

35/14/0006

MRS P J LUARD

**CONVERSION OF THREE COTTAGES AND BARN TO SELF CATERING HOLIDAY ACCOMMODATION COMPLEX, TO INCLUDE GAMES ROOM, SWIMMING POOL, TERRACE, PLANT ROOM AND CONSTRUCTION OF TENNIS COURT AT STAWLEY WOOD FARM, STAWLEY.**

Location: STAWLEY WOOD FARM, STAWLEY ROAD, STAWLEY,  
WELLINGTON, TA21 0HP

Grid Reference: 306462.123052

Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**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 X23/9A Location Plan  
(A3) DrNo X23/10 Block Plan  
(A3) DrNo X23/12 Landscaping  
(A3) DrNo X23/13C Proposed Elevations 1  
(A3) DrNo X23/14B Proposed Elevations 2  
(A3) DrNo X23/15D Proposed Elevations 3  
(A3) DrNo X23/16C Proposed Proposed Cottage Plans  
(A3) DrNo X23/18C Proposed South and West Elevations of Cow Shed and Modern Barn  
(A3) DrNo X23/19B Plan of Proposed Swimming Pool  
(A3) DrNo X23/21 Proposed Tennis Court  
(A3) DrNo X23/20A Proposed Link Building

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

3. (i) 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 does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

- 4. The windows and doors hereby permitted shall be timber and thereafter maintained as such, in accordance with details to and finished treatment that shall first have been agreed in writing by the Local Planning Authority prior to their installation.

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

- 5. The ancillary accommodation and amenity buildings hereby permitted shall be used solely for the benefit of the holiday lets and not for any other commercial or business use without the prior approval of the Local Planning Authority.

Reason: To ensure that the proposed development does not prejudice amenity within the locality and continues to support the holiday accommodation business in accordance with Taunton Deane Core Strategy Policies DM1 and CP4.

- 6. Prior to its implementation, a detailed external lighting scheme for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the use of the buildings to be converted is first commenced and shall thereafter be so maintained. No other external lights shall be installed without the further grant of planning permission.

Reason: To ensure the development does not adversely impact upon bats that are known to use the site and its surroundings, in accordance with Taunton Deane Local Plan Policy CP8.

- 7. Before any works commence for the construction of the tennis court hereby

permitted, a plan indicating the position, design, materials and type of boundary treatment to be erected around the court shall be submitted to and approved in writing by the Local Planning Authority. The agreed boundary treatment shall be completed before the use hereby permitted is commenced and shall thereafter be maintained as such.

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

8. The occupation of the bedroom to be provided within the East range of the buildings shall be occupied for holiday purposes only, in conjunction with the use of the existing complex and at no time shall it be occupied as an independent unit of accommodation.

Reason: To prevent the creation of new residential units in open countryside locations, which would conflict with Taunton Deane Core Strategy Policies SP1, CP4 DM1 and DM2.

#### 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.
2. You should ensure that the existing foul drainage system is in a good state of repair, regularly emptied and of sufficient capacity to deal with any potential increase in load which may occur as a result of this proposal. If it is found that a new system is necessary its discharge will require the consent of the Environment Agency.
3. WILDLIFE AND THE LAW. The protection afforded to wildlife under UK and EU legislation is irrespective of the planning system and any activity undertaken on the tree(s) must comply with the appropriate wildlife legislation.

BREEDING BIRDS. Nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended) and if discovered must not be disturbed. If works are to be carried out during the breeding season (from February to August, possibly later) then the tree(s) should be checked for nesting birds before work begins.

BATS. The applicant and contractors must be aware that all bats are fully protected by law under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Natural Habitats and Species (Amendment) Regulations 2012, also known as the Habitat Regulations. It is an offence to intentionally or recklessly damage, destroy or obstruct access to structures or places of shelter or protection used by bats, or to disturb bats whilst they are using these places.

4. 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.

## **PROPOSAL**

The application seeks planning permission for the conversion of agricultural buildings to a games room, bedroom, utility and swimming pool together with works to create a new tennis court, a garden terrace and external alterations to existing buildings.

The games room, utility and bedroom will be located within a large stone building that forms the eastern range of the complex; New internal partition walls will be erected and a first floor created to the northern section of the building to create a first floor apartment. Existing openings will be in filled with timber cladding and timber fenestration; such is also the case with a small link extension between the North range of bedrooms and the games/utility building to the East.

The proposed swimming pool, plant room, store and bio mass pit will be located within a portal frame building to the Southeast corner of the site. The building will be blocked up and finished with stone and render with glazed openings to the South and West elevations.

A small garden terrace will be formed to the South where there is an existing vegetable plot and lawn. A patio area with pergola will be erected to provide informal sitting areas. The internal courtyard is to be landscaped as to provide further outdoor amenity space. Existing parking spaces will be utilised with an additional four being provided within the site.

