

Application Details	
Application Reference Number:	<u>16/22/0001</u>
Application Type:	<u>Retention of Building/Works etc.</u>
Earliest decision date:	20 May 2022
Expiry Date	<u>15 June 2022</u>
Extension of time	
Decision Level	Committee
Description:	Conversion and change of use of barn into ancillary accommodation at Warrs Farm, Glastonbury Road, Durston (retention of part works already undertaken)
Site Address:	<u>WARRS FARM, GLASTONBURY ROAD, DURSTON, TAUNTON, TA3 5AG</u>
Parish:	16
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Within the catchment area
AONB:	<i>N/a</i>
Case Officer:	<u>Richard Boyt</u>
Agent:	Swain Architecture
Applicant:	MR D FOSTER
Committee Date:	15th September 2022
Reason for reporting application to Committee	Letters of objection and Parish Council objections

1. Recommendation

1.1 That permission be GRANTED subject to conditions

2. Executive Summary of key reasons for recommendation

2.1 The proposals are for the conversion of an existing historic domestic outbuilding/barn to ancillary accommodation. The barn structure is sound, suitable for conversion and the proposals make best use of existing development land. The conversion accords with Development Plan policy guidance in DM2 for the conversion of rural buildings, does not create greater risks to highway safety, is adequately serviced by parking at Warrs Farm more widely and is considered sustainable development because it is the optimum reuse of the existing historic building.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

1. Time limit
2. Plans
3. Remain ancillary to Warrs Farm
4. Timber windows and doors
5. Bird nesting protection
6. External lighting details
7. Securing Biodiversity Net Gain

3.2 Informatives (bullet point only)

Proactive Statement

Bat informative

Badger informative

4. Proposed development, site and surroundings

Details of proposal

4.1 The proposal is for the conversion of a two and one storey barn to the rear of Warrs Farmhouse in Durston. The barn conversion is proposed to be a three bedroom granny annex subservient to the main house and the applicants intend to house their parents therein. Some of the conversion works have already commenced internally and only minor works to windows and doors are proposed to the external envelope. The northern end of the barn is designed to house connection plant for a small solar PV array proposed in a different location and separate planning application reference 16/22/0003.

4.2 In terms of layout, the annex conversion would be accessed via an existing door on the southern elevation facing the main house, with an alternative route through the north of the building via a plant and utility room. The ground floor would contain two ensuite bedrooms and a hallway and in the single storey range to the north there would be a utility room, plant room and log store, as well as an existing store which remains the same. On the first floor there would be a kitchen dining room, a lounge and a small third ensuite bedroom. An elevator and stairs connect the two floors.

4.3 In terms of elevations, the annex is not proposed to have any new openings, however one west elevation door is to be reduced to a window and two first floor 'doors' in the east elevation will become windows. Doors in the single storey range are proposed to be repaired and in the case of the utility room fixed shut.

Sites and surroundings

4.4 The application site is an existing two storey barn/domestic outbuilding to the rear of Warrs Farmhouse (in this application referred to as Warrs Farm), overlooking the gardens and tennis court of the main house to the west and a shared drive to the east which serves two older barn conversions of the original farm.

4.5 Durston is not an identified sustainable settlement, but is nonetheless a small village located on the A361 with bus routes and good road access to Taunton, Bridgwater and the M5, all just a few miles away.

4.6 Warrs Farm (or Farmhouse) is a detached mid-17th Century dwelling that is an integral part of Durston, which is a relatively linear settlement on the A361. Warrs Farm is a non-designated heritage asset as a whole, where this Authority will encourage the retention and protection of special historic buildings and features. The barn is possibly early 19th Century, made of stone and later brick, with plenty of windows and openings and a single storey range to the north. The barn is positioned just a few metres north of the main house and heavily encloses and overbears upon it.

