

36/18/0043

MR P BROOM

**Replacement of agricultural buildings with the erection of 2 No. dwellings with associated works at Crossways Farm, Slough Lane, Stoke St Gregory**

Location: CROSSWAYS FARM, SLOUGH LANE, STOKE ST GREGORY,  
TAUNTON, TA3 6ES

Grid Reference: 334471.127578

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The proposed development site is outside of recognised settlement limits and is considered to be in an unsustainable location which would rely on travel by private motor vehicles, and is not considered to be in conformity with the Taunton Deane Borough Council Core Strategy (adopted 2011) policies CP1a, SP1, DM2, and SADMP policy H1(a), and NPPF (2018) paragraphs 78 and 79.
- 2 The proposed development is considered to be harmful to the pastoral character of the location, and is not considered to be conserving and enhancing the area in relation to the listed building at Crossways Farm in that it would introduce suburban elements into a predominantly rural location, which has designated heritage assets located in close proximity. Therefore the proposal is not considered to be in conformity with the Taunton Deane Borough Council Core Strategy (adopted 2011) policy CP8, and Taunton Deane Site Allocations and Development Management Plan (adopted December 2016) policy D7(A & B) and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### **Recommended Conditions (if applicable)**

#### Notes to Applicant

- . In accordance with paragraph 38 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions 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**

Replacement of agricultural buildings with the erection of 2 No. dwellings with associated works. The proposal is for the removal of existing agricultural buildings and erection of 2no. detached bungalows with front and rear gardens, parking and shared driveway to an existing highways access.

## Site Description

The site is currently made up of large agricultural buildings in concrete blockwork with metal sheet roofing, these buildings have no particular architectural merit, and are functional and utilitarian in design. The development site is located behind several buildings that are either in current residential use or being converted to a residential use. The main village at Stoke St Gregory is located approximately 400 metres to the south of the development site, which is outside of the settlement limits and located in Open Countryside. The extant agricultural buildings sit to the north of several existing residential properties and the wider surroundings are predominately rural in character. The existing farm buildings on site are mainly empty but have been in recent agricultural use. The farmhouse known as Crossways Farm is located to the south of the site and is Grade II listed.

## Relevant Planning History

36/18/0008/CQ - Prior approval for proposed change of use from agricultural building to two dwelling houses (Use Class C3) and associated building operations - Prior Approval (conditional) -25/5/2018

(see also 36/17/0030/LB, 36/17/0027, etc for applications for former agricultural buildings converted to residential adjacent to the site but not in same ownership)

## Consultation Responses

*STOKE ST GREGORY PARISH COUNCIL* - We support this application because it will provide two smaller dwellings in a parish in which there is a strong demand for starter homes and houses to downsize to.

*BIODIVERSITY* - The application is for the replacement of an agricultural buildings with the erection of 2 dwellings at Crossways farm Slough Lane, Stoke St Gregory.

Biodiversity

HalpinRobbins carried out a preliminary ecological appraisal of the site dated August 2018.

The site comprises of a defunct orchard, animal shelters, two barns with associated extensions and lean-tos and earth and concrete yards.

Designated Sites

The site is within the zone of influence of three nationally designated sites – Somerset Levels and Moors RAMSAR, Curry and Hay Moors SSSI and Somerset Levels and Moors SPA

Reptiles - The majority of the site has low potential to support reptiles but the area of vegetated ground to the east has potential. Current proposals are to retain this area but if this changes then a reptile survey must be undertaken

Birds - Buildings A and B showed signs of nesting birds, but there were no signs of usage by owls. Works should be carried out outside of the bird nesting season. Future works on site requiring clearance works should take place outside of the bird nesting season. I support the provision of bird boxes.

Bats - The site held no bat roosting potential and no signs of roosting was noted on site. The site may be subject to foraging bats. No lighting should be directed towards vegetation on site.

