

10/16/0023

MISS E FINCH

Change of use of land and barn from agricultural to holistic retreat, erection of side extension to the barn, siting of 6 No. tents/shepherd huts and parking at Satori, Oatens Lane, Churchstanton

Location: SATORI, OATENS FARM LANE, CHURCHSTANTON, TAUNTON,
TA3 7PU

Grid Reference: 318829.112115

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (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:

(A4) Belle Tent Dimensions
(A4) Shepherd Hut detail
(A3) Location Plan
(A4) Site Block Plan
(A4) Earth Closet detail
(A3) Barn Plan - Existing and Proposed Elevations
(A3) Barn Plan - Proposed Floor Plan

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

3. No tent erection shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. The area allocated for parking and turning on the submitted Design and Access Statement 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.

5. The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environmental's Preliminary Ecological Appraisal dated June 2016 and include:
 1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
 2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
 3. A grassland and hedgerow Management plan
 4. Details of any lighting

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

Reason: To protect and accommodate wildlife.

6. The tents/shepherd's huts shall be occupied for holiday purposes only.

The tents/shepherd's huts shall not be occupied as a person's sole or main residence.

The site operator or owner shall maintain an up to date register of the names of all owners/occupiers of individual tents/shepherd's huts on the site and of their main home addresses, and the duration of their stay and shall make this information available at all reasonable time to the Local Planning Authority.

Reason: To prevent permanent occupation that would be contrary to countryside policies as set out in with paragraph 55 of the National Planning Policy Framework.

7. Should the business use cease the tents, shepherds huts and toilet structures shall be removed from the site.

Reason: In the interests of the character and appearance of the AONB.

8. Details of the means to prevent light spill from the barn shall be submitted to and approved in writing by the Local Planning Authority and shall thereafter be complied with. There shall be no external lighting or additional structures or engineering works without the further permission of the Local Planning Authority.

Reason: In order to preserve the amenity of this rural area.

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 and has imposed planning conditions to enable the grant of planning permission.

Proposal

The proposal is the change of use of land to site up to 6 shepherd's huts or tents on the site to serve as holiday accommodation for a small holistic rural healing retreat. The works also involve parking for 6 vehicles, compostable toilets and conversion and extension of a barn for guest facilities.

Site Description

The site consists of agricultural land on the south western side of an existing valley and is an area of mixed pasture and woodland. Access is from the road to the top of the hill and this already serves as access to a farm building and there is further consent for another building not yet constructed.

Relevant Planning History

10/15/0005AGN - An Agricultural Notification granted in April 2015 for an agricultural building in the east corner of the field that would be 18.2 metres long, 12.2 metres in width, 5.4 metres to the eaves and 7.2 metres to the ridge with a fibre cement roof. While work has commenced on the access track the building has yet to be constructed.

Consultation Responses

CHURCHSTANTON PARISH COUNCIL - The council objects to the granting of permission for the following reasons:

- The access road is not suitable to the increased traffic that this development would undoubtedly cause.
- Light pollution caused by the proposed glass fronted barn development
- Noise pollution in an area of peace and quiet
- Under DM2 development of an agricultural site should currently be actively farmed and any development should be for an additional income stream. There is no evidence of the land in question being farmed and furthermore there is no permanent structure on the site to extend/develop.

SCC - TRANSPORT DEVELOPMENT GROUP - The area around the proposed site can be seen as an unclassified highway subject to the national speed limit. However on site observations, given the nature of the immediate area and width of the road vehicles speeds are more in the region of 30mph. Visibility splays in the area are also in accordance to what's required where Manual For Streets would apply (2.4 x 43m). The application plans to hold up to six vehicles, it is opinion of the Highway Authority that the site has sufficient space to accommodate parking and turning space requirements.

Having reviewed the submitted information the Highway Authority has no objections to this planning application subject to the following conditions:

The area allocated for parking and turning on the submitted Design and Access Statement 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.

BLACKDOWN HILLS AONB SERVICE - The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape, which is afforded the highest level of protection by national policy.

In support of this, the Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following objectives and policies considered to be particularly pertinent to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

PD 5/A

Encourage quiet enjoyment of the AONB and avoid or restrict developments, activities and events, including artificial light installations, which detract from the tranquillity of the Blackdown Hills.

