

10/18/0017

MR S YOUNG

**Change of use, conversion and extension of existing buildings and new build to create 2 No. dwelling houses (as amended by revised site plan including the access lane within the red edge) at Pay Farm, Willand Road, Churchstanton**

Location: PAY FARM, WILLAND ROAD, CHURCHSTANTON, TAUNTON, TA3  
7RJ

Grid Reference: 318866.113158

Full Planning Permission

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## **Recommendation**

### **Recommended decision: Refusal**

- 1 The proposed development is considered to be in an unsustainable location and the scale, size, extent of new building and poor design would detract from the character and appearance of this part of the AONB. The Local Planning Authority is also not satisfied that the proposed development will not result in substantial rebuilding and alterations to the existing barns. The development is therefore considered to be contrary to Core Strategy Policies SP1; SD1; DM1; DM2; DM4 and CP8 and Policies SB1 and D7 of the Sites Allocations and Development Management Plan.

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

Notes to Applicant

## **Proposal**

Planning permission is sought to convert 3 barns into a single 4 bedroom dwelling house, with a detached double garage. The two attached barns (known as Barn B) will be converted into three bedrooms, a bathroom and kitchen/diner, with a new build link extension to connect it to Barn A. The link extension will have a footprint of 9 by 8 metres and will provide a sitting room and hallway. The extension will have a sedum roof. The detached barn (Barn A) in the north east corner will be converted into a master bedroom with ensuite (making 4 bedrooms in total), and connected to the main part of Barn B through the proposed link.

It also proposed to demolish three barns which lie to the south of Barns A & B. These barns have been used for low key storage. A new replacement dwelling will be erected on the footprint of Barn D. This is designed as a 4 bedroomed property with a further 5th bedroom/study. The bedrooms are shown located on the ground floor. The proposal also provides a first floor level of accommodation containing a

sitting room with attached conservatory, a kitchen/dinning room and a utility room. All of these first floor rooms would have access to a long balcony on the property's south-western elevation. A new double garage and double workshop will be sited on the footprint of Barn C. A single storey link extension will connect the new dwelling with the new garage accommodation opposite.

Members will recall that an application to convert Barns A & B into a single dwelling and to erect a new garage was refused by Committee last month (see planning history below). The current application was to have been withdrawn in the event that planning permission for the single barn conversion was granted. However, the applicant now wishes this older application to be determined.

## **Site Description**

The application site lies at the end of a long unsurfaced track which leads from the unclassified Willand to Higher Muntly Road, in Churchstanton. It lies amongst a group of former agricultural buildings within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The application relates to three barns of a traditional design located in the north east and north west of the site. Immediately to the south are a further 2 barns, one of block construction (Barn C) and the other clad in corrugated iron (Barn D). These two barns have been used for low key storage use. They are located within the red line of the application site and are proposed to be demolished.

To the east of the access track lies Paye Barton, a barn conversion which once formed part of Pay Farm. To the south lies a barn within separate ownership which is used to stable horses. Further south, a bungalow known as Pay Farm is in separate ownership.

## **Relevant Planning History**

10/19/0023 Change of use of 3. No agricultural buildings to 1 No. 3 bedroom dwelling (Class C3) and associated works. This application was refused by the Planning Committee on 24th October, for the following reason:

"The proposed development is considered to be in an unsustainable location and by virtue of the master bedroom and en-suite being separate from the main dwelling, is considered to be poor design and would detract from the character and appearance of this part of the AONB. The Local Planning Authority is also not satisfied that the proposed development will not result in substantial rebuilding and alterations to the existing barns. The development is therefore considered to be contrary to Core Strategy Policies SP1; SD1; DM1; DM2; DM4 and CP8 and Policies SB1 and D7 of the Sites Allocations and Development Management Plan."

10/18/0027/LE - Certificate of Lawfulness for use of farm buildings as B8 storage. Still under consideration. This relates to Barns C and D to the south of the site.