5. Planning (and enforcement) history

Reference	Description	Decision	Date
16/88/0003	2 barn conversions (neighbouring units)	refusal	5/12/88
16/88/0005	1 barn conversion and two garages (current application barn)	conditional approval	13/04/89
16/89/0001	2 barn conversions (neighbouring units)	condition approval with legal obligations	28/02/90
16/21/0001/ENQ	Pre app for dormers, balconies, windows, etc	support	21/10/22
16/22/0002	COU to equestrian field, Solar PV, Stables and Patio	withdrawn	1/07/22
E/0152/16/22	Enforcement - touring caravan	closed	6/06/22
E/0232/16/21	Enforcement - change of use	application submitted	21/12/21

6. Environmental Impact Assessment

Due to the scale, nature and location of the development, the proposals do not require EIA.

7. Impact on the Somerset Levels and Moors Ramsar Site

The site lies within the catchment area for the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the proposed development is an annex to an existing dwelling, it does not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either alone or in combination with other plans or projects) pursuant to Regulation 63(1) of the Habitats Regulations 2017.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 25 April 2022

8.2 Date of revised consultation (if applicable): n/a

8.3 Press Date: n/a

8.4 Site Notice Date: 29 April 2022

8.5 Statutory Consultees the following were consulted:

Consultee	Comment	Officer Comment
DURSTON PARISH COUNCIL	Objections on following issues: Road identification errors, Lack of foul water details, Flood risk on A361 Further ecology studies required Phosphates Access safety Loss of parking	The misnumbering of the A361 is noted, but it is not prejudicial to the consideration. Other issues are discussed in the main considerations below.
SCC - ECOLOGY	Further details required A PRA was submitted and SCC Ecology do not object providing conditions protecting bats, birds and promoting biodiversity net gain are applied	Ecology conditions are recommended to be applied
SCC - TRANSPORT DEVELOPMENT GROUP	Standing advice	
WESSEX WATER	No objections	
LANDSCAPE	No observations	
PLANNING ENFORCEMENT	No comments received	

8.6 Local representations

Neighbour notification letters were sent in accordance with the Council's Adopted Statement of Community Involvement.

7 letters have been received making the following comments (summarised):

Material Planning Considerations

Objections	Officer Comment
Site address issues	Not prejudicial
Ecology report deficiencies	See below
Foul water capacity	See below
Car parking	See below
Size of annex	See below
Noise and disturbance from annex	Not likely to amount to a reason for refusal
Overlooking/privacy	See below
Highway safety	See below
Archaeology	No substantial groundworks proposed
Design	See below
Surface water to the A361	See below
Not ancillary	See below
Quality Review Panel	QRP review larger proposals
Building Control	Separate legislation
Phosphates	See above - not caught by phosphates
Disabled access	Disabled access is improved

Comments	Officer comment
Lack of local sewer system	Understood
Land ownership disputes	Planning cannot consider land disputes, the red line is correct for determining purposes and all parties are aware of the proposals

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 were subject to review and the Council undertook public consultation in January 2020 on the Council's issues and options for a new Local Plan covering the whole District. Since then, the Government has agreed proposals for local government reorganisation and a Structural Change Order agreed with a new unitary authority for Somerset to be created from 1 April 2023. The Structural Change Order requires the new Somerset authority to prepare a local plan within 5 years of vesting day.

Relevant policies of the development plan in the assessment of this application are listed below:

Taunton Deane Core Strategy

CP8 - Environment,
DM1 - General requirements,
DM2 - Development in the countryside,
SP1 - Sustainable development locations,
SD1 - Presumption in favour of sustainable development,

Taunton Deane Site Allocations and Development Management Document

ENV4 - Archaeology,
A1 - Parking Requirements,
A5 - Accessibility of development,
D6 - Ancillary accommodation,
D7 - Design quality,
I4 - Water infrastructure,

Supplementary Planning Documents

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

National Planning Policy Framework

Para 80. 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 building; or
- (e) the design is of exceptional quality, in that it is truly outstanding, 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.

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

1. The Principle of Development
2. Parking and Highway Safety
3. Residential Amenity
4. Design and Heritage Impact
5. Ecology
6. Drainage and Phosphates

The Principle of Development

10.1 The proposals are for the refurbishment and reuse of an existing stone barn as two storey family annex accommodation at Warrs Farm, subservient to the main house.

