

11/18/0007

MR SIMON PEARSON

**Change of use from mixed C3 and Holiday let to Sui Generis (Holiday lets) at The Stables, The Byre and Sunset, Penbridge Court, Trebles Holford Road, Combe Florey (retention of works already undertaken)**

Location: THE STABLES THE BYRE AND SUNSET, PENBRIDGE COURT,  
TREBLES HOLFORD ROAD, COMBE FLOREY, TAUNTON, TA4  
3HA

Grid Reference: 314955.13298

Retention of Building/Works etc.

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## **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) Location Plan  
(A4) Site and Floor Plan

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

### **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 entered into pre-application discussions to enable the grant of planning permission.

## **Proposal**

Change of use from mixed C3 (residential) and holiday let to Sui Generis (holiday lets) at The Stables, The Byre and Sunset, Penbridge Court, Trebles Holford Road, Combe Florey (retention of works undertaken).

## Site Description

The site comprises of 3 established holiday let units known as The Byre Cottage, Stable Cottage and Sunset Cottage (western end of former Wagon Barn). It is also noted from the applicant that the addition of 2 double bedrooms (1 for Byre Cottage and 1 for Stable Cottage) as part of the former permission granted in 2005 was not completed.

The site is accessed via an existing entrance track within the hamlet of Trebles Holford, and into the self contained complex of currently mixed use holiday units and 1 residential unit, the large former barn building (Penbridge Court) which has previously been used at the main residence at the site. There is an existing archway link into the garden area to the rear and this has been converted into a small 2 storey one bed unit (known as 'Sunset'). The reference to the annexe building relates to a small former annexe area to the rear of and within the main farmhouse building.

The site would have originally been a local farm which was split up and sold off. The directly adjoining neighbour to the east know as Trebles Holford Farm, is Grade II listed and further dwellings to the east are Redlands, Cider Cottage and Redlands Barn. A Property know as The Paddocks is located to the north east of the site. The applicants also previously owned a Poultry House located to the north and beside the current access to the site.

Boundaries at the site are a mix of tall shrub and natural stone walls around the accommodation and also timber fencing and two timber storage sheds and a disused timber kennel on the adjoining neighbouring boundary to the east. A small amount of temporary willow fencing along the hedgerow boundary on the southern boundary of the site and the adjoining agricultural land. Along the western boundary there is an existing field hedgerow between the garden area and the adjoining open agricultural land. This land is higher than that of the site and along which there is a public footpath which is linked along the boundary from the access drive to the site. This footpath will not be altered or affected by the development.

## Relevant Planning History

11/90/0006, Conversion of barns to provide 2 holiday units at Penbridge Court, conditionally approved on 12/08/1990

11/05/0003, Conversion of open section of existing barn adjoining dwelling to provide a new holiday unit and extension of existing holiday units to provide additional bedrooms and linking roof structure, conditional approval on 18/03/2005

11/10/0009, Replacement of poultry house with new stable block & storage building at Penbridge Farm, conditional approval on 18/10/2010

## Consultation Responses

*COMBE FLOREY PARISH COUNCIL* - At the PC meeting on 18 May, this planning application was considered and discussed. The Council resolved to support the application.

Since the PC submission about this application on the 28th May, there have been a number of comments from other parishioners. In light of these comments the PC held at Extraordinary Parish Council meeting on Friday 21st June 2018 to consider the application. As a result the PC feel that this is a complex application which has both planning and environmental aspects and upon which we do not have the expertise to comment: we would recommend that it goes forward to a full planning committee for consideration.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Standing Advice.

*ECONOMIC DEVELOPMENT* - No objections to this one.

*PLANNING ENFORCEMENT* - This application has been submitted as a result of an ongoing enforcement case, let me know if you need any more information about it.

Please be aware of this site when the application comes in– the application needs to relate to the WHOLE site, it cannot be dealt with under two separate applications.

The enforcement case and breach of planning control relates to whole site being used as one holiday let use (sui generis use) rather than a mix of C3 and holiday let uses.

## **Representations Received**

5 letters of objection have been received from the local community(2 representing the same person) raising the followings issues;

- Noise and disturbance.
- Traffic, including online shopping deliveries.
- Number of guests.
- Trespass of guests onto adjoining land leaving agricultural gates open.
- Ask the proposal be referred to planning committee.
- Unsuitable location and conflict with surrounding land uses.
- Proposal contrary to Local and National policy.
- Intrusive nuisance from guests using wrong access after following SATNAV.
- Part residential should remain.

## **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), the Taunton Site Allocations and Development Management Plan (2016), 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.

DM1 - General requirements,  
DM2 - Development in the countryside,  
CP6 - Transport and accessibility,  
CP8 - Environment,  
A1 - Parking Requirements,  
NPPF - National Planning Policy Framework,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

Not applicable in this case.

## **Determining issues and considerations**

The pertinent issues for consideration are; Principle of Development, Impacts on character and appearance of the area, Impacts on residential amenity, traffic.

### **Principle of Development**

The site is located in the small hamlet of Trebles Holford outside of defined settlement limits and therefore classed as being in open countryside and where local policies DM1 and DM2 apply.

DM1 of the adopted Core strategy relates to all development proposals and it is noted that this submission relates predominantly to a change of use (which does not normally require permission) but also to works already undertaken, i.e. the main barn has been changed from having 2 kitchen and 5 bedrooms (2 en-suite) to 1 large kitchen and 6 bedrooms (4 en-suite). No changes were made to the 3 existing holiday lets. These internal works would have required building regulations and internal reorganisation of buildings do not require planning permission unless alterations were made to the external fabric of the building (walls, new windows/doors). Further this policy encourages brownfield redevelopment and efficient use of land. Travel implications such as road safety, amenity or congestion effects and reducing the need to travel are also considerations of this policy and it is considered that these are acceptable. Further discussion on amenity can be seen below.