10/18/0014/LE - Certificate of Lawfulness for use of barn as dwelling. Refused 2018. This relates to Barn A.

10/02/0015 - Change of use and conversion of agricultural building dwelling. Refused in September 2002.

10/01/0015 - Change of use and conversion of agricultural building dwelling.  
Refused in September 2001.

10/01/0005 - Change of use and conversion of agricultural building dwelling.  
Refused and dismissed on appeal in February 2002. The Inspector concluded that the extent of the alterations proposed, including a new roof structure and a new front elevation, was unacceptable. The proposal constituted major rebuilding in the open countryside, contrary to national and local plan policy.

## Consultation Responses

*CHURCHSTANTON PARISH COUNCIL* - The site is isolated and has no impact except on the two directly neighbouring properties. The reinstatement of the old stone buildings is an acceptable proposal. The removal of the modern barns and their replacement by a large, new build, house appears not in accordance with the AONB building design guide and an over development of the site.

*SCC - RIGHTS OF WAY* - I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs **in part, over** the access to the site at the present time (**public footpath T 6/6**). I have attached a scan of the Somerset County Council Definitive Map for your information.

We have no objections to the proposal, subject to inclusion of the following condition and informative:

### DIVERSION REQUIRED -

The current proposal (proposed garden boundary structure) will obstruct the public footpath T 6/6. The proposal either needs to be revised to prevent any obstruction or a diversion order applied for.

The applicant must apply to the Local Planning Authority for a diversion order. The County Council do not object to the proposal subject to the applicant being informed that the grant of planning permission does not entitle them to obstruct a public right of way.

Please include the following paragraph as an informative note on the permission, if granted.

Development, insofar as it affects a right of way should not be started, and the right of way should be kept open for public use until the necessary (diversion/stopping up) Order has come into effect.

Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

### 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 6/6. 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 on to 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/> .

*BIODIVERSITY* - Butler Ecology carried out a Bat, barn owl and nesting bird survey of the site dated September 2017. The findings were as follows:

### **Designated Sites**

Stapley plantation LWS lies immediately to the north of the site.

### **Dormice**

SERC holds records for dormice in Stapley plantation LWS and so it is assumed that dormice are in the area, although the site does not include any significant dormice habitat.

### **Bats**

The surveyor found no evidence of roosting bats in any of the six surveyed barns. In addition the surveyor found very limited opportunities for crevice dwelling bats in the buildings. However I support a precautionary approach to works.

I support the recommendation to erect five bat boxes post development.

### **Birds**

The surveyor found evidence of nesting birds (swallows, pigeons, jackdaws and wrens) in the barn B, D and F. Ivy growing on the barns offered potential for birds. There was no evidence of barn owls using the site.

Works should be carried out outside of the bird nesting season

I support the recommendation to erect bird boxes post development and agree that

provision should be made for swallows.

### **Reptiles**

The site includes potential for reptiles and so the surveyor has assumed that they are present and so has recommended habitat management pre development.

### **Suggested Condition for protected species:**

The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Butler Ecology's submitted report, dated September 2017 and include:

1. Details of protective measures to include method statements to avoid impacts on protected species during all stages of development;
2. Details of the timing of works to avoid periods of work when the species could be harmed by disturbance
3. Measures for the retention and replacement and enhancement of places of rest for the species

Once approved the works shall be implemented in accordance with the approved details and timing of the works unless otherwise approved in writing by the Local Planning Authority and thereafter the resting places and agreed accesses for bats and birds shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new bird and bat boxes and related accesses have been fully implemented.

Reason: To protect wildlife and their habitats from damage bearing in mind these species are protected by law.

### **Informative Note**

The condition relating to wildlife requires the submission of information to protect wildlife. The Local planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the bats and birds that are affected by the development.

It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

*LANDSCAPE* - I have no landscape objection to the conversions. Boundaries should be formed with native hedging.

