

44/20/0012

MR WATKINS

**Partial rebuild and alterations to agricultural barn to be used for agricultural storage at Charleston Barn, Little Silver Lane, Wellington (retention of part works already undertaken)**

Location: CHARLESTON BARN, LITTLE SILVER LANE, WELLINGTON, TA21  
9NR

Grid Reference: 313990.118959

Retention of Building/Works etc.

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## **Recommendation**

**Recommended decision: Conditional Approval**

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

1. The development hereby permitted shall be begun 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 2020007 001 Location & Block Plan

(A3) DrNo 2020007 003 Proposed Drawings

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

### **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 and has imposed planning conditions to enable the grant of planning permission.
2. The applicant is reminded that the public footpath that follows the access track to the approved building must be kept unobstructed at all times.
3. 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.

## Proposal

The proposal is to rebuild a former barn for the storage of farm machinery, equipment, hay and for general storage purposes. The proposal entails making good the remaining structure of an old barn with the erection of new walling, the formation of a vehicular entrance and the addition of a new pitched roof. The front elevation will have brick pillars infilled with horizontal timber cladding and a set of double timber doors for vehicular access. The end elevations will be of stone and the rear elevation predominantly stone with a small section of horizontal timber cladding between the existing walling and the new roof. The roof will be a pitched slate roof with timber clad gables.

Some of the works have already been carried out. The applicant believed the works could be done as permitted development as 'alterations to an agricultural building'.

## Site Description

The site is accessed off Little Silver Lane via a short section of the access track which leads to the residential dwelling of Charleston Barn to the south (the home of the applicant). A public footpath follows the access track and leads to the Wellington Monument. The nearest residential dwelling is Byways which fronts Little Silver Lane immediately opposite the entrance to the track.

## Relevant Planning History

44/06/0006, Change of use & conversion of barn to single dwelling, conditionally approved on 05/05/06.

44/08/0005, Erection of detached double garage with integral car port & office at first floor level at land, conditionally approved on 28/04/08.

44/12/0018, Erection of garage, tractor & feed store & animal shelter, conditionally approved on 15/11/12.

44/16/0027, Erection of agricultural storage building (retention of part works already undertaken). Conditionally approved January 2017.

44/17/0004, Change of use of land from agriculture to site 2 no. shepherd huts. Refused July 2017.

## Consultation Responses

*WELLINGTON WITHOUT PARISH COUNCIL* - Strongly object. The proposal is not renovation but new build erected 2018 and 2019 on the site of a derelict thatched cow shed. The size and design are not conducive to the size of the landholding and out of character with the surrounding buildings on the edge of the Blackdown Hills AONB. Council also worried that one of the main well used footpaths from Wellington to the monument is only metres away which will have to be accessed

both along and over the footpath.

SCC - TRANSPORT DEVELOPMENT GROUP - Recommend Standing Advice

## Representations Received

Five letters of representation have been received objecting for the following reasons:

- application states minor refurbishment but this is major rebuild
- the land associated with Charlston Barn would not require the storage of agricultural machinery and therefore the intended use is probably commercial
- increase of heavy traffic since applicant moved in - detrimental to area, a lorry previously got stuck (one resident said for 24hours another over 12 hours)
- the barn will lead to an increase in traffic
- there is minimum acreage at Charlston Barn
- the barn will have large glazed openings compromising the security of the machinery
- with glazing and tiled roof it reflects a domestic building/ holiday let
- the 17 acres of land adjacent to the barn does not belong to the applicant
- the access track and screening under permission 44/12/0018 has not been carried out
- permission 44/16/0027 did not involve the removal of a part of the hedge to enable delivery.. this lost hedge is evident in the submitted photos
- the applicant already has 2 storage buildings which is more than adequate for the size of the landholding
- there is a covenant on Charlston Barn that the site is not used for business. The site has been used for the repair of pallet wrapping machines within the building approved under 44/12/0018 for the garage/ tractor/ feed store. That business has since moved releasing the garage/store building.
- there is a history of non compliance with the applicant
- Granny's Barn was a complete ruin of no more than 15 foot in length. Historically it was a small single storey barn with thatched roof. Until these works started it consisted of a fallen wall on one side and the over side totally overgrown with brambles. Amazed to see the height and size of the current building. The building dwarfs Byways Cottage and is not commensurate with the size of the landholding.
- no information has been provided on the agricultural holding, justification for need and what the agricultural business consists of
- the applicant has not applied for consent to regularise the unauthorised works and do not consider that the council can restore or alter a building which is not in existence and which has been abandoned
- the proposal is contrary to the Council's policies DM2, SD1 and NPPF paras 83, 127 and 170.
- design is elaborate and represents a dwelling - an incongruous addition to the countryside, next to footpath, not in keeping with the rural area
- landscape and visual impacts and would be intrusive for nearby residents, more elevated properties and views from the footpath.
- authorising this proposal risks setting a precedent that unauthorised development can be undertaken without going through the lawful process.

