

25/20/0018

MRS S HUNT

Conversion of outbuilding to 1 No. detached dwelling within the domestic garden of Pen Elm, Minehead Road, Norton Fitzwarren (resubmission of 25/19/0023)

Location: PEN ELM, MINEHEAD ROAD, NORTON FITZWARREN, TAUNTON,
TA2 6PD

Grid Reference: 319573.126966

Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The application fails to demonstrate the sequential approach set out in policy DM2, and in particular DM2. part 7.b for Development in the Countryside. The proposal is considered therefore to be contrary to policy DM2. part 7.b of the Core Strategy. The proposal as submitted relates to the conversion of an existing stable block to an open market residential dwelling and is therefore considered to be tantamount to a new dwelling in an unsustainable location contrary to policy SP1 of the Core Strategy and policy SB1 of the Site Allocations and Development Management Plan.
- 2 The proposed development would adversely impact upon the Somerset Levels and Moors Ramsar site by adding to the concentration of phosphates in the area where they are already excessive. In the absence of technical information demonstrating the level of phosphates generated by the development, it is not possible to produce a Habitat Regulations Assessment or put in place the measures necessary to off-set the impact. As such the proposal is contrary to Policies C8, Environment, and DM1, general requirements, of the adopted Core Strategy and Paras. 175-177 of the NPPF.

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

The proposal is for the conversion of an outbuilding within the domestic garden of Pen Elm, Minehead Road, Norton Fitzwarren (resubmission of 25/19/0023)

Site Description

The proposed development is on land associated with Pen Elm, which is a large detached, previously extended residential property on the A358 road going north from Taunton to Minehead. The outbuilding/stable block is located approximately 25m to the north of the dwelling and has a range of outbuildings to the west including a recently approved and constructed workshop. There are trees to the road boundary and small copses to the south and north. Several other plots of land are associated with the property. The access on to site is from a classified highway (A358).

Relevant Planning History

25/19/0023 - Conversion of stables to 1 No. detached dwelling within the domestic garden of Pen Elm, Minehead Road, Norton Fitzwarren - Refused and dismissed at appeal

25/18/0019 - Erection of detached triple garage and replacement conservatory roof with balcony above - CA

25/18/0023 - Erection of an agricultural storage building, with workshop, and 2 No. polytunnels - CA

25/18/0032 - Conversion of outbuilding into annexe - CA

Consultation Responses

NORTON FITZWARREN PARISH COUNCIL - No objection

SCC - TRANSPORT DEVELOPMENT GROUP - Refer to comments previously submitted.

- No objection in principal but requests plans to show two-way traffic flow and visibility splays.

WESSEX WATER - No Objections but request a note to application regarding connection(s)

ECOLOGIST - Confirmed in December that **‘The nutrient issue from wastewater affecting the Somerset Levels and Moors Ramsar, requiring a Habitats Regulations Assessment, still has to be resolved.’** Further information was submitted in January 2021, however the ecologist has yet to confirm if it is acceptable.

Councillor Sully - Support

- The main planning policy which I believe is of conflicting interpretation is DM2.
- Parish Council raised no objection
- There have been numerous letters of support from local neighbours.

Habitats Regulations Assessment

The agent has submitted further information recently, regarding a proposed package treatment plant and TUV range finder. This information is still being considered by the ecologist.

As the proposal is recommended for refusal, it was considered expedient to include a HRA refusal reason in the report, as no Habitats Regulations Assessment has been submitted.

Representations Received

1 x Neutral reply

No objection what-so-ever to the proposed development

4 x Support

- Would like to show my support for the application to make use of the building on their land
- Would like to support this application and see an old building put to good use
- Please record my support for this case
- Did not originally reply to consultation as believed it was a duplicate application
- The applicant has explained that it is only trying to separate it officially from the main dwelling so its becomes a stand along property
- Do not understand why this application is required as it has already been approved to be a converted livable property
- The property and garden had been left for many years unattended which cause problems as the garden backs on to neighbours
- The applicants have improved the area with tree planting and screening and conversion of the building will also enhance the view.

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,

Relevant policies of the development plan are listed below.

