

**CHANGE OF USE, ALTERATIONS AND CONVERSION OF BUILDING 14 FROM B1 (LIGHT INDUSTRIAL) TO C3A (DWELLING HOUSE) AT COTHELSTONE YARD, COTHELSTONE (RESUBMISSION OF APPLICATION 13/12/0005)**

Grid Reference: 318238.131718

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Refusal subject to no new evidence being received before 28 December 2012

- 1 The application fails to demonstrate that a suitable business or other appropriate re-use cannot be attracted to Building 14. The building has been used previously for business purposes and an extant permission provides a suitable alternative economic re-use for the building. The justification, in terms of requiring security at the site, submitted in support of the application does not carry sufficient weight so as to warrant permitting the residential re-use of the rural building contrary to planning policy which is heavily weighted towards finding other suitable employment and community orientated uses for such buildings. The proposals are therefore contrary to Policy DM2 (7.b) of the Taunton Deane Core Strategy.
- 2 The site is located outside of any defined settlement limits, (as set out in the Taunton Deane Local Plan) where Development Plan policy provides that development should be strictly controlled and provided for where consistent with the policies and proposals set out in the Plan. Notwithstanding the business floorspace approved within the extant planning permission for Cothelstone Yard, the proposed conversion results in a permanent residential dwelling remote from adequate services, employment, education and other services and facilities generally required for day to day living. Such a proposal would be likely to generate the need for additional travel by private motor vehicles due to its location and lack of accessibility to alternative sustainable modes of transport. The proposal is therefore considered to be an unsustainable form of development contrary to Policies STR1 and STR6 of the 2000 Somerset and Exmoor National Park Joint Structure Plan Review and Policies SP1, CP4, CP8, DM1 and DM2 of the Taunton Deane Core Strategy. The proposals also conflict with guidance contained within the National Planning Policy Framework.
- 3 The application fails to provide adequate information, in the form of an up to date wildlife and protected species survey and therefore the Council cannot be satisfied that the proposed development will not result in the deliberate disturbance of a protected species or habitat within Building 14. As a result the proposals fail to satisfy the derogation tests necessary for the Local Authority to discharge its duty set out within Regulation 9(5) of the Habitat and Species Regulations (2010). The proposals are therefore contrary to Policies CP8 and DM1 of the emerging Taunton Deane Core Strategy and guidance contained within the National Planning Policy Framework.

- 4 The proposed development will result in a conflict in land use between the residential property and adjoining buildings that are subject to future redevelopment for economic purposes, the permission for which includes community, retail, business and light industrial uses. Nuisance and disturbance generated by the re-use of adjoining buildings will be detrimental to the amenity of future occupants of the proposed dwelling. The proposals are therefore considered to conflict with Policy DM1 of the Taunton Deane Core Strategy.

## **RECOMMENDED CONDITION(S) (if applicable)**

### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

## **PROPOSAL**

The application seeks planning permission for the change of use of Building 14 to a single storey dwelling house with associated parking and curtilage at Cothelstone Yard, Cothelstone.

The proposals include works to erect partition walls subdividing the floor space into two bedrooms, two bathrooms, a kitchen and living area. Externally the building will be re-roofed with natural Spanish slates; three conservation roof lights will be inserted within the Western roof elevation. The North elevation will be rendered with Wellington red sand. With regard to openings, it is proposed to re-use all existing openings and to reopen two blocked up openings to form windows; one new opening is proposed to the West elevation. The new doors will be of timber and a stable design; windows will be as existing - a combination of timber and metal. Two parking spaces are to be provided to the South of the building and outdoor amenity space is provided to the North of the building. The dwelling will be accessed via the main site entrance to the East; here the stone boundary wall has recently been demolished and rebuilt backward of the highway in accordance with details approved by an extant planning permission and listed building consent.

The application is supported by a Design and Access Statement and a brief historical synopsis of the Cothelstone estate.

## **SITE DESCRIPTION AND HISTORY**

Building 14 is a single storey linear barn located within the main complex of traditional agricultural buildings at Cothelstone Yard. The building is Listed grade II

virtue of its curtilage status and historic association with Cothelstone Manor.