*SCC - TRANSPORT DEVELOPMENT GROUP* - Standing advice.

*WESSEX WATER* - No comment.

*BLACKDOWN HILLS AONB SERVICE* - Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these

issues (NPPF, para 172). The AONB Partnership supports its local planning authorities in the application of national and local planning policy in order to ensure that any development in the AONB conserves and enhances the natural beauty of this nationally designated landscape.

In support of this, the Blackdown Hills AONB Management Plan 2014-19 is the agreed policy framework for conserving and enhancing the AONB and seeks to ensure that all development affecting the AONB is of the highest quality. It contains the following policy of particular relevance to this proposal:

PD 1/B Seek to ensure that any necessary new developments or conversions within the AONB or affecting its setting conserve and enhance natural beauty and special qualities, particularly by respecting the area's landscape character and the local character of the built environment, reinforce local distinctiveness and seek to enhance biodiversity.

Additionally, the Blackdown Hills AONB design guide for houses provides guidance on how residential buildings, extensions and alterations can be designed to conserve or enhance the distinctive landscape and built character of the Blackdown Hills.

The Blackdown Hills Area of Outstanding Natural Beauty is primarily an agricultural landscape that has retained a sense of remoteness and remains largely unspoilt by modern development. It is characterised by long views across ridge tops over field patterned landscapes with steep valleys and narrow winding lanes. As such the AONB Partnership believes that any development proposal in an isolated location such as Paye Farm requires very careful consideration of its impact on visual amenity and local landscape character, as well as associated special qualities.

In respect of the above therefore there is a fundamental concern in relation to this application in that the extent of new build within the scheme – one plot being completely new build, one involving a significant amount of new build – takes this proposal well beyond conversion and there appears to be no justification for setting aside the strict control of new dwellings in the open countryside. The residential intensification of the site and encroachment of additional domestic built form, including elements such as creation of a garden with domestic paraphernalia and activity, light spill, vehicle parking and movements and daily comings and goings, are areas of some concern in respect of conserving and enhancing local character.

*SOMERSET CPRE* - We are concerned that it does not conform to Taunton Deane's policy or the aims and objectives of the Blackdown Hills AONB.

Policy DM2 of the adopted Core Strategy is clear about development in the open countryside and sets out criteria for what is or is not acceptable. The demolition of the barns to create a plot for the construction of large dwelling house definitely does not meet the criteria and can only be considered as a proposal for a new dwelling outside settlement limits in the open countryside. Therefore without any specific need for the dwelling e.g. affordable housing, the proposal is contrary to adopted policy.

In terms of the proposed barn conversion (Plot 1) Policy DM2 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.” It is also arguable that this part of the proposal does not conform to policy.

Policies SP1 and CP8 of the Core Strategy are also relevant to this application as noted in Policy SB1.

Policy SB1 of the adopted Taunton Deane Adopted Site Allocations And Development Management Plan 2016 seeks to ensure that the integrity of the landscape value of the District is not undermined, which is particularly pertinent given that the site is in an AONB.

“Policy SB1: Settlement Boundaries. 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.”  
Again, the proposal is contrary to policy.

The primary purpose of the AONB designation is to conserve and enhance natural beauty and one of the aims of the Blackdown Hills Management Plan is that: “New development, conversions and extensions are in keeping with the strong local architectural style of the Blackdown Hills, and are designed and built to the highest sustainable standards.”

We trust that the adopted plan policies and the aims of the Blackdown Hills AONB will be given due consideration and weight in the appraisal and consideration of this application and that in its’ current form it will be refused by the Council.

*SOMERSET WILDLIFE TRUST* - Fully support the recommendation of the Council's Biodiversity Officer and would request that any external lighting is designed to limit light pollution.

## **Representations Received**

Ward Councillor Henley has requested that this application should be decided by the Planning Committee.