SP1 - Sustainable Development Locations

CP1 - Climate Change

CP8 - Environment

DM1 - General Requirements

DM2 - Development in the Countryside

A1 - Parking Requirements

SB1 - Settlement Boundaries

National Planning Policy Framework - paragraph 79

79. Planning policies and decisions should avoid the development of isolated homes

in the countryside unless one or more of the following circumstances apply:

a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;

b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;

c) the development would re-use redundant or disused buildings and enhance its immediate setting;

d) the development would involve the subdivision of an existing residential dwelling; or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and

- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

Local finance considerations

Community Infrastructure Levy

Creation of dwelling is CIL liable. The proposed dwelling measures approx. 133sqm.

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 £16,750.00. With index linking this increases to approximately £23,500.00.

Determining issues and considerations

The Principle of Development

The proposal relates to a site outside of any defined settlement boundary and within a countryside location as defined by Policy SP1 and therefore the principle of development will be subject to the proposal successfully addressing Policies SB1 which requires further assessment against policies CP1, CP8 and DM2.

Policy SP1 defines sustainable development locations and clearly states that 'outside of the settlements identified above, proposal will be treated as being within Open Countryside'. The location for this proposal is not identified within SP1 as a major or minor rural centre, nor it is one of the villages listed that retain settlement boundaries and have no further allocations made though the site allocations and development management DPD, but some scope for small scale proposals. The proposal is therefore considered to be in the open countryside.

Policy SB1 seeks to maintain the quality of the rural environment and ensure a sustainable approach to development, proposals outside of the boundaries of settlements identified in the Core Strategy policy SP1 will be treated as being within open countryside and assessed against Core Strategy policies CP1, CP8 and DM2 unless:

A It accords with a specific development plan policy or proposal:or

B Is necessary to meet a requirement of environmental or other legislation; and

In all cases, is designed and sited to minimise landscape and other impacts.

The proposal is for the conversion of an existing outbuilding/stable to an open-market dwelling in a countryside location. The only public footpath that would link the site to the petrol station/Marks and Spencer shop and Cross Keys pub (closest facilities) is on the opposite side of the highway, the busy A358. This lack of public footpath further reinforces the countryside location of the site. It is considered that in having to cross the highway (A358) in order to access the public footpath, and then cross the highway again in order to access the petrol station/Marks and Spencer shop and/or the Cross Keys public house, would be dangerous for pedestrians and vehicles alike. The proposal is therefore considered to be unacceptable under policy SB1 in terms of its countryside location outside of any defined settlement boundary and as the proposal does not accord with points A and/or B above.

Policy CP1 deals with Climate Change and requires that 'development proposals should result in a sustainable environment and will be required to demonstrate that the issue of climate change has been addressed by:

a 'Reducing the need to travel through locational decisions and where appropriate, providing a mix of uses'

The proposal as submitted is considered to be contrary to policies CP1 due to its unsustainable location.

Policy CP8 outlines this authority's aims of protecting the environment from development in locations outside of settlement boundaries. The proposal is for the conversion of an existing outbuilding/stable to an open-market, detached dwelling in a countryside location. Policy CP 8 states 'Unallocated greenfield land outside of settlement boundaries will be protected and where possible enhanced. Development within such areas will be strictly controlled in order to conserve the environmental assets and open character of the area. Development outside of settlement boundaries will be permitted where it will:

- be in accordance with national, regional and local policies for development within rural areas (including those for protected Natura 2000 and Ramsar sites); and
- 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
- protect, conserve or enhance the interests of natural and historic assets; and
- not exacerbate, and where possible improve the quality, quantity and availability of the water resource, reduce flood risk (fluvial and surface water); and
- protect habitats and species, including those listed in UK and Local Biodiversity Action Plans, and conserve and expand the biodiversity of the Plan Area; and
- provide for any necessary mitigation measures.

The proposal is considered to comply with the above, as it is an existing building considered to be appropriate in terms of scale, siting and design which has and would have if converted to residential accommodation, no adverse impact upon the rural location.

The outbuilding which is the subject of this application, has an extent consent for its conversion to an annexe (25/18/0032) for use with Pen Elm, the host dwelling. This consent is yet to be implemented. For this particular proposal to convert the outbuilding to residential dwelling, policy DM2 - Development in the Countryside, will need to be given full consideration. At the time of the site visit the outbuilding was not in use, conversion works were yet to start and the building appeared to be in poor condition.

Policy DM2 takes a sequential approach to development in the countryside as set out below, with the 7th consideration being the conversion of existing buildings:-

Policy DM 2 -Development in the countryside

Outside of defined settlement limits the following uses will be supported:

1. Community uses
2. Class B Business Use
3. Holiday and Tourism
4. Agriculture, forestry and related
5. Replacement Dwellings
6. Affordable Housing
- 7. Conversion of existing buildings.**
8. Development for essential utilities infrastructure.

