

MR G PFETSCHER

CHANGE OF USE AND CONVERSION OF TWO TRADITIONAL AGRICULTURAL BARNs TO ONE WORKPLACE AND DWELLING WITH ASSOCIATED VEHICULAR ACCESS AND PARKING, GROUND MOUNTED PHOTOVOLTAIC PANELS, REED BED FILTRATION SYSTEM AND PROTECTED BAT ROOST AT COTCOMBE, CROFORD HILL, WIVELISCOMBE (AMENDED DESCRIPTION)

Grid Reference: 310625.128265

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 By reason of there having been no marketing of the buildings for employment use, it has not been demonstrated that the premises are unlikely to attract a suitable business re-use. The proposal is, therefore, contrary to Policy H7 of the Taunton Deane Local Plan and Policy DM2 of the emerging 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 work/business floorspace the proposed conversion includes a permanent residential dwelling remote from adequate services, employment, education and other services and facilities 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 means of travel. The proposal is therefore considered to be an unsustainable form of development contrary to Local Plan Policies STR1 and STR6 of the 2000 Somerset and Exmoor National Park Joint Structure Plan Review and Taunton Deane Local Plan Policies S1 (B), H7 (A) and EC6, Policies DM1 and DM2 of the emerging Taunton Deane Core Strategy together with guidance contained within the National Planning Policy Framework.
- 3 The proposed development will result in the deliberate disturbance of a protected habitat for which there is no overriding reasons of public interest that would justify such disturbance. In addition it has not been demonstrated that there are no other satisfactory alternative sites on which the proposed development could not be accommodated. 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).

RECOMMENDED CONDITION(S) (if applicable)

Notes for compliance

PROPOSAL

The application seeks planning permission for the conversion of two agricultural buildings to a two bedroom live work unit at Cotcombe, Wiveliscombe. The proposed scheme will involve the conversion of the larger of the two barns (barn 1) to a two bedroom dwelling, providing a bathroom, hallway, living/dining room, kitchen utility and shower room at ground floor with two bedrooms above within the roof space. This element will have an approximate floor space of 96 square metres over two floors. The smaller detached building (Barn 2) will be converted into a small studio and boiler/plant room at ground level with a second studio area and store above. The floor area for Barn 2 over two floors (excluding the boiler/plant store) is approximately 49 square metres.

The application proposed to make use of timber fenestration throughout; the walls will remain of natural stone with brick quoins to openings and a small element of timber boarding. The existing roof will be retained in double roman clay tiles. The site will be accessed along an existing single lane private track leading to a new parking and turning area to be laid informally with compacted stone to the south of the two barns.

The application proposes to erect approximately 40 solar photovoltaic panels to the rear of Barn 1 and to install a biomass boiler within Barn 2; these will combine to provide a degree of the necessary power and heat to the property. The new dwelling and workspace will be served by a septic tank and reedbed filtration system; these components will be located in a small orchard to the south west of the access track.

The application proposed to erect a new bat roost building within the site, to the south east of Barn 1, partially upon the footprint of the now demolished building. Existing masonry walls will be partially utilised with the south west elevation being finished in timber boarding; the new roof to the bat roost will be of clay double roman roof tiles and access will be provided via a new doorway. The building will measure 4.0m by 2.5, with a height to eaves and ridge of 2.0m and 3.5m respectively.

The application is supported by an ecological survey report, a building structure report, a commercial viability report, a planning and design statement and an access statement.

SITE DESCRIPTION AND HISTORY

The agricultural buildings at Cotcombe are located to the north of Croford, a sporadic group of residential and agricultural properties within a remote rural area of Taunton Deane. The two buildings differ in scale, with Barn 1 being a linear stone building measuring approximately 20 metres by 4 metres. The building is of stone walls with clay double roman roof tiles; the building has six stone pillars to the south west elevation which are enclosed by timber boarding and doors. Barn 2 is located to the

west of Barn 1, is of matching materials and has two standard openings to the south east elevation. The site is accessed along a single ungraded track that is approximately 750 metres in length when measured from the highway to the south east to the entrance gates to the site.

