

21/20/0009

MR A BELLAMY

**Replacement of agricultural storage building with the erection of 1 No. detached dwelling with associated works at Three Ashes, Langford Common Road, Langford Budville**

Location: THREE ASHES, LANGFORD COMMON ROAD, LANGFORD  
BUDVILLE, WELLINGTON, TA21 0RW

Grid Reference: 310834.122583 Full Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The proposed development is outside the defined settlement limit of Langford Budville, within open countryside. The site is also located in an unsustainable location with no bus service and limited facilities within the village. It is likely that occupiers of the proposed development will be reliant on private cars to access facilities and amenities that are not available within walking vicinity of the site. The proposal is therefore contrary to Policies SP1, SD1, DM2, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan.

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

#### Notes to Applicant

1. In accordance with paragraph 38 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**

It is proposed to demolish an agricultural building within a small landholding and erect a 3 bed dwelling.

With the use of retaining walls the 2 storey dwelling will be set into the sloping ground with 2 1/2 sides below ground level.

The ground floor will comprise 3 en suite bedrooms and the first floor: open plan kitchen/living room, utility room, lounge, WC and storage.

The ground floor external walls will be rendered and the first floor above ground level will have horizontal timber cladding. Windows and doors will be of grey UPVC and the dwelling will be topped by a sedum and wildflower roof.

A timber decked balcony will lead from the dining area with an upper patio beyond. A Juliet balcony will also be provided off the lounge. The dwelling will be powered by PV panels on existing buildings and a passive heat retention system will be used, backed up by a ground source heat pump to provide heating and hot water.

Parking is to be provided to the side of the dwelling on a loose gravelled area and the internal access to Hilltop (the applicant's dwelling) will be stopped up so that Hilltop and the new dwelling have separate entrances.

## Site Description

The application site is to the south west of Langford Budville and falls outside the settlement limits.

The site entails an agricultural building which forms part of a 3 acre holding including the applicant's home which is a detached dwelling to the east called Hilltop. Access to the site is via an existing access off the Class 3 road that leads into the village. The village playing field is opposite the access.

## Relevant Planning History

21/18/0013/ENQ - Pre-application enquiry for conversion of barn to dwelling or new dwelling. Advice never provided by the LPA. This proposal is the subject of this application.

21/07/0013 - Erection of 1st floor extension over bungalow - Conditionally approved July 2007.

21/03/0026 - Erection of extension to form new roof and conservatory- Refused February 2004.

## Consultation Responses

*LANGFORD BUDVILLE PARISH COUNCIL* - No objection to this application. We support the application.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Recommend Standing Advice.

*WESSEX WATER* - No objection to the application and recommend advisory notes covering foul sewerage, new water supply connections and affected sewers/water mains.

*SCC - ECOLOGY* - Quantock Ecology carried out a Preliminary Roost Assessment of the application site in June 2020. This found that the barn had negligible potential for roosting bats.

As no bat activity surveys have been undertaken I have to assume the presence of light averse species. A lighting design for bats condition is recommended.

Nests characteristic of swallows were noted built on the rafters of the internal roof. Swallows are on the nest into September. A condition is recommended to ensure no demolition takes place between 1st March and 30th September inclusive unless a competent ecologist is present.

Swallows are loyal to nesting sites and have been in decline since the 1970's across Europe. The loss of barns and other shelters to accommodation has continued this decline so that recently the species has been placed on the amber list of birds of conservation concern. The design of the dwelling does not facilitate mitigation for loss of swallow nesting sites. However, the site were not occupied in May so are likely to have fallen out of use for some reason.

## **Representations Received**

Somerset Wildlife Trust have noted the supporting Assessment from Quantock Ecology and fully support the recommendations in Section 4 of the Assessment in respect of measures for Mitigation and Enhancement. They request these recommendations are conditioned if planning permission is granted.

