

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

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.
- 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

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. Foul water will be disposed of by a foul water treatment plant with an associated reed bed.

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.

Further comments received:

Whilst the proposed development is outside of the defined settlement limits of Langford Budville and within open countryside, the Parish Council believe it is appropriate in terms of the scale of the building and the positioning not to cause any nuisance. The Parish Council fully supports the application. The eco-design is ideal for a sustainable future. The proposed building is replacing a current structure, not compromising the green wedges, open breaks between settlements. Unfortunately no bus service or local shops is all part of the modern world, as due to local authority cut-backs very few villages can or will have public transport in the future.

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 -The following comments were submitted prior to the need to consider the application against the Habitat Regulations.

'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'.

Comments made following the advice received from Natural England that the application may require a Habitats Regulations Assessment:

'To complete the Habitats Regulations Assessment information on how foul water is to be dealt with will be required, this will either be through a mains wastewater treatment plant or a site package treatment plant or septic tank. If it is via the main wastewater network the Wastewater Treatment Works, and the permitted amount of phosphate for the works must be provided. Where using Package Treatment Works information on the efficiency of the plant in treating phosphates will be required.

In addition, Natural England advise that mitigation will need to be identified and secured by the applicant in order to complete the Habitats Regulations Assessment. For mains wastewater treatment this can be funding for habitat creation or agricultural land taken out of production in the Levels and Moors

catchment. A strategic approach is being developed to enable developers to purchase mitigating habitat creation. However, locations and their viability for habitat creation has yet to be determined, as has a scheme for financial contributions per dwelling to this habitat creation. This is likely to take some time and will inevitably lead to delays in determining housing applications, as it has elsewhere, for example in Hampshire where the Solent SAC was affected. Alternatively an applicant may source their own mitigation. For Package Treatment Plant this can be a small wetland, specifically designed to remove phosphates, its area depending on the amount of phosphate kilograms produced from the proposed development per year. The mitigation will be required to be implemented prior to commencement or will then need to be in place before any dwelling is occupied depending on the certainty of the scheme offered. Once the above details have been submitted the Local Planning Authority, as the competent authority under the Habitats Regulations 2017, will be able to carry out the Habitats Regulations Assessment. Note a response on this assessment is required from Natural England before a decision can be made on the application.

Habitats Regulations

The application site falls within the catchment flowing into the Somerset Levels and Moors Ramsar site. The formation of a new dwelling will result in an increase in phosphates contained within foul water discharge. As such a Habitat Risk Assessment maybe required. 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 made to demonstrate that the proposed development will be phosphate neutral.

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

(August 2020), 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 a location and therefore the proposal is contrary to both 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 existing 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 applicant's 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 CIL 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 - Habitats Regulations

The proposal was initially considered by the county ecologist prior to the need to assess the phosphate impact of development.

In relation to the demolition of the agricultural building, an ecological report was submitted in support of the application. The Council's ecological advisor recommended no objection to the loss of this barn subject to no demolition during the nesting season unless an ecologist is present.

The site however falls within the River Tone catchment area that requires consideration under the Habitat Regulations in relation to phosphate generation. The LPA needs to be satisfied that the development will be phosphate neutral and will not generate increased phosphate levels that could further harm the Somerset Levels and Moors Special Protection Area (SPA). The SPA is also designated as a Ramsar Site.

The applicant has confirmed the use of a sewage treatment plant in conjunction with a reed bed filtration system to deal with foul water. The Council's ecological advisor has stated the following:

'With regard to mitigation this needs to be permanent. This can be woodland planting or specific wetland creation (reedbeds are not the most efficient and Natural England advises a specialist be employed to design the wetland), which takes up far less area than the former. However, a condition for wetland creation on small sites cannot be reasonably enforced as within the medium to long term it is likely to scrub up if not managed and therefore would not be effective for the lifespan of the development. I cannot see a LPA wishing to take on the bureaucracy indefinitely. The alternative to woodland therefore, would be to purchase habitat within a strategic managed wetland creation scheme, which hopefully will be brought forward

through the Nutrient Strategy currently in process'

The efficiency of the package treatment plant is currently unknown and also the figure for the phosphate kilograms that would be produced from the proposed development in a year. A Habitats Assessment has therefore not been completed and thus a reason for refusal on Habitat Regulations grounds has been included.

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 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. In addition the proposal has not satisfied the Habitats Regulations in terms of being a phosphate neutral development and for these reasons 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