Building 14 is of stone walls, timber doors, a combination of timber and metal windows and grey box profile sheets to the roof. The building has attached outbuilding structures to the North and West. The site is accessed from the East off the public highway through a recently repositioned stone wall and gateway; this leads onto an enclosed concrete yard area.

The application states that the building is currently permitted for B1 (light industrial) use. Planning Permission and Listed Building Consent were most recently approved for the conversion of buildings at Cothelstone Yard to a mixed range of uses under LPA reference 13/05/0007 and 0008LB. Notwithstanding its extant use, Building 14 was approved for use as a retail unit.

Application for Listed Building Consent has been approved for the works, under LPA reference 13/12/0006LB. Planning permission was refused under delegated powers, planning reference 13/12/0005, for the conversion of the building to a dwelling house, for the following reasons:

- Failure to demonstrate that an alternative business re-use cannot be found for the building;
- Unsustainable location for residential development distant from services thereby fostering the need to travel by private motor vehicle;
- Failure to satisfy derogation tests set out within the Habitat and Species Regulations (2010) with regard to wildlife within the building;
- Lack of amenity space and conflict in land use between residential use and approved uses for surrounding buildings that would result in unsatisfactory nuisance and disturbance of potential occupants of the proposed dwelling.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*BISHOP LYDEARD & COTHELSTONE PARISH COUNCIL* - Support the proposals and has no further comments.

*SCC - TRANSPORT DEVELOPMENT GROUP* - No comments received at time of writing. Previously commented on sustainability of the site and proposed use and recommended that conditions be applied as per previous permission for works to improve the existing access.

*HERITAGE* - This building occupies a very sensitive site. It appears to be an element of the 1860s farm complex, part of which, immediately to the east, is listed. It is also very close to the manor house, gates and gatehouse which are listed at Grade I and II\*.

I note that Listed Building Consent has already been granted for the conversion. The actual conversion scheme looks fairly benign with little impact on the front (roadside) elevation and the reinstatement of a slate roof is a positive change. I am, nevertheless, uneasy about a dwelling being in this position. Further down the line it is very often the case that other domestic accoutrements appear, such as gardens, washing lines, bin storage, boundary fences etc. that would have the potential to have a detrimental affect on the buildings setting. Although some of these are

addressed on the block plan, I am not convinced this is a fully realised scheme and enough information has been provided for me to make a fully informed assessment.

I fully support the beneficial reuse of this building and others on the site that appear to be in poor condition. My concern is that the domestic reuse of this building could potentially have a negative impact on the setting of the nearby listed buildings and wider conservation area. If approval is granted it should be subject to conditions to prevent this occurring.

*LANDSCAPE* - No comments.

*BIODIVERSITY* - Previous comments apply:

As the building has been used until recently for light industry a wildlife survey has not been submitted. Note the demolition of the shed and re-roofing of the building. There is always the possibility that birds and bats may be impacted upon, therefore informative notes suggested.

*ENVIRONMENTAL HEALTH* - Due to the commercial use of the site and the proposed residential use, condition recommended requiring investigation of historical contamination.

## **Representations**

Ward Councillor - Supports the proposals and requests that the application be determined by Planning Committee, for the following reasons:

- Firstly, there is no additional intrusion on the existing area - it is already a building in it's own right.
- Secondly, it readily provides accommodation for a small family.
- Finally, the presence of occupants in this area would hopefully alleviate the spate of robberies that have recently occurred in this area.

1 letter from local resident with NO OBJECTIONS to the conversion of the building, feel that it will enhance the look of the property and neighbourhood.

3 letters of SUPPORT raising the following planning related matters;

- Surprised to see the previous application refused;
- It is a shame to stand by and watch buildings fall into a state of disrepair;
- It would provide extra security for the Manor Yard as there have been a few break in's over the last few years;
- The yard has always been susceptible to break in's as there are no dwellings overlooking it;
- Break in's and attempted thefts have been experienced when keeping horses within the site;
- The yard is an easy target; a dwelling near the entrance will act as a deterrent to opportunist thefts;
- The proposal could benefit the local community;
- Acknowledge the Councils sequential test but feel the proposals should be considered talking into account specific circumstance of the site and the wider context of the building's situation;
- This building is included in the existing permission for employment use of the buildings;
- The current economic climate is not supportive of business premises especially

for rural locations.