4 letters of representation from neighbours have been received in support of the application for the following reasons:

- Ideal location for a single dwelling
- No negative impact to the village
- The plans look interesting, the building is modest and uses ethical and environmental technology.
- Creative projects like this should be supported
- It is fully in keeping with the environment and character of the village
- The applicants have lived in the village a long time, support local events and support others well being

## **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.

- CP8 - Environment,
- CP6 - Transport and accessibility,
- SD1 - Presumption in favour of sustainable development,
- SP1 - Sustainable development locations,
- DM2 - Development in the countryside,
- SB1 - Settlement Boundaries,
- A5 - Accessibility of development,

DM1 - General requirements,  
D7 - Design quality,  
D10 - Dwelling Sizes,  
D12 - Amenity space,  
CP4 - Housing,  
CP1 - Climate change,

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of dwellings is CIL liable.  
Proposed dwelling measures approx. 195sqm

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 £24,500.00. With index linking this increases to approximately £34,750.00.

## **Determining issues and considerations**

The main issues in the consideration of this application are the principle of development, visual impact, residential amenity, highway safety and ecology.

### Principle of development

The application site lies outside the defined settlement boundary of Langford Budville by approximately 100m. Therefore Policy SB1 within the Site Allocations and Development Management Plan (SADMP) will be relevant which states that in order to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in Core Strategy Policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2.

Core Strategy Policy SP1 establishes the desire to provide sustainable development focusing development at the most sustainable and accessible locations. This policy states that outside of the settlement boundaries, development will be treated as within open countryside and therefore Policy DM2 shall be applied which identifies the type of development considered as acceptable within the open countryside. New open market housing is not listed under this policy. However, that does not mean to say that it should be refused as supported by appeal reference, APP/D3315/W/17/3179264. In this appeal the Inspector concluded that if a use/development is not explicitly listed under Policy DM2, it does not follow that it should be refused. Such proposals should be assessed under Policy CP8 and CP1. Therefore the principle of residential development on this site cannot be ruled out, subject to the consideration of other material considerations.

Core Strategy Policy CP8 states that unallocated greenfield land outside of

settlement boundaries will be protected and where possible enhanced. Development outside of settlement boundaries will be permitted in limited circumstances subject to a number of criteria including *"be appropriate in terms of scale, siting and design; and protect, conserve or enhance landscape and townscape character whilst maintaining green wedges and open breaks between settlements; and provide for any necessary mitigation measures."* The proposed dwelling will replace a small timber clad agricultural building. The footprint of the dwelling will be no larger than the agricultural building and the building will be no higher with the ground floor located below ground level. The first floor would be visible but would be timber clad so would be of a similar appearance to the agricultural building. I am satisfied that the dwelling would have no greater impact on the landscape than the existing building.

Core Strategy CP1 states that proposals should result in a sustainable environment, and will be required to demonstrate that the issue of climate change has been addressed by reducing the need to travel through locational decisions. Policy A5 relates to accessibility. It states that residential development should be within walking distance of, or should have access by public transport to, a range of services and facilities.

The proposed dwelling would be located outside of the settlement boundary, albeit not isolated from other dwellings. It would be within walking distance of the main part of the village, where there are a limited number of facilities including a church, primary school, village hall, public /house restaurant although it has been reported that it has not reopened since lockdown. For other day-to-day services such as education and healthcare, occupants would have to access the nearby settlements of Taunton or Wellington. With no public transport from the village the applicant would be reliant on the private car for these services. The proposal therefore conflicts with Policies A5 and CP1.

In a similar application (07/19/0003) to erect two open market dwellings at Bradford on Tone, planning permission was refused as the site was also outside of the settlement limits, albeit again not far but was considered to be in an unsustainable location as the village had limited facilities and the walk to the bus stop was 1 km. The decision was appealed (APP/W3330/W/20/3252720) but in the decision only issue in August, the inspector dismissed the appeal. The inspector concluded *'...the appeal site is not a suitable location for new dwellings having regard to accessibility to services. It would therefore conflict with Policies SP1, SD1, DM2, CP6 and CP8 of the Core Strategy and Policies A5 and SB1 of the SADMP. These policies together and amongst other things seek sustainable development that reduces the need to travel, require residential development to be accessible by public transport, protect unallocated land and restrict development outside of defined settlement boundaries and within the open countryside'*.

