

49/20/0032

MR J BALL

**Construction of first floor for guest accommodation, external changes to fenestration (including rooflights) and installation of external staircase at the shoot facility located south of New Road (B3227), Wiveliscombe (retention of works already undertaken)**

Location: FORMER AGRICULTURAL BARN LOCATED SOUTH OF NEW ROAD (B3227) WIVELISCOMBE

Grid Reference: 307592.127406 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 carried out in accordance with the following approved plans:

- (A3) DrNo 1812/PL.01 Rev D location Plan
- (A3) DrNo 1813/PL.02 Rev.D Block Plan
- (A3) DrNo 1813/PL.03 Rev D Site Layout
- (A3) DrNo 1813/PL.09 Rev C Proposed Roof Plan
- (A3) DrNo 1813/PL.10 Rev G Proposed Elevations Sheet 1
- (A3) DrNo 1813/PL/11 Rev F Proposed Elevations Sheet 2
- (A3) DrNo 1813/SK.20 Rev B Proposed Ground Floor Plan
- (A3) DrNo 1813/SK.21 Rev H Proposed First Floor Plan

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

2. Four Vivra Pro Woodstone House Martin nests or similar will be mounted directly under the eaves of the north elevation within 3 months of the date of this permission and maintained thereafter. Photographs of the installed features will be submitted to the Local Planning Authority.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

3. Within a month of this permission, 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 or having access to their resting places. All external lighting as approved shall be installed within three months of the approval by the Local Planning Authority and 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

4. The landscaping scheme as shown on Drawing Number 'Planting Plan Rev A' dated February 2019 approved under permission 49/18/0024 shall be completely carried out within the first available planting season from the date of this permission. For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

5. The area allocated for parking and turning shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety.

6. At the approved access there shall be no obstruction to visibility greater than 900 millimetres above adjoining road level within the visibility splays shown on the approved plan, Drawing No. 09071-HYD-XX-XX-DR-TP-0101 approved under permission 49/18/0024. Such visibility splays shall be maintained at all times.

Reason: To ensure suitable visibility is provided and retained at the site access, in the interests of highway safety.

7. The access shall remain surfaced in accordance with drawing no. 1053/12 Rev D as submitted under permission 48/18/0024 and surface water shall be disposed of in accordance with that drawing so as to prevent its discharge onto the highway. Such provision for the disposal of surface water shall be maintained at all times.

Reason: In the interests of highway safety.

8. The accommodation shall not be occupied at any time other than for purposes

ancillary to the use of the shoot facility approved under permission 49/18/0024 and shall not be used other than during the period of 1 October and 1 February in any one year.

Reason: To ensure the building remains in a use that is appropriate to this countryside location and to protect the amenities of the surrounding area.

#### 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.

## Proposal

The proposal is to use the first floor of a former agricultural building now used as a shoot facility for overnight guest accommodation for the shooters (the guns). 10 No. single occupancy en suite guest rooms will be provided with an associated store room. The accommodation will be used ancillary to use of the building by the Bulland shoot from 1st October to 1st February. The proposal also includes alterations to the ground floor layout and changes to the fenestration from that approved under the permission to convert the building to a shoot facility (49/18/0024) (retention of works already undertaken).

## Site Description

The site is located approximately 680 metres to the south west of the built up settlement area of Wiveliscombe and is therefore within the open countryside. Within the countryside in this location there are located a number of individual dwellings and farm buildings. The site is accessed off the Wiveliscombe to Bampton Road (B3227) with a long access track leading down to the building the subject of this application. A helipad was recently permitted approximately 250m from the building for use by the shoot however following local opposition the helipad has been removed.

## Relevant Planning History

49/19/0059 - Formation of helipad. Conditionally approved May 2020.