- There is a wide range of business accommodation on the market but as the climate improves over the coming years there will be further demand for business units;
- Sites exposed to risk of theft and vandalism are unlikely to attract long term tenants; this is likely to cause an issue for the sustainability of the business use of the yard as whole;
- Ensuring on site presence during non-business hours will likely strengthen security of the site and so it seems sensible to introduce a residential use close to the entrance of the site;
- Allowing the removal of the building from the employment use will have minimal impact upon future employment use of the site as a whole;
- Given security issues a residential use will compliment the occupation of larger buildings therefore ensuring future sustainability of the site.

## **PLANNING POLICIES**

DM2 - TD CORE STRATEGY - DEV,  
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP4 - TD CORE STRATEGY - HOUSING,  
CP8 - TD CORE STRATEGY- ENVIRONMENT,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
NPPF - National Planning Policy Framework,

## **LOCAL FINANCE CONSIDERATIONS**

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**

Since the previous refusal of planning permission for the conversion of the building to residential, Listed Building Consent has been approved for the proposed works. The impact of the development upon the heritage asset is therefore considered to be acceptable in light of this approval. With regard to the physical proposals, the only notable amendment to the previous scheme is the provision of a curtilage area to the

rear (North) of the building.

The pertinent issues to consider in determining the proposed development is the principle of the development having regard to the development plan policies for the area; the impact of the proposals upon wildlife and protected species and whether the proposed residential use is acceptable in this location having regard to the extant permission for the re-use of the remainder of the site at Cothelstone Yard.

#### Policy principles:

The planning policy in relation to conversion of rural buildings comes from guidance contained within the National Planning Policy Framework together with Policies DM1 and DM2 of the adopted Taunton Deane Core Strategy. Since the previous refusal, the Councils Core Strategy document has been adopted thereby replacing policy H7 of the former Local Plan.

Core Strategy Policy DM2 sets out the councils policy stance for development within the open countryside. The policy adopts a sequential approach for the conversion of rural buildings to alternative uses. Core Strategy Policy DM2 (7.b) makes it clear that only in exceptional circumstances will the re-use of an rural building be permitted for solely residential purposes.

The building has been vacant since 2011. Building 14 also has an approved use as part of the wider development of the buildings at Cothelstone Yard. The most recent planning permission (13/05/0007) approved the use of Building 14 for retail and occupation by Quantock Pottery (Use Class A1).

These matters, together with the fact that the building has until recently been used for economic and business purposes, demonstrates that uses alternative to residential are available and potentially viable at the site. The application is without any form of justification necessary to demonstrate why preferred uses laid out within Policy DM2 (7) are not feasible and other than for reasons of security for the historic buildings and materials at present, during the construction phase and during the commercially active use of the site in a few years time. The application suggests that the economic loss of the building would not affect the extant permission for the site as the building is the smallest and least significant at the yard, accounting for only 5% of the approved economic/business floor space. No other justification as to why it is essential to provide full residential use at the site has been submitted.

Providing additional security at the site through an on-site residential presence is not considered to be of sufficient weight so as to outweigh the Council's planning policies that seek to provide business, commercial or other uses beneficial to rural economies or communities through the re-use of rural buildings. The application suggests that the application is worthy of individual consideration rather than decision by regulation; whilst it is acknowledged that discretion should be used in determining each application on its own merits, decisions must be taken in accordance with the development plan for the area.

In planning policy terms, the site is located within an isolated rural area outside of a defined settlement. The area is not well served by public transport, and is beyond any reasonable distance in which services could be accessed via foot or bicycle. Any occupier of the dwelling would be highly dependent upon the private motor vehicle in order to access daily services required for day to day living. Such fostering of growth

is contrary to planning policy and would result in an unsustainable development with regard to transport policy. With the extant business use, the economic benefit of the proposals outweighs the unsustainable location of the site due to the benefits associated with the heritage assets and rural economy. The same is not considered to be true of the proposed residential use.

The proposals are considered to conflict with Policy DM2 (7.b) of the Taunton Deane Core Strategy. In addition, the National Planning Policy Framework is supportive of reusing rural buildings for economic purposes. The benefit of providing security for the complex of listed buildings is noted but it is a well established principle that security alone can rarely justify allowing a residential use where planning policy would normally resist such a proposal. Despite the historic interest of the buildings the case of security is considered to carry limited weight and does not outweigh the conflict with planning policies set out above.