Outline planning permission was granted in 2014 (21/14/0003) for the erection 8 houses to the north of the application site adjacent to the village hall. Although this site is also outside of the settlement limits, Policy DM2 does allow for 100% affordable housing developments in an open countryside location. This application related to a 50:50 mix of open market/ affordable housing. NPPF guidance para 77 does enable LPA's to support open market houses in such instances where it provides affordable housing to meet an identified need. A need for affordable housing had been demonstrated in this case to allow such development in an

unsustainable location.

The proposed development is for a single open market dwelling. Due to the limited facilities in the village and the fact there is no public bus service to the closest centres to get the majority of services, the development is in an unsustainable location. The proposal does not meet any of the criteria in the NPPF for a rural home that can be supported in such location and therefore the proposal is contrary to national and local planning policy.

#### Impact on character of the area

The proposed dwelling would not be dissimilar in appearance to the agricultural building. The site is almost entirely enclosed by hedgerow bordering the adjoining field and so there would be limited public views of the dwelling.

Para 79 of the NPPF supports development of homes in the countryside if they are of exceptional quality design. Although the sustainable elements of the scheme are welcomed, the design is not considered 'truly outstanding or innovative..' as set out in the NPPF.

The dwelling however through it's design, scale and siting would have no impact on the character of the area.

#### Amenity

Other than the applicant's dwelling, the proposed dwelling is sited over 100m from the nearest dwellings and separated by a small field bounded by hedging and the public highway. The applicants home to the west is 50m away. There will be no loss of privacy due to the distances involved.

In terms of amenity space for the occupants, SADMP Policy D12 'Amenity Space' requires a private garden to be provided for a 3 bed dwelling. Due to the construction of the dwelling into the sloping land a decked balcony will be provided off the first floor with upper patio beyond. A further patio area will envelope the ground floor along the southern and eastern elevations. Parking for cars on a loose gravel area will be to the northern side of the dwelling where there is ample space for refuse storage.

Policy D10 'Dwelling sizes' sets out that a 3 bed 6 person 2 storey dwelling should have a minimum floor space of 97sqm. The Council's Cll officer has measured the floor space to be 195 sqm.

#### Highway safety

The dwelling will be served by an existing access off the Class 3 road that enters the village. This access can currently be used to access the barn/adjoining field and also the applicant's dwelling Hilltop. The applicant intends to block off the internal link that enables access from this entrance to Hilltop and utilise a separate access to his home. The proposed access for the dwelling would therefore change very little in terms of usage, still serving just one dwelling and the adjoining land.

In assessing the application against the Council's car parking standards, a 3 bed

dwelling in this location would require 3 parking spaces. Although only 2 informal spaces are shown on the plan, I believe there is ample space for a third and turning space so that vehicles can enter the classified highway in forward gear. The proposal is acceptable on highway safety grounds.

### Ecology

As the proposal sees the demolition of an agricultural building, an ecological report was submitted in support of the application. The Council's ecological advisor recommends no objection to the loss of this barn subject to conditions requiring the approval of the lighting scheme to the new dwelling, no demolition of the barn during the nesting season unless an ecologist is present.

The Council's advisor states that the new dwelling does not offer mitigation for the lost swallow nests found in the barn however he believes these nests had not been used by swallows for a while.

### Other matters

The fact that the applicants have resided in the village for many years and are good supporters of the village is not a material planning consideration.

### Conclusion

The proposed development is outside the defined settlement limit of Langford Budville, within open countryside. The site is also located in an unsustainable location with no bus service and limited facilities within the village. Occupiers of the proposed development will be totally reliant on private cars to access facilities and amenities that are not available within walking vicinity of the site. The proposal is therefore contrary to Policies SP1, SD1, DM2, CP1, CP6 and CP8 of the Taunton Deane Core Strategy and Policies A5 and SB1 of the Taunton Deane Site Allocations and Development Management Plan and for this reason 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**