

10/2004/018

MR PETER KIRBY

**CHANGE OF USE AND CONVERSION OF AGRICULTURAL BUILDING TO FORM DWELLING AT FORD FARM, MOOR LANE, CHURCHINFORD**

21618/12381

FULL PERMISSION

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**PROPOSAL**

The building is located on the southern side of Moor lane to the east of the village of Churchinford and within the Blackdown Hills AONB. The building is set back from the road and currently accessed by a field gate. There is evidence of a traditional stone building on site, but it has been much altered and a modern extension added. The proposal seeks to remove the more modern extensions and raises the eaves level, replacing the existing monopitched roof with a tiled roof.

**CONSULTATIONS AND REPRESENTATIONS**

COUNTY HIGHWAY AUTHORITY the site lies outside the recognised boundary limits for Churchinford and it must therefore remain matter for the planning authority to determine the suitability of this building for conversion to a dwelling. Should this proposal be acceptable from a planning view point suggests conditions. SOUTH WEST WATER no objection. ENGLISH NATURE have records of bats roosting in the surrounding area, therefore, protected species such as bats and barn owls may be present in the barns and both species are protected under the Wildlife and Countryside Act 1981 (as amended). Under the Act barn owls are protected such that it is illegal to intentionally or recklessly disturb them whilst they are nest building or if eggs or dependent young are present in the nest. It is illegal to intentionally or recklessly kill, injure or otherwise disturb bats, or damage or destroy their roosts. Bats and their roosts are also given similar protection under European Law - The Conservation (Natural Habitats, &c.) Regulations 1994. English Nature would advise that a wildlife survey should be undertaken by an appropriate qualified surveyor. We would wish to see the results of that survey before we can make any further comment.

WILDLIFE SPECIES CO-ORDINATOR whilst the wildlife survey did not show evidence of roosting bats and owls I believe there is a case to condition access for bats to the roof space to prevent loss of potential habitat. ENVIRONMENTAL HEALTH OFFICER no observations.

PARISH COUNCIL this proposal was discussed by my Council at its Meeting yesterday and, after a great deal of debate, it was decided that the application should be supported. In the main, the contentious points were provoked by your "Policy Guidance on Rural Building Conversions" e.g. (a) the barn in question is within "open countryside", not in a "yard"; (b) it is outside the existing "settlement limits"; (c) an "enclosed plot" will result; (d) the building, "even if was to fall into worse disrepair", would not blend into the rural scene as "blocks" constitute a large proportion of the existing structure. As stated my Council is in favour of the proposals but it would like to

see:- (i) the removal of the Velux rooflight to be replaced with something more in keeping with the style of the structure - perhaps more like the second drawing on page 7 of your "Guidelines"; (ii) provision be made to encourage "protected species" as described in Appendix E of your "Guidelines".

## **POLICY CONTEXT**

Taunton Deane Local Plan Revised Deposit Policy H9 Outside the defined limits of settlements, the conversion of buildings to residential use will not be permitted unless; (A) the building proposed to be converted is of permanent and substantial construction and: (1) is in keeping with its surroundings; (2) has a size and structure suitable for conversion without major rebuilding or significant extension and alteration; (3) is unlikely to attract a suitable business re-use; and (4) is sited near a public road with convenient access by foot, cycle or public transport to a settlement; (B) and the proposal: (1) will not harm the architectural or historic qualities of the building; (2) does not involve the creation of a residential curtilage which would harm the rural character of the area; and (3) will not lead to a dispersal of activity on such a scale as to prejudice town and village vitality. Policy EN10 Priority will be given to preserving and enhancing the natural beauty of Areas of Outstanding Natural Beauty (AONBs). Development which would adversely affect the landscape, character and appearance of AONBs will not be permitted. Within AONBs, major industrial or commercial developments will not be permitted unless they meet the following additional criteria: (A) the development would meet a proven national need; and (B) the development cannot be located elsewhere. The protection of views to and from Areas of Outstanding Natural Beauty will be an important consideration.

## **ASSESSMENT**

The site lies in open countryside where planning permission for new housing will not generally be granted in line with Policies S8 and H1. In order to overcome this objection, a building needs to be suitable for conversion without major rebuilding or significant alteration. Whilst there are remnants of a traditional building here, much alteration will be required, including the raising of the walls and the creation of an entirely new roof structure. The proposal therefore fails to meet the requirements of Policy H9.

## **RECOMMENDATION**

Permission be REFUSED for reason that building cannot be converted without major rebuilding or significant alteration and that the proposal is contrary to Taunton Deane Local Plan Revised Deposit Policies H9 and EN10.

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

**CONTACT OFFICER: 356464 MR T BURTON**

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