

44/13/0002

MR S WRIGHT

VARIATION OF CONDITION 09 (FOR THE PRIVATE USE ONLY OF STABLE/WORKSHOP/BARN) OF APPLICATION NUMBER 44/07/0025 AT BURTS FARM, FORD STREET, WELLINGTON (AS AMENDED)

Grid Reference: 314904.119581

Removal or Variation of Condition(s)

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon highway safety or residential amenity and the building will continue to be restricted to a private use only. The proposal is therefore considered acceptable and, accordingly, does not conflict with Policies DM1, DM2 and CP6 of the Taunton Deane Core Strategy and Structure Plan Policy 49. The proposals also accord with the provisions of the National Planning Policy Framework.

RECOMMENDED CONDITION(S) (if applicable)

1. The use of the stable/workshop/barn hereby permitted shall be for a single private use only and not used for any business or commercial use whatsoever or subdivided into additional units.

Reason: The Local Planning Authority wish to exercise control over matters referred to in the interests of highway safety and amenity within the area, in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Policies DM1 and DM2 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 application originally sought the removal of condition 09 of planning permission 44/07/0025 attached to a workshop, barn and stable building on land at Burts Farm, Ford Street, Wellington. The proposal would allow an open commercial or business

use of the building, which is currently restricted to a private use, ancillary to the principle dwelling at the site.

Since submission the applicant has written and confirmed verbally that a variation to the wording of the condition would be acceptable to them, whereby a private use to the building can be retained but the ancillary domestic tie to Burts Farm removed.

The following report considers both the removal and variation of the condition in tandem.

SITE DESCRIPTION AND HISTORY

The application site is located approximately 200 metres Southeast of Wellington and the associated settlement limit of the town. The site is accessed off a classified highway to the Southwest from the highway connecting Wellington and Ford Street. Burts Farm comprises the main dwelling house together with outbuildings inclusive of that subject of this application. The site has nearby residences to the South East but is otherwise surrounded by agricultural land.

Planning permission was granted for the building subject of this permission under LPA reference 44/07/0025. This application indicated on plan that the building would be used as a stable, barn and/or workshop. The building is of a steel portal frame construction, clad externally in horizontal timber boarding over a brick lower wall; the building is accessed via two metal rolling doors to the Southeast elevation. The building is surrounded by a yard laid with loose stone to form a parking and turning area. An earth bund and landscaping is positioned to the North East and West. The applicant has advised that the building is used for domestic private needs associated with a personal interest in motor vehicles, and that no business or commercial operation is undertaken at the site.

In order to satisfy the request of the Highway Authority at that time, a restrictive condition was placed upon the use of the building approved under reference 44/07/0025; the condition reads as follows:

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), the use of the stable/workshop/barn hereby permitted shall be for private use only ancillary to the dwelling and not used for any business or commercial use whatsoever.

Reason: The Local Planning Authority wish to exercise control over matters referred to in the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No objection to the discharge of the condition.

WELLINGTON WITHOUT PARISH COUNCIL - Object to the proposals. Concerned over additional traffic movements onto the busy highway

Representations

2 letters received from local residents raising the following planning related matters:

- A commercial use would lead to more traffic and noise;
- This land is S.S.I graded;
- Concerned about any alternative use to domestic for the building;
- The entrance is close to a bad corner on the road.

4 letters of OBJECTION received from local residents and members of the public raising the following planning related matters:

- If removed the building and land could be used for any commercial activity including manufacturing, repair, wholesale and retail nature which would create additional noise and disturbance to the area, which is largely residential;
- No control on traffic movements could be imposed over an access close to a blind bend;
- Increased traffic flow close to this bend would be a danger to highway safety;
- The building would suit a commercial use and this would be totally out of character;
- There are purpose built trading estates in the area and this is not the correct place for another one;
- The area already looks like an industrial unit with large entrance, lights and cameras;
- Commercial traffic turning right onto the nearby A38 would lead to further problem at an already dangerous junction;
- The existing landscaping is not maintained and kept weed free;
- The property appears to be used commercially already, in breach of the planning consent. Apple County Muscle Cars and Apple County Modified are linked to the property on Google and are clearly commercial; this is not an appropriate location for such a use due to noise and traffic;
- The applicants need to sell is not relevant

Letter for applicant in response to comments and objections providing the following additional information:

- The barns are not used commercially but for recreational car clubs run by myself and son-in-law, as we both have a keen interest in the motor industry; any services offered are offered on a mobile basis or outsourced;
- We were originally unaware of the clause when we placed the building and land for sale; reasons for sale are genuine as we wish to stay at the site but down size;
- The major objection seems to be to a commercial use; it is unfortunate that the clause includes a commercial use;
- We applied to break the tie to the house; if the clause was adjusted to remove "ancillary to the dwelling" but the "private use" left in place then that would be all we are asking; such would work in our favour as we would be neighbours following a sale; we chose to put the property out to sale by tender for this reason; we do not wish to have a commercial business as our neighbour;
- The major objection is over a commercial use of the barn and I can only reiterate that this is not our intension.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
CP2 - TD CORE STRATEGY - ECONOMY,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are planning policy, highway safety and amenity within the area, having regard to the potential business/commercial use of the building should the private ancillary tie to the dwelling be removed.

