

44/15/0024

MRS J COATE

RECONSTRUCTION OF PART COLLAPSED OUTBUILDING TO BE USED FOR DOG BREEDING AT BEACON LANE FARM, VOXMOOR, WELLINGTON (RETENTION OF PART WORKS ALREADY UNDERTAKEN)

Location: BEACON LANE FARM, FOXMOOR ROAD, WELLINGTON, TA21
9NX

Grid Reference: 314065.117626

Retention of Building/Works etc.

Recommendation

Recommended decision: subject to the applicant entering into a S106 agreement to tie the occupation of the associated dwelling to the business floor space:

Conditional Approval

Recommended Condition(s) (if applicable)

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

(A3) DrNo 291/L1 Site Layout and Location Plan
(A3) DrNo 291/G1B Floor Plans as Proposed
(A3) DrNo 291/G2 Elevations Sheet 1
(A3) DrNo 282/G3 Elevations Sheet 2

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

2. Prior to its installation, a sample of the proposed roofing material shall be submitted to and approved in writing by the Local Planning Authority. The building shall be finished in accordance with the approved details and shall thereafter be maintained as such.

Reason: In the interests of the character and appearance of the Area of Outstanding Natural Beauty.

3. The windows and doors 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 and shall thereafter be maintained as such. .

Reason: In the interests of the character and appearance of the building, and

the Area of Outstanding Natural Beauty.

Notes to Applicant

Proposal

This application seeks full planning permission for the rebuilding of a partially collapsed barn for use as dog breeding kennels. The building would provide three communal kennels, with storage over. The kennels would be accessed from the courtyard to the east of the building; the west elevation would be a solid wall with no openings, as before.

The building would be finished with a slate roof. The roof line would be stepped, the ridge of the southern section being 0.74m higher than the lower section. The building would have timber doors and timber framed windows on the east (courtyard elevation). A central section would have full height glazing, including a further access door.

Site Description

Beacon Lane Farm is an isolated site approximately 3km (straight line distance) from the town centre of Wellington to the north. The site is accessed via a track from the unclassified highway network approximately 560 metres to the south. The access track also forms a Public Right of Way (WG 13/23), which follows the line of the track from the highway through a small wooded area to the complex of barns, which occupy an elevated position within the local landscape. Being set within a remote rural area within the Blackdown Hills Area of Outstanding Natural Beauty (AONB) the site is surrounded by a collection of mature trees and native species hedgerows to the north, south and west; to the east there are clear views available out across the surrounding landscape looking out towards the raised ridge of the Blackdown Hills.

The application site historically comprised a complex of three traditional agricultural buildings arranged in a u-shape plan form with chert stone walls. The building subject to the current application sits on the western side of the site, presenting a blank, stone, elevation to the public footpath. It was previously largely open on the western (courtyard) side. The roof structure ran broadly parallel to the sloping ground and, therefore, visibly ran downhill.

Relevant Planning History

Although there have been some older applications, the relevant planning history dates from 2011.

Application 44/11/0011 refused planning permission for the conversion of the

redundant barns to a 'live/work' unit. Permission was subsequently granted (44/11/0020) for an amended scheme. The permission was subject to a range of conditions, including that the residential floor space could not be brought into use until the dog breeding floor space had been brought into use and that the residential floor should only be occupied by a person employed in the associated business floor space.

Subsequently, work commenced on the residential floor space, but not the business floor space and the residential floor space is now occupied. Instead the applicant erected new build timber kennel structures on various places surrounding the site, all of which have been subject to enforcement action in the intervening period.

Various applications have been made to retain the unauthorised kennel structures (44/14/0001, 44/14/0010, 44/13/0024) and they have all be withdrawn or refused; subsequent appeals have been dismissed.

In order to provide kennels as originally envisaged (within the converted buildings) work commenced on the conversion of the main barn last year. Substantial parts of the building were demolished or collapsed and the barn has now been rebuilt. The rebuilt structure is different to that which previously existed and takes the form described in this current application.

Consultation Responses

WELLINGTON WITHOUT PARISH COUNCIL – The Parish Council would like to express [their] strongest objections to this application; the design is clearly not going to be kennels but residential accommodation. The site is overlooked by several houses and there has been strong opposition to the application; the site is also in the Blackdown Area of Outstanding Beauty with the Somerset Wildlife Trust's nature reserve on its border.

Once again Wellington Without Parish Council strongly objects to this application

SCC - TRANSPORT DEVELOPMENT GROUP – No comments received.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION – No comments received.

LANDSCAPE – No landscape objection. A tree planted to the west of the building would improve views from the public right of way.

BLACKDOWN HILLS AONB SERVICE – Does not wish to submit a detailed comment. This should not be taken as either approval of, or objection to, the application.

Representations Received

5 letters of **objection** raising the following points:

- It is not possible to identify how many dogs will be housed on the site.
- There is no information on proposed sound proofing for the kennels.
- The tranquillity of the Blackdown Hills previously referred to by the inspector must be taken into account.
- The previous appeal decisions give clear points why this activity should not be allowed in this location.
- Policy DM2 of the Core Strategy does not permit dog breeding.
- Conditions should be set to control times of exercising the dogs. Query whether restrictions on exercising can be policed.
- Query how the permitted number of dogs at the site can be policed.
- The proposed buildings appear to resemble residential dwellings more so than dog kennels.
- Query why building work in relation to the development has already begun.
- The point of the AONB is that historic buildings should not change in appearance from that of the original architectural purpose.
- The building should be rebuilt as previously approved.
- The proposal removed the majority of the animal accommodation required under the original 2011 permission and, therefore, undermines the business case.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), saved policies of the Taunton Deane Local Plan (2004), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below. Policies from emerging plans are also listed; these are a material consideration.