LC 3

The Blackdown Hills landscape is valued as a place where a sense of tranquillity can be enjoyed free from man-made noise and visual intrusion.

LC 3/B

Support measures to conserve and enhance tranquillity and dark skies.

BG 1/C

Avoid and reduce the impacts of development on biodiversity and ensure

biodiversity enhancements are delivered.

AE 1/D

Promote and develop the AONB's role in supporting health and wellbeing.

RET 1/C Support the development of sustainable tourism activities within the AONB that are compatible with conserving and enhancing natural beauty and the special qualities of the AONB, increase understanding and appreciation of the Blackdown Hills and benefit the local economy.

The Blackdown Hills Area of Outstanding Natural Beauty is primarily a pastoral landscape that has retained a sense of remoteness and remains largely unspoilt by modern development. The AONB Partnership therefore believes that any development proposal in an isolated and remote location requires very careful consideration as to necessity and potential impact on local character and special qualities in order to conserve and enhance the natural beauty of the area. The site is located in the Bolham valley, an area of particularly rich biodiversity value, and part of a mosaic of habitats, including dry and wet woodland, unimproved and marshy grasslands, mire and scrub, that is particularly characteristic of the AONB. The applicant notes that the site has an unspoilt nature and a negligible amount of noise and light pollution.

The AONB Partnership has considered this application, and elements of it, specifically as a business proposal for a holistic retreat; not as agricultural diversification, not as a tourist site, and not a barn conversion.

Turning to the detail of this application, we consider that there are several points that require particular attention in determining whether the proposal is compatible with the high quality landscape and unspoilt nature of the surrounding area, including:

- The balance between staying guests 'getting away from it all' and the potential comings and goings associated with workshops, activities and courses being provided on a daily basis
- Light spill from the glass fronted building
- Elements such as creation of a garden
- The extent to which external therapists generate business and activity rather than support retreat guests (as evidenced by the supporting comments from a Sarah Holt for example)
- The extent of levelling, surfacing and clearance required to site the accommodation and toilet units

If the planning authority is minded to approve this application, the AONB Partnership would wish to see controls and conditions relating to the following aspects in the interests of minimising landscape and visual impacts:

- Use restricted to 'small holistic retreat', rather than general tourism use
- Therapeutic uses ancillary to retreat
- Colour of tents/huts
- Control of lighting, additional structures, engineering works such as access tracks
- Wildlife and habitat protection/management

- No permanent accommodation
- No residential use
- Structures to be removed/land restored if use ceases

BIODIVERSITY –

The application is for the change of use from agricultural use to create a small holistic retreat with the conversion of the existing barn, siting of 6 tents/shepherd huts and parking at Satori, Oatens lane, Churchstanton.

The existing open fronted barn will provide a shower block and toilets. Each tent/ shepherd hut will be positioned on a movable timber deck.

The proposed parking will be restricted to an existing hard standing.

There are no plans to remove or breach any hedgerows on site. I support the laying of existing hedges.

Blackdown Environmental carried out a Preliminary Ecological Appraisal of the farm site in June 2016.

There are a number of designated sites located within 1 Km of the site including sites with species rich grassland.

Findings of the report were as follows:

Badger

Sett entrances indicative of badger were identified on site. However no works are anticipated to impact on setts so a licence will not be required.

Reptiles

Areas of rank field margins at the periphery of the site and clearings within areas of dense scrub as well as hedgerow habitat have potential to support reptiles. Clearance of any of this vegetation should take place in a precautionary manner.

Bats

The site is considered to be used by foraging and commuting bats and so the use of artificial lighting should be kept to a minimum.

The surveyor found no evidence of bats using the existing barn.

One tree was identified as having bat roost potential. However there are no plans to fell any trees on site.

Nesting Birds

Hedgerows and areas of scrub have potential to be used by a variety of bird species. Tussocky grass could offer potential nesting for ground nesting species such as skylark.

The surveyor states that design plans for the proposal have due regard for habitats of principle importance and have been engineered to cause minimal disturbance. I agree that if plans alter then further advice should be sought from the ecologist.

Suggested Condition for protected species:

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Blackdown Environmental' s Preliminary Ecological Appraisal dated June 2016 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. A grassland and hedgerow Management plan
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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

Reason: To protect and accommodate wildlife

Informative Note

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.