The buildings are on a level area of ground whilst the surrounding landscape slopes gently within a wooded valley; a dense woodland bounds the site to the east and north with fields bound by mature hedgerow and trees to the north, south and west. The site holds the remains of a former farmhouse that once formed part of Cotcombe Farm. Also present on site is a small stone outbuilding and a domestic aluminium framed greenhouse. It is apparent given the condition of the buildings that some maintenance and remedial repair works have been undertaken to the buildings in recent years.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

WIVELISCOMBE PARISH COUNCIL - Support the proposals because it will improve and make use of existing buildings and possibly provide employment. However the access to the site must be considered.

SCC - TRANSPORT DEVELOPMENT GROUP - The site lies outside of any development limit and is remote from any urban area, and therefore distanced from adequate services and facilities. As a consequence, the new development is likely to be dependant on private vehicles for most of its daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in the NPPF and RPG10, and policy.

The site gains access directly from Croford Hill. This is a classified unnumbered highway which is rural in nature, and is subject to the national speed limit. On site observations confirmed that traffic speeds past the access are in the region of 25mph.

Referring to Hydrock Consultants drawing number 12058/T03, visibility splays from the site access are shown measure 2.4m x 90m+ to the west and 2.4m x 43m to the east. Having visited the site I was unable to replicate the visibility splays shown and therefore conclude that they cannot be achieved.

Notwithstanding the above, it is agreed that visibility splays of 2m x 33m would be acceptable, based on existing traffic speeds and the guidance provided within Manual for Streets. These splays can be achieved and are therefore considered to be acceptable.

Internally, the level of parking and layout is considered to be acceptable.

LANDSCAPE - My main concerns are that the barns are locally prominent and therefore domestication will have an impact upon local landscape character; the access road is long and also visible over a wide area.

BIODIVERSITY - I agree that an EPS license will be required; support creation of a bat roost for lesser horseshoe bats and support proposal to provide access for

pipistrelle bats to barn 2 but require clarification on method of access; provision should be made for swallows in the converted barn and the owl box should be modified Condition recommended for a wildlife strategy to be submitted if approval given.

DRAINAGE ENGINEER - Soakaways to be constructed in accordance with Building Research Digest 365; EA should be consulted on reed bed filtration system.

Environmental Protection Team - No objection subject to contamination condition.

Representations

2 letters making the following observations:

- Presume the studio will be for art or similar and no machinery involved?
- Would prefer not to be able to see the pv panels.

8 letters of support received from members of the public raising the following planning related matters:

- Unless these barns are utilised there may be a chance they fall into disrepair and lost forever;
- As Cotcombe was lived in previously we feel it would be advantageous to return it to its former use and keep the surrounding land well maintained;
- For many years Mr Pfetscher has spent a huge amount of time restoring Cotcombe and we feel this application warrants approval;
- In light of the environmentally friendly aspect of the plan it is fully supported;
- It appears to be low key and sustainable;
- The building work undertaken was entirely in keeping with the surroundings and what was an eyesore became a pleasant pair of rustic barns;
- The surrounding land has been professionally improved tidying and coppicing the woodland, mindful of indigenous flora and fauna; the conversion will be done with the same ecological sensitivity;
- The restored barns are attractive and in keeping with surroundings;
- The barns are large enough to accommodate the proposed conversion
- The track is in frequent use and the present owner camps there for periods of time and uses the track regularly; there is water supply on land;
- The development will be green and sustainable creating much of its own energy it will be a model for other buildings to follow;
- The plan retains the traditional appearance of the structures and are in keeping with surroundings and landscape.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

S7 - TDBCLP - Outside Settlement,

EN12 - TDBCLP - Landscape Character Areas,

H7 - TDBCLP - Conversion of Rural Buildings,

EC6 - TDBCLP - Conversion of Rural Buildings,

EN3 - TDBCLP - Local Wildlife and Geological Interests,

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,

DM2 - TD CORE STRATEGY - DEV,

STR1 - Sustainable Development,

STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
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)	£4,316
Somerset County Council (Upper Tier Authority)	£1,079

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£25,898
Somerset County Council (Upper Tier Authority)	£6,474

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues that require consideration in determining the proposed development are considered to be:

- the principle of a 'Live/Work' Unit at the site and relevant planning policy;
- the impact of the proposed development upon the landscape character and visual amenity; and
- the impact of the proposals upon a wildlife.