Ten letters of objection have been received and are summarised as follows:

- The proposal will result in a substantial amount of new building in the open countryside, within the Blackdown Hills AONB;
- It will increase traffic along a narrow and lengthy access track;
- Plot 1 will require substantial re-building to convert into residential use;
- Planning permission to convert Plot 1 has been refused three times in the past and dismissed on appeal, on the grounds it was not suitable for residential conversion;
- Plot 2 will be a total re-build with no element of conversion;
- Plot 2 will have a first floor balcony which will overlook the adjoining property at

- Pay Farm;
- There will be no space for the storage of waste and recycling boxes at the junction with the main road;
- It will result in an increase in noise and disturbance.

Twelve letters of support have been received:

- The proposal will result in a good use of existing buildings;
- It will provide much needed housing;
- The existing buildings are part of the heritage of the AONB and will deteriorate further if not converted.

## **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.

SP1 - Sustainable development locations,  
CP4 - Housing,  
CP6 - Transport and accessibility,  
CP8 - Environment,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
SB1 - Settlement Boundaries,  
D7 - Design quality,  
SD1 - Presumption in favour of sustainable development,

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. 580sqm.

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 £72,500.00. With index linking this increases to approximately £96,500.00.

### 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	£2,158
Somerset County Council	£540

*6 Year Payment*

Taunton Deane Borough	£12,949
Somerset County Council	£3,237

## **Determining issues and considerations**

### **The Principle of Development**

Under Policy SP1, a number of villages are identified as sustainable locations for development. The village of Churchstanton is not identified as one of these settlements which means that the site has to be considered as lying within open countryside. Policy DM2 allows for the conversion of existing buildings provided that they are of a permanent and substantial construction and of a size suitable for conversion without major rebuilding or significant alteration or extension. 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.

The applicant has submitted an Economic & Commercial Viability Report in support of the application. It concludes that all the buildings within the application site are not suitable for community use. This is because the site is remote from the village and is accessed down a long track. There are already community facilities at Churchstanton primary school and the village halls at Churchinford and Hemyock. The buildings are not suitable for Class B uses such as offices, light industry or storage due to the restricted access down a rough track. The low eaves height will deter commercial occupiers as will the existing poor internet connectivity. Holiday lets are considered to be unviable. For all of the options, the cost of construction would be higher than the capital value of the units.

The application is supported by a structural survey which assesses the condition of all the barns and concludes whether they are suitable for conversion. The small barn in the north east corner of the site (Barn A) is single storey and of stone construction with a clay pantiled roof. The front elevation is rendered with doorway openings boarded up. There is some evidence of historic movement so that the tying and bracing of the roof structure is required. The building is structurally sound and apart from the rebuilding of the front elevation, little change is proposed other than the insertion of windows.

The small barn in the north west corner (Barn B) is of stone construction with a corrugated iron mono-pitch roof. The external stone walls are in a sound condition. It is attached to a larger stone barn with a pitched roof clad in a mix of cladding and sheeting. This barn has been extended at the front at some point so that it projects in front of the smaller attached barn. The front elevation is of blockwork and this

section will be rebuilt. It will also be necessary to remove the roof cladding and re-tile with clay pantiles. The existing roof trusses will be realigned and strengthened.

Barn D has concrete columns clad in corrugated sheets. The structural survey notes that it is in a very poor condition with corrosion to the wall panels which will require complete replacement. It is proposed to demolish this barn along with two other barns to the east and west. It will be replaced by a 5 bedroom dwelling with a footprint measuring 30 metres by 6 metres (replacing a 6 metres by 19 metre footprint). Barn C (19 metres by 9 metres) will be replaced by a large garage/workshop block measuring 14.5 by 6 metres. This new garage building will be linked to the main dwelling by a single storey link. The new dwelling will be partly 2 stories in height due to changes in levels across the site. It will have a 19 metre long first floor balcony on the west elevation.

