

11/17/0006

MR, MRS & MISS TOTMAN

Replacement of agricultural building with the erection of a single unit of self catering holiday accommodation for disabled visitors at The Old Poultry House, Trebles Holford (resubmission of 11/16/0010)

Location: THE OLD POULTRY HOUSE, TREBLES HOLFORD ROAD, COMBE FLOREY, TAUNTON, TA4 3HA

Grid Reference: 314982.133085 Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed development site lies outside the Development Boundary Limits in an Open Countryside Location and is therefore considered distant from services and facilities. As a consequence, occupiers of the proposed development will be dependent on their private vehicles. Such fostering of growth in the need to travel would be contrary to advice given in the National Planning Policy Framework (NPPF) and Policy CP1 (Climate Change) of the Taunton Deane Core Strategy. Furthermore, no evidence has been submitted to justify the siting of the building in this location, in open countryside, and as to why there are no other suitable sites that could accommodate this proposal. It is not considered that the use of the building and site is sufficient to outweigh the location, outside of defined settlement limits, and as such, the proposal would therefore not accord with Policy DM2 (Development in the Countryside) and Policy CP8 (Environment) of the Taunton Deane Core Strategy.

Recommended Conditions (if applicable)

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. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

Proposal

The proposal is to demolish a former poultry building and a erect a 2 storey holiday accommodation building for use by disabled visitors.

The existing poultry building comprises a timber frame construction on a concrete base, with walls clad in vertical timber boarding, beneath a fibre cement clad roof

and is believed to date from the 1960's. The building has a square footprint.

The proposed building will be of an 'L' shape footprint measuring 15m wide by 12m deep (max measurements excluding balcony) with a footprint of 148.8 sq.m (excluding balcony). The footprint of the proposed building is less than a third of the poultry unit.

The building has an eaves height of 2.4m in the southern part, and 3.1m in the northern part, with a ridge of 4.9m and 7.0m respectively. The building is taller than the poultry unit which is 4.1m to ridge and 5.6m to the height of a ventilation stack.

The proposed building will be constructed of natural stone, render, and dark stained timber clad elevations, beneath a roof clad in double Roman clay tiles. Doors and windows are predominantly full height elongated glazing with vertical timber boarding.

The building will consist of a double bedroom with en suite wetroom, separate shower room, kitchen, open plan dining and living area under a vaulted ceiling, utility room and storage space on the ground floor with stairs and a stair lift providing access to a further double bedroom, wetroom, sitting area and balcony with further storage space situated within the roof space.

The existing vehicular access will be utilised and a driveway and turning area formed to the front of the property with the provision of 2 No. disabled parking spaces and 1 standard parking space. The building will be approached from a ramped access from the parking area and a compacted gravel slab pathway and hard paved area will be constructed around the perimeter of the building.

An identical scheme was refused in February 2017 (11/16/0010) using officer's delegated powers. This application sees the resubmission of the scheme and following the Council's Officer's Delegated Powers Procedure this application is to be determined by Committee accordingly. Some comments from statutory consultees and neighbour representations that related to the previous application have been carried through to this application.

Site Description

The site comprises a former Poultry House which was last used for the rearing of poultry in approximately 1999 - 2000. It is single storey building set into the shallow slope on which it stands at a slightly elevated position to the public highway. The land around the building is relatively unkempt and overgrown in areas and the building is in a dilapidated condition. A post and rail fence bounds the site on the southern, western and northern sides. A thick, mature hedge marks the western boundary of the site with the adjoining field which is under arable. Access is derived from a pair of wooden gates which are located at a confluence of access points in the centre of the hamlet serving the site and the adjoining farm buildings of Trebles Farm to the north, holiday accommodation to the south at Penbridge Court (3 holiday barns and the 10 bedroomed Court), Trebles Holford Farm to the south, Redlands, a dwelling, Redlands Barn, a holiday let and Cider Cottage. The Paddock, now a private bungalow and Bodrams, an agricultural holding is accessed to the east.

The West Dene Way follows the access drive to Penbridge Court to the south of the site. The site lies outside any recognised development limits and in planning policy terms is located in the countryside.

Relevant Planning History

11/00/0003 – Demolition of chicken rearing unit and erection of dwelling and garage – Refused 14/09/2000 for the following 2 reasons:

1. The application site is outside a town, rural centre or village where development is strictly controlled. Development is restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel. The Local Planning Authority are of the opinion that a dwelling does not satisfy all of the above criteria and is therefore contrary to policy STR6 of the adopted Structure Plan.
2. The proposed development if permitted is likely to encourage similar proposals in respect of other land in the vicinity which might then be difficult to resist the cumulative effect of which if permitted would further detract from the character and amenities of the area.