Planning Policy

The site is located in close proximity to the settlement boundary of Wellington to the North. Notwithstanding, for the purposes of planning policy the site is outside of the settlement and within the open countryside.

Policy DM2.2 (c) of the Core Strategy supports B class business uses within existing buildings; similarly Policy DM2.7 (b and c) also supports business and other employment generating uses for proposals involving the conversion of existing buildings. Such policy support is subject to the proposals meeting a number of criteria, which includes having no adverse impact upon highway safety and residential amenity.

These matters are dealt with in more detail below where it is demonstrated that removing the ancillary domestic tie between the building and property known as Burts Farm is acceptable, subject to the use of the building being restricted to a private use only. Therefore the proposals are not considered to conflict with planning policy.

Highway Safety

The original reason given for imposing a restriction upon the use of the building was based upon highway safety. Having regard to the comments received from the public and Parish Council, there is clearly some concern that an intensified use of the site access will be detrimental to highway safety, virtue of the bend in the highway South of the access.

It is clear that a building of this size would accommodate a commercial use comfortably. The public highway at the point of access is subject to a national 60mph speed limit; whilst no detailed comments have been received from the Highway Authority, visibility to the North is considered to be acceptable; to the South it is more restricted by the roadside hedge and gentle corner within the road alignment. If permitted, the removal of the ancillary domestic use restriction over the building would potentially allow commercial or business use at the site and such would likely result in more vehicle movements to and from the site.

The Highway Authority has not objected to the removal of the condition and such expert advice carries significant weight in the determination of this application.

Notwithstanding, clearly local residents will be aware of any safety issues along this stretch of the public highway and having exited the site personally, it is true that vehicles approaching from the South cannot be readily seen for a significant distance as to make the access wholly safe for an intensification in vehicle movements.

Virtue of the concerns submitted to the Council for consideration, the applicant has suggested that a variation to the wording of the condition to allow only a private use of the building, thereby relinquishing the ancillary domestic tie to Burts Farm, would be acceptable.

A private use would likely generate fewer trips than a full commercial and business operation. On the basis of the above, such is considered to be a reasonable balance and one acceptable to the applicant. Given the lack of an objection from the Highway Authority, a variation to the condition allowing only a private use of the site would be considered acceptable in highway safety terms.

Amenity

The site is within a close proximity to a number of private residential properties located off the highway leading to Ford Street. The nearest of these properties is Burts Farm, where the applicant currently resides and further dwellings are located immediately to the South. Despite being the applicant, consideration of amenity must be given to Burts Farm as any future occupier of this dwelling may be affected by a commercial use of the building to an unacceptable degree in the same way as those neighbouring the site might also be affected. The applicant himself has suggested that living next door to a commercial premises, which would likely generate high vehicle movements and additional noise, would not be desirable.

A commercial use would also likely impact upon neighbouring residential properties through additional noise particularly given that the building has permission to be used as a workshop; the use of the buildings as a stable and/or barn would have much less of an impact upon neighbouring amenity.

For these reasons, in order to ensure that neighbouring amenity is not unduly affected by an alternative use of the building, a variation to the condition to allow a private use of the building, without an ancillary tie to Burts Farm, would protect neighbouring amenity to an acceptable degree.

Other matters

Concern has been raised that the originally approved landscaping scheme has not been maintained in such a condition as to comply with the original condition of planning approval 44/07/0025. This is not a material consideration to this planning application and in any case the condition only required maintenance for 5 years, which is now likely to have passed.

Conclusions

Concern has been raised regarding an unrestricted use of the building should condition 09 of the original approval be permitted. Such could lead to a commercial workshop or other such use operating from the site. This is likely to have an adverse impact upon highway safety and neighbouring amenity. Whilst the proposals accord with principles of planning policy for the use of buildings within the countryside, the

applicant has indicated that varying the condition to allow a private use of the building would be acceptable to them. Such would allow the building to be sold and used without an ancillary tie to Burt Farms being in place whilst also preventing a commercial scale operation at the site.

This proposed variation is considered to be a suitable alternative to the removal of condition 09 and would allay many points of objection that have been received. A private use of the stable, workshop and barn would not result in a significant adverse impact upon highway safety or neighbouring amenity and it is therefore recommended that planning permission be granted subject to said variation in the wording of condition 09.

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

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