49/19/0062 Variation of condition no. 2 (approved plans) of application 49/18/0024 on land at former agricultural barn located south of New Road - Withdrawn

49/18/0024 Change of use and conversion of agricultural building to shoot facility for Bulland Estate on land south of New Road - Granted 30th July 201

## Consultation Responses

*WIVELISCOMBE TOWN COUNCIL* - This is a Change of Use from the original application 49/18/0024, by virtue of providing overnight accommodation. Tourism rentals and hotels already exist locally. The Shoot have offered no evidence of need and therefore this application is contrary to DM2 of the Core Strategy.

We have the following observations:

- If the Planning Authority are minded to approve this application we believe condition 12 of the original application should be included in any approval "The occupation of the shoot facility hereby permitted shall be carried on only by Bulland Shoot and shall not be occupied other than during the period of 1 October and 1 February in any one year." Reason: To ensure the building remains in a use that is appropriate to the countryside location.

- We would like to ensure that, should the Shoot cease to exist, it's made clear that this building will not be sold for general hotel or tourism use taking trade from existing local businesses.

- We note that there are 2 additional buildings that have not been included in the application but have been built without a planning approval. This should be rectified as part of this application

*SCC - TRANSPORT DEVELOPMENT GROUP* -Recommend Standing Advice.

*SCC - ECOLOGY* - A Preliminary Ecological Appraisal of the application site was carried out by The Ecology Co-op in November 2017.

Although the barn does not support features that could be exploited by bats for roosting the report recommends that a wildlife friendly lighting scheme due to the potential for the presence of foraging bats. A lighting design for bats condition is required.

The rough, improved grassland to the south and west of the barn supports habitat that could be considered potentially suitable for populations of reptiles such as grass snake, common lizard and slow worm. A survey for reptiles was carried out by The Ecology Co-op in May 2018. This found no reptiles present.

The National Planning Policy Framework (170d) requires biodiversity enhancement to be provided within development. A condition to require 4 No house martin nests is required.

*Environmental health* - No comments received.

## Representations Received

A letter of support has been received from the White Hart Hotel located in the centre of Wiveliscombe. The owners of the hotel fully support the application as the shoot uses their premises consistently throughout the shooting season which is invaluable out of season business to them. The shoot books their rooms for loaders, guest etc. This will be even more significant given the uncertainty and financial impacts from the effects of Covid. The shoot will again be booking many rooms in their hotel for the forthcoming season.

The hotel owners state that it is not just them that benefit from the shoot but the hotel's suppliers. The shoot also sources most of its food and drink from local suppliers and farms. With the accommodation bookings from the shoot this enables them to employ more staff. The hotel wishes this operation is supported as it raises the profile of the area and aids the local economy.

6 letters of objection have been received for the following reasons:

- The application does not justify revised alterations to the ground floor different from those approved
- The 10 guest bedrooms alters the scale of the building
- It sets a bad precedent of supporting an application where works have already been done/non compliance with planning conditions on the original permission
- Noise disturbance as the site is some 300m from the local recreation ground
- Will add little value to the existing community as self contained
- Will impact on the White Hart Hotel
- Will take business away from the town
- No consultation by the developers with the residents.
- Residents are affected by the noise of helicopters and overnight accommodation will worsen the situation.
- Although the landing site for helicopters is now away from the town travel by helicopters is still unsustainable.
- Has the helipad permission and a health and safety assessment been done?
- If shoots take place is this practical with the footpath close by?
- This will provide accommodation for up to 20 people
- The changes alter the functioning of the building with the floor space doubling
- It has visual impact on the rural setting and the increase in roof lights will mean this is no longer an agricultural barn when viewed from the B3227.
- The barn was taken down in its entirety and rebuilt which is contrary to policy
- Were other uses considered for the barn?