A subsequent appeal to the Secretary of State was dismissed on 28 June 2001.

11/05/0006 – Change of use of poultry unit to two class B1 units, internal and external alterations – Refused 24/05/2005 for the following 2 reasons:

1. The approach road by its reason of restricted width, poor alignment, substandard visibility and geometry with the A358 Principle Road is considered unsuitable to accommodate the increase in traffic as generated by the proposed development, contrary to Taunton Dane Local Plan Policy S1 and Somerset & Exmoor National Park Joint Structure Plan Review Policy 49.
2. The proposed development would be located where it is remote from any urban area and adequate public transport provision and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and in conflict with advice given in PPG13 and contrary to Somerset & Exmoor National Park Joint Structure Review Policies STR1 and STR6.

11/10/0009 - Replacement of poultry house with a new stable block and storage building – Approved 18/10/2010. Not implemented.

Condition 3 of the planning permission restricted the use of the stables to private domestic use only with no trade or business being carried out.

11/16/0010 - Replacement of agricultural building with the erection of a single unit of self-catering accommodation for disabled visitors- Refused February 2017.

Consultation Responses

COMBE FLOREY PARISH COUNCIL –

The Parish Council support the application for the following reasons:

- The building is currently in a very poor state of repair and an eyesore and councilors considered its conversion into a small holiday let would greatly improve the site.
- The applicant's aim to provide a specially adapted holiday let will enable access to the village, and wider area, by visitors that may otherwise struggle to find the required accommodation.

Whilst the Parish Council acknowledge that their previous letter of support dated 10 January 2017 has been carried over with the resubmission, Councillors wanted to reiterate their support for this proposal and hoped that the resubmitted application will be looked upon favourably by Taunton Deane.

SCC - TRANSPORT DEVELOPMENT GROUP –

Recommend Standing Advice but highlight a public right of way may fall within the site.

ECONOMIC DEVELOPMENT –

Enterprise in rural areas, particularly in the tourism (holiday accommodation) sector, is vital to the growth of Taunton Deane's economy, supporting a high proportion of local jobs both directly and indirectly. I am therefore happy to support this application.

BIODIVERSITY –

First Ecology carried out an Ecological Appraisal of the site in October 2016. Findings were as follows:

Bats

The surveyor found no signs of bats in the poultry house. Potential crevice roost sites were located behind barge boards so the surveyor undertook one dusk emergence survey. This survey confirmed the likely absence of bats roosting within the poultry unit.

Birds

No birds were observed on site during the survey. However vegetation on site is likely to provide potential nesting habitat for birds. The intention is to retain trees and scrub on site. However if the removal of these habitats is required to facilitate the development then removal of vegetation should take place outside the bird nesting season.

Reptiles

Artificial refuge surveys were undertaken on site between 29th September and 13th October 2016. The search detected the presence of slow worms on site. Removal

of vegetation should be carried out in a sensitive manner.

It is recommended a condition is imposed to ensure the recommendations in the Ecological Appraisal are carried out and a note attached to remind the applicant of the UK and EU legislation afforded to protected species.

LANDSCAPE –

Although the proposed building will be higher than the existing, I do not consider it will have a detrimental landscape impact. Retained trees should be protected throughout the development and the site should be enhanced with further landscaping.

SOMERSET WILDLIFE TRUST –

In general support the findings of the Ecological Appraisal. In particular support the mitigating measures recommended in the Executive summary of the Appraisal and as supported by the Authority's Bio diversity officer.

Representations Received

Six letters have been received from residents in support of the application stating that it will improve tourism, will remove an eyesore and thus improve the appearance of the area as the building will only fall into further state of disrepair, the existing building can no longer serve a useful purpose, vehicle movements are minimal and there is a lack of disabled accommodation in the area. One of the supporters runs a B & B in the Quantocks and gets asked for such facilities proving a need.

A letter from The West Somerset Railway (WSR) to the applicant shows support for the scheme. It states the proposal will provide much needed type of holiday accommodation in West Somerset. 'Not only beneficial for access as a while, but in particular for many of WSR disabled customers looking for somewhere to stay. The WSR is very proud of its purpose designed disabled carriages which will link nicely with this initiative'.

