

SOMERSET COUNTY COUNCIL

**CONVERSION OF AGRICULTURAL BUILDINGS TO FORM THREE PERMANENT RESIDENTIAL DWELLINGS, ERECTION OF ANCILLARY GARAGING AND STORES AND FORMATION OF VEHICULAR ACCESS AT NORTHWAY FARM, HALSE (AS AMENDED)**

Grid Reference: 313537.129027

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval for the following reason:

The site is located in an unsustainable location in regard to transport policies contained within the development plan for the area and will result in an increased dependence upon the private motor vehicle for the would be occupants of the dwelling house. However, the proposed development will result in an appropriate re-use of a listed building that will not harm the integrity of the building or its character or be harmful to visual and residential amenity within the area. Further, it has been demonstrated that an safe access and egress can be achieved without detriment to highway safety or the visual amenity. The development will ensure the long term future of the heritage asset and is therefore beneficial to the complex of grade II listed buildings at Northway Farm whilst also enhancing the landscape quality of the area. These benefits together with providing for the long term preservation of the heritage asset are considered to outweigh the conflict of the development with policies aimed at reducing travel by private motor vehicles. The proposals therefore accord with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H7(Conversion of Rural Buildings), Somerset and Exmoor National Park Review Plan Policies 9 and 49 and guidance contained within PPS5 and PPS7. Further, the proposal is considered to accord with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

**RECOMMENDED CONDITION(S) (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:

(A3) DrNo 1811-1B Location plan  
 (A3) DrNO 1811-2C Site plan  
 (A3) DrNo 1811-3 Block and roof plan  
 (A3) DrNo 1811-4A Access plan  
 (A3) DrNo 1811-5 Indicative site sections  
 (A3) DrNo 1811-6 Unit A Proposed floor plans  
 (A3) DrNo 1811-7 Units B and C Proposed ground floor plans  
 (A3) DrNo 1811-7 Units B and C Proposed ground floor plans  
 (A3) DrNo 1811-8 Units B and C Proposed first floor plans  
 (A3) DrNo 1811-9 Units A, B and C Indicative cross sections  
 (A3) DrNo 1811-10 Unit A Proposed elevations  
 (A3) DrNo 1811-11 Unit B Proposed elevations  
 (A3) DrNo 1811-12 Units B and C Proposed elevations  
 (A3) DrNo 1811-13 Units B and C - ancillary office/studio Unit A - garage and store  
 (A3) DrNo 1811-14 Unit C new build garage and store  
 (A3) DrNo 1811-15 Unit C New build garage and store

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

3.
  - (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
  - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
  - (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

4. No development, excluding site works, shall begin until a panel of the proposed stone/brickwork walls measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

5. Before any part of the development hereby permitted is commenced, a scheme of hard landscaping showing the layout of areas with stones, paving, cobbles or other materials shall be submitted to and approved in writing by the Local Planning Authority. Such scheme shall be completely implemented before the development hereby permitted is occupied.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Deposit Policy S2.

6. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

7. The vehicular access points and tracks shall be hard surfaced before they are first brought into use. They shall be made of porous material, or alternatively provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface with the curtilage of the dwellings.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

8. No part of the access drive shall be laid out at a gradient steeper than 1 in 10 over its first 20 metres.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

9. The visibility splays shown on the approved drawing no.1811-4A shall be constructed before the dwellings hereby permitted are first occupied. The visibility shall thereafter be maintained in accordance with the approved plans with no obstruction greater than 900mm in height above the level of the adjoining carriageway edge.

Reason: To preserve sight lines at a junction and in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 5m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway. In the interests of highway safety in accordance with Policy 49 of the Somerset and ENP Joint Structure Plan Review.

11. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contract's submitted report, dated September 2010 and any up to date surveys required by Natural England and include:

- Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
- Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance;
- Measures for the enhancement of places of rest for bats and nesting birds;
- Measures for the exclusion of rabbits from the warren beneath building 5.

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.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat roosts and swallow cups and related accesses have been fully implemented.

Thereafter the resting places and agreed accesses shall be permanently maintained.

Reason: To protect wildlife and their habitats from damage having regard to the Habitat Regulations (2010) and other protection afforded to wildlife by law.

12. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), no addition, extension, dormer window, building, structure, enclosure, gate, fence wall or other means of enclosure shall be erected, constructed or placed on the site unless an application for planning permission in that behalf is first submitted to and approved by the Local Planning Authority.