DM2 of the adopted Core Strategy supports the use of holiday and tourism a) within existing buildings where there is an identified need, is compatible with and supports economic diversification of existing farming and service enterprises , b) touring caravan and camping sites with good access to the main road network and the site is not located within a floodplain or high risk of flooding, c) tourist and recreational

facilities provided that increased visitor pressure would not harm the natural and man-made heritage. The site has an established residential and holiday let use and the demand for more accommodation for larger groups has led to this proposal. The site does contribute to the local economic growth and prosperity in the local community by providing 10 jobs for the cleaning and maintenance of the units as well as work for local associated trades in the area from the visitors and the upkeep of the site. The site is not within a designated floodplain and has good access and road links from the main A38. The buildings have been converted in a sympathetic way with natural materials in keeping with the traditional farms appearance and does not harm the natural or man-made heritage.

This proposal has been submitted following an enforcement enquiry into a breach of planning control relating to the whole of the site rather than a mix of C3 (residential) and holiday let uses. The site as previously mentioned and stated in the history section of this report has an established holiday use for some of the current buildings apart from the large converted former agricultural barn which has been formerly used as the main dwelling at the site. Also an adjoining archway structure at the end of the barn and works have been undertaken to convert this structure into a two storey additional holiday let unit.

The use of the site would remain in residential use albeit full holiday use rather than part residential and part holiday use, and following previous pre application advice that advised that the 'use of the main house as a single unit of self catering holiday accommodation would not require planning permission as it would not cause a change of use of the property. There would be nothing to stop the whole being let as one, or as 4 separate units'. The advice also stated that the annex to the main dwelling should not be used as a separate unit, however, as the whole site could be used as holiday lets it would be unreasonable to restrict this one element. The annexe is located and within the main farmhouse and the applicant states in the submission that this was unconverted in 2015.

An appeal decision has also been submitted by the applicant (ref APP/ZO116/C/14/2227336) for a case for an alleged breach of planning control from a mixed C3/sui generis use of a self contained second floor flat for holiday use and a 9 bed house in multiple occupation, which the Inspector allowed the appeal and quashed the enforcement notice as the change of use, with conditions of a noise management plan, did not have significant adverse impacts on the amenities of nearby residents and that, the proposal did not conflict with local policy.

This case is considered to be policy compliant and acceptable in principle especially in terms of supporting sustainable rural tourism (revised NPPF para 83).

### **Impacts on the character and appearance of the area**

The conversion works undertaken are sympathetic to the style and materials of the overall site, and the development does not have significant impacts on the character or appearance of either the area (not a conservation area) or have any impacts on the setting or appearance of the next door listed building (Farm house).

All of the current well screened boundaries are to remain. The only level vantage point into the site is at the rear end of the garden on the southern boundary from the adjoining agricultural land. Other than that there are glimpses from the public

footpath into the site from a raised level after leaving the access drive and climbing an existing stile.

### **Impacts on residential amenity**

Several representations have been received from members of the local community in regards to;

Proposal contrary to Local and National policy/Part residential should remain. This has largely been addressed in the principle section at the start of this report, however, traffic will be discussed in the next section, leaving the subject of noise to be addressed. Noise complaints are dealt with under the Environmental Health legislation whereby noise logs would need to be taken and assessed and in the absence of this being undertaken it is difficult to control this issue. It was noticed at the time of the officers site visit that the applicant has erected signage on the inside of all external doors reminding guests to respect the local community and not generate excessive noise. The officer has also been advised verbally by the applicant that if a booking enquiry is made and questions regarding hiring of bands or small music gatherings, these booking are dissuaded. The NPPF (para 180) does advise that mitigation measures on potential impacts resulting from noise should be taken into account.

In terms of limiting the number of guests, this is considered unreasonable and unenforceable to condition this as there are already 3 holiday lets at this complex and although each case is judged on its own merits it is noted that in the appeal case the Inspector considered that limiting the permission to include one noise management plan. It is not considered appropriate/necessary in this case as there have been no previous or current noise complaints received by the local authority for this site. Therefore the proposal accords with national and local policies.

With regards to the trespass of guests onto adjoining land leaving agricultural gates open, this is a civil matter and not one controlled under the planning remit.

Unsuitable location and conflict with surrounding land uses, the holiday use has already previously been established for a number of years and supporting and developing the rural economic growth in rural communities is a key consideration in this case. Having considered the representations submitted a least two of these have been received from and on behalf of the adjoining neighbour who runs an equestrian business and farm on the adjoining property. The adjoining land on the western elevation is also in agricultural use and it is accepted that there are a small number of properties in this hamlet. It is considered however, that this change of use does not conflict with surrounding land uses over and above those which currently exist. Therefore, whilst there may be some, it is not considered there is significant impacts on residential amenity in the area.

### **Traffic**

Comments returned from SCC Highways are Standing Advice and it is noted that there is ample parking and turning at the site for guests and associated workers to park and manoeuvre around the site from the existing access drive.

To respond to comments on intrusive nuisance from guests using the wrong access,

this is a matter for the applicant to address through marketing and signage once in the immediate locality of the site. At the time of the officers site visit a sign clearly indicating the drive and access was displayed at the access. As for additional traffic to this self catering holiday complex this is not considered to be a significant issue as the previous residential dwelling would still require such deliveries.

The development therefore accords with local policies A1 and A2 of the adopted SADMP (Site Allocations and Development Management Plan 2016 and policy CP6 of the adopted Core Strategy.

### **Conclusion**

Given all of the above issues and considerations it is recommended that this proposal is granted conditional approval.

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

**Contact Officer: Sue Keal**