainable Development in Rural Areas,

DETERMINING ISSUES AND CONSIDERATIONS

West Newton Fruit Farm produces 60 acres of Strawberries, for which a great deal of seasonal workers are required. Due to the nature of the fruit grown, preparation of the ground commences in mid March, followed by the planting of different varieties, which can take until mid May. This is then followed by picking, which is stated to take place until mid-October, when the beds and plastic are cleared. On this basis, due to the large amount of strawberries grown and the labour-intensive nature of the fruit, it is plausible that seasonal workers accommodation is required.

The barn in question is an existing building, in a reasonable state of repair. The proposed conversion can take place, utilising existing openings, without significant rebuilding, extension or alteration of the rural building. The barn is set in the corner of a field, whilst it is visible from West Newton Lane, this is some distance away and set against the backdrop of dwellings at Adsborough, it does not therefore appear prominent in the landscape. The use of this barn for seasonal workers accommodation is considered more acceptable in terms of landscape impact than the siting of temporary mobile homes, as has occurred on the site in the past. The building is considered to be a sufficient distance from the listed building to avoid any impact upon it's setting and the Conservation Officer raised no objection. The wildlife survey concluded no evidence of bats, although did identify some potential sites for crevice dwelling bats and potential for nesting birds. On this basis, a condition requiring a strategy to protect wildlife will ensure that the scheme will have no adverse ecological impact.

The site falls outside of the defined limits to development, however this is not an application for a new dwelling, but for seasonal workers accommodation. Accommodation for agricultural workers is assessed under different policies to that of new residential units. Whilst the site is remote from services and facilities, it lies on the edge of the fruit farm and as such, close to work for the occupants. It could therefore be argued that it is sustainable in these terms.

It was originally proposed to site the parking/turning adjacent to the garden of Adsborough Farmhouse. This has now been amended to the other side of the barn, which is considered to be a sufficient distance to prevent material harm to the

residential amenities of the occupiers of that property. Several objections were raised regarding highway safety. The County Highways Authority has assessed the proposal and no objection has been raised. Whilst a condition has been suggested to improve visibility, this would necessitate the removal of approximately 10 metres of hedgerow to the west, which would result in an adverse impact on the rural character of the country lane. In view of the existing/previous use of the site for accommodating seasonal workers, which has involved associated traffic exiting this site, coupled with the marginal shortfall in visibility, the removal of the hedge is not considered essential in this instance.

The Parish Council suggested a condition to prevent the right of way adjacent to Adsborough Farmhouse being used to access the site. Any conditions attached to a planning decision need to meet the criteria as set out in Circular 11/95 (The Use of Conditions in Planning Permission). As this condition relates to a private/legal matter and not a planning matter, it fails to meet the tests of the Circular. The submitted plans clearly indicate that the access would be from West Newton Lane and this access track is outlined in red. Furthermore the agent has confirmed in writing that access will be via the track from West Newton Lane. The adjacent right of way has not been included within the red line, hence it falls outside of the application site, and there is no reason to believe that this is proposed to be the means of access.

An objection was also raised regarding the proposed position of the hedge, in front of the ornamental archway. As planning permission is not required to plant a hedge, this is not an aspect of the scheme that the local planning authority should attribute significant weight.

In addition, concerns were raised regarding the impact upon the listed building and conservation area. It is important to note that there is no Conservation Area in Adsborough. The Conservation Officer has made an assessment of the impact upon the adjacent listed building and has raised no objection.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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