

11/18/0018

MR G BARONS

**Conversion of lambing barn to rural workers dwelling at Yarde Farm, Williton Road, Combe Florey**

Location: YARDE FARM, WILLITON ROAD, COMBE FLOREY, TAUNTON,  
TA4 3JB

Grid Reference: 315539.132284

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 Having regard to sustainability considerations, the site is not considered to be an appropriate location for use as a permanent dwelling. The proposal would be contrary to the principles of sustainable development, adopted development plan policies and Guidance which seek to avoid the development of 'isolated' homes in the countryside and to reduce reliance on the car. In circumstances where the proposal would fail to enhance the vitality of rural communities, there is no identified need for a countryside location, the use would be likely to increase reliance on the car, the proposal would result in identified harm contrary to Policies CP1, CP8, DM1, DM2, SD1, SP1 and CP6 of the Taunton Deane Core Strategy 2012 and Policies SB1 and A5 of the Taunton Site Allocations and Development Management Plan 2016 and paragraphs 78,79, 103 and 108 of the Framework.
- 2 Policies H1a of the adopted Taunton Deane Site Allocations and Development Management Plan state that any proposal for permanent housing for rural workers will only be allowed where, amongst other considerations, there is a clear functional need. The evidence submitted with this application has not demonstrated that there is a clear functional need for someone to be resident on site at most times. As such, the proposal is considered to be an unjustified dwelling in an unsustainable location, leading to sporadic development in the open countryside, which would foster increased need to travel by private car, all of which would be contrary to paragraph 79 of the National Planning Policy Framework, and policies H1a of the adopted 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 has looked for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

## **Proposal**

The application proposes the conversion of an existing agricultural building (former lambing shed) to a dwelling for an essential rural worker.

The walls are proposed to be constructed in timber boarding with a rendered blockwork plinth. The roof is proposed to be profiled metal sheeting. A garden area is proposed to the west bounded to the north by a 2m high close boarded fence. Car parking for two vehicles is proposed within the open fronted car port to the east.

In support of the application the agent submitted supporting information including an appraisal to address relevant provisions of essential need.

## **Site Description**

Roclaine is the main farm house attached to the holding and sited approximately 65m to the north of the site. The Design and Access Statement states that the farm is predominantly a livestock farm and in general has sloping topography. Yarde Farm, is located to the east of the main highway (the A358) . The farm consists of 6 acres of land which are owned and further land is rented. The farm operates a mixed business which comprises a breeding ewe flock, and an agricultural contracting and plant/groundworks business.

At least seven properties share the access off the A358, a number of them being dwellings formed from the conversion of the original farm buildings. The site is accessed via a concrete track which continues past the site to two agricultural buildings.

A public footpath follows the farm access towards the site but turns in a north easterly direction continuing partly along the farm track. The closest residential property is Shepherds Cottage just over 30m to the north.

## **Relevant Planning History**

11/16/0006/CMB - Prior approval for the change of use of former lambing shed to dwelling - Refused and dismissed on appeal

11/18/0014/CQ - Prior approval for the conversion of former lambing shed to dwelling - Withdrawn

## **Consultation Responses**

*COMBE FLOREY PARISH COUNCIL* - Supports the granting of planning permission for the following reasons:

The Parish Council support this application; it is not materially different from the previous application 11/18/0014/CQ and by linking the property to the business has resolved the PC's concerns about intrusive noise.

SCC - *TRANSPORT DEVELOPMENT GROUP* - Standing advice applies

SCC - *RIGHTS OF WAY* - No objections to the proposal, but the following should be noted:

### **1. Specific Comments**

The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path **T 7/1**. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

### **2. General Comments**

Any proposed works must not encroach onto the width of the PROW

The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rightsof-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

*WESSEX WATER* - No objections

*DRAINAGE ENGINEER* - No comments received

*LANDSCAPE* - The conversion of this building will have minimum landscape impact. However is the building substantial enough to convert?