Conquest Farm Riding for Disabled Centre supports the application in principle in a letter sent to the applicant. 'As an organisation dedicated to meeting needs of disabled people it understands the difficulties they often face in accessing recreation and leisure opportunities which non-disabled people take for granted'. The Centre further states 'any new facilities helping to tackle this can only be a positive thing'.

A letter from a neuro-physiotherapist based in the Somerset Neuro-physiotherapist Practise, Taunton also supports the principle of the development in writing to the applicant. Stating 'as a neuro-physiotherapist with clients with a range of needs, I am aware of difficulties in finding suitable holiday accommodation that many experience and any further provision would be welcomed'.

As a result of a meeting between the applicant and Taunton Deane's Economic

Development Manager in 2016 prior to submitting the application, the letter the applicant received from the Economic Development Manager has been submitted in support of the scheme. In the letter, the Economic Development Manager confirms that the demand for such facilities had been demonstrated following the meeting and the proposal would have a positive economic impact as would support local businesses. The Manager confirms that the Council recognises the importance of tourism and is keen to encourage business growth. The Economic Development Manager states further that the shed is dilapidated and an eyesore and in redeveloping the shed it would remove the eyesore, improve the environment as well as uplifting the overall economy of the village and therefore he would be keen to support it at the point an application was submitted.

Two letters of objection have been received. One primarily objecting because a 2 storey house is not in keeping with the surrounding properties and given all the previous refusals, and an appeal how can this application be approved? The second objector also refers to all the previous refusals and the dismissed appeal and states there are already many holiday lets in the immediate area: Penbridge Court which also has 3 holiday let barns and can accommodate up to 50 people and hosts stag and hen parties, Redlands Barn and Cider Cottage. The objector also states that a holiday let next to Trebles Farm farmyard with working machinery and adjacent to worked arable fields would result in noise disturbance to any occupants. Further objections are on the grounds that the access road is overused already due to all the holiday lets and the existing residential and agricultural traffic and that the letters of support do not primarily come from residents of Trebles Holford. One being from a former resident of the applicant's holiday let at Redlands Barn who stayed there permanently for 5 years.

One of the objectors runs a thoroughbred business at Trebles Holford Farm to the south of the site and was unsuccessful in purchasing the site when it came on the market. The objector claims he would have built stables on the land thus maintaining it's previous permitted use.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

- SD1 - Presumption in favour of sustainable development,
- SP1 - Sustainable development locations,
- SP4 - Realising the vision for rural areas,
- DM1 - General requirements,
- CP1 - Climate change,
- CP8 - Environment,

A1 - Parking requirements,
I4 - Water infrastructure,
D7 - Design quality,
SB1 - Settlement boundaries,

Local finance considerations

Community Infrastructure Levy

Creation of holiday let is CIL Liable as dwelling.
The new property measures 200sq.m

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 £22,500.00. With index linking this increases to approximately £27,250.00

New Homes Bonus

The development of this site would not result in payment to the Council of the New Homes Bonus.

Determining issues and considerations

The main considerations are the principle of the development and its location.

The Principle of Development

The National Planning Policy Framework NPPF is a material consideration and advises that the purpose of the planning system is to promote sustainable development. Paragraph 11 of the NPPF also advises that 'applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.'

This site is located outside the development limits of any nearby settlement, with the nearest settlements bounded by such limits being Combe Florey and Lydeard St Lawrence. It is understood that the current lawful use of the site is as a Poultry Rearing Unit, although the building and site has not been used for such purposes for at least 15 years, and has since been neglected and is in a poor state of repair.

The principle of holiday accommodation development outside of defined settlement limits is accepted in the Taunton Deane Core Strategy Policy DM2 'Development in the Countryside' of – Section 3, and is expanded on in DM2 Section 7. However this is subject to the following of a sequential test with the overriding requirement that the buildings must be of substantial construction and a size suitable for conversion without major rebuilding, significant alteration or extension and where there is an identified need and is compatible and supports the economic

diversification of an existing farm or service enterprise. The Poultry House is now in a poor condition having been unused for 15+ years, and its structure and layout do not lend it readily to conversion and thus the proposal is to demolish the building and construct a purpose built holiday let and specifically for disabled users.