Policy principles:

The Taunton Deane Local Plan (LP) does not contain a specific saved policy or guidance document regarding live/work units, be they new build or conversion schemes, within the borough. As such, the pertinent policy steer comes from guidance contained within the National Planning Policy Framework together with extracts from policies H7 and EC6 that both consider the conversion of rural buildings to alternative uses, albeit it for housing and economic re-use respectively. In addition, Policies DM1 and DM2 of the emerging Taunton Deane Core Strategy are attributed significant weight in determining this proposal given their advanced stage towards formal adoption.

The application suggests that saved Local Plan Policies are outdated following the publication of the National Planning Policy Framework and therefore carry little weight. To this end it suggests that the NPPF should be viewed favourably where there is a conflict in its guidance with LP policy. Many references have been made to the guidance contained within the NPPF, which generally is supportive of the re-use for rural buildings and I am mindful of its guidance and the specific points raised. However, I am of the opinion that the saved Local Plan policies are protected within the first 12 months from the date of the NPPF's publication and can therefore be attributed the appropriate weight. Notwithstanding this matter, the emerging Taunton Deane Core Strategy is now at a very advanced stage and is therefore similarly attributed significant weight in determining the proposed development even in the

absence of the Local Plan.

Circular 03/2005 states that "Live/work units are often purpose-built premises, or purposely converted into such units. They are clearly a mix of residential and business uses which cannot be classified under a single class within the Use Classes Order and would therefore be sui generis." It is accepted that there has been a significant shift in employment patterns over the past 20 years which together with improvements to infrastructure and technology means that often people are able to operate a business without having to travel some distance to an alternative site. However at the same time planning policy makes it clear that new residential developments should be provided within sustainable locations with good access to services, employment and public transport so as to reduce the dependence of dwellers upon the private motor vehicle. It is therefore important to ensure that the right balance is struck between the live element of the proposal and the benefits attached to working from the site in terms of reducing the need to travel and retaining the traditional building.

LP Policy H7 indicates that residential conversion of buildings in the countryside will not be permitted where there is the likelihood of them attracting a suitable business re-use. It is a well established method of assessing whether or not there is a need for business premises through a 12 month marketing strategy however in this instance no such public marketing has been undertaken. As an alternative a commercial viability report has been submitted which draws a number of conclusions and draws attention to a number of comparable business units within the area that have not been successfully let/sold for the permitted use. The report concludes that the costs of conversion limits the viability of the buildings for an alternative business re-use; it concludes that uses including offices, holiday lets and workshops come light industrial units would not viable.

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

The application states that the buildings have been used for storage for in excess of ten years. Whilst this use may have been low key it does indicate that an alternative use may be feasible at the site other than for agriculture. Indeed, given the good condition of the buildings, as stated within the submitted structural report, uses such as equine, low key storage and/or distribution, rural crafts, forestry and other similar uses could provide other potential alternatives to those put forward within the viability report. This matter is compounded by the information submitted by the agent by email dated 14 June 2012, whereby it is stated that the floorspace within Barn 2 is sufficient to run a business from (within B1 use class). It goes on to concede that such space is comparable in scale with many small business uses. It seems to me that if a business can be run from a building of the scale such as Barn 2 then it should equally be suitable to run a larger scale business from Barn 1. Other than financial viability, there is no other obvious justification as to why it is essential to provide full residential use at the site.

It is clear from the submission that the buildings have been used for storage in the past and this itself suggests that there is an appropriate use for them other than that of the proposed live-work unit. Policy EC6 of the LP and Core Strategy Policy DM2

(7) accepts that business re-use for rural buildings will generally be viewed favourably subject to satisfying a number of criteria. With the exception of being distant from a nearby public road (approx 750 metres along a stone track) the proposals would seem to satisfy the requirements of LP policy EC6 for some potential alternative uses. In addition, Core Strategy Policy DM2 (7) requires rural buildings to be located near a public road and existing services. The meaning of services is open to interpretation however it is taken to relate to services that are reasonably required for day to day living and in part may include education, health, recreation and the like. The site is remote from any such services contained within the nearest settlements of Milverton, Fitzhead and Wiveliscombe and therefore, despite the work element which will potentially reduce a degree of private motor vehicle movements the site remains within an unsustainable location.