### *BIODIVERSITY*

The application is for the conversion of a lambing barn to rural workers dwelling at Yarde Farm, Combe Florey.

### **Biodiversity**

Butler Ecology carried out a Bat, Barn owl and nesting bird Survey of the site dated September 2018.

Findings were as follows

### **Bats**

The surveyor found no evidence of bats using the building. However I support

the recommendation to erect a bat box on the SW gable of the converted barn.

### **Nesting Birds including Barn Owls**

There was no signs of nesting or roosting activity in either of the barns. However I agree that a bird survey should be carried out immediately prior to the commencement of development to confirm that no nesting birds are present.

### **Reptiles and amphibians**

The site has limited potential for slow worms in the rough tussocky grassland at the NE of the bank on the SE of the barns. I agree that clearance of this habitat should take place by hand in the first instance.

### **Badgers**

There was no signs of badgers using the site.

### **Hedgehogs**

The possible presence of hedgehogs has been presumed by the surveyor so clearance of scrubby habitat should be carried out during the winter months. I suggest a condition be included.

*ENVIRONMENTAL HEALTH - NOISE & POLLUTION* - No comments received  
*SOMERSET WILDLIFE TRUST* - We would fully support the comments of the Authoritys Biodiversity Officer which should be included in the planning conditions if it is decided to grant planning permission.

*LEAD LOCAL FLOOD AUTHORITY* - We believe this application is a minor application and falls below the requirements for LLFA statutory consultation. Therefore the LLFA has no comments to make regarding this application.

*ENVIRONMENT AGENCY* - No comments received

## **Representations Received**

One representation received objecting to the proposal on the following grounds:

- adverse impact of large vehicles passing in close proximity to the proposed dwelling
- is the building structurally sound enough for conversion
- the proposed occupier is a ground work contractor and lives within a mile of the site
- the dwelling is not considered to be for an essential rural worker
- potential loss of privacy

Ten representations in support have been received

- added security
- keep grazing meadows in good order
- would be aesthetically pleasing in the environment
- in an unobtrusive location
- would be beneficial to be tied to the land
- would make efficient use of a disused building
- proposal would be in line with government policy
- provide housing for rural worker

## **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.

DM1 - General requirements,  
DM2 - Development in the countryside,  
CP8 - Environment,  
H1A - Permanent housing for rural workers,  
A1 - Parking Requirements,  
NPPF - National Planning Policy Framework,  
A5 - Accessibility of development,  
CP6 - Transport and accessibility,  
SP1 - Sustainable development locations,  
SD1 - Presumption in favour of sustainable development,  
SB1 - Settlement Boundaries,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

Creation of dwellings is CIL liable.  
Proposed development measures approx. 140sqm.

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 £17,500.00. With index linking this increases to approximately £23,500.00.

### **New Homes Bonus**

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

#### *1 Year Payment*

Taunton Deane Borough	£1079
Somerset County Council	£270

#### *6 Year Payment*

Taunton Deane Borough	£6474
Somerset County Council	£1619

## Determining issues and considerations

The site lies outside any recognised settlement limits therefore Policy SB1 would apply. This 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 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 justification for this policy is that the Framework recognises the importance of protecting and enhancing the natural environment. The policy also assists in meeting other core principles such as shaping patterns of development to reduce the need to travel, reducing pollution and CO2 emissions.

Core Strategy policies SP1 (Sustainable Development Locations) and DM2 (Development in the countryside) seek to apply strict control over development in the countryside to contribute towards meeting the wider aims of sustainability. The designation of settlement limits or boundaries provide clarity for the application of these policies.

The principle considerations in relation to this application surround policies and guidance relating to sustainability and countryside protection and whether this building to a separate unit of accommodation is acceptable. Factors to consider include the level of reliance on the car.

Paragraphs 78, 79 83, 103, 108 and 110 of the Framework which refers to sustainable development, the avoidance of isolated homes, limiting the need to travel and promoting sustainable transport are considered to be of particular relevance.