Condition for protected species:

The applicant shall undertake all the recommendations made in HalpinRobbins report dated August 2018, and provide mitigation for birds as recommended. 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 bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: to protect and accommodate wildlife.

Informative Note

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.

*LANDSCAPE* - I acknowledge that the site is fairly well screened but consider that this would be development outside of the village boundary.

*SCC - TRANSPORT DEVELOPMENT GROUP* - standing advice

*SCC - RIGHTS OF WAY* - no comments received

*WESSEX WATER* - Wessex Water has no objections to this application and can advise the following information for the applicant:

## The Planning Application

The applicant has not indicated how foul sewerage will be disposed of.

Rainwater running off new driveways and roofs will require consideration so as not to increase the risk of flooding. The applicant has indicated in the current application that rainwater (also referred to as “surface water”) will be disposed of via soakaway.

## Applying for new drainage and water supply connections

If your proposals require new connections to the public water mains, notes and application forms can be found here.

The proposal is some distance from the nearest public foul sewer. The planning authority will need to be satisfied with your private arrangements which will be subject to building regulations.

Are existing public sewers or water mains affected by the proposals?

According to our records there are no recorded public sewers or water mains within the red line boundary of the development site. Please refer to the notes on the attached map for advice on what to do if an uncharted pipe is located.

Is the surface water strategy acceptable to Wessex Water?

One of our main priorities in considering a surface water strategy is to ensure that surface water flows, generated by new impermeable areas, are not connected to the foul water network which will increase the risk of sewer flooding and pollution.

You have indicated that surface water will be disposed of via soakaway.

The strategy is currently acceptable to Wessex Water, subject to agreement to detail with the local planning authority.

The planning authority will need to be satisfied that soakaways will work.

Soakaways will be subject to Building Regulations

There must be no surface water connections to the foul sewer network.

*HERITAGE* - No comments received

## Representations Received

None

## 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.

CP1 - Climate change,

CP6 - Transport and accessibility,

CP8 - Environment,

DM1 - General requirements,  
DM2 - Development in the countryside,  
H1A - Permanent housing for rural workers,  
D7 - Design quality,  
ROW - Rights of Way,  
EN12 - TDBCLP - Landscape Character Areas,

## Local finance considerations

### Community Infrastructure Levy

Creation of dwellings is CIL liable.  
Proposed dwellings measure approx. 215sqm.

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 £27,000.00. With index linking this increases to approximately £35,750.00.

### New Homes Bonus

The development of this site would result in payment to the Council of the New Homes Bonus.

#### *1 Year Payment*

Taunton Deane Borough	£2,058
Somerset County Council	£ 540

#### *6 Year Payment*

Taunton Deane Borough	£12,948
Somerset County Council	£ 3,238

## Determining issues and considerations

The main issues are the principle of development, design and materials, landscape impacts, impact on heritage assets, parking and access, amenity, sustainability, and ecology.

The proposed development would be within a site which is currently in agricultural use with a range of agricultural buildings. It is located outside of the settlement limits to the village of Stoke St Gregory which is classified as a village as per Core Strategy policy SP1 Sustainable Development Locations, it is also beyond the settlement limits of North Curry to the west. The proposed site is therefore within Open Countryside and accordingly policy DM2 (Development in the Countryside) applies. It does not meet the tests for residential development as set out in this policy, or in the SADMP policies for essential rural workers H1(a) and H1(b), nor is support, in principle, given through the NPPF (2018) paragraphs 77 and 78 as the

proposal is for 2no. open market dwellings with no agricultural ties or affordable housing provision. As such the proposal must be recommended for refusal due to its incompatibility with relevant local and national policies.

There is an extant permission for a Class Q conversion and change of use of a former agricultural building to 2no. residential dwellings reference 43/18/0008/CQ, on land which overlaps with the proposed development site although this application does not have an identical red line, and the curtilages to this current application are considerably larger than that consented under 43/18/0008/CQ. Nor would the current application replace the same buildings. The buildings which were the subject of the Class Q approval are to the east, and outside of, the area shown on submitted plans for the proposed garden and eastern boundary to plot 2 (although included within the red line to this proposal).