The principle use of the site as proposed seems to me to provide for a residential unit with associated home working space. There is likely to be limited benefits of such a work unit to the local rural economy and no information has been submitted to suggest otherwise. The buildings whilst forming an intimate group, are limited in their heritage value. The benefits of retaining the buildings for their heritage value and in order to be of benefit to the local rural economy are not considered to be of significant enough value to outweigh the unsustainable remote location of the site.

The submitted access statement concludes that the site is within an acceptable combined walking/bus linked trip and acceptable cycling distance of a good range of services within Wiveliscombe and Milverton. I do not agree with the suggestion that the site is within a location that provides for sustainable transport choices. With respect to the surrounding area, the topography is undulating with sharp hillsides leading to the site from the highway to the south. This approach road is 950 metres from the site access but, increasingly 1.7km from the actual development site where the live-work unit will be situated when including the length of the track. A recent appeal decision for a development for a holiday let unit at Brimley Plantation has established that this area is unsustainable in transport terms. The site subject of the appeal, which was dismissed, is closer to the highway network, local bus stops and services than the location of the barns being considered. The Inspector concluded that the distance to services, infrequency of public transport and challenging topography of the location would indicate that the "great majority" of people would be very predominantly reliant upon the private motor vehicle "to access essential and discretionary services." Such was viewed as being contrary to national and local planning policy. Being mindful of this decision I too consider the site to be unsustainable in terms of access to services and sustainable modes of transport.

Whilst the findings of the viability report are noted, in light of any absent marketing evidence to demonstrate that the buildings would not attract an alternative business re-use, the report carries limited weight. The proposals are therefore considered to conflict with Local Plan policies H7 and EC6. In addition, the scheme fails to demonstrate fully whether or not any alternative re-uses for the building, as set out within Policy DM2 (7.b). Whilst the NPPF is supportive of reusing rural buildings for economic or mixed uses for the reasons set out above, the proposals are not considered to be acceptable.

Landscape character and visual amenity

The proposed scheme involves the formation of limited changes to the built fabric of the site. The conversion works to the building will result in a domesticated

appearance to the barns but it should still be possible to ascertain the simple agricultural character of the buildings once works are complete. The proposed solar array will be located to the rear of the proposed dwelling and largely hidden from view by the building's roof; as a result they are not thought to result in any material harm to the landscape or visual amenity. The agent has submitted an amended layout plan together with a suggested condition which would restrict the siting of domestic paraphernalia outside of a designated space. Such an approach, together with the removal of permitted development rights for the erection of new buildings and the like within the site, would further limit any potential harm to the character of the area.

My main concerns lie with an increased use of the access track and the impact that domestication would have upon visual amenity and landscape character. There would be a significant increase in domestic vehicles being seen within the landscape when using the access track over its 750 metre length. This together with the parking of vehicles within open view across the valley and additional light spill at times of darkness will without doubt have an effect upon the character and appearance of the surrounding landscape and visual amenity. This change in character and appearance will doubtless have an effect upon how the buildings and land appear and are how they are perceived by passers by within the landscape. It should therefore be recognised that such a change will likely have a detrimental impact upon the rural setting.

Wildlife

The application is supported by an ecological survey of wildlife within the site and the report concludes that the proposed development will impact upon bats and birds. It should be noted that bats are a European Protected Species and their habitat both within the barns and around the farm yard and associated buildings will be impacted upon as a result of the proposals. The ecological report concluded that bats likely use Barn 1 for rest and feeding during the night and that it is likely that bats have roosted behind timber boarding to the gable ends of Barn 2. The application proposes to relocate bat habitat and roost within the new building to the south and to remove all existing spaces currently used by the species from the original barns in their entirety. The new roosts will have the required space internally that will provide for a suitable alternative site for rest, feeding and roost.