ECONOMIC DEVELOPMENT - Enterprise in rural areas, particularly in the tourism (holiday accommodation) sector, is vital to the growth of Taunton Deane's economy, supporting a high proportion of local jobs both directly and indirectly. I am therefore happy to support this application.

SCC - RIGHTS OF WAY - No comments

DIVERSIONS ORDER OFFICER - Mr Edwards - The Public Footpath T6/29 is affected by this proposal. If it is deemed necessary to divert the footpath for planning consents to be implemented then early contact should be made.

Representations Received

10 letters of **objection** on grounds of

- Site not in settlement and use inappropriate to area
- Visibility of site from neighbours and footpath will lead to further degradation of visual environment
- Adverse impact on peaceful environment,
- Narrow access roads unsuitable for increase in traffic for visitors and servicing
- Narrow lane with no designated passing places so lead to harm to grass verges

- Lack of parking spaces
- no staff parking provision and parking/turning would prejudice servicing of agricultural barn
- 4 Holiday lettings within half a mile
- contrary to Core Strategy policies DM2 1, 2, 3 and 7 and DM4
- and Blackdown Hills AONB Management Plan policies AE1/A, AE1/B and PD1/B
- New business is not diversification from farming, it does not safeguard local character and heritage interests,
- Not sustainable
- Does not meet government guidance as business will not be run in conjunction with agricultural operation and the scheme will be detrimental to the unspoilt countryside
- conversion of building is not of substantial permanent construction, it would not take a turf roof, significant increase in size, existing is little more than a large garden shed,
- no infrastructure services
- no evidence of farming
- increase in noise, smoke and light pollution in AONB
- compost toilets are inappropriate given soil conditions
- inadequate foul drainage
- loss of trees
- set precedent for other development that would put at risk the future of this remote rural environment
- safety - no emergency services access, no mobile phone signal and no resident staff overnight

1 letter of **support** on the basis of being able to offer courses at the site and it would be an asset to local environment

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.

NPPF - National Planning Policy Framework,
 SP1 - Sustainable development locations,
 CP1 - Climate change,
 CP6 - Transport and accessibility,
 CP8 - Environment,
 DM1 - General requirements,
 DM2 - Development in the countryside,

A1 - Parking requirements,
A5 - Accessibility of development,
D7 - Design quality,

Local finance considerations

Community Infrastructure Levy

Not applicable

New Homes Bonus

The development of this site would not result in payment to the Council of the New Homes Bonus.

Determining issues and considerations

The main considerations with the proposal are the compliance with policy, highway impact and the impact on the character of the Blackdown Hills AONB, a protected landscape and drainage.

The development is the creation of a new business for holiday accommodation for a small holistic healing retreat set in the Blackdown Hills Area of Outstanding Natural Beauty. The site lies in the countryside where the overnight accommodation for any visitors would be in 6 tents or shepherd's huts located on the site.

Policy

Policy SP1 identifies sustainable development locations and identifies settlements for development. Outside of these is the open countryside. Policy DM2 deals with development in the countryside and outside defined settlements. The application site land is agricultural land and the use is considered to be the creation of a new holiday business. It is not a community use and does not fall within Class B business use and so criterion 2 of the policy would not apply. Criterion 3 relates to holiday and tourism and part (a) requires accommodation to be within existing buildings where there is an identified need and is compatible with and supports economic diversification of existing farming and service enterprises. Part (b) provides for touring caravan and camping sites with good access to the main road network and not within a floodplain, while part (c) allows for tourist and recreational facilities provided that increased visitor pressure would not harm the natural and man-made heritage.

The site would provide temporary sleeping accommodation for visiting guests for only 6 units (up to 12 people), while the barn use would enable the treatments as part of the healing retreat. This scale of use is considered as low key. The barn conversion would be in keeping with the area and would not be obtrusive and a condition to control lighting at the site is considered appropriate and necessary. The

AONB Partnership and objectors do not see the use as a farm diversification and objectors consider there to be no farm business on the site. However the applicant has demonstrated that the site qualifies and is registered for farm payments and permission for an agricultural building on the site has been granted, although has yet to be erected. The use as an holistic retreat is linked to the holiday use of the site and while not related to agriculture or forestry, it is a use that is considered to fall under the holiday and tourism use that is considered acceptable under policy DM2.