Councillor Mansell objects to the application and makes the following comments:

- the site is outside Wiveliscombe but close to the town and recreational park. The new application is significantly different to the previous application 49/18/0024 which wasn't built as approved and this new application would result in a building with a very different use.
- There is noise disturbance from helicopters landing at the site and from shooting nearby which appears to have increased with the lodge. Although the helipad has been removed this may not stop helicopters landing at the site. A clear statement of where helicopters will land should be provided and transport arrangements to the site.
- Clear statements should be provided on shooting activities that will result from the lodge; No. of shooting days, location, amount of shooting, noise impact from shooting on neighbouring properties and those using the footpaths. Details of the no. of people (shooters, guests, staff) who will be travelling to and using the lodge should be provided.
- More shooting has previously been heard in the town suggesting shooting stations are closer to the lodge and town.
- There could be an impact on pheasants and other game birds causing a nuisance on local roads and gardens.
- The lodge can be seen from parts of the town, especially during winter and from parts of the town.

- The development should meet policy DM2 but fails to follow the sequential test required by part 7.
- The building may not provide new employment as it is not clear how much employment would be additional to that displaced. The accommodation would take trade from other providers.

If it was approved the same conditions as previously permitted under 49/18/0024 need to be applied and further conditions to protect local residents from noise and the associated shooting operation.

## 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,  
SB1 - Settlement Boundaries,  
SD1 - Presumption in favour of sustainable development,  
DM1 - General requirements,  
DM2 - Development in the countryside,  
CP1 - Climate change,  
CP2 - Economy,

## 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, economic benefit, highway safety and impact on residential amenity.

### The principle of the development

Paragraph 83 of the NPPF supports the sustainable growth and expansion of all types of businesses in rural areas and the development and diversification of agricultural and other land-based rural business. Sustainable rural tourism and leisure developments which respect the character of the countryside are also

supported.

The site lies in an open countryside location where Core Strategy Policy DM2 enables the conversion of agricultural buildings.

The principle of converting the building under DM7 to a shoot facility has already been established under permission 49/18/0024 and the conversion has been carried out albeit not to the approved plans and the approved usage. This application is to regularise those works/use. The proposed application results in changes to the internal ground floor layout and fenestration details of the approved scheme with the inclusion of a first floor for the provision of overnight accommodation as ancillary to the permitted use of the building.

Although the use of the building for a shoot is sui generis, were the proposed accommodation to be considered similar to holiday/tourism accommodation, Policy DM2 3 supports such accommodation provided there is an identified need, is compatible with and supports economic diversification of an existing service enterprise.

The applicant has provided the following justification for the need for the accommodation:

*Nowadays it has become critical, in order to keep pace with our competitors, that we are able to provide this type of 'private event' environment. Over 15 comparative shoots within 10 miles, all provide their own on-site guest accommodation.....We can arrange accommodation for ancillary staff, loaders, drivers and guests spread around premises locally, such at the White Hart Hotel, where it is unimportant for everyone to stay together. However, for the actual shooting participants (who can number up to 10 on each occasion), finding one venue with 10 available rooms all of a certain standard is simply impossible.....*

*Our shoot has been operating in this location for over 35 years however In the past 2-3 years we have lost significant business elsewhere but this facility now enables us to diversify and appeal to a wider range of clientele and remain competitive by not only offering the highest quality of shooting but at an equally high quality venue also. Before taking the decision to invest substantially in this facility, in addition to researching all local hotels, we did enquire as to whether nearby shoots had facilities to hire. Unfortunately, none of these were suitable as they all lacked the availability that we needed throughout the season due to other shoots block booking them for several years in advance, or already having exclusive rights to those premises.'*

The accommodation will only be used in association with the shoot days which average 40 over the months of October to February (average usage of 10 days per month). A condition would ensure the accommodation remained ancillary to the use of the building by the shoot. The principle of converting the building to support the Bulland shoot has already been established and this proposal would further support this important rural enterprise. Whether considered under Policy DM2 3 or DM 7 the principle of the development is accepted.

### Landscape impact

The proposed development will see minimal changes to the external appearance of the building other than the addition of timber stairs to the end elevations and the change in fenestration/door detail. The change in fenestration detail is welcomed as it replaces the previously approved 'domestic' windows with much simpler designed windows more fitting to the former agricultural building and its setting.