As consistent with the previous refusal and in light of there being no additional justification presented that outweighs the previous reason for refusal, the proposed residential conversion scheme is considered to constitute an unsustainable and inappropriate re-use of the building and is contrary to planning policy.

### Wildlife

As with the previously refused planning application, the submitted amended application has failed to submit an ecological survey of wildlife within Building 14 or the wider site. It has been suggested that wildlife will not be harmed and that a survey can be made a condition of any approval where there is a reasonably probability of protected species and wildlife being present and potentially affected within a site, Regulations require the LPA to make a judgement prior to the determination of the application and a wildlife survey should be commissioned and submitted in support of applications.

The survey submitted in support of planning application 13/05/0007 found evidence of a Little Owl at barn 14. Adjacent buildings were also used by bats, owls and barn swallows. It should be noted that bats are a European Protected Species and their habitat both within the barns and around the yard and associated buildings would be impacted upon as a result of the proposals which includes the partial demolition of a small shed and the re-roofing of the building.

Since the undertaking of a wildlife survey in August 2005, there is a high possibly of the building having been used by protected species; despite the building having been in use until 2011, there is a more than a reasonable probability that Building 14 may be used by bats and other protected species. As a result of the above, the proposed development may result in the deliberate disturbance of a protected habitat as described within the Habitat and Species Regulations (2010), such is an offence unless a license is obtained for the works from Natural England.

Notwithstanding the comments of the Councils Biodiversity Officer, the absence of an up to date Wildlife survey means that the Council cannot be satisfied the proposals will not have a detrimental impact upon protected species at Cothelstone Yard and Building 14 in particular. Therefore it is not possible to assess all considerations that are material to the proposals. It is must be recognised, therefore, that the Council cannot discharge its duty to Regulation 9(5) of the Habitat and Species Regulations (2010). The proposals fail to demonstrate that no harm would

occur to protected species and their habitats and therefore permission cannot be granted on this basis.

### Land uses and amenity

The amended scheme has included a new outdoor amenity area to the North of the proposed dwelling; whilst this area is limited in space it is nonetheless seen to be a positive amendment to the previous scheme.

One reason for the previous refusal of planning permission was the perceived conflict between a residential dwelling and the use of the adjoining yard and buildings for a range of uses inclusive of commercial, retail and light industrial. This latest application has not provided any comment on how the amended scheme overcomes this previous reason for refusal. The rural location of the site and its surroundings is acknowledged however it remains that a residential unit located within close proximity of an economic development such as that permitted by approval 13/05/0007 will likely result in an unacceptable degree of disturbance and nuisance to any potential occupier, even if the site is not run on a 9am to 5pm basis as has been suggested.

For this reason the proposed development remains unacceptable due to conflict between land and building uses within the site.

### Other matters

The receipt of the New Homes Bonus is noted, however, your officers consider that this matter carries very limited weight in this case.

The building is of limited architectural and historic importance, with the larger buildings within the site being those that contain the major historic importance. A low impact economic re-use of the building would be preferred to a residential scheme and whilst it is positive to find an alternative use for the building as part of its group value, the proposal does not carry sufficient weight as to outweigh the aforementioned issues.

### Conclusions

The application has made no significant attempt to overcome the previous four reasons for refusal of planning application 13/12/0005. There remains an 'in principle' objection to the proposed residential conversion due to the conflict with Core Strategy Policy DM2, which has not been satisfied, and it should be noted that no attempt been made by the application to justify the proposals in accordance with Policy DM2 (7.b).

The proposals will result in an unsustainable use of the building where there is no overriding justification to accept a departure from the development plan policies for the area. The application does not provide sufficient information to allow the LPA to discharge its duty within Regulation 9(5) of the Habitat and Species Regulations (2010) and the proposal would result in a conflict in land uses between the residential unit and adjoining business/economic use of the remainder of the yard and buildings therein. Whilst the proposals would provide an alternative use for the listed building, there remains an extant business re-use that can be implemented.



Further, a residential conversion scheme would arguably be more damaging to the heritage asset than this extant use. The benefits of the proposals to the listed building are therefore limited and do not outweigh the conflict with planning policy and other material considerations.

For the above reasons it is recommended that planning permission be refused.

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

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