As a result of the above, the proposed development will 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. The ecological report confirms that an EPS license will be required for the works to be carried out. Regulation 9 (5) states that the Local Planning Authority is a 'competent authority' and must have regard to the requirements of the Regulations in consideration of any of its functions - inclusive of determining planning applications that impact upon protected species. In order to discharge its Regulation 9(5) duty, the Local Planning Authority must consider in relation to a planning application:

(i) Whether the development is for one of the reasons listed in Regulation 53(2). This includes whether there are "...imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment" (none of the other reasons would apply in this case);

- (ii) That there is no satisfactory alternative;
- (iii) That the Favourable Conservation Status (FCS) of the European protected species in their natural range must be maintained.

These tests are considered below:

(i) Overriding reasons of public interest for disturbance

The proposed development will provide for an alternative re-use of a rural building. Any agricultural or existing use is to cease and all land and buildings will be turned to residential if permission is granted. The buildings concerned are typical of rural areas however their heritage value within the local area is considered to be limited. The buildings are not listed and have no significant architectural or historic merit and no such justification has been submitted to counter this opinion as part of the application. Given the limited value of the buildings I can find no other overriding reasons of public interest that would justify the deliberate disturbance of this protected habitat and the proposals therefore fail part (i) of the test.

(ii) That there is no satisfactory alternative

The application site is a one off complex containing two rural buildings and some remains of a former farm house. Notwithstanding the individual nature of the site, there are considered to be alternative sites that could be viewed as being acceptable for a development of this nature. No evidence has been submitted to suggest that there is no other alternative sites within the borough for live work units and therefore on this basis the proposals are considered to fail part (ii) of the test.

(iii) That the Favourable Conservation Status (FCS) can be maintained

The Council's Nature Conservation and Reserves Officer supports the recommendations and actions set out within the submitted report by David F Wills dated 14 March 2012. Further, Natural England support the comments of the Council's Nature Conservation and Reserves Officer. Notwithstanding the above I am satisfied that the proposed bat mitigation can be achieved within the new building and that were such a scheme to be required (were permission to be granted) such will ensure that a FCS for bats can be maintained at the site.

The site is recognised as providing a habitat for nesting Swallows, for which 21 nest cups were located within the buildings to be converted. The application does not provide for any Swallow cups or other nesting sites however subject to further survey work and submission of details, were planning permission to be given I am satisfied that these species could be accommodated within the development site.

Other matters

The highway authority are satisfied that the proposals will not give rise to material harm to highway safety at the point where access is taken off the public highway and onto the private access track. They are satisfied that the visibility splays provided are commensurate with a safe means of access/egress given the relatively low speed of traffic along the approach road.

The proposals will make use of a reed bed filtration system; such a system will likely require the Environment Agency consent to discharge any treated water to the

ground strata. The Councils Drainage Officer has not raised issue with this aspect of the proposals and it seems to provide a suitable means of treating waste water at the site.

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

Conclusions

The proposals fail to accord with local planning policy that restricts the conversion of rural buildings to residential use unless there is a demonstrable reason as to why other preferable uses cannot be provided. Such is considered to be contrary to Policy H7 of the Local Plan and Policy DM2 of the emerging Core Strategy. In addition, the site is 750 metres from the nearest public road and at such a distance the proposals do not make for a sound connection to the local highway network which is contrary to Policy EC6 of the Local Plan.

The proposals will provide for a new residential property within open countryside that is remote from adequate service provision and sustainable modes of transport in which aims to access day to day services. Despite the provision of a work element, the residential property will have a significant reliance upon the private motor vehicle and generate additional private journeys to nearby settlements; such would be contrary to planning policy which aim to direct all new residential development to existing settlements with adequate service provision.

In addition, the proposed development would result in the deliberate disturbance of a protected habitat. There is no overriding public benefit with which to justify such deliberate disturbance whilst there are considered to be alternative development sites within the borough that would be capable of providing a development such as that proposed. As a result, the scheme fails 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).

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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