Changes have already been made to the profile of the land which again were assessed under the previous application and considered fully acceptable and a positive enhancement to the area.

A detailed landscape and visual impact assessment was submitted under application 49/18/0024 and the landscape impact of converting the barn with associated drive and parking area was considered acceptable subject to native landscape planting to screen the car parking area and around the building's curtilage. A landscaping scheme was approved in March 2019 and a condition will be imposed to ensure this is carried out in the next available planting season.

A comment has been made that the barn with additional rooflights will no longer look like an agricultural building from the B3227. Firstly views from the public highway are limited. Secondly conversion of the barn has already been approved and as stated above to a more domestic looking building. It is accepted that in providing accommodation in the roof, roof lights are required and although they are more in total, they are small. Polycarbonate sheeted roof lights are common place in most modern agricultural buildings and the building itself originally had 16 large rooflights covering both sides of the roof. A condition requested by the Council's ecological advisor will ensure that any external light does not effect bats which will mean that the level of illumination from this building will be adequately controlled.

### Economy

The local councillor and some residents have referred to the impact the accommodation will have on local accommodation providers and in particular the White Hart Hotel in Wiveliscombe. The hotel owners however are fully in support of this proposal as they recognise that without the overnight accommodation it brings the viability of the entire shoot into question as shooters will choose to go to another shoot where accommodation is available. (There are some 15 shoots in the locality which offer overnight guest accommodation). Losing the Bulland shoot would be a massive loss to this local rural economy and more so in such uncertain financial times following Covid. The shoot employs a vast range of people, 48 during the actual shoot season (and of all ages) and 4 full time all year round. The shoot not only keeps the White Hart in business during times when otherwise it would be struggling but many local suppliers and farmers. The economic benefits to the area can be clearly seen and should be supported.

The shoot is also well know for its charitable donations to the local community and although this is not a material planning consideration in the determination of the application, the shoot supports the community not just through employment and the services it uses. Last season it donated £6000 to Wiveliscombe Community Centre and £5000 to Wiveliscombe Primary School and this should at least be recognised.

### Highway safety

A full highway assessment was carried out under application 49/18/0024. The Highway Authority raised no objection to the application subject to surfacing the access and ensuring adequate drainage and ensuring the visibility splays at the junction with the B3227 are maintained. The access has since been surfaced and conditions to ensure maintenance of surfacing and the visibility splays will be



imposed.

In enabling guests to stay overnight this will reduce the number of vehicle movements as the guns will not leave at the end of the day to either return the next day or for new guns to arrive. The provision of overnight accommodation is to the benefit of highway safety.

Car parking was approved under the original permission and this remains the same and is sufficient to accommodate the number of users of the site.

Comments have been made that the shoot facility is in an unsustainable location however permission has already been granted to convert the barn for the shoot's use. Although this is a rural area and such locations are often considered unsustainable, the shoot utilise the adjoining land and the other drives are all close by. This makes the location for the shoot building sustainable. With the added benefit that vehicle movements will be reduced with the guns staying overnight, this proposal will result in a more sustainable development than previously permitted.

This is further supported by para 84 of the NPPF which states that decisions should 'recognise that sites to meet local business and community needs in rural areas may have to found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In such circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable'.

### Amenity

The building lies some distance from residential dwellings, although it is acknowledged there is a dwelling to the east. This dwelling is some 60m from the site and separated by a close board fence which would help prevent overlooking. The effect of converting the building to a shoot facility and its potential impact on the amenity of the area was fully assessed and considered acceptable under the 2018 permission. With the alterations to the fenestration and doors there are still no windows in the elevation facing the dwelling. Although the proposal now includes overnight accommodation and on the first floor, given the design and distance of the building to the closest dwelling, the number of days the building is likely to be used during the 4 month occupation period (which coincides with the winter months when people would not be out in their gardens of an evening or have windows open at night), it is considered that the proposal will not further impact on residential amenity. There was no hours of use condition imposed on the permission for the conversion of the building to a shoot facility so were permission refused, the building could continue to used well into the night.