10.2 The background to the barn is that this is effectively one of three barns that formed a farmyard to the north of the farmhouse for many decades, probably centuries. In 1989, planning permission was granted for the application barn for conversion to a single dwelling with garages and in 1990 permission was granted to the two other barns subject to a legal agreement securing better visibility for traffic turning onto the A361 outside. The 1990 permission appears to have been implemented, but it is unknown whether the 1989 permission was enacted but as no one is claiming it has, it is assumed it was not commenced and the permission lapsed.

10.3 Rather than being sold off as a separate dwelling, the barn subject of this application was maintained as part of Warrs Farm (Farmhouse) and the entire property was sold last year to a new owner having been in single ownership for some time.

10.4 Pre application enquiries were made to SWT in 2021 with regards the house and in the autumn of 2021 internal improvement works were carried out in the barn. Enforcement complaints followed and SWT officers invited a planning application for change of use for conversion of the barn to a family annex, which is the application under consideration here.

10.5 Firstly, the stone and brick barn is clearly of substantial and sound structural condition and suitable for conversion. Secondly, both the farmhouse and barns are of substantial age well in excess of two hundred years old and are both considered non-designated heritage assets (NDHA). Local and national policy strongly encourage the reuse and preservation of heritage buildings in the countryside where appropriate reuse of such buildings can be found. Thirdly, it is very material that Taunton Deane Borough Council considered the barn to be suitable for residential conversion in the past (1989), albeit under a slightly earlier policy regime.

10.6 Although Durston is a Parish and settlement of some size, the village is not identified in the Development Plan as a sustainable settlement where new residential development will be encouraged. However, it is of note that the A361 passes through the village with a bus service and access to Taunton, Street and the M5 are all straightforward providing one has access to a private car. Nonetheless, it is not a settlement where the Council would normally be supporting standalone new dwellings.

10.7 Being a rural area, Policy DM2 of the Core Strategy applies and in Section 7 a sequential approach is laid out for building conversions. The first preference is for community uses which would be inappropriate and unneighbourly in this barn. The second preference would be business uses which again would be unneighbourly and create access and parking issues. Employment or tourism accommodation might be possible in this location, but this is not an optimum location for either as it is not a particularly popular tourism area or a building that lends itself to employment purposes due to its close proximity to the house.

10.8 The final preferences for conversion are affordable or bespoke domestic uses and the barn is very well suited to use as an older person's annex. The barn is exceptionally close to the rear of Warrs Farm (Farmhouse), so close that it overbears on the rear outlook of the house. In this respect the proposals closely accord with Policy D6 of the Site Allocations and Development Management Policies document which states that conversions of appropriate buildings within the curtilage of a dwelling for ancillary accommodation will be permitted where it would be close enough to the main dwelling to maintain a functional relationship. The proposal barn is close enough to the main house to maintain a functional relationship.

10.9 In summary, the proposal for conversion of the barn to a granny annex is the optimum use in terms of providing much-needed family care at one property, maintaining the historic building and putting the barn to use as a new functional part of the wider dwelling at Warrs Farm. In these regards, the proposals strongly accord with the policies of the Development Plan and National Planning Policy.

Parking and Highway Safety

10.10 Warrs Farm (Farmhouse) has five bedrooms in the main building and with this development in addition would total 8 bedrooms. With so many bedrooms and the rural location, it is almost inevitable that there will be a need for off street parking, with the A361 carriageway providing an unsuitable location for parked cars.

10.11 Neighbours have highlighted that previous occupiers of Warrs Farm (Farmhouse) have parked in the single storey northern range of the barn being proposed to be converted. This is no doubt true, however it should be noted that this garaging was probably informal and such garage space would have not met modern garage dimension expectations. Indeed, if such garaging had been developed in accordance with the 1989 permission, it may be that the entire barn is lawfully permitted as a standalone dwelling already. But this argument is not being pursued by any party.

10.12 A land dispute is ongoing between the neighbours regarding the shared access drive to the east of the application building. The planning system does not indulge in such matters, aside from noting that Warrs Farm (Farmhouse) appears to have vehicular access to the A361 from at least two different points and has extensive garden grounds to the side and rear of the house in which to park cars should they require it.

