

MR & MRS D BIRT

Replacement of agricultural barn with the erection of home studios with agricultural storage at Burts Farmhouse Barn, East Town Lane, Tolland, Lydeard St Lawrence

Location: BURTS FARMHOUSE, EAST TOWN LANE, TOLLAND, LYDEARD
ST LAWRENCE, TAUNTON, TA4 3PW

Grid Reference: 310850.132107 Full Planning Permission

Recommendation

Recommended decision: Refusal

- 1 The proposed domestic building is located in the open countryside where development is strictly controlled. The proposed domestic building in this open countryside location by reason of its use, scale and appearance would introduce an incongruous domestic form within the open countryside which would cause harm to the character and appearance of the locality. As such the proposal is not supported by Policy DM2 and is contrary to Policies SP1, CP8 and DM1 of the Taunton Deane Core Strategy.

Recommended Conditions (if applicable)

Notes to Applicant

Proposal

The application seeks consent for the demolition of an agricultural building and the erection of a replacement two storey building to accommodate an agricultural store and 'home studio'.

The existing, partially open sided building is very insubstantial in its construction and consists of timber posts, timber cladding and a corrugated metal roof. It measures 14.8 by 12.4 metres in area. It has a mono-pitch roof with a maximum height of 4.6 metres.

The proposed building would measure 13.5 metres in length by 12 metres in width and would have a total floor area of 223.7 square metres. It would have a mono pitch roof with a maximum height of 6.5 metres. The ground floor would accommodate two separate uses, an agricultural store for machinery and fodder and the home studio areas. The application states that the store would accommodate farm vehicles and general agricultural storage. The application states that the home

studio is required to accommodate the applicants business activities as they currently run a business from home. The application further states that the space is not required to accommodate employees, there are no visits from members of the public and there would not be regular visits from clients. This area would accommodate a 'studio', print room, bathroom, video conference room and utility on the ground floor and a second studio, W/C and photography room on the first floor. External materials would consist of timber cladding to the walls and a corrugated metal roof.

During the course of the application the plans have been amended in response to comments from the County Ecologist which has resulted in a reduced amount of glazing to the South East elevation.

Site Description

The site is located in an isolated countryside location. The subject site consists of agricultural land located to the east of the dwelling known as Burts Farm. The site is accessed via a grass track which runs adjacent to the northern boundary of the domestic curtilage to the dwelling. The agricultural field is bound by hedgerow and trees. There is a public right of way (footpath T28/3) located approximately 30 metres to the North of the proposed building.

Relevant Planning History

41/19/0004 - Change of use of existing barn to accommodate a workshop, home studio/office and a holiday let. Application withdrawn by agent 9th January 2020.

Consultation Responses

LYDEARD ST LAWRENCE & TOLLAND PARISH COUNCIL –

No objections.

SCC - ECOLOGY –

Second response:

Still a lot of glass! Permanent measures such as Solyx Bird Safety Film

<https://www.solyxfilms.eu/product/sx-bsfv-bird-safety-film-vertical/> need to be

applied. However, I would consider proceeding on the basis of the following condition being applied.

- Glazing on the southeast and northwest elevations shall be bird-friendly. A specification for the glazing will be submitted to and approved by the Local Planning Authority. The approved glazing will be installed strictly in accordance with the specifications and shall be maintained thereafter in accordance with the design. Under no circumstances should any other type of glazing be installed without prior consent in writing from the Local Planning Authority.
Reason: In the interests of priority bird species listed on s41 of the Natural Environment and Rural Communities Act 2006 and in accordance with policy CP8 of the Taunton Deane Core Strategy

A Preliminary Ecological Appraisal for the application site was carried out by Nash Ecology in September 2019. This considered the site present negligible opportunity for roosting bats. However, the following condition also needs to be applied. As no bat activity surveys have been carried out I must assume that light averse species are present commuting and foraging around the application site.

- Prior to first occupation of the dwelling, a “lighting design for bats” 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. 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 Taunton Deane Core Strategy

Mitigation measures re proposed for badgers and brown hares. However, as provision of planks, etc to allow badgers, etc. to escape cannot in reality be reasonably enforced through a condition the following informative should be applied to the planning permission:

- The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

First response:

This survey found that the barn lacked features that would support roosting bats. However, it was considered that the boundary tree line was likely to provide structure for commuting bats. I am therefore concerned about the large expanse of glass on the southeast elevation of the proposed dwelling. This elevation is at 90° to the hedgerow and is likely to cause light spill along this potential flight line.

In addition, as located the large expanse of glass is also likely to pose a threat to bird strike in this location due to its reflective quality. Birds see reflections of vegetation and sky and respond to it as if the reflections are reality. There is no barrier perceived and they fly into the glass causing instant death or severe head trauma that they eventually die from, or because they are injured, fall prey to scavengers. Also note as no bird surveys have been provided and therefore I must assume the presence of priority species listed on s41 of the Natural Environment and Rural Communities Act 2006 for which the local planning authority has a duty of conservation for in carrying out its role. I therefore object to the application.

SCC - TRANSPORT DEVELOPMENT GROUP -
Standing Advice applies

Representations Received

Following consultation representations have been received from 5 nearby residential occupiers writing in support of the proposal. The following comments are raised:

- Development will be an improvement on the existing building/sympathetic to the area.
- Applicants were misled by the previous case officer at pre application stage.
- No objections from local residents

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,
DM1 - General requirements,
SP1 - Sustainable development locations,

Community Infrastructure Levy

Creation of residential extensions of 100sqm or more are CIL liable. This proposed development measures approx. 126sqm. 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 £15,750.00. With index linking this increases to approximately £22,500.00.