## 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,  
DM2 - Development in the countryside,  
SB1 - Settlement Boundaries,  
CP1 - Climate change,  
D7 - Design quality,  
DM1 - General requirements,  
SD1 - Presumption in favour of sustainable development,  
SP1 - Sustainable development locations,

## **Local finance considerations**

Not applicable

## **Determining issues and considerations**

The main issues in the determination of this application are the principle of development, landscape impact and residential amenity.

### Principle of development

The description for the proposal was initially 'alterations and repairs to barn'. Objectors highlighted that all that remained on site were stone walls from a thatched barn that occupied this site in the past and therefore the proposal represented a new build. It is evident from aerial photographs in 2011 that external walls are present but no roof structure. The description of the development has been amended and the proposal to be considered is for 'the partial rebuild and alterations of agricultural barn to be used for agricultural storage (retention of part works already undertaken)'.

The application site is classed as being within 'Open Countryside' under Core Strategy Policy SP1 'Sustainable Development Locations'. Policy SB1 'Settlement Boundaries' states that proposals within open countryside will be assessed against Core Strategy policies CP1 'Climate Change', CP8 'Environment' and DM2 'Development in the countryside'.

Taking policy DM2, this specifies developments that are acceptable in a countryside location. Even were this proposal to represent a new build barn in the strictest of sense, such developments are supported under DM2 part 4a, '*new non residential agricultural and forestry buildings...*'. This is a view shared in para 83 of the National

Planning Policy Framework (NPPF) which supports *'the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and well designed new buildings'*. Policy DM2 4a however further states such buildings should be *'commensurate with the role and function of the agricultural unit'*.

Some objectors believe there is no agricultural unit to start with. Reference has been made to an application in 2017 for the erection of 2 No. shepherds huts refused in the adjacent field on the grounds that it did not support economic diversification of an existing farming enterprise and thus was contrary to policy DM2 part 3a.

Firstly there are clear differences between these two proposals as new build tourist accommodation is not supported under DM2 unlike agricultural buildings and secondly under the shepherds hut application, the applicant provided no evidence to demonstrate any farm enterprise existed to justify a departure to the policy.

Policy DM2 part 4 is not specific on what defines or constitutes the size of an agricultural unit. In referring to the Town and Country Planning (General Permitted Development) (England) Order 2016, (GPDO) this specifies permitted development rights for agricultural developments on agricultural units of less than 5 hectares but more than 0.4 hectares. It was under this legislation that the applicant believed he could carry out the works to the barn. The GPDO defines an agricultural unit as *'agricultural land which is occupied as a unit for the purposes of agriculture'*. Agricultural land is further defined as *'land used for agriculture and which is so used for the purposes of a trade or business'....* Although initially not providing information to demonstrate the site forms part of an agricultural unit, the applicant has now provided details. A rural parish holding number was provided and although this demonstrates the applicant accommodates livestock at the premises, this carries little weight in demonstrating an agricultural business operates from the land. These numbers are merely required for tracing livestock and are required by anybody who keeps livestock even if as pets/hobby. Other details however have been provided confirming the size of the holding at about 1 hectare and its function. Details of machinery and equipment owned by the applicant to manage this holding and details of other farming practices the applicant carries out using his machinery for other landowners has also been specified.

Although the amount of land means it could be described as a small holding, production of hay and maintenance of the fields does require machinery. It could be argued that given the small size of the unit it would be more cost effective to use agricultural contractors. However the applicant provides such services to other small landowners and hence possesses his own machinery to manage not just his own land but others. It is only reasonable for the applicant to want to house this in suitable accommodation to maintain it. It is accepted that an agricultural unit therefore does exist, albeit small, and an agricultural function does take place and that the agricultural function does justify a new building.

Turning to the building being commensurate with the size of the unit, objections have been made on the grounds that there are already two barns at the site and a third is not necessary. There is a garage/tractor storage shed at Charlston Barn however this is used for the applicant's domestic storage and to house sheep when lambing. A second barn, only 40 metres north of the application site granted permission in 2017 is also used for storage of machinery and hay bales. Further storage is

required to accommodate the remaining machinery/ equipment stored in the open and more storage for hay. A recent appeal decision, APP/D3315/W/18/3195590 which allowed the erection of a modern agricultural storage building at Calways Farm only some 600m to the south east of the application site, gives clear guidance on the interpretation of Policy DM2 with respect to the size of an agricultural building. In that case, the LPA refused permission on the grounds that the size of the proposed storage building was not commensurate with the size of the unit. The inspector concluded with the LPA and stated, '*...it is clear that the building proposed would be larger than is currently required to serve the agricultural unit. In applying DM2 4 a in its strictest sense, I find that the building would not be commensurate with the role and function of the existing agricultural unit, thus would not accord with policy. Whilst the proposal would be contrary, it is necessary to address what would be the resultant harm, if an agricultural store was developed on the site. Policy DM2 as worded does not direct refusal on non commensurate buildings, indeed to do so would bring it in direct conflict with the NPPF*'. For these reasons the principle of the development is considered acceptable.