10.13 As the planning system is not troubled by land ownership (only that those with land interests are informed of the proposals), it is enough to note that Warrs Farm (Farmhouse) have multiple options for off street parking notwithstanding any contested land and the occupiers are highly likely to continue to provide off street parking in the future, because on street parking is so unattractive and impractical. For example, if the occupiers are prevented from parking and accessing to the east of the application barn, then no doubt they will access the A361 from the western entrance.

10.14 It is accepted that the applicant has not provided a formal parking layout or plan, but in the light of the land dispute that is obviously something they would not want to commit to. Similarly, this Authority should not be conditioning parking layouts that have no reasonable prospect of being delivered. It is enough to say that the increased parking pressure created by the development of the barn is likely to amount to the need for another parking space and Warrs Farm (Farmhouse) can accommodate that space using existing land and arrangements.

10.15 The proposals therefore do not create an unexceptional pressure on car parking over and above the existing position and any additional parking can be provided without the need for the Authority's control. For these reasons the proposals accord with the Policy A1 of the Development Plan and it is considered that there will not be increased pressure for car parking on the A361 beyond existing arrangements.

Residential Amenity

10.16 The current barn has been used as part of a dwelling for many decades and already has first floor windows looking towards its neighbours at Long Briar and to a lesser extent Beech Fields at an angle (the two barn conversions). This arrangement of windows and privacy has already been approved and the policies and standards for overlooking have changed little over the last 30 years in planning policy.

10.17 With no new building mass being created in this conversion, there is no greater overshadowing or overbearing created. Noise and disturbance, although raised by neighbours, should not occur to such an extent that it is unneighbourly; indeed if the barn were used for farming or as a workshop, the proposals for domestic conversion will actually improve neighbour amenity with Long Briar and Beech Fields.

10.18 In terms of overlooking Long Briar, there is a 18 metre gap between the windows proposed and the space in between is a front garden and parking area with the shared drive running up the middle. Not much privacy should be expected in this space and the level of privacy between the windows in the proposed annex and Long Briar are considered acceptable.

Design and Heritage Impact

10.19 Very little external design changes are proposed to the barn in question. All the existing openings are to be retained with one ground floor door on the western elevation being changed to a timber frame window. All of the proposed joinery is in timber and the alterations are considered sympathetic and in keeping with the older character of the barn.

10.20 It is considered that the conversion of the barn is a beneficial move to preserve and repair its historic fabric. The heritage significance of the barn is that it is part of the grouping with the other two barns around the historic farmyard. Although some of the conversion works on the other barns may not have been as sympathetic, converting and reusing the application barn as an annex ensures that this historic grouping is retained going into the future and their significance is preserved.

10.21 In these respects, the proposals are considered to have a positive design outcome and will conserve and enhance the special historic characteristics of the building going into the future.

Ecology

10.22 The application was accompanied by a Preliminary Ecological Assessment (PEA) by a qualified ecologist. A Potential Roost Assessment for bats has been carried out which has concluded that no bats will be harmed by this development providing conditions controlling external lighting are applied and due diligence is applied when completing the development.

10.23 The PEA proposes biodiversity net gain measures which have been consulted on with the County Ecologist who in turn has proposed further measures. These measures are included in a recommended planning condition and include, bat, bird and insect boxes plus two bat tiles.

10.24 As a whole, the proposals respect protected species and habitats in accordance with Policy CP8 of the Core Strategy and provide the opportunity for significant biodiversity net gain. The concerns of neighbours, especially with regards to local bat populations, are noted and the ecology investigations address these issues appropriately and in accordance with best practice guidance.

Drainage and Phosphates

10.25 Many of the neighbour objections have centred around the shared private and village drainage systems. Some objectors have been hoping for mains sewerage to be installed along the A361 for the wider village and Warrs Farm (Farmhouse) has recently installed a package treatment plant west of the main house. The development of the private foul package treatment plant is subject to another planning application, but it is understood the package plant is being looked upon favourably by planning officers.

