

51/09/0003

MR G STUDER

**ERECTION OF NEW DWELLING ON SITE OF DEMOLISHED BARN AT STOKE ORCHARD FARM, BURROWBRIDGE (RETENTION OF DEVELOPMENT ALREADY UNDERTAKEN).**

337302.1293

Retention of Building/Works etc.

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**PROPOSAL**

The dwelling has already been constructed, as a 4 bed property to the west of and adjacent to Stoke Orchard Farm. The site formerly had a barn, which had permission for conversion to ancillary residential accommodation. However the barn was demolished as shown on the 2000 aerial photo, and a replacement dwelling erected without planning permission. This application seeks that permission. The dwelling is largely complete, with only some plastering/finishing required in a couple rooms; it is not being used as living accommodation, but a room has been used by a visiting relative. The agent has advised that when the outer bays were removed, the building appeared similar to a dwelling, and the building needed to be strengthened and thus the original outer walls formed the inner walls. The outer walls have been built from 'original' old bricks. The applicant also would like full planning permission rather than ancillary accommodation.

**SITE DESCRIPTION AND HISTORY**

The site is in open countryside within flood zone 3, is on the southern side of Stathe Road close to Stathe. The barn appeared to be brick built with side bays and tiled roof. History:- In 1989, advice was given that a replacement dwelling would be contrary to policy, permission for conversion granted on basis of retaining a former agricultural building as part of the rural scene. 89/0015 - conversion of barn to dwelling was approved in June 1990. 95/0006 – the previous permission was renewed with conditions in June 1995. In June 2000, advice was given that the removal of the bays to either side of the main structure and conversion of the remaining building to ancillary living accommodation did not require planning permission, the accommodation would have to be ancillary. By 2000 the barn had been demolished. A new residential building was then erected starting in June 2000, an application was submitted in 2007, but did not have the required information for registration.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*Burrowbridge Parish Council* - as previously, supports, although the current proposal is somewhat different from the originally approved plans, it is the view of the PC that it will be of an acceptable design and appearance.

*Somerset County Council - Transport Development Group* - The development that

has already been undertaken lies outside any development boundary limits and is therefore distant from adequate services, and as such the occupiers are likely to be dependant on private vehicles for most of the daily needs. Such fostering of growth would be contrary to government advice given in PPG13 Transport and RPG 10, and STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review. It is for the Local Planning Authority to decide if there is sufficient need to outweigh these policies. If permitted, conditions to be imposed.

*Environment Agency* - We would remind the Local Planning Authority and the applicant that Planning Policy Statement (PPS) 25 requires the Sequential Test to be demonstrated for proposals other than those that meet the description in footnote 7 of the PPS and Change of Use. Where the proposal is for 'Non-Major' development (such as this) the Environment Agency will not object on the lack of evidence of the Sequential Test. However it is still a requirement of PPS25 and the Local Planning Authority must be satisfied that the Sequential Test has been demonstrated and the Exception Test applied if appropriate too. In each case the Local Planning Authority must have a demonstrable Sequential Test (and Exception Test where appropriate) as part of the planning application. If they do not and they are challenged then this could clearly be an issue for them and could possibly lead to judicial review. Advice on the evidence required to show that the Sequential and Exception Test has been properly applied is set out in the Practice Guide to PPS25 and the Environment Agency's Standing Advice on development and flood risk. The Environment Agency has no objection to the development, provided that the following measure(s)/conditions as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

## **Representations**

One letter of comment, does not object to barn conversion, but does object to the way this has been done, that a new building has replaced the "beautiful traditional barn". Detailed description of the traditional former rural building and how the new building is of poor quality; if the building is to remain a new bay should be added to the side; the PVC windows should be timber; the whole process of knocking down a decent building and erecting a new one is wrong.

## **PLANNING POLICIES**

PPS7 - Sustainable Development in Rural Areas,  
PPS25 - Development and Flood Risk,  
S&ENPP49 - S&ENP - Transport Requirements of New Development,  
STR1 - Sustainable Development,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
EN28 - TDBCLP - Development and Flood Risk,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The building is a replacement building, the previous barn having been demolished, as shown on the aerial photo. Planning permission had been granted for the conversion of the barn to dwelling, but this had not been implemented. The new building is thus a new

dwelling in open countryside, and fails to meet the needs/requirements specified in PPS7 and Taunton Deane Local Plan S7. The location is in an unsustainable location as identified by policies STR1 and STR6 of the Structure Plan, and given the poor local public transport links will result in additional private vehicle travel. The dwelling is in a zone 3 flood risk area (High Risk) but the Flood Risk Assessment submitted by the agent fails to address the sequential test as it does not give details of sites which are not within flood zone 3 which are suitable for a new dwelling. The floor level has been raised to 630mm above road level, but this does not overcome the sequential test which seeks to direct new development away from higher risk flood zones. Whilst the Parish Council supports the proposal, it is clearly contrary to policies on new dwellings in the open country, in an unsustainable location and does not meet the sequential test identified by the Environment Agency. As the property has been constructed, Enforcement Action to have the property demolished would also have to be agreed.

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

- 1 The site is in open countryside where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. In the opinion of the Local Planning Authority the proposal does not constitute a genuine agricultural or other appropriate need and would therefore be contrary to this policy. The proposal is considered to conflict with PPS7, Somerset and Exmoor National Park Joint Structure Plan Review Policy STR1 and STR6 and Taunton Deane Local Plan Policies S1, and S7 as it is located outside settlement limits and no justification has been put forward to depart from this policy.
- 2 The proposed development site is remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to Government advice given in PPG13 and RPG10, and to the provisions of Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 and STR6.
- 3 The site is within the area designated by the Environment Agency as being within Flood Zone 3 as defined in PPS25, wherein a sequential test requires to be undertaken by the applicant to determine whether sites which are not liable to flooding are available, as this has not been carried out, this aspect has not been satisfactorily completed, the proposal is thus contrary to PPS25.
- 4 It is recommended that Enforcement Action be authorised to have the dwelling demolished, and the site cleared within 6 months of the date of decision, as its erection was unauthorised and is contrary to policy.

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

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