The proposed tennis court will be erected on land North of the farm house. It will be set into the sloping hillside through cut and fill. Details of any fencing have not been provided at this stage.

The application is supported by an economic appraisal of the proposed business together with a wildlife report and structural assessment of the building.

## **SITE DESCRIPTION AND HISTORY**

Stawley Wood Farm is an isolated property situated within open countryside and the dispersed hamlet of Stawley, with the larger village of Appley to the Southeast. The site comprises a large dwelling house with annexe accommodation and residential units within linear converted agricultural buildings; these buildings are constructed of stone walls and slate roofs with timber fenestration. To the East of the main house is a small group of agricultural buildings still in use for the storage of materials and machinery; to the North is an isolated stone building that was granted planning permission, LPA reference 35/10/0001.

The planning history at Stawley Wood Farm includes:

35/00/0004 - conversion of barns to 3 dwelling houses - conditional approval;  
35/01/0005 - conversion of barn to amenity centre for guests (dwellings granted permission were to be used initially used as holiday lets) - conditional approval;

35/01/0013 - extension and alterations to barns to be converted to 3 dwellings - conditional approval;

35/04/0007 - removal of condition 03 of permission 35/01/0005 to allow amenity centre to be used as a pottery/gallery for occupiers of holiday lets and local community - conditional approval for combined use.

35/10/0001 - erection of agricultural building - conditional approval

## CONSULTATION AND REPRESENTATION RESPONSES

### Consultees

*STAWLEY PARISH COUNCIL* - In terms of the principle of the development, there is no Planning Statement seeking to justify the application against local and national planning policies. Policy DM2 3a of Taunton Deane Borough Council's adopted Core Strategy supports development in open countryside for holiday and tourism uses for:

*"Accommodation within existing buildings where there is an identified need, is compatible with and supports economic diversification of existing farming and service enterprises."*

The economic assessment accompanying the application does not, in the Parish Council's view, provide an adequate justification for this development in terms of policy DM2 of the Core Strategy for the following reasons:

- It relies on a report on Farm Tourism that is 12 years old and standardized marketing material from a company, Unique Home Stays, which is clearly seeking to manage the development once it is complete and cannot be considered an 'independent' source. TDBC's own Core Strategy, adopted in 2012, states that: *"Recent evidence suggests that the growth of new build and other holiday homes is outstripping demand resulting in reduced viability for established enterprises, unnecessary visual impact on the countryside in nonsustainable locations...."* (paragraph 6.19). A recent economic viability report from Chesterton Humberts accompanying a planning application for an agricultural dwelling in Stawley Parish (planning application 35/14/0007) concludes that: *"Market evidence in the South West has reached saturation point with the demand for holiday letting units reducing or stagnating over the last few years. This is due to a range of factors including changeable; weather conditions and an over-supply of self-catering units outside the main season"*. This directly contradicts the economic assessment accompanying this application and the Parish Council believes that, anecdotally, there is probably already an oversupply of this type of accommodation in the local area;
- There is no attempt to explain how the proposed development would support the economic diversification of an existing farming or service enterprise.

Without clear and independent evidence of the need for this development and how it will support existing farming and service enterprises in the area, the Parish Council believes that the application is contrary to policy DM2 of the Core Strategy and should be refused.

The Parish Council also has the following detailed comments to make on the plans:

- Although the applicant has clarified that there is no intention of holding commercial weddings or similar large-scale events at this location, TDBC should seek to enforce this via planning condition in the event that it is minded to grant planning permission. Planning permission attaches to the land and not to the applicant, so there is no guarantee that a future owner would take the same view. Given the location of the site and the fact that access to it is via narrow single track roads, it is not capable of hosting large scale functions without causing severe disruption locally;
- The applicant's claim that the development will not result in any significant increase in traffic is not credible. Three existing cottages, currently occupied as long-term lets, will be replaced by accommodation for around 16 people in nine bedrooms with an additional caretaker and two cleaners who will not be located on the site itself. With a regular turnover of visitors and the necessary servicing of the facilities, traffic is bound to increase over existing levels;
- Despite the applicant's assurances regarding noise, no concrete measures have been proposed to ensure that disturbance isn't caused to neighbours in what is currently a quiet, rural location. Given the nature of the proposed accommodation, which is designed to cater for large groups/parties as demonstrated by the fact that there is one communal kitchen, there is likely to be a considerable increase in noise compared with the existing use and this would be throughout the week and not just at weekends. Should TDBC be minded to approve this application, appropriate noise conditions must be imposed;
- The cottages are currently used for long-term letting and their conversion to holiday accommodation will result in a reduction in the stock of private and (relatively affordable) rented homes in the parish. This is of particular concern to the Parish Council which is currently investigating the need for more affordable accommodation in the local area to help create a more sustainable rural community;
- The tennis court is located on a greenfield site and will be highly visible particularly from the adjacent public footpath. Alternative locations should be considered for the tennis court and the proposed landscaping improved ;
- The large folding windows proposed on the south side of the barn building to be converted will be highly visible from the road leading from Appley and add to the visual intrusion already caused by the solar panels on the roof of this barn;
- Given the increase intensity of use of the site, we believe further investigation should be undertaken about whether the existing septic tank and foul drainage system has sufficient capacity;
- As there is no on-site accommodation provided for a caretaker, the premises will be unmanned and potentially insecure at night-time, particularly when there are no holiday-makers in residence;
- There is concern about the loss of an existing farmstead as a result of this development. Planning permission has already recently been granted for a new farmstead in Stawley Parish and the Council is concerned that this development could be used as a justification for further farmstead development encroaching into open countryside.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Refer to standing advice. Standing advice requires:

Parking - 3.5 spaces for a 4 bedroom unit (9 space equivalent for 9 bedroom unit).

TDBC DIVERSIONS OFFICER - The proposed development does not interfere with the line of Public Footpath WG11/8 but, subject to planning consent, there will be an increased use of the access track carrying a length of footpath from the County Road. Therefore adequate health and safety measures should be put in place making would be pedestrians aware of construction traffic.

## **Representations**

1 letter of objection reiterating the issues and concerns raised by the Parish Council.

4 letters of objection raising the following planning related matters:

- The proposed holiday complex of 9 luxurious bedrooms as one unit will undoubtedly lead to an increase in traffic, not just with potentially 18 guests but the pool maintenance, wood deliveries for the biomass plant, food deliveries etc;
- More of this traffic, with little understanding of suitable speeds around these narrow lanes, will increase the risks to the type of farm and rural traffic they will encounter (children, sheep, dogs, horses, wildlife, tractors, trailers and elderly drivers.)
- The existing junction visibility and condition of the access track do not appear suitable for increased traffic;
- Stawley is an exceptionally quiet and rural environment. Stawley village and its immediate environs have some 8 houses (out of a total of 16) which are farmhouses with outbuildings, all of which have the facility to convert to a similar style of enterprise. We are concerned that this complex would set a precedent for such developments which would completely change the character and fabric of the area;
- Such complexes in an isolated area will attract party goers, adult family groups and stag parties. Stawley Wood's location, prominently overlooking the valley and the village may allow disturbance and noise to travel. The risk of this may increase if the venue becomes attractive for wedding receptions in the future;
- Where the tennis court is being proposed is in a green field site on a very steep slope next to the footpath. The plans show little detail of the sizable earth movements involved or the drainage that would be required. We query why the tennis court cannot be sited to the East of Stawley Wood farmhouse where the rest of the holiday complex is being proposed and where the land is flatter and available;
- With the redevelopment of all the barns at Stawley Wood from agricultural use, we are concerned that more barns may need to be built in the future, in order to farm the 100+ acres at Stawley Wood;
- As a result of the inherent nature of large groups, there is likely to be considerable noise. As noted in the Design and Access Statement this is an "extremely rural" area and noise carries, especially in the evening. We note the applicant states that he will curtail noise but it is difficult to see how this can realistically be achieved when provision is made within the scheme for "dining al fresco";
- From professional experience in planning matters, it is considered that the application is lacking in detail and insufficiently robust for a proposal of this complexity and scale;

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,  
CP1 - TD CORE STRAT. CLIMATE CHANGE,  
CP2 - TD CORE STRATEGY - ECONOMY,  
CP8 - CP 8 ENVIRONMENT,  
NPPF - National Planning Policy Framework,

## **LOCAL FINANCE CONSIDERATIONS**

The scheme includes a new mezzanine apartment; the application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £4,000.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The pertinent issues to consider are the principle of development and the impact upon highway safety, character and appearance of the area, amenity and wildlife.

### Principle of Development

The Parish Council and local residents have raised a number of concerns with regard to the proposed development. With regard to the principle of the holiday let business, it should be noted that planning permission is not required for the use of the three existing cottages as one large holiday let, with the use falling within the previously permitted residential development (Use Class C3); the internal conversion of the three cottages into one unit does not require planning permission either. Further, an extant planning permission remains in place for the use of the southern range as a guest amenity area as previously permitted and such provides a fall back for part of the scheme where a communal resident area is to be provided.

Having regard to the above situation and historic planning uses at the site, it is considered that principle of the development is acceptable given that the partial use of the site is extant. Nonetheless Core Strategy Policy DM2 (3.a) supports holiday and tourism accommodation within existing buildings where there is an identified need and it supports farm diversification; whilst the application hasn't identified a need for accommodation within the area, the proposals are considered to be acceptable given that the use is already extant at the site.