In terms of impact on the amenity of footpath users, a footpath runs south of site from Coate Barn to Culverhays Farm. The appearance of the building remains mostly unaltered from that approved and so users of the footpath would struggle to see any change. Walkers would have been used to seeing agricultural traffic and shoot vehicles accessing this land well before the formation of the shoot lodge as shooting and farming has occurred on this land for many years. A belt of native planting will surround the building and the car parking area. With the guns staying

overnight, vehicle movements will be reduced which if anything will enhance the amenity value of the area.

Comments regarding the impact of shooting activities on footpath users are not relevant to the consideration of this application. Shooting has occurred in this location for over 30 years. Providing the accommodation will not increase the number of days shooting, the number of shooters on any one drive or will bring the drives closer to residents of footpath users. Conditions as suggested by the local councillor to restrict shooting activities which can be carried out regardless of this application would be unreasonable and not meet the test for imposing planning conditions.

#### Other matters \_

Ecology - The Council's ecological advisor recommends no objection subject to conditions to approve any external lighting to protect bats and to ensure there is some biodiversity enhancement, a condition to erect 4 house martin nests under the eaves of the northern elevation.

Although the concerns of the use of the helipad were fully examined under application 49/19/0059, with the helipad surface now removed, the applicant has confirmed they will use Dunkeswell Aerodrome and transport people from there. He also anticipates the amount of helicopter use will reduce as a result of the economic fall out from Covid.

Regarding the retrospective nature of this application, this is not a matter that can be taken into account. Any conditions imposed under permission 49/18/0024 and still relevant have been reimposed under this permission.

The Town Council refer to two small buildings on the site that allegedly do not have permission. One was an existing storage shed which has simply been re clad in timber to match the barn and one a simple garden shed which is not fixed and is temporary. From aerial photographs significantly more buildings occupied the site when the building was in agricultural use.

The comment that the applicant has not consulted with the community over their proposals is not a material planning consideration as there is no legal requirement for the applicant to do so.

The comment by the Town Council that this development should not become a hotel were the shoot to cease are also not relevant. The accommodation as proposed would be ancillary to the shoot lodge and a condition would ensure this. That being said, any future application would have to be judged on its own merits and is not a reason to refuse the current application.

Comments have been made that the sequential test was not followed in the assessment of the initial application for the conversion of the agricultural building to the shoot facility. Although not relevant in considering this proposal as permission has been granted and implemented, the officer in their report clearly referred to the sequential test. They concluded that a shoot facility would need to be located in a rural area due to the nature of its associated use and as it would result in local employment the proposal met no. 3 in the sequential hierarchy.

Re the comments that the conversion is actually a new build and not a conversion, again these relate to the original permission. The officer in their report did however refer to the removal of external walls but was content that the proposed development would still be a conversion satisfying policy DM7.

It is true that the building will be self contained but it has already been explained how the proposed use would also bring much wider economic benefits into the area.

Re the objection that the building will be used by 20 occupants, there are only ever 8-10 guns on any one shoot and so this dictates the number of occupants that would stay over. As confirmed by the White Hart Hotel owners, local accommodation is used for those supporting the guns such as their loaders. As is well known in pheasant shooting, the guns would stay together whilst more often than not, those in support of the guns are provided for away from the guns. After all, it is the guns who have paid for this exclusive activity.

## **Conclusion**

The proposal is supported by both the NPPF and local planning policy. The proposed changes to the internal configuration and fenestration will not significantly alter the external appearance of the building and thus there will be no greater landscape impact. The use of the first floor for overnight accommodation will ensure the viability of the shoot which is invaluable to this local rural economy. The proposal is beneficial to highway safety in reducing daily vehicle movements resulting in a more sustainable development. Given the location and design of the building and its temporary use, it is considered that the impacts on residential amenity will not be affected. 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**