It is concluded that the proposal fails to meet the requirements of Policy SP1, SD1, DM1, DM2, DM4 and CP8 of the Core Strategy and Policies SB1 and D7 of the SADMP. This is due to the extent of new building works which are tantamount to new dwellings within the open countryside and the AONB.

### **Ecological Impact**

An ecological survey was carried out two years ago which identified that there is evidence of nesting birds within the barns. There was no evidence of bats. The County Ecologist is satisfied that further survey work prior to the commencement of the development can be secured by condition. These conditions will require that the buildings are inspected by a licensed ecologist for the presence of bats and a licence obtained if bats are found. Mitigation measures are also proposed for nesting swallows and potential slow worms on the site. A lighting specification will also be required to ensure that there is no disturbance to potential bats.

### **Highways and Public Right of Way**

The site is accessed via a long and narrow track which serves Pay Farm, Paye Barton, an equine unit and the site itself. There is a public right of way (T6/6) which runs along this track, across the vehicular access to the site, then turns north west to the rear of the site. The plans have been revised to show that no part of the built development will encroach onto the right of way. There is therefore no requirement for a formal footpath diversion order to be carried out. Vehicles accessing the proposed barn conversion will drive along this right of way but this is no different from vehicles currently accessing the low key storage use on site. The question over whether the applicant has a right of way over this access track is a separate civil matter. Nevertheless, the applicant and his family have used this track for 20 plus years from when the site was in use as a mushroom farm.

Concerns have been raised about the increase in traffic on the access track which will result in noise and disturbance. It is also claimed that the safety of horses crossing from the barn to the fields opposite will be affected. Officers consider that the creation of two additional dwellings will not result in a significant increase in traffic to and from the site. It is also worth noting that if the existing barns on site were used for agricultural, industrial or storage purposes, the traffic generated would be likely to be greater with the use of larger vehicles.

With regard to waste collection, it is acknowledged that waste vehicles are not able to use the existing access track. Future occupiers will be required to transport their own waste to the public roadside for collection, in common with the two existing dwellings close to the site. County Highways has raised no objection to the proposal, but recommend the application of standing advice.

### **Impact on Residential Amenity**

There are two existing residential properties in the vicinity of the application site. Paye Barton is situated 25 metres away to the east behind substantial screening. The bungalow at Pay Farm is located 80 metres away to the south. Pay Farm is accessed from a private driveway off the access track, with the access to Paye Barton and the site to the east of Pay Farm. Officers do not consider that the proposed barn conversion and the new dwelling will adversely affect the residential amenity of the neighbouring occupiers, who are located some distance away.

### **Visual Impact on the Blackdown Hills AONB**

The site is visible from the public footpath to the east and west of the site but is not unduly prominent from wider views in the surrounding AONB. The existing buildings to be converted are of a traditional stone structure and are grouped around a former farm yard. Whilst they are structurally sound, the corrugated roof cladding and the unkempt nature of the site detracts from the natural beauty of the surrounding AONB. The proposed conversion works will remove the unsightly corrugated iron and sheeting to be replaced with traditional clay tiles.

The proposed new dwelling on Plot 2 will be significantly larger than the barns it will replace. The new dwelling will be prominent from the public footpath to the west. In particular, the long glazed balcony on the west elevation will create an alien domestic feature at odds with the more traditional character of the stone barns (A & B). It is concluded that the extent of new buildings of a domestic character will detract from the appearance of the surrounding AONB. The proposal therefore conflicts with Policy PD 1/BS of the Blackdown Hills AONB Management Plan 2014-19 and Core Strategy Policy CP8.

### **Conclusion**

The extent of new build proposed goes beyond what could be described as the conversion of existing buildings, and is tantamount to the erection of two new dwellings within the open countryside and the Blackdown Hills AONB. The proposal therefore conflicts with Core Strategy Policies SP1, SD1, DM1, DM2, DM4 and CP8 and SADMP Policies SB1 and D7. It is recommended that planning permission is refused.

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

**Contact Officer: Ms A Penn**