Reason: The Local Planning Authority consider that any further development on the site may prejudice a satisfactory layout, the landscape character of the area, the character and appearance of the original building and residential amenity within the area. Such would conflict with Taunton Deane Local Plan Policies S1, S2, EN12 and H17.

13. Details of the size, position and materials of any meter boxes installed in connection with the development shall be submitted to and approved by the

Local Planning Authority before development commences and thereafter installed and maintained in accordance with the approved details unless any variation thereto is first approved in writing by the Local Planning Authority.

Reason: In the interests of satisfactory design and visual amenity in accordance with Taunton Deane Local Plan Policy S2(A).

14. 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.

Reason: In the interests of the character and appearance of the conservation area, in accordance Taunton Deane Local Plan Policies S2, guidance contained within PPS5 and policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review.

15. All guttering, downpipes and rainwater goods shall be constructed of cast iron painted black and thereafter maintained as such unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of development.

Reason: In the interests of preserving the listed building, its setting and any features of historic or architectural interest that it possesses, in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and guidance contained in Planning Policy Guidance note 15.

16. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
- (b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.

- (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately prior to the use hereby approved by the Local Planning Authority in accordance with Taunton Deane Local Plan Policy EN32.

17. The development hereby permitted shall not commence until details for the means of foul water disposal have been submitted to and approved in writing by the Local Planning Authority. Said details shall include on site percolation tests results that ascertain the suitability of sub-soil for drainage and the required length of sub-surface irrigation for the whole development. None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted.

Reason: To ensure that satisfactory drainage is provided to serve the proposed development to avoid environmental amenity and public health problems in accordance with Taunton Deane Local Plan Policy S1 (E) and EN26.

18. Prior to the commencement of the development hereby permitted, detailed proposals for the disposal of surface water in relation to the vehicular access points and associated tracks shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be fully implemented before the dwellings are occupied.

Reason: To prevent the disposal of surface water onto the adjoining highway in the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

#### Notes for compliance

1. Bats are known to use the building(s) as identified in Country Contract's report, dated September 2010. The species concerned are European Protected Species within the meaning of the Conservation (Natural Habitats &c) Regulations 1994 (as amended 2007). Where the local population of European Protected Species may be affected in a development, a licence must be obtained from Natural England in accordance with Regulation 44 (3) (b) of the above regulations.

Natural England requires that the Local Planning Authority must be satisfied that a derogation from the Habitats Directive is justified prior to issuing such a licence.

2. 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.
3. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
4. Your attention is drawn to the Listed Building Consent relating to this property numbered 18/11/0002LB.
5. Your attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.
6. You are advised that the Environment Agency's consent to discharge to an underground strata.

## **PROPOSAL**

The application, as amended, seeks planning permission for the change of use and conversion of a complex of agricultural buildings to form three independent dwelling houses together with ancillary office and studio accommodation and the erection of three detached double garages with stores at Northway Farm, Halse. The application also proposes to form a new vehicular access along the southern site boundary off of the adjoining highway to serve the Northway Farmhouse and Unit B of the proposed development. The existing vehicular access that currently serves the dwelling and farm yard will provide vehicular access to units A and C of the proposals.

In detail Units A, B and C will comprise the following residential accommodation with ancillary buildings and garden area:

### **Unit A - 4 bedroom dwelling:**

- Ground floor - entrance halls, cloaks, utility, kitchen, diner and family room; 1 en suite bedroom with stairwell access to first floor.
- First floor - 3 bedrooms (1 en suite, family bathroom, living room and study.
- External - use of two existing lean-to structures as a double garage and store; rear garden and court yard to the west of the building with natural hedgerow and 1.8m stone walls to all boundaries.

### **Unit B - 4 bedroom dwelling:**

- Ground floor - main entrance hallway, kitchen, utility and dining area, lobby, sitting room, WC, two bedrooms (1 en suite) and stairwell access to first floor.
- First floor - three bedrooms (1 with en suite and dressing room), family bathroom, balcony library and sitting room with open voids over kitchen and dining areas below.
- External - a new vehicular access track to the west leading to formal parking and turning area with new detached double garage and store; formal gardens with low stone walls and hedgerows to all boundaries and new tree planting to site perimeter. To the east an office/studio within building adjacent is provided over looking a formal courtyard area shared with Unit C.