AONB - Area of Outstanding Natural Beauty,
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,
EN12 - TDBCLP - Landscape Character Areas,

Local finance considerations

None.

Determining issues and considerations

The main issues in the consideration of this application are the principle of the

development, the design and appearance of the proposal, and the potential noise impacts of the development.

Principle of development

The site is within the open countryside where new development is strictly controlled. It has previously been accepted that the buildings and site could be converted to a live-work unit based upon a dog-breeding enterprise. The original permission (44/11/0020) allowed the conversion of the main barn to residential accommodation and the two other barns to kennels and associated business storage space. Provided that sufficient controls can be retained over the use of the site and relationship with the residential floor space and business floor space, it is considered that the proposals maintain the status quo as originally permitted and are acceptable in principle.

The original planning permission included two important conditions – conditions 6 and 7 – that controlled the timing of residential occupation and restricted the occupation of the residential floor space to a person solely or mainly working within the associated employment buildings. The condition restricting occupation – condition 7 – makes specific reference to the buildings identified as Range B and Range C on drawing 201/G1B permitted as part of that application.

Your officers are concerned that if the current application were to be granted, it would not be Range B identified on drawing 201/G1B as it is, essentially, a new building and, therefore, the tie may effectively be lost. New conditions reflecting the current situation cannot be imposed because the dwelling is not subject to the current application. Therefore, a Section 106 agreement is required to control the use and limit it to a person employed on the site. With these appropriate safeguards in place, the proposal is considered to be acceptable in principle. The use of a stone barn, regardless of whether it is the original conversion or a modern rebuilt version is considered to be within the spirit of the original planning permission and is capable of delivering the live-work environment originally envisaged.

Design and appearance of the proposal

The rebuilt barn has been constructed from block with a chert stone facing. As such, the proposed materials are respectful of the character and appearance of the area and vernacular of the Blackdown Hills AONB. The public facing west elevation would remain a blank elevation, enclosing the original complex of farm buildings. The roof has been altered and the original, very rustic, character of the sloping ridge line has been lost. However, it is considered that the overall the shape of the building is acceptable and does not cause harm to the character or visual appearance of the AONB.

The east elevation has been radically altered from the original building. The building was formerly an open 'linhay' type structure and the proposed development was to infill the gaps with glazed frontages. This has been replaced with a largely stone-faced elevation with smaller openings and a large full-height opening in the centre, which would be glazed. As such, the overall character of the building has changed, although given that this is the inward, courtyard facing, elevation this is not

considered to be detrimental to the character and appearance of the AONB.

Whilst the building is considered to be acceptably designed in itself, it does not appear to be a typical kennel building. The openings are relatively small and appear very domestic in their appearance. There does not appear to be any reason for the different treatment for the central section. That said, the applicant has confirmed that the building is sufficiently ventilated and that the level, enclosed, floor construction does not present any problems for cleaning. An additional plan has since been submitted indicating the subdivision of some of the larger kennels into smaller pens more along the lines of the initially permitted proposal has now been submitted demonstrating that the proposal can meet the needs of the business as originally planned. The applicant indicates that the cavity wall insulation will help to maintain a stable temperature which will benefit young pups that struggle to regulate their own body temperature.

The design and construction of the building has raised some concerns that the ultimate intention may be to secure a residential use here and that the building design has been manipulated to facilitate a later conversion – the increase in height would also assist in the provision of a workable first floor, rather than just storage. However, very little weight can be attributed to these matters and the building is currently in use for the intended kennel's purpose so is clearly capable of such use. The fact that the applicant may have spent an unnecessary amount in the specification and detailing of the building is not reason to refuse an application and any future use will have to be considered on its own merits at the appropriate time.

The use of chert stone in the construction of the new building means that it does respect the style and vernacular of the Blackdown Hills. The building is now less rustic – being square and level, rather than sloping down the hillside – but it is still considered to sit visually well within the AONB, not detracting from the scenic beauty of the area. Therefore, it is considered to be acceptably designed.

Potential noise impacts

It is fair to say that noise disturbance, both potential and actual, has always been a concern surrounding this development. It was originally proposed to house the dogs within the existing buildings, which were considered to have sufficient sound attenuation properties not to cause significant disturbance to neighbouring properties and the tranquillity of the Blackdown Hills AONB. The business subsequently set up in a number of timber pens on various locations around the site, which did cause noise disturbance and harm the tranquillity of the area.

This application sees a return to the original proposal to house the dogs within the stone buildings. Given that this replicates the original intention and (with the use of modern building techniques) might actually improve the situation over the original permission it is not considered reasonable to withhold permission on the basis of potential noise impacts arising from the development.

Therefore, in terms of potential noise impacts, the proposal is considered to be acceptable.

Other matters

In light of the planning history, it is not considered that the proposal would result in an unacceptable highway impact when compared to previously permitted developments at the site.

Conclusion

Although the original building has been largely rebuilt and changed in its size and appearance, it is not considered to harm the character and scenic beauty of the AONB. The re-building of the barn facilitates a return to the live-work unit initially given planning permission, whereby the dog breeding enterprise is contained within the stone barns adjacent to the dwelling. It is, therefore, considered that the proposal is acceptable and 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