Having regard to sustainability considerations, a key issue is whether the site is in an appropriate location for use as a permanent dwelling having regard to planning policies and guidance surrounding the accessibility of services. The site is outside of any settlement containing basic services required to meet day to day needs. The characteristics of the nearby roads required to reach those destinations are likely to discourage pedestrians and cyclists resulting in a reliance on the private car. There is a bus service (Taunton to Minehead) which runs along the A358. However the nearby bus stops (the nearest being approximately 400m distance) would have to be reached via the A358 which has no pavement and therefore the walking conditions to the bus stop and waiting conditions when reached are not attractive contrary to Policy A5 of the SADMP. This policy states that " It has been well established that bus ridership falls off substantially where distance to walk to bus stops exceeds 300-400m. Given that bus frequencies in Taunton Deane are relatively low compared with larger urban centres, it is important that walking distances to bus stops are short, and walking and waiting conditions attractive to potential bus users".

Even if the site is not considered to be 'isolated in one interpretation of the sense expressed by Framework paragraph 79, (there being residential properties adjacent), there is nothing to suggest that a permanent dwelling in this location would offer particular support to rural services in any rural settlement given distances involved and detachment from them. While it is appreciated that opportunities to maximise transport solutions other than use of the private car are likely to be less in rural areas, conflicts do arise with paragraph 103 of the Framework which promotes limiting the need to travel and offering a genuine choice of transport modes. This is not the case here where public transport is limited and walking and cycling opportunities limited by factors such as the nature of the rural lanes and distances involved. The proposal is not considered to comply with the Framework when considered as a whole.

#### Permanent dwellings for rural workers

Policy H1a states that new permanent housing for rural workers will only be allowed to support existing activities on well-established units where a number of criteria are complied with.

##### *A. There is a clearly established functional need*

The Council needs to be satisfied there is a clear functional need for a dwelling to be provided related to the proper functioning of the enterprise. There are many rural based enterprises are unlikely to satisfy the criteria for a rural worker.

Additional information was requested to provide a breakdown in hours between the agricultural contracting business and the hours spent in connection with the agricultural enterprise, namely sheep work and other farming activities. The information has not been forthcoming. Without the information, the application fails to demonstrate that there is a functional or essential need for someone to be living on the agricultural unit.

There is no functional need for the operator of the contracting business to be living on the site. By its very nature, agricultural contracting work is unlikely to require the presence of the agricultural worker on a permanent basis on one particular agricultural unit, and so a local planning authority would reasonably expect such a person to find accommodation in an existing settlement in the area.

#### Conversion of existing buildings

Policy DM2 (Development in the Countryside) specifies a range of acceptable uses in the countryside together with associated criteria which must be met. The justification for Policy DM2 states "In line with Government policy, Policy DM2 therefore seeks to control development outside of settlements to protect and enhance the quality of the local landscapes whilst promoting sustainable patterns of development and allowing for economic growth and diversification." These acceptable uses would only include a residential use in exceptional circumstances for the conversion/re-use of existing buildings and having followed the sequential approach below:

- 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;

Given there is no demonstrated need for an agricultural worker on the site, the proposal falls within 7vii. The application has not demonstrated that a sequential approach has been followed and for that reason the proposal fails to comply with the policy.

The policy also requires that 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. The building is a relatively modern open fronted building of utilitarian design. It is not a local heritage asset to make it worthy of retention now it is no longer required for agricultural purposes.

#### Sustainability

The site is outside a defined settlement boundary and therefore considered to be in the open countryside. It is acknowledged there are a number of existing dwellings including recently converted farm buildings to residential accommodation in the vicinity. The converted buildings were of a more traditional agricultural style, with some merit for retention.

The introduction of a new dwelling in such a location would be unsustainable and contrary to policy SD1 of the Core Strategy and policy SP1 of the SADMP.

#### Conclusion

The proposed development would be contrary to the requirements of policies H1a and DM2. The development is in an unsustainable location, with no demonstrable environmental benefit and would be contrary to adopted policies and the NPPF.

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

**Contact Officer: Denise Grandfield**