Unit C - 5 bedroom dwelling:

- Ground floor - entrance hall, five bedrooms (2 with en suite and dressing rooms) family bathroom, airing cupboard and stairwell access to first floor.
- First floor - boot room, utility and WC; kitchen, family area, living and dining rooms; study and hallway with open void over hallway below
- External - ancillary studio with WC, kitchenette and cupboard facing onto open courtyard area shared with Unit B; a formal garden area to the north with hedgerow and tree planting to all boundaries and low and high level stone walls within the site; vehicular access taken from existing farmyard entrance along a track leading to a formal parking and turning area with a new detached double garage and store to the east of the proposed dwelling.

The application is supported by a design and access statement together with a structural survey report. The latter concludes that the external fabric of the building has been well maintained; the condition of the structure is sound and capable of being converted as per proposals and that the proposals will be beneficial to the preservation and overall structural stability of the buildings.

The submitted wildlife survey indicates that the buildings are used for day time roosts by small numbers of common pipistrelle, brown long-eared, Myotis and Lesser horseshoe bats; the conversion of the buildings will require the issuing of a European Protected Species License. The area is used for foraging and that there is the possibility of crevice dwelling bats being present. nesting Barn Swallows, feral pigeons and a rabbit warren will also be affected by the proposed development. A number of recommendations are made so as to ensure that all species a protected and suitable mitigation put in place were the buildings to be granted planning permission as proposed.

A commercial viability appraisal has been submitted and states that buildings such as this have failed to be let in other locations over recent years; office accommodation would not be suitable in this location nor would light industry. The report states that the buildings are unsuitable for any form of business or commercial use given the construction costs involved (8090 sq ft of floor space at £85 psf); attracting occupants of units would be difficult; significant financial outlay would pose too high a risk with doubts over finding potential occupiers.

## **SITE DESCRIPTION AND HISTORY**

Northway Farm currently forms a low intensity, working agricultural unit located within a remote area of Halse parish. The site can be accessed via an unclassified network of highways, that are generally single track in their width with hedgerows and planting along banks either side. The site is located approximately 1.5km from the village centre of Halse and 7.3km from the centre of Taunton. The site is set on gentle sloping land that runs uphill along a north-south axis. The main farmhouse and buildings are served by an existing access onto/off the unclassified highway to the eastern boundary. A narrow single track provides access to land and buildings off of the parking area running northwards uphill.

The farm holding constitutes the main farm house, which is a two storey grade II listed building, with a rendered walls, slate roof, timber sash windows, timber 6 panel door and a flat roof portico. Attached to the northern elevation of the farmhouse is a linear set of agricultural barns, which are set over two storey's with stone walls with



brick detailing around the original openings, natural slate roofs and timber doors. The barns form a complex of buildings sited around a concrete yard area, enclosed along the eastern boundary by an open fronted single storey building. The site is set over split levels with the farmhouse, parking/turning areas and part of the barns to be converted (including part of Unit A) being approximately 2.4 metres below the main portion of the barns and formal yard area further to the north. To the north and west of the barns are more modern steel portal frame buildings clad in an array of profiled metal sheets; many of these buildings are open at the front and sides and screen the traditional buildings from views to the north and west of the site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - Comments and recommendations:

- unsustainable location, new housing will foster growth in the need to travel by private vehicles, contrary to SP policies STR1 & STR6;
- if agricultural use ceases and vehicle movements replaced by those of the new dwellings it may be unreasonable to raise an objection, if it continues there will be additional movements and the proposal should be refused;
- approach road narrow and poorly aligned with no footways, or street lighting and limited passing places - would not want to increase traffic without justification;
- passing places could be created on land owned by applicant; sufficient on site parking and turning should be provided, commensurate with scale of dwellings. Parking should be in line with the Somerset Parking Strategy - 3 parking spaces would be required;
- Unit A garage is of insufficient scale - may result in additional parking over turning areas that would result in vehicles reversing onto highway; parking spaces should be denoted on the plans;
- existing access serving units A and C should be hard surfaced with drainage to prevent surface water discharge onto highway;
- highway requirements for the new access provided and should be met;
- visibility splay should be incorporated within red line.