The conversion of the remaining buildings to swimming games and ancillary uses will provide added amenity value to the business. Additional facilities such as those proposed will help to improve the occupation of the premises by increasing the attractiveness of the site. This is considered to be a suitable re-use of the buildings and is supported in principle.

### Highway Safety

The Highway Authority have not submitted any formal comment in relation to the proposals and refer the LPA to their Standing Advice document. Of this advice, parking standards are considered to be the only relevant section. The proposed ten parking spaces is considered to be sufficient and if more were required there is space within the site to provide such.

The proposals may lead to an increase in vehicle movements along the access track, over the access with the public highway and along the rural highway network. Concerns in this regard have been raised. In general terms approximately 8 to 12 movements per day are made by any one dwelling house and therefore the existing accommodation could give rise to some 24 movements per day under the extant permission. The proposed alterations to the cottages could be made without planning permission and therefore the increased occupancy cannot be given significant weight.

Notwithstanding the above, the use of a holiday complex such as this is different to open market housing; it has potential to provide greater self containment with fewer trips off site, particularly where facilities such as the swimming pool and games room are provided. If there is an increase in vehicle movements, then it would not be a significant number of additional trips.

Visibility over the access onto the public highway is somewhat limited, but given that the local highway network is not heavily trafficked and that there will not be a significant increase in movements, highway safety will not be compromised to an unacceptable degree.

#### Impact upon character and appearance of the area and buildings

The proposals will make a number of alterations to existing stone buildings by providing additional and altered openings so as to facilitate the internal conversion works and access to outdoor areas. These works are somewhat limited and I am mindful that the site has a rather domesticated appearance since conversion.

The new opening within the Southern elevation of the communal building may be visible from glimpses along the highway to the South; however it will be largely screened by vegetation. This is also the case for the increased use of the lawn and terrace to the South. Within the landscape, the increased domestication of this area will be viewed in conjunction with the gardens of the main farm house and will not significantly detract from the character or appearance of the area.

The proposed tennis court will be available for use by both the occupants of the farm house and holiday lets. It will be located North of and slightly detached from the main building complex. Objection has been received with regard to this element of the scheme however within the wider landscape the tennis court will be rather inconspicuous. The farm house and holiday accommodation will screen it from any views available from the South whilst the topography of the surrounding landscape will provide screening together with trees and hedgerows from other directions. The court will be seen from the public footpath running through the site but despite being detached it will retain a close relationship with the buildings to the South. An appropriate landscaping scheme will soften its visual impact and therefore on this

basis the proposals are considered to be acceptable.

### Amenity

Objections have suggested that the proposed holiday business, through increased occupation and use, will give rise to a disturbance to the surrounding area, including nearby residents.

The area is characterised as a peaceful rural environment but within the vicinity of the application site there a number of residential properties sporadically located within the landscape. The site will provide outdoor amenity space in a similar layout to that associated with the extant dwellings/holiday units. Increased occupancy will invariably increase noise levels however such is unlikely be significantly increased above existing levels.

In terms of noise disturbance, the internal courtyard area will naturally contain much of the noise disturbance, being completely enclosed by buildings.

In general, I do not consider the proposed development to result in significant disturbance and harm to amenity within the area and with the applicant and proprietor residing immediately next door to the site, issues such as noise are likely to be well managed.

### Wildlife

The submitted wildlife survey found evidence of bats within the buildings; of those requiring works a single bat was found to be roosting within the portal frame building to be converted to swimming pool, plant room and store. This building had its cladding removed in February 2014 and before doing so, the applicant provided an alternative roost in the form of a new bat box within a tree to the South of the site. Such works were undertaken in accordance with the advice guidance of First Ecology and the Council were notified of the works at before the building works commenced.

Bats were also found to be using the amenity centre for feeding. The submitted report is satisfied that the proposals is highly unlikely to result in the disturbance, killing or injury of any bats and that an overall loss of bat resting and shelter places would not occur. A Natural England license would not therefore be required.

Subject to conditions as recommended by the ecologist being applied, bats and other wildlife will not be adversely affected by the conversion of the buildings.

### Conclusions

The residential occupation of the site is already permitted as is the use of the Southern building as an amenity centre. The holiday let use of the site is therefore considered to be acceptable. The loss of agricultural buildings to alternative uses may result in the need for additional buildings at the site in the future however such will need to be determined on its own merit and from my observations on site; the buildings forming the application are no longer required for farming practice at this

time.

The re-use of unconverted buildings to provide additional amenity space and facilities is welcomed and, as noted above, will make the site a more attractive location for would be holiday makers. Highway safety, amenity and the character and appearance of the area will not be adversely affected to a degree that warrants refusal and bats and other wildlife species will not be harmed by the proposals.

Having regard to the above matters, it is recommended that planning permission be granted subject to conditions.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

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