

Case Officer	Mr James U'Dell
Application Number	2019/1154/FUL
Site	Little Oakhill Brewery Lane Oakhill Shepton Mallet BA3 5AT
Date Received	13th May 2019
Applicant/ Organisation	Mr Neal Hendey
Application Type	Full Application
Proposal	Alterations to the existing house. Use of historic dairy as a holiday let. Change of use of the sheep barn from agricultural use to allow holiday let use.
Ward	Ashwick, Chilcompton And Stratton
Parish	Ashwick Parish Council

Ward Member/ Chair and Vice Chair Referral

Not applicable as case officer's recommendation accords with that of Parish Council and Ward Member(s).

Site Description and Proposal

This application relates to Little Oakhill, Brewery Lane, Oakhill, Somerset, BA3 5AT.

The application proposes alterations to the existing house. Use of historic dairy as a holiday let. Change of use of the sheep barn from agricultural use to allow holiday let use.

The old dairy is currently located with part of the existing main house, as shown on the plans. The old sheep barn is located within the grounds of the property.

The main house is grade II listed and the site is also located within a conservation area, so it has a very sensitive setting.

A period of public re-consultation expired on the 2nd July 2019.

Planning History

2019/1155/LBC - Alterations to the existing house. Use of historic dairy as a holiday let. Change of use of the sheep barn from agricultural use to allow holiday let use – Live application.

Consultations and Representations

Ward Member

No objections.

Parish Council

Recommend approval. The proposals appear sensible with the upgrade of an existing facility.

County Highway Authority

Recommend standing advice is applied.

Conservation Officer

Overall these proposals significantly enhance the setting and design of the listed building. Currently surrounded by three low-quality and inconsistently placed later additions, the farmhouse, will be greatly improved by their improvement. The roof-lights are an acceptable way in which to improve the attic. There is no harm caused to the heritage asset and I have no objections.

County Ecologist

No objections raised.

County Archaeologist

No objections.

Somerset Building Control Partnership

No objections received.

Representations

None received.

Full details of all consultation responses can be found on the Council's website www.mendip.gov.uk.

Planning Analysis

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 places a duty on local planning authorities to determine proposals in accordance with the development plan unless material considerations indicate otherwise. The following development plan policies and material considerations are relevant to this application:

The Council's Development Plan comprises:

- Mendip District Local Plan Part I: Strategy and Policies (December 2014)
- Somerset Waste Core Strategy

The following policies of the Local Plan Part 1 are relevant to the determination of this application:

CP1: Spatial Strategy
CP2: Housing
CP3: Business Growth and Development
CP4: Sustaining Rural Communities
DP1: Local Identity and Distinctiveness
DP3: Heritage Conservation
DP4: Mendip's Landscapes
DP5: Biodiversity and Ecological Networks
DP6: Bat Protection
DP7: Design and Amenity of New Development
DP8: Environmental Protection
DP9: Transport Impact of New Development
DP10: Parking Standards
DP22: Re-use and Conversion of Rural Buildings
DP23: Managing Flood Risk

Other Material Considerations:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Somerset County Council Parking Strategy, 2013
Somerset County Council Standing Advice, 2015

Key Issues

Principle

The majority of the site, including the main house, lies inside the development limits of Oakhill, however the existing barn lies outside development limits, in a location where development is strictly controlled in accordance with the provisions of policies CP1, 2, 3 and 4 of the Mendip District Local Plan (MDLP), adopted in December 2014.

The principle of creating a holiday let by changing the use of the old dairy (attached/part of the main house) is acceptable as it involves internal alterations and the main house is located within development limits. The accommodation, given its limited size and level/ offer of amenities to future occupiers would only be suitable for holiday use or as ancillary accommodation to the main house. The old dairy is part of the listed building and therefore future extensions and alterations would be subject to requiring further consents.

The principle of converting the main barn to a holiday let is supported by Policy CP3 and 4 of the Mendip District Local Plan as the development will create knock on economic benefits. Policy DP22 also offers support for holiday use and residential use, through the re-use and conversion of existing rural buildings where they are suitable for conversion without major or complete reconstruction, and in the case of a residential dwelling, create enhancements to the immediate setting. The works proposed, as outlined within the structural survey, show that the barn could be converted without major or complete reconstruction, subject to strict remedial measures being carried out, which appear to be