*HALSE PARISH COUNCIL* - Object to the proposed development raising the following planning related issues:

- Questioned viability of selling site as one lot and not subdivided as this may be more viable;
- Increase in traffic volumes on lanes already dealing with levels greater than suitability; further delays and disruption likely;
- increase in the use of existing farm access (used as a passing place) will impact upon highway safety at this point; regular incidents on the lanes already and will only increase from the development especially with freezing surface water in winter months;
- new access is on farmland and contrary to similar requests by nearby residents who have had permission refused;
- splay required by SCC likely to be larger than that shown and this would have a greater impact on the environment and setting of the listed building;
- question demand for properties with detached studios; if permission is not refused request that restrictions are placed on studios to prevent being sold off separately, being used as holiday lets or stand alone dwellings due to further increase in traffic.

**CONSERVATION OFFICERS** - As per 18/11/0002LB - The farm buildings are listed by virtue of being physically attached to, and within the curtilage of, the grade II listed Northway Farmhouse. They appear to be contemporary with the farmhouse and date to the early and mid C19 – which is confirmed by the submitted historic building survey.

Although the farm is still operating, this group of historic buildings is under utilised and in poor condition. The best use for these buildings would be the one for which they were designed but it would appear that due to changes in agricultural practice they can no longer economically fulfil this function. An alternative 'low impact' use would be the next best thing. Conversion to domestic accommodation would have a 'high impact' on the fabric of the buildings and their setting and is therefore usually the least desirable option. In this instance, provided there is no other viable use for the buildings, domestic reuse would (in conservation terms) be acceptable to ensure the long-term future of this historically important group of farm buildings.

This application has been the subject of pre-application discussions and the material submitted has addressed my earlier concerns with the scheme. No objection subject to conditions.

**LANDSCAPE LEAD** - Acceptable subject to landscape details.

**NATURE CONSERVATION & RESERVES OFFICERS** - No objection. Confirmed that an EPS license required due to bat roosts. It is an offense under the Habitat Regulations to convert building 1 without an EPS license. Swallows should be accommodated within the new development. Any works that could disturb nesting birds should take place outside the nesting season. The building with a rabbit warren beneath should not be demolished until rabbits are excluded from the warren or humanely dispatched. Condition requiring protected species strategy recommended together with advisory notes.

**DRAINAGE ENGINEER** - Insufficient land for septic tanks and sub surface irrigation drainage. Assume proposal is for one shared septic tank? Additional information requested and received - confirmed that percolation tests can be conditioned and advised of need to gain Environment Agency consent to discharge.

**NATURAL ENGLAND** - Natural England note the contents of the County Contracts wildlife report dated Sept 2010 and fully support the comments made by Barbara Collier, TDBC's [nature] conservation officer, in particular her suggested conditions for the protected species present on site and the information note to the local authority.

**ENVIRONMENTAL HEALTH - NOISE & POLLUTION** - No objection; contaminated land condition recommended given the nature of the site.

## **Representations**

12 letters of objection received from members of the public raising the following planning related points:

- Given the nature of the roads any increase in traffic will substantially add to a difficult and hazardous situation for oncoming traffic and passing difficulties;
- Increase in traffic will pose a greater risk to humans and animals;
- Nearby applications turned down for access or had legal agreements entered into preventing selling off individual units;
- Proposals not consistent with councils approach and have disregard to rural and agricultural setting;
- Buildings cannot be classed as redundant as they are in use;
- Buildings should be retained together for agriculture in keeping with area of Northway; once gone the farm can never return;
- Barns should be ancillary to Northway Farm, as with other properties in the area; concern over size and scale of development;
- New access across agricultural land will demand large visibility splays for safe entry requiring the removal of large amounts of hedgerow changing the look of the area and disturbing wildlife;
- Surface water runoff will be exacerbated by new hardstanding;
- The road is single track with few passing places;
- Area is unsuitable for such development, which is too large for the location;
- Narrow roads and blind bends already results in frequent collisions; problems with passing, vehicles becoming stuck;
- Frequency of traffic is low compared to that of a village;
- No local amenities, public transport or employment and therefore occupiers will be reliant upon motor vehicles;
- Proposals do not comply with government guidance for sustainable development;
- Flooding and standing water is already an issue and existing highway drains are already unable to cope with water drainage during prolonged wet periods;
- Impervious surfaces will increase surface water in an area failing to cope already;
- New garage buildings not in keeping with original farm buildings or layout and could set a precedent for future developments;
- Development of the barns should retain as much of the original character as possible given farmhouse is listed;
- Occupancy levels should be reduced, new access altered and consider utilising existing outbuildings for garage/storage over new buildings;
- Conversion of historic buildings should not be to the degradation or loss of a view of countryside;
- Site not considered brownfield land as it is tenanted and used as a commercial farm; scale is insensitive to setting and double local population;
- Significant increase to local population and commensurate road use will pose risk to pedestrian, mounted and vehicular traffic;
- Proposals will create a multi-unit urban enclave incongruous to rural location and of disproportionate scale;
- Proposal will impact upon adjacent property;
- Outbuildings should be incorporated within existing barn footprint;
- New houses should be conditioned to remain in ownership of main house;
- Current use of property is sustainable.