### Landscape impact

Underpinning Policy DM2 therefore is the need to protect the intrinsic character and beauty of the countryside. Policy CP8 aims to conserve and enhance the natural environment and will not permit proposals that would harm these interests unless material considerations are sufficient to override their importance. This is also a view emphasised in para 127 of the NPPF.

Objections have been based on the landscape impact of the proposal due its scale, design, materials and siting.

Para 127 of the NPPF referred to by one objector relates to design. It states any building should be sympathetic to the local character and history, including the surrounding built environment and the landscape setting.

Another agricultural building of similar scale, design and materials was granted permission in 2017 only 40 metres from the application site. In comparison to most farm buildings, the proposed building is small scale, utilising a combination of original stonewalling and new stonework, brick, timber cladding with a pitched slate roof. These are materials that are traditional for old farm buildings in the locality and are not out of character in this rural setting. The applicant intended to use a metal profiled roof but at the request of a neighbour changed it to slate. The use of a pitched slate roof is in keeping with the nearby barn, the dwelling and buildings just south at Charlston Barn and the closest dwellings Byways and Greenways just to the north. The building has double wooden doors to enable access for farm machinery and no glazing as referred to by some objectors. The design of the building reflects that of a traditional barn. The view that it resembles a dwelling is probably because so many old barns have now been converted under permitted development rights to dwellings so there are not many traditional barns left to relate it to.

It is recognised that the Blackdown Hills which rise to the south and are in an Area of Outstanding Natural Beauty require landscape protection. However, this traditional barn and its siting amongst existing hedgerows and mature trees will not affect the landscape qualities of the AONB or its fringes. It must be remembered that an agricultural barn has sat in this location for many years, albeit as objectors have said

with a thatched roof. Any possible distant views from within the AONB or from the public footpath that leads to the hills will see the barn sat amongst a cluster of buildings comprising; Charlston Barn and its outbuildings, Byways, Greenways, Middle Green Farm and its associated farm buildings and the barn permitted in 2017. This development will not result in an isolated barn in an open countryside location that will be visually intrusive.

Furthermore it could be argued that the barn would enhance the landscape qualities of the area if enables the storage of farm machinery and equipment that would otherwise be stored in the open or hay stored under coloured tarpaulins. This was a point recognised by the inspector in the Calways Farm appeal.

### Residential amenity

The closest residential dwellings are Byways some 60m to the north and Greenways behind and nearly 90m away. Objections have been made that the proposed development will impact on the residential amenity of nearby residents. The barn approved in 2017 is sited almost opposite the frontage of Byways yet the proposed barn is a significant distance further away. The residents from both Byways and Greenways were consulted on the application and have not objected.

### Other matters

Although the access track that will be used to access the barn is a well used public footpath providing a route from Wellington to the Blackdown Hills/Wellington Monument, the siting of the barn and its use will not obstruct the footpath. The applicant has private vehicular rights to use the track to access his property and land. The applicant could utilise this track with farm vehicles 24/7 regardless of the footpath status. The development will only result in the storage of machinery and hay that would otherwise be stored on site but in the open so will not increase vehicular movements to the detriment of the users of the footpath. Historically there has always been an agricultural building in this location adjacent to the footpath. Furthermore the Council approved the other storage barn in 2017 at the entrance to the track and access to this barn also requires crossing the footpath. The impact on the amenity of users of the footpath under the 2017 application was not considered to be affected and this would be no different under this application. To walk past a farm building on a footpath is not uncommon and there are loads of footpaths that follow farm tracks that are much more heavily trafficked by farm vehicles and large farm machinery.

With regards to the objections on the grounds that works have already been carried out at the barn and the applicant has carried out other unauthorised works/operations, these are not relevant considerations. Likewise any future use of the building is not relevant. The application must be judged on its own merits.

One objector refers to the fact that they own the adjacent 17 acres of fields however the applicant has not used this land to justify the need for the barn and the application site is separated from these fields by the access track.

In terms of ecological impact, given clearance works have already been carried out, any possible ecological value at the site is likely to have been lost. There is no proposal to light the barn and therefore further ecological impact should be minimal.

Concerning surface water runoff from the addition of the roof, this is not going to lead to flooding of Little Silver Lane or the footpath. There is a drain to the front of the barn that will take any surface water runoff.

### Conclusion

The proposed development will enable the storage of the applicant's farm machinery, equipment and hay to ensure its maintenance instead of being kept outside during inclement weather. Rebuilding the old barn will achieve a more sustainable development than erecting a new building in a different part of the landholding. This is supported by Policy DM1 'General requirements' which seeks to develop previously developed land.

The siting, scale, design and materials for the barn are not considered to harm the landscape character of the area or the landscape qualities of the AONB. The use of the barn will not impact on the residential amenity of the closest residents or the amenity value for users of the footpath. The proposal goes some way to supporting the local rural economy which is an objective supported by the NPPF. For these reasons it is recommended that permission is granted.

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**