Determining issues and considerations

Principle of development/visual amenity:

The site is identified as being within the open countryside as defined by Policy SP1 of the Taunton Deane Core Strategy. Accordingly Policy DM2 of the Taunton Deane Core Strategy applies to the proposal.

Policy DM2 references the national policy requirement to strictly control new development in the open countryside in order to protect its intrinsic character, beauty, diversity, heritage, wildlife and resources. Policy DM2 lists 8 uses that will be supported in principle in the countryside. These are community uses, class B business uses, holiday and tourism, agriculture, forestry and related, replacement dwellings, affordable housing, the general principle of the conversion of existing building (subject to further limitations) and development for essential utilities and

infrastructure. The above categories are subject to further specific limitations and requirements that must be met within the policy. In addition to the above, DM2 requires that all development in the countryside does not harm neighbour amenity and the landscape and ecology of the area.

This proposal is for a replacement building to accommodate a home studio as the applicants work from home. The supporting text within the design and access statement also refers to the development accommodating ancillary spaces which are lacking in the main house, including a utility. The agricultural store is understood to be for accommodating farm vehicles and for storing fodder. The amount of active farming within the applicants land is not known and therefore the agricultural need for such a store is uncertain. However the overall building will have a mixed domestic/agricultural use.

The siting of a domestic building in an open countryside location is not within the list of uses that are supported by Policy DM2. The usual expectation would be to locate such a building within the domestic curtilage of the host dwelling or to extend the dwelling in order to provide additional floor space. In this instance the domestic curtilage is relatively substantial and therefore is likely to be able to accommodate additional development, including under permitted development rights.

Given the domestic nature of the proposal as set out in the application it is not considered that the unit would have a B class use as it is more akin to an ancillary domestic building. If it were accepted as a Class B use, policy DM2 sets out an additional test; that the building is adjacent to a rural centre within which there is no suitable alternative site. Policy SP1 defines major and minor rural centres and these include settlements such as Wiveliscombe, Bishops Lydeard and Cotford St Luke. The application site is located 9 miles from Bishops Lydeard which is the nearest 'minor rural centre' and as such the application would fail this test.

Where a proposal is not supported by Policy DM2, significant weight is given to Policy CP8 in order to consider the environmental impact of a proposal. CP8 requires that development conserves and enhances the natural environment and amongst other criteria is appropriate in terms of scale, siting and design and protects and conserved landscape character. The general thrust of planning policy in the open countryside is one of restraint to avoid and redirect the significant amount of development that would occur, which would cumulatively erode rural landscape character. The NPPF sets out the environmental objective as a key pillar of sustainable states that policies and decisions should contribute to and enhance the natural and local environment; "to contribute to protecting and enhancing our natural, built and historic environment." (para. 8). The recognition of the overall need to preserve the countryside further follows through to paragraph 79 which instructs Local Planning Authorities to 'avoid the development of isolated homes', although it should be noted that this paragraph is not relevant as this proposal is not for a new independent dwelling.

Having regard to the above context, the building is relatively significant in scale. Whilst it is designed in an agricultural style, its appearance and use would nevertheless be domestic in character. The associated activity and lighting, including light spillage from the building would introduce a form of development that is not appropriate in the countryside. The siting to the rear of the domestic curtilage in a backland situation would further appear incongruous against the linear form of

development in the locality.

A pre-application submission was submitted to the Council on the basis of the conversion of the existing building under permitted development rights. Advice was provided which gave a generally positive response to the conversion of the existing building, however this response was based on the development being no larger than the existing and the potential for the change of use of the existing building under permitted development rights as a fall back position may have also been considered.

Having regard to the above, it is considered that the proposed use would not be appropriate in an open countryside location. Its scale and appearance would appear incongruous within this context and would not conserve or enhance landscape character. Accordingly it is considered that the proposal is not supported by Policy DM2 and would be contrary to Policies SP1, DM1 and CP8 of the Taunton Deane Core Strategy.

Ecology:

The County Ecologist initially raised an objection on the basis of the amount of glazing within the building. Following the receipt of amended plans this objection has been withdrawn, subject to additional condition requiring bird friendly glazing which is designed to reduce incidence's of birds striking the glass. A further condition requiring a scheme for external lighting to ensure that the impact on bats is mitigated is requested. An informative relating to the protection of badgers during construction is recommended. Subject to the above conditions it is considered that there would be no harm to protected species in accordance with Policy CP8 of the Taunton Deane Core Strategy.

Highway safety:

The proposed development would utilise the existing vehicular access which is also shared with the existing dwelling. The lane is unclassified and considered to be lightly trafficked. Visibility is substandard in both directions for vehicles exiting the access. However as this is an existing access, the lane is lightly trafficked and the building is for ancillary purposes to the existing dwelling, it considered that there would be no harm to highway safety. Having regard to the above it is considered that the proposal would comply with Policy DM2 of the Taunton Deane Core Strategy.

Conclusion:

The site is located outside the domestic curtilage of the dwelling. This development would be for a domestic use in the open countryside which is not supported by Policy DM2. The building would be larger than the existing and whilst it is set back from the road, would be an incongruous domestic development in the open countryside contrary to the rural character of the area. Accordingly the proposal is not supported by Policy DM2 and would be contrary to Policies SP1, DM1, and CP8 of the Taunton Deane Core Strategy.