## **PLANNING POLICIES**

S1 - TDBCLP - General Requirements,

S2 - TDBCLP - Design,

M4 - TDBCLP - Residential Parking Provision,

EN1 - Landscape and Biodiversity,  
EN12 - TDBCLP - Landscape Character Areas,  
EN3 - TDBCLP - Local Wildlife and Geological Interests,  
H7 - TDBCLP - Conversion of Rural Buildings,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP1 - S&ENP - Nature Conservation,  
S&ENPP9 - S&ENP - The Built Historic Environment,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
PPS1 - Delivering Sustainable Development,  
PPS7 - Sustainable Development in Rural Areas,  
PPG13 - Transport,  
PPS 5 - PPS5 Planning for the Historic Environment,  
PPS9 - Biodiversity and Geological Conservation,  
EN26 - TDBCLP - Water Resources,

## **DETERMINING ISSUES AND CONSIDERATIONS**

Having regard to the proposed change of use of land and buildings and associated developments contained within submitted details, the pertinent issues that require consideration in determining the proposed development are:

- The principle of providing new residential developments within the open countryside;
- The impact upon the listed building(s) and their setting;
- The impact on the highway networks and highway safety;
- The layout and landscape impact;
- The impact upon wildlife and protected species.

### Principle of the development

For the purposes of planning policy, Northway Farm is located within open countryside and approximately 1.5 km away from the nearest recognised settlement of Halse that provides some of the services generally required for day to day living. With regard to Halse as a settlement, it is thought that the only service remaining within the village is The New Inn public house. Local opportunities for employment are very limited and largely based upon a traditional rural economy. Further, the bus service that operates within the area is very infrequent throughout the day. The local highway network is such that no defined cycle lanes or pedestrian footpaths are provided, which is typical of the rural highway network within Taunton Deane. Whilst the road network is very moderately trafficked it is by virtue of its nature considered to be unsuitable for cyclists and pedestrians on safety grounds.

With regard to the above matters, it is considered that would be occupiers of the new dwellings, if permitted, are likely to be dependent upon the private motor vehicle to access daily services, employment and the like. Such would be contrary to the guiding principles of sustainable development and the need to reduce carbon emissions as set out by government guidance. The proposals therefore fail to accord with the identified development plan policies aimed at providing for new residential developments within sustainable locations.

Planning policy does provide that where the location is appropriate, the re-use of rural buildings is acceptable, however such should in the first instance explore the possibility of an economic re-use and not residential conversions unless it can be

proven that the former is not a viable proposition. Having regard to the location of the site, it is accepted that, as set out within the submitted viability report, the re-use of these buildings for economic or business purposes would be unlikely to be a viable option given the costs of conversion, the nature of the buildings and the local highway network. Notwithstanding this matter, it does not automatically follow that a residential conversion scheme would be acceptable in a location such as this, particularly given the sustainability issues identified above, that is unless there are any other material considerations that outweigh the harm associated with increasing unsustainable travel patterns and the reliance upon the private motor vehicle.

### Heritage asset impact

The barns to which the application relates are grade II listed virtue of their association and physical link to Northway Farmhouse, which is itself a grade II listed building. As such it is important to have due regard to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires that “in considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority...shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses”.

Notwithstanding the more modern cattle housing and storage buildings to the west and north of the application buildings, Northway Farm, the adjoining barns together with the detached building to the east of the main buildings are considered to form a strong and intimate group of buildings formed around a formal raised cattle/livestock yard area. As a group of buildings viewed from the highway, the barns that the applications seeks to convert to dwellings make a positive contribution towards the setting of the main listed building and farm holding in general. Locally, the site is dominant within the street scene and provides for a good example of a historic farm unit. As defined within PPS5, the buildings are recognised as forming heritage assets; PPS5 states that there should be a presumption in favour of conservation of designated heritage assets. Having regard to the architectural and historic importance of the farm buildings and the main house, it is deemed necessary to find an alternative use for the buildings so as to ensure their long term future. As PPS5 states "once lost, heritage assets cannot be replaced and their loss has a cultural, environmental, economic and social impact".