Policy CP8 also deals with the Environment and development in rural areas such as Areas of Outstanding Natural Beauty. The development here lies in such an area and the impact of development on the area and its specific management policies is considered below.

Access

The access to the site is along narrow winding lanes within the AONB and the Parish and locals have raised concern over the unsuitable nature of these roads for the increase in traffic. The Highway Authority however consider the access and visibility suitable and that there is sufficient on site parking for the use. Objection is not raised to the level of traffic on the local roads given the nature of the use. While it is agreed that the access and visibility is adequate to serve the proposed use, the fact that there are no local services will mean that the servicing of the site is reliant on the private car. This has to be considered in light of any other tourism use in the area and while this will encourage more traffic movements the scale of the use has to be considered when assessing in light of policies CP1 and CP6.

AONB impact

The site lies in the Blackdown Hills Area of Outstanding Natural Beauty where the landscape is specifically protected to conserve and enhance the natural beauty of the area. The area is covered by the Blackdown Hills AONB Management Plan and the AONB Partnership has set out the policies they consider apply to the site, as well as advising that the area is one that is located in the Bolham valley, an area of particularly rich biodiversity value, and part of a mosaic of habitats, including dry and wet woodland, unimproved and marshy grasslands, mire and scrub, that is particularly characteristic of the AONB.

Any new development has to conserve and enhance the natural beauty of the area, given its landscape character. All the temporary accommodation is located in secluded spots not visible from rights of way, apart from one which provides for disabled access and would be visible from the public footpath. The appearance of this can be controlled by condition and therefore on balance the harm to the local distinctiveness of the area is not one that in my view would sustain a reason for refusal. The proposed parking is intended to be adjacent to the new farm building and this is again well screened.

The applicant has put forward a case as to why this new business needs to be in this remote and biodiverse location. The nature of the use implies a quiet enjoyment of the countryside and lighting installations could be suitably controlled through condition. It is not possible to control man-made noise and thus the impact on the

tranquility of the area is difficult to assess. However the nature of the scheme as an holistic retreat for holiday makers does not seem to imply rowdy occupants, although clearly this depends on the nature of the residents of the site which the applicant cannot entirely control. However it is not considered this would lead to a policy breach contrary to AONB Management Plan policy *LC3*.

An ecological assessment of the site has been submitted with the scheme and the Council's Biodiversity Officer has commented on the proposal and raises no objection subject to the a condition to secure the necessary controls and enhancements. It is considered that the development would benefit the health and wellbeing of the area in line with policy *AE1D*, although this has to be balanced with the impact on the tranquility of the area. The final policy quoted by the AONB Partnership is *RET1/C*, however this relates to sustainable tourism which the AONB Partnership do not consider applies. Policy *RET1/B* applies to sustainable employment opportunities. Both of these policies are considered relevant and not to be breached by the development proposed. The main issue is the isolated nature of the location here and the sustainability of the development. It is accepted that services will need to be brought in by vehicle but this is no different from any other holiday development in the countryside and is not considered a reason for refusal.

Drainage

The on site barn currently drains surface water to the ground and this would also apply to the new temporary accommodation. Given the scale and nature of this the surface water drainage proposed is considered acceptable. In terms of foul drainage it is proposed to drain the barn building to a septic tank in the adjacent field and these works would be governed under the Building Regulations. There are 3 compost toilets proposed as part of the temporary accommodation and these are all outside of the flood risk zone. Consequently it is not considered that the scale of use would warrant such environmental concerns to object to the scheme.

Conclusion

In summary while there is support from the Economic Development Officer, this has to be set against the views of local residents and the Parish Council as well as concerns of the AONB Partnership. However significant elements of the proposal can be conditioned to protect the landscape character, biodiversity and night sky, and as the accommodation is of a temporary nature it is reasonable to secure its removal should the business fail. The development has economic benefit and while this would result in increased traffic movements to service this site the impact is considered an acceptable one that would not harm the character of the area. Consequently the use in this rural location is considered to comply with policy and is recommended for approval.

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

Contact Officer: Mr G Clifford