10.26 To answer the concerns of neighbours, the proposed annex will be connected into the new package plant which will be shared with the main house. This will be a great improvement over previous septic tank arrangements, improving the ground water environment.

10.27 Surface water runoff will be effectively unchanged by the proposals that do not create any additional roof area of hard surface which might divert water to storm drains more quickly. However, the Parish Council and others have objected to the potential for greater surface water runoff. It is not considered that such increased flows will occur and there is no evidence that there would any greater pressure on highway drains on the A361.

10.28 In terms of phosphates, the SWT approach to annexes is that they are small-scale ancillary development to an existing household then they are not caught by nutrient controls. As such these proposals do not require Appropriate Assessment under the Habitat Regulations and do not present a phosphate issue to the protected wildlife site.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

This proposed development measures approximately 217 sqm.

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 £27,250.00. With index linking this increases to approximately £38,250.00.

12 Planning balance and conclusion

12.1 The principle of converting the barn at Warrs Farm (Farmhouse) to an ancillary annex is considered acceptable and is the optimum reuse and preservation of the building when applying Policies DM2 and D6 of the Development Plan.

12.2 The barn has been previously permitted for conversion to a single dwelling by this authority over 30 years ago.

12.3 The proposed annex is large, with three ensuite bedrooms and an internal elevator, however this does not prejudice its use as an ancillary granny annex and would not amount to a reason for refusal. A condition will be applied to reiterate its ancillary status.

12.4 Several objections have been raised and a land dispute exists for the access way to the east. In terms of parking, the wider property benefits from two road accesses and various off street parking opportunities, notwithstanding the land dispute areas. As such the limited extra parking demand created by the annex and multiple parking options for servicing that demand are considered acceptable.

12.5 The annex is small scale development that does not require Appropriate Assessment for its impact on protected wildlife sites vulnerable to phosphates. The proposed design changes are minor and in keeping providing timber joinery is secured, local residential amenity is protected and suitable drainage is available.

12.6 There are clear sustainability benefits to reusing underused historic buildings and this weighs heavily in favour of the proposals. No other planning matter significantly weighs against the proposals and on balance the proposals are considered sustainable development in accordance with national and local planning policy.

12.7 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is granted subject to the conditions laid out above.

12.8 In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Planning conditions and Informatives

1. The development hereby permitted shall be completed within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 22.352 S02.04.1 Proposed Barn Elevations
(A3) DrNo 22.352 S02.03.1 Proposed Barn Floor Plans
(A3) DrNo 22.352 S02.01.1 Proposed Barn Location and Block Plan
(A3) DrNo 22.352 S01.04 Existing Elevations
(A2) DrNo 22.352 S01.03 Existing Floor Plans
(A2) DrNo 22.352 S01.01 Existing Site Block Plan - Barn
(A3) DrNo 22.352.S02.01.1 Location and Block Plan
(A1) DrNo 22.252.S02.00 Town Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The outbuilding conversion hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling currently known as Warrs Farm (or Warrs Farmhouse).

Reason: To prevent the extension/building being occupied separately to the main dwelling contrary to Policy DM2 of the Development Plan.

4. All new windows or doors shall be made of timber only apart from handles, hinges and other furnishings thereon.

Reason: In the interests of maintaining the character of the outbuilding in accordance with Policy DM1 of the Development Plan.

5. No works to or demolition of buildings or structures shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the vegetation is cleared or works to or demolition of buildings commences and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: In the interests of nesting wild birds and in accordance with Policy CP8 of the Adopted Taunton Deane Core Strategy.

6. Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified potential bat commuting routes. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Policy CP8 of the Adopted Taunton Deane Core Strategy.

7. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include all of the following:
 - a. A Habitat 001 bat box or similar will be built into the structure at least four metres above ground level and away from windows of the west or south facing elevation
 - b. A Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation
 - c. A bee brick built into/onto the wall about 1 metre above ground level on the south or southeast elevation of the dwelling
 - d. Two bat adapted access tiles will be placed on the southern pitch of the converted barn, creating a crevice between the tiles and bitumen felt beneath. Where the bat adapted tile is installed, only type 1F bitumen felt should be used as weatherproof membrane.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.