The application is supported by a heritage statement that sets out the significance of Northway Farm and its farm buildings. It is important to note that the Councils conservation specialist has not raised an objection to the proposed development and that generally the proposals are supported, despite recognition that residential conversion schemes often have the most impact upon the original fabric of the buildings. Notwithstanding this, the proposed scheme is considered to represent a sensitive conversion; indeed the only external alterations to the fabric of the building that will affect its general appearance are 4 new small windows and the enlargement of 4 existing openings to form doorways. Internally the buildings will require quite significant new features and subdivision, however this is not thought to harm the integrity of the buildings which is of only limited value with regard to internal architectural and structural features. New rooms will be formed via stud walls and virtue of existing openings, these can be provided without significant interruption to the original fabric of the buildings. The overall conversion of the barns will utilise materials that reflect the historic integrity of the buildings and will match the original where replacement is required.

The new double garage and store buildings that will serve units A, B and C are of a limited scale in comparison with the existing buildings that surround the barns. Representations have suggested that the buildings will harm the setting of the listed buildings however having regard to the existing situation and the removal of the much larger livestock/storage buildings, this is not thought to be the case. It is considered that the setting of the listed buildings will be enhanced by the proposed scheme, returning the site to a setting that is likely to represent a closer link to its past, which is demonstrated by tithe maps submitted in support of the application which show the site as being largely void of buildings to the west and north.

#### Highways and highway safety

The proposed development will result in the creation of three new dwelling houses within a remote rural location, which as stated above is absent of appropriate service provision and employment opportunities. As such, would be occupiers of the properties are likely to be heavily dependent upon the private motor vehicle. A number of objections have been made to the development on grounds that increased traffic on the narrow winding lanes will detrimentally affect highway safety and make passing oncoming vehicles difficult given the nature of the highway network.

The Highway Authority have provided a formal response to the proposals having regard to the adopted highway policies for the area. The sustainability of the site in terms of the location for residential development and the fostering in the need to travel have been discussed above, and it is accepted that the development site lies in a location where the LPA would not normally support applications for new residential development.

For the purposes of clarity, the vehicle movements associated with what was a sizeable agricultural holding and dwelling house will cease. The highway authority have commented on the possible disposal of land leading to further dwellings being required as a result and have also asked for information on land ownership to allow new passing places to be provided. The Parish Council and local residents are concerned with the possible impact that may arise from additional users upon highway safety and these points, together with the response from the highway authority have been considered. The highway authority have not objected to the proposal in general, but do request additional passing places as stated above. Whilst it is accepted that additional vehicle movements on the highway network will, at certain peak times, make passing problematic in places I would have concern with cutting numerous passing bays into hedgerow within the area due to the commutative effect that this would result upon the visual amenity and character of the area; I would also question whether such would be necessary when sporadic informal spaces exist, albeit at a low number. Further, such requirements have not been placed upon applicants where residential conversion schemes have occurred in remote locations seeking access off narrow highway networks. Notwithstanding this matter, it has been observed during a number of visits to the site and from passing through the area in general that vehicle movements on the lanes are infrequent and low in volume, a matter that is confirmed within one letter of objection. Generally vehicle movements are of a low speed between the application site and the villages of Halse to the southeast and Ash Priors (with Bishops Lydeard beyond) to the northeast. In locations such as this, it has to be accepted that on occasion vehicles may meet, be it with a domestic or agricultural vehicle. It is part and parcel of living

within a remote rural area. Being mindful of the fact that the LPA has previously permitted developments similar in both nature and the highway network to that now proposed, I am of the opinion that whilst the proposed development may result in a small degree of additional conflict between highway users, it is not considered to be a reason in itself to warrant refusal given that the overall number of vehicle trips will not significantly increase given that the farm holding vehicle movements will cease altogether.

Having regard to vehicular parking provision, each dwelling has two parking spaces within the new garages, with space for turning and limited additional parking also available within each plot. Unit A has a garage that is slightly short of highway standards for parking two vehicles, however there is sufficient space within the parking area for Unit A to allow additional parking whilst ensuring on site turning can be carried out; such is similar to the current arrangement on site over which occupants of Northway Farm can park and turn vehicles and essentially there would be no change to this arrangement. It is considered that the parking provision is acceptable and will not lead to any vehicles being displaced onto the adjoining highway. Further, with sufficient turning space, vehicles will be able to exit onto the public highway in a forward gear from all proposed units.