The agent in the submitted Planning, Design and Access Statement cites the *Mansell v Tonbridge and Malling BC* [2017] EWCA Civ 1314 decision as evidence that the Local Planning Authority should recognise a so-called 'fall-back' position where the likely intention to develop residential units, as evidenced by a Class Q approval, could allow for a departure from the development plan. Whilst this decision is a material consideration it is considered that it should be attributed limited weight due to the different circumstances between the current application and the cited case, principally that this application does not utilise the extant agricultural building, and the differences between the extent of the curtilage in this application and previous Class Q approval, and the potential impacts on the character of the countryside and heritage assets located in close proximity to the site.

It is acknowledged that the site has residential properties to the south but it is outside of the recognised village settlement line and in an Open Countryside location. The proposed dwellings are on a site which has built development close by, but it is in a rural location with no services in the immediate vicinity and no footway along the road. There are fields in current agricultural use to the north, west and east of the site, and to the south side of the main farmhouse and adjacent buildings. In terms of character therefore, it is reasonable to conclude that the area is an open, predominantly rural location with overwhelmingly pastoral characteristics.

Applications for planning permission affecting a listed building or its setting must be determined in accordance with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This 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". The proposed design is for 2no bungalows with dual pitched, roofs, with one using a cruciform plan and the other an L shaped plan. The design is reminiscent of 1930s bungalows and with a suburban feel. The dwellings would have a front garden with parking provided for two spaces for plot 1 and four spaces for plot 2, and a shared access using an existing driveway and highways access. In design terms the properties are not historically characteristic of the area. The greatest impact would be from the scale of the curtilage and overall suburban feel to the design, which, it is considered, would be out of place in the context of the site. The existing buildings are agricultural and preserve the pastoral character of the

area and provide important context for the listed building and associated curtilage-listed structures (Crossways Farm). The submitted statement notes that the proposal is at a 'similar scale' to the approved class Q conversions, which is true in so far as it relates to the footprint, but does not take into account the scale of the curtilage and the likely domestication of land within the curtilage, which could have a material impact on character and setting in this locality, and it is considered that this would have a detrimental impact which would fundamentally change the land to the rear of the listed structures. The consented Class Q conversions would retain the utilitarian design of the agricultural buildings and would provide two semi-detached dwellings in one former agricultural building, by comparison the current application is for two detached bungalows significantly increasing land used for residential purposes and achieving low rates of residential density, set against the loss of agricultural land and buildings. Whilst it is acknowledged that there may be some planning benefit in terms of residential amenity to neighbouring properties this is not considered to be sufficient to outweigh the harm to character and clear policy departures.

The location of the proposed development is in open countryside which is considered to be an unsustainable situation for residential development due to issues related to the need to use private car and lack of access to services in the vicinity, and, as such, is incompatible with policy CP1a.

In regards to landscape impacts the proposed development could be conditioned to provide an adequate landscaping scheme and any harm to the landscape, in visual terms, would be minor and not warrant grounds for refusal.

The proposed highways and parking arrangements are considered to be acceptable and would utilise an existing highways access.

There are no significant amenity concerns for residents in existing or consented dwellings, due to distances and the proposed design in terms of fenestration and relationships to other dwellings.

In regards to biodiversity impacts the proposed development included the submission of an ecological assessment and no direct evidence of protected species being present was noted. It is recognised that any abiding biodiversity concerns could be addressed through appropriate conditions and/or informatives, and current biodiversity issues would not warrant grounds for refusal.

In conclusion it is considered that the proposal represents a significant departure from the adopted development plan and would provide for two dwellings in an open countryside location which is deemed to be unsustainable. It is further considered that the proposed development would add suburban aspects into a predominantly pastoral setting changing the character of the area and negatively impacting on the adjacent listed buildings. Therefore the application 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: Mr Alex Lawrey**