The location would lead to a need for dependency on the motor vehicle. New buildings are allowed under Policy DM2, but only for identified Class B Business uses, even then, the proposal would have to identify that there are no suitable sites and be adjacent to a Rural Centre. As such, the site is located in countryside where there is no policy to allow such development. Furthermore, information has not been submitted to show why the proposed development could not be accommodated within settlement limits such as in nearby villages or Bishops Lydeard which is a Major Rural Centre along the A358 to the south east of the site. This Rural Centre provides local services with good public transport links and also has access to the same tourism opportunities. This aim is supported by Policy SP4 'Realising the vision for the Rural Areas' which aims to encourage small scale local opportunities for employment growth including tourism and rural diversification but to focus growth in the first instance on Major Rural centres and secondly Minor Rural Centres. Para 4.55 of the Core Strategy states 'small scale employment opportunities are promoted within and adjoining settlements and through conversion of redundant rural buildings in order to assist diversification....'. The proposed development clearly is contrary to these aims.

It is accepted that the current building is dilapidated and impacts on the visual amenity of the area. It is also accepted that the site is well-located in respect of tourism pursuits and local services such as shops, pubs and tourist attractions would be the beneficiaries of such a use, and also that the holiday let would meet a specific need for disabled users. Clearly there is some merit in these arguments, however the principle of such a proposal is clearly not supported and the proposal is contrary to Policy DM2. The advice contained in the NPPF is geared towards re-use and adaptation of existing buildings rather than new build, so to support the principle of such a development would run counter to the Council's adopted planning policies and the NPPF and would set a precedent which may prove undesirable and difficult to defend elsewhere at similar sites and situations elsewhere within the Borough.

Character and Appearance of the Area

The building would be significantly smaller in footprint than the existing poultry unit which is in a poor state of repair and impacts on the visual amenity of the area. Although the proposed building would be higher, due to its orientation, use of materials that would be sympathetic to the surrounding area and with additional landscape planting, the building could be accommodated comfortably on the site and integrated into the landscape, appearing in keeping with the character of adjoining residential developments.

Residential Amenity

Core Strategy Policy DM1 (e) and (f) requires that new development has regard to neighbours residential amenities and that the amenity of users of other developments should not be unacceptably harmed by nuisance arising from an

existing use – i.e. the adjoining farm buildings. It is noted that the site is set apart from adjoining residential properties and it is unlikely that neighbour amenity issues would arise. The site is in close proximity to the adjoining farm buildings to the north, which whilst presently used for housing machinery and fodder crops, could be used in future to house livestock without any requirement for planning permission. This may have amenity implications for occupants of any holiday accommodation on the site. However, as livestock are not housed in these adjoining buildings, and being open-sided, it is not designed to house livestock, the impact on occupants of the site's amenities from the adjoining agricultural use is at present, likely to be minimal.

Highway Safety

The site is to be served by an existing access which is at a confluence of various access points serving adjoining dwellings, other holiday lets and the next door farm buildings. The previous use of the poultry unit however would have generated a number of highway movements albeit it has not been in operation for some time. The use of the site as a 2 bedroomed holiday let would not generate a significant increase in traffic beyond that of the permitted use. The access to the site is considered satisfactory to accommodate this level of vehicle movements and therefore the proposal is considered acceptable on highway safety grounds.

In terms of parking, The County Council's Parking Strategy 2013, sets out an up to date parking strategy and parking standards for development. The County has been separated into various zones. Trebles Holford is located within Zone C (low population areas). The 2 bedroomed holiday let would provide for 2 disabled parking spaces and a third standard parking space which is considered sufficient. There is also sufficient turning space within the site.

Biodiversity

Studies of the old poultry unit have been carried out and not evidence was found of the building being used for bats or birds however evidence of slow worms on the site was found. Subject to ensuring the mitigating measures proposed in the Ecological Appraisal are undertaken the development would not impact on the ecology of the site.

Pollution and contamination

No evidence has been submitted in this regard. Given the former use of the site for the keeping of poultry, it is not unlikely that there could be some ground contamination. However as the proposal fails the tests of policy, this need not be an issue. There is insufficient information to suggest that this should form part of any reason for refusal and such matters are usually capable of resolution via suitable worded conditions anyway.

Conclusion

The site lies outside the settlement limits within an unsustainable location. Although

the proposed accommodation is of a specialised nature, I do not consider that it is unique, such that it merits special treatment. No evidence has been submitted as to why the proposal could not be accommodated within nearby settlements where local services are available, is still accessible to tourism attractions and would still bring economic benefits to the area. Whilst the site is in a dilapidated condition, this does not of itself justify approval, as the argument could be repeated too often, thereby undermining local and national planning policies. The proposal is therefore not considered to be acceptable and is recommended for refusal.

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

Contact Officer: Mrs K Wray