The proposed development will derive access to the new dwellings via two vehicular access points; Units A and C will make use of the existing farm access to the eastern site boundary whilst Unit B will utilise the new proposed access to be formed along the southern boundary of the application site. A number of objections have raised concern as to the intensification of the existing access and that a lack of visibility is provided by the new access. With regard to the former, the Highway Authority are satisfied with the proposed level of use and only recommend that it be hard surfaced over its first ten metres and properly drained to prevent surface water discharge onto the adjoining highway. The application provides for such improvements to the access; the new drainage will reduce runoff from the site which currently seeps onto the adjoining highway and this will overcome some of the concerns raised by objectors. I am therefore of the opinion that the use of the existing vehicular access is acceptable.

Having regard to the proposed new access, visibility splays of 2.4m x 43m have been set out on the amended plans and can be achieved over land within the ownership of the applicant to the edge of the carriageway to the west and to the centre of the single lane carriageway to the east. The Highway Authority require visibility splays to be measured to the edge of the carriageway so as to ensure that safe access and egress from the new dwellings can be achieved without detriment to highway safety. Ensuring the splays are provided will require the removal of a 12 metre length of hedgerow, which will be replanted backwards of the new splay. The splay to the east will be facilitated by removing and realigning a 12m length of stone wall slightly within the site. It would not be desirable to remove any more wall to allow visibility to the edge of the carriageway and it is considered that oncoming vehicles will be readily visibility with a sight line to the centre of the carriageway given that the highway is of a single lane only.

Having regard to the visual impact of providing the visibility splays, the landscape officer is satisfied that the new hedgerow planting is acceptable and similarly the Councils conservation officer does not object to realigning the stone wall. I am satisfied that other requirements for the new access in terms of width, gradient, surfacing and surface water drainage have been demonstrated to an acceptable

standard on the amended plans. Taking into account these matters, I am of the opinion that the new vehicular access will provide for an acceptable level of visibility so as to allow vehicles to see and be seen upon egress from the site. The access will have only a limited impact upon the visual amenity and once established, the proposed hard and soft landscaping mitigation will ensure that the access and track successfully assimilates into the surrounding landscape.

#### Layout and landscape impact

A number of objections raise issue with the layout of the scheme, the size of the outbuildings and that the proposed development will not reflect the rural setting of the area. The layout of the dwellings and associated curtilage areas are predominantly dictated by the existing building arrangement and boundaries around the built up area of the unit. The Council's Landscape Lead has not raised concern with regard to the proposals and does not object to the small section of land being incorporated within the garden of Northway Farm or being used for the new access. Each plot is to be served by a garden of a respectable scale and that will meet the needs of would be occupants of the proposed dwellings. The site boundary's to each curtilage area north and west of the barns follow what is a natural line that is currently formed by existing hedgerow, banks, fencing and the like. The garden areas, whilst being bound by native hedgerows and with stone walling in places, will retain an open plan feel which is respectful of the surrounding landscape character. Such is considered to be an important element in ensuring the proposed development does not result in a more urbanised feature within the rural landscape.

The new access will run along a north-south axis and over what is currently a small area of open agricultural land and a disused slurry store. The access will necessitate the removal of a small section of hedgerow 12 metres in length (approximately) for which the proposed mitigation is considered acceptable and therefore the impact upon the character of the street scene will, over time, be negligible. The new track will run tight to the existing curtilage boundary of the main listed building and will not overly encroach into the open countryside. The new garage and storage buildings to Units A, B and C will be sited on a north-south axis and will be generally parallel to the main barns to be converted. The new buildings are of a modest scale but in achieving an acceptable scale and design at this stage, it is thought that future pressure to allow additional buildings will be eased. Notwithstanding this matter, permitted development rights will be removed to prevent domestic paraphernalia and new curtilage buildings from being sited/erected without planning permission; this is considered reasonable given the likely detriment that would result to the character and appearance of both the development and visual amenity of the landscape.

Virtue of their location, orientation, finished materials and being set into the sloping ground, the new structures are not considered to significantly harm the landscape character of the area. Consideration was given to utilising the building now forming studios for Units B and C for garaging but its scale was not sufficient to achieve this. The buildings will be screened by new hedgerow and tree planting which will soften the new layout of the site within the locality. The scheme provides for an improvement to the visual amenity of the area, removing dilapidated buildings and planting new hedgerow and trees, which in all will provide for a development with a softened appearance locally that is restricted in it's scale. It is considered to enhance the character of the built farm unit and the area in general and is therefore is considered acceptable and in keeping with 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, birds and rabbits. 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 found that day time bat roosts are located within the buildings to be converted; the application proposes to relocate bat roosts within the new garage and storage buildings and to remove all existing roosts from the original barns in their entirety. The new roosts will have the required 2.0m height.

As a result 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 provide for an alternative re-use of a set of grade II listed buildings, that are designated as heritage assets in line with guidance contained within PPS5. The use of the agricultural holding is to cease and all land and buildings sold off. Such poses a significant threat to the listed buildings as continued maintenance and repair cannot be guaranteed. Therefore finding an alternative re-use for the buildings is considered to be in the public interest to ensure the buildings continue to represent an example of the built environment and heritage of the area for future generations. The considerations and conclusions to the other main issues of this report will show that the proposal is considered to be an acceptable use for the buildings that will ensure for a favourable conservation status of the bats.

### *(ii) That there is no satisfactory alternative*

The application site is a one off complex of grade II listed buildings to which there is no alternative to provide mitigation for their loss were an alternative re-use not be found. As stated within PPS5 guidance, once lost, heritage assets cannot be replaced and therefore there can be no alternative site other than that set out within

the application. Such is demonstrated by other proposals for residential conversion schemes to rural buildings that would have a similar impact upon protected species.

*(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 Country Contracts dated September 2010. Further, Natural England support the comments of the Council's Nature Conservation and Reserves Officer and no objection has been received from either party to the proposed development. I am satisfied that the proposed bat mitigation can be achieved within the new garage and storage buildings and that such will ensure that a FCS for bats can be maintained at the site.

The site is recognised as providing a habitat for nesting Barn Swallows, for which 21 nest cups were located within the buildings to be converted. The application provides new nesting cups within the open fronted storage building to serve Unit A. This conforms with para 6.8 of the ecological report recommendations and is therefore considered acceptable. The report also recognises the need to humanely deal with the rabbit warren beneath 'building 5' prior to it being demolished. I am satisfied that these matters can be dealt with by way of a wildlife method statement and are therefore acceptable.

Other matters

The main issues associated with the proposed development have been considered above. It is regrettable that the former County Council farm is to be sold off and its agricultural tenancy terminated, however issues such as these are not material considerations in determining planning applications. In addition to these matters, the application proposed to discharge foul and surface water from the development to a shared septic tank and soakaways respectively. The former can be conditioned for the submission of details and will also be controlled by building regulations and the councils Drainage Engineer is satisfied with these provisions subject to the porosity of the soil and sub-surface being acceptable. Further, it is considered appropriate to require the final submission of materials, hard and soft landscaping by way of condition. Concern has been raised as to the future use of the ancillary studio areas as separate dwellings or holiday let; such would require a further grant of permission due to a departure from their ancillary function to Units B and C and therefore the LPA retain a degree of control over their use. It is not therefore considered necessary to restrict their use by way of condition.

Conclusions

The application and future conversion of this group of buildings will ensure that appropriate wildlife habitats are provided and enhanced, which will secure the continuing conservation of the wildlife and protected species within the site. The development, which has been sensitively considered in its design and layout respects the local landscape character and its features. It has been demonstrated that safe access and egress can be provided for all three units and whilst a slight intensification in the use of the local highway network may result in the ability of vehicles to pass each other being slightly being problematic on occasion, this is not in this instance considered to be an issue so significant or detrimental to highway safety so as to warrant the refusal of planning permission.

The site is unsustainable in terms of its location for new residential development, which does not accord with the adopted transport policies contained within the development plan for the area. However, the proposed development will provide for a high quality conversion scheme that will ensure a longer term and viable re-use of the traditional agricultural buildings is secured. Such will make a positive contribution to conserving and enhancing the setting of the main listed building and the historic farmstead. Such is important to the built historic environment for the area and in the public interest, given the grade II listing of the site and its long standing heritage within the parish of Halse.

The associated benefits of providing for an appropriate re-use for the listed agricultural buildings are in this instance considered to outweigh the likely policy conflicts between the unsustainable location of the site and the provision of new residential developments. Taking all other matters into account, as set out above, it is recommended that planning permission be granted subject to conditions as set out.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

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