A second level of consideration, a sequential approach, is taken when considering the conversion of an existing building as detailed below:-

7. Conversion of existing buildings

- a. the building must be of a permanent and substantial construction and of a size suitable for conversion without major rebuilding or significant alteration or extension.
- b. a sequential approach must be followed in the following priority:
 - i. Community uses;
 - ii. Class B business uses;
 - iii. Other employment generating uses;
 - iv. Holiday and tourism;
 - v. Affordable, farm or forestry dwellings;
 - vi. Community housing;
 - vii. In exceptional circumstances, conversion to other residential use;**

It is accepted that the outbuilding is acceptable in terms of being 'a permanent and substantial construction and of a size suitable for conversion without major rebuilding or significant alteration or extension' as set out in DM2.7 (a).

In terms of (b) a sequential approach is adopted which the agent has addressed as follows:-

(i) Community Use - The Planning statement states that *'the Parish have not indicated at any stage that there is a community need for the building. Furthermore, given that the village of Norton Fitzwarren already benefits from a number of existing community facilities, including a village hall, there is not considered to be a need for any further community uses within this area, particularly as the application site is situated almost 1 mile from the centre of the village.'*

It is accepted that the countryside location is not suited to a community use.

(ii) Class B Business use - The Planning Statement confirmed "*Within the previous application (LPA ref. 25/19/0023), the officer considered that it would be reasonable to submit details as to why the outbuilding could not be put to a Class B Business Use. In requesting this, reference was given to a recently erected workshop building (approved under permission LPA ref. 25/18/0023), which is situated around 15m to the west of the application site.*

However, the above-mentioned 'workshop' building is not within a B Class use. The use of the workshop is instead ancillary to the domestic use of the wider site, being used by the owners of Pen Elm to facilitate their hobby related to the restoration of classic cars and small-scale carpentry. This building was constructed on a former tennis court and falls within the same planning unit as the principal dwelling known as Pen Elm. A B Class Business use of the building within the centre of a site that is used wholly for domestic purposes and will continue to be used as such would be incompatible with its adjoining uses and therefore inappropriate development in planning terms."

The Planning Statement further states '*the site does not form part of an existing farming or other rural based enterprise*'. These statements are at odds with the workshop buildings planning consent which was for 'Erection of an agricultural storage building, with workshop, and 2 No. polytunnels' (Planning application 25/18/0023) to be used '*primarily for the storage of agricultural machinery, tools, equipment and animal feed in association with the management of the adjoining agricultural land.*' The 'workshop' building is large (18m x 9m) and it is located to the north-west of the dwelling (Pen Elm) and the west of the outbuilding/former stable block, with its own driveway and has a garage located close to the access from the highway. The land to the rear of the outbuilding that is the subject of this planning application, is the agricultural land for which the storage building was required. As the workshop is not consented to be wholly 'domestic' it is considered reasonable that the outbuilding/stable block be considered for a business use in association with the workshop/agricultural building. The outbuilding/stable block is located centrally within the plot, but with the dwelling approximately 25m to the south, the 'workshop' approximately 15m to the west and agricultural land to its rear, it is considered to be sufficiently removed from the residential dwelling to allow for its consideration for an appropriate Class B business uses which allows for **'B1 Business – Uses which can be carried out in a residential area without detriment to its amenity. This class is formed of three parts:**

B1(a) Offices - Other than a use within Class A2 (see above)

B1(b) Research and development of products or processes

B1(c) Industrial processes'

The outbuilding therefore should be considered for a B1 Business use.

(iii) Other employment generating uses - No details of the buildings possible use as 'Other employment generating uses' have been submitted. The outbuilding could therefore be suitable for another employment use not considered by the agent

(iv) Holiday and Tourism. The agent has referred to paragraph 6.19 of the Core Strategy. This paragraph states that "*Policy DM2 therefore limits holiday accommodation in permanent structures to the reuse of existing buildings associated*

with farm and other rural based services such as pubs and shops, to help sustain and provide economic diversification for existing enterprises without the visual impact of a new build'. The agent has stated that the application site is 'wholly within a private residential use' and does not form part of an existing farm or other rural based enterprise. This would appear to be at odds with the need for an agricultural building submitted under planning application 25/18/0023 where it is noted that the application form refers to the existing use of the site as 'Agricultural and residential use'.

When the previous application (25/19/0023) was considered by the Planning Inspectorate, the appeal decision stated under paragraph 8 that:-

8. There is no evidence before me that the appellant has demonstrated the building is unsuitable for all other listed uses under Policy DM2 Paragraph 7, with the appeal statement responding only to the Council's query concerning a potential Class B Use. In the absence of such information, it is clear that the sequential approach required by CS Policy DM2 has not been complied with. Consequently, I find that it has not been demonstrated that the appeal site is suitably located for a new dwelling.

This makes it clear that all other uses as set out under policy DM2 paragraph 7 need to be considered.

The agent has however been provided with additional guidance regarding the need to provide information as to why the building cannot be used for holiday accommodation, and this guidance has been further extended by the guidance provided by our Planning Policy team, as shown below:-.

Paragraph 6.19, is explaining the stance on new build - particularly in relation to the impact on established enterprises and the need to help sustain and provide economic diversification. The sentence referenced in its entirety reads:

"Policy DM2 therefore limits holiday accommodation in permanent structures to the reuse of existing buildings associated with farm and other rural services such as pubs and shops, to help sustain and provide economic diversification for existing enterprises without the visual impact of new build."

This sentence is to be read in relation to proposals that come forward associated with farm and other rural services, that holiday accommodation must be limited to the reuse of existing buildings (rather than new), so as to help support economic diversification of existing enterprises (and also address local environmental quality). Whilst paragraph 6.19 is talking about holiday and tourism proposals specifically in relation to farming and rural enterprises, it is not to be read that policy DM2 therefore excludes holiday and tourism enterprises coming forward for other existing buildings outside defined settlement limits.

As the policy explains, in the particular instance that a proposal comes forward in a farming/rural enterprise context, it needs to be compatible with that activity. The policy is not excluding other buildings outside of defined settlement limits for holiday and tourism purposes.

The agent has requested if the Council has any evidence of a need for additional holiday accommodation within the immediate vicinity of the application site, and the case officer has confirmed that they are unaware of any evidence the Council may have to indicate there is an identified need for holiday accommodation and that it is able to confirm that the Economic Development team have supported other applications for holiday accommodation within the district. It is a matter for the agent to provide information relating to the possible use of the outbuilding/former stable block under '(iii) holiday and tourism' and the request for information to address this issue was repeated.

The outbuilding should therefore be considered for holiday and tourism uses as set out in the sequential approach undertaken by DM2.7 (iv) for which no information has been submitted, although further information and guidance has been provided to the agent by the planning policy team

(v) Affordable, farm or forestry dwelling - The planning statement has not submitted any information as to why the outbuilding could not be converted to provide an affordable dwelling to meet an identified local need under part (v). The site however is a small agricultural holding of 0.5 hectares and therefore it is accepted that it would be unable to support the need for an additional dwelling on this site.

(vi) Community housing - It is accepted that as proposed, the amount of accommodation would exceed that stated as acceptable under paragraph 6.17. Community housing "conversions for such use must be modest in terms of size and detail of conversion".

(vii) Conversion to other residential uses - The planning statement refers to the appeal decision made under 25/19/0023 - Conversion of stables to 1 No. detached dwelling within the domestic garden of Pen Elm. That proposal and appeal was assessed as submitted and not as *'subdivision of the existing dwelling to create a separate dwelling with domestic outbuilding'* as suggested by the agent in paragraph 3.21 of the submitted planning statement. In that appeal the agent put forward the subdivision proposal under paragraph 79 of the National Planning Policy Framework however the Inspector agreed that the proposal **'would not, despite both party's view in this regard, result in an isolated home in the countryside in terms of paragraph 79 of the National Framework (NPPF). Accordingly, this paragraph of the Framework is not a material consideration in this appeal'**, (appeal APP/W3330/W/20/3245967 dated 22 June 2020). The agent has confirmed that *'..... we do not agree with the outcome of the appeal decision associated with the site at Pen Elm. To the contrary, we retain the view that paragraph 79 (d) is a highly relevant material consideration, which supports the subdivision of the outbuilding the subject of this application to a separate dwelling. To ignore this important national planning policy provision simply because the site has been deemed to not be isolated (in the true meaning of the word) fails to comply with the wider aims and aspirations of national planning policy in general. It is respectfully requested, therefore, that regard be given to this highly relevant material consideration in the determination of the proposal the subject of this application'*.

This local planning authority has accepted the view of the Planning Inspectorate that paragraph 79 of the NPPF is not a material consideration for this proposal. The agent/applicant can of course challenge the decision in the High Court if they think the Planning Inspectorate made a legal mistake.

It is accepted that subject to meeting the relevant planning policies, the building is apparently suitable for conversion in terms of its size and structure, hence the previous consent for its use as an annexe (25/18/0032). This proposal is however for a new dwelling in a countryside location, separate from Pen Elm, and therefore the proposal is required to submit information in terms of the sequential approach that this authority takes to development in the countryside. As there is a lack of submitted details in terms of the sequential approach the proposal is considered to have failed to address the sequential approach taken for new development in the countryside, as from the submitted information the building appears to be suitable for uses outlined in policy DM2.2, 2.3 and 7.(b) ii,iii,iv, v prior to its consideration under DM2.7 (b)vii.

Habitats Regulations Assessment Matters

The Council is committed to development only taking place if it is sustainable development that includes relevant environmental protections. Somerset West and Taunton Council (SWT) has recently declared an ecological emergency complementing the climate emergency declaration made in February 2019.

The quality of the natural environment in our area is of a particularly high standard. Parts of the district fall within the Somerset Levels and Moors. Within this area various locations are of national and internationally significance for wildlife. Thus the Somerset Levels and Moors are designated as a Special Protection Area (SPA) under the Habitat Regulations 2017 and listed as a Ramsar Site under the Ramsar Convention.

We have recently received a letter from Natural England about the high levels of phosphates in the Somerset Levels and Moors. The same letter has also been sent to the other Local Planning Authorities in Somerset.

In light of a court Judgement (known as Dutch N), Natural England have advised SWT that, in light of the unfavourable condition of the Somerset Levels and Moors Ramsar Site, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should undertake a Habitats Regulations Assessment (HRA).

The types of development include new residential units such as proposed by this application.

The agent has submitted information regarding this issue, however the county ecologist is yet to confirm if the most recent information, submitted January 2021, is considered acceptable in dealing with the HRA matter. The latest comments from the ecologist was in December 2020, when it was confirmed that *'The nutrient issue from wastewater affecting the Somerset Levels and Moors Ramsar, requiring a Habitats Regulations Assessment, still has to be resolved.'*

As this matter still needs to be addressed a reason for refusal on HRA matters has been included.

Highway Matters

The Highway Authority have referred the local planning authority to their previous comments , made under 25/19/0023 which concluded that *"Taking the above*

comments into account the Highways Authority does not object to the principal of the proposal in this application, however, the Highway Authority would need to see the drawings as mentioned above to allow a positive and supportive response to be given."

No such plans were submitted as part of this application, with the agent, focused upon the highway authority's comment '*confirmed that there would be no significant or severe impact on the highway network*'. A plan has however been submitted for the visibility splays but not for the two-way traffic. As the proposal was to be recommended for refusal the highway issues have not been pursued, as it was considered unreasonable.

Other Matters

The Planning Statement has referred to other applications that they consider to be similar to that proposed, within the district, however each planning application is assessed on its own merits. The local planning authority aims to be consistent in its approach to planning applications therefore these comments have been noted. The most relevant planning history for this site is a proposal for a single, detached, open market dwelling is 25/19/0023 and its subsequent appeal decision issued 22nd June 2020. If the applicant and their agent wishes to pursue their discord regarding the planning Inspectorates decision on 25/19/0023, they can challenge the decision in the High Court if they think the Planning Inspectorate made a legal mistake.

The ward member has supported the proposal due to the Parish Councils comments and those of the neighbours. The Parish Council comment of 'No objection' is taken as a neutral response neither supporting or objecting to the proposal.

1 letter of '*No objection*', which is taken as a neutral response in the same way as the Parish Councils comments, has been received along with 3 letters stating 'support' for the proposal but providing no details of why the proposal is supported. 1 letter of support was made when the neighbour realised that this was not a duplicate planning application. That neighbour also expressed surprise that planning consent was required for the building when it already has consent to be converted to living accommodation. The reason for this application is to allow the building once converted to be an open market dwelling, separated from the host dwelling, Pen Elm. At present the building has consent for conversion to annexe accommodation (25/20/0032) with a condition restricting the occupation:-

The annexe building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as Pen Elm.

Reason: To prevent the annexe building from being occupied / used / sold separately to the main dwelling.

This would, once converted, allow for members of the family to occupy the building as ancillary accommodation, however it prevents the building being an open market dwelling available to all. This condition was imposed due to the countryside location, and is a standard planning condition used in applications of this type.

The supporter also stated that they supported the proposal as the property and garden had been left unattended for many years and that the applicants have

improved the area with tree planting and screening and that conversion of the building will also enhance their view. If this application is approved however, the site would no longer be under the applicants control.

The agent has also recently raised two appeal sites:- Bagley Road and Gatchell Farm.

Under the locality of Gatchell Farm application which was a proposal for the demolition of agricultural building with the erection of 1 No. detached dwelling with detached double garage and associated works, the inspector commented that *'However, the locality is subject to significant future change in that the appeal site lies very close to the designated boundary of the proposed south-western expansion of Taunton as envisaged in Policy SS7 of the Council's Core Strategy (CS) and Policy TAU1 of Site Allocations and Development Management Plan (DMP). An outline planning application for a mixed development including approximately 2000 dwellings based on the designation awaits determination.'* Pen Elm is not adjacent to any such extension of the village of Norton Fitzwarren.

The Bagley Road planning appeal gave a view of the inspectors view of policy DM2. That proposal related to an Outline Application with all matters reserved, except for means of access, for the erection of up to 205 dwellings and up to 60 apartments with care (Class C2), with public open space, landscaping, sustainable drainage system and vehicular access points from Exeter Road rather than a proposal to convert a former stable block to open market housing. It is therefore considered that, the appeal decision has no weight on this proposal, particularly when considered with the Inspectors comments under the appeal of the previous application on Pen Elm (25/19/0023).

The Inspector stated in paragraph 10 of the appeal decision on 25/19/0023 :-

"10. In light of my findings, I conclude that the location of the appeal site is not suitable for a new dwelling because of the conflict with CS Policy DM2, and the spatial strategy underpinning Policy SB1 of the Taunton Deane Adopted Site Allocations and Development Management Plan December 2016 and Policy SP1 of the CS. These seek, among other things, to control development in the countryside and focus development on the most accessible and sustainable locations and seek to ensure a sustainable approach to development. These policies are broadly consistent with the Framework which seeks to ensure that: sufficient land of the right type is available in the right places and at the right time to support growth; that homes are provided with accessible services, and, the number and length of journeys needed for employment, shopping, leisure, education and other activities are minimised. Accordingly, they are given full weight in my consideration of this case."

The Planning Inspectorate has therefore already considered the locality of the site and found it to be an unsustainable location in conflict with policy DM2 of the Core Strategy. As previously stated policy DM2 of the core strategy applies to this site and paragraph 7 of that policy needs to be fully addressed in terms of the sequential approach in order to be successful.

Conclusion

It is noted that the consented use as a residential annexe in connection with Pen

Elm as the host dwelling, granted under planning application 25/18/0032 has not been implemented and that this consent is still extant. If this consent is implemented it would allow for the applicant to provide ancillary, but fully self-contained living accommodation for use in connection with Pen Elm e.g relative, employee etc. At present the use of the outbuilding in planning terms is still considered to be a stable block with storage.

The agents view of the proposals compliance with paragraph 79 of the NPPF was previously considered by the Planning Inspectorate under the appeal of planning application 25/19/0023 where the Inspectorate clearly stated the proposal to converted the outbuilding, then called 'stables' to 1 No. detached dwelling within the domestic garden of Pen Elm, Minehead Road, Norton Fitzwarren **'would not, despite both party's views in this regard, result in an isolated home in the countryside in terms of paragraph 79 of the National Planning Policy Framework (Framework).'** Accordingly, this paragraph of the Framework is not a material consideration in this appeal.' As this appeal decision is dated 22 June 2020, and with no changes to this paragraph within the NPPF, it is considered that the definitive answer on this site and its proposal for an open-market dwelling under paragraph 79 of the NPPF has been fully addressed

The proposal need to meet the requirements of the Habitats Regulations Assessment. The county ecologist has yet to confirm if the information submitted in January 2021 is acceptable, therefore a refusal reason regarding the HRA issue has been included for the avoidance of doubt.

The outstanding issues highlighted above regarding policy DM2 should have been addressed, however they remain outstanding. The recommendation is to refuse the application due to its non-compliance with policies SB1, CP1 and DM2 of the adopted Core Strategy.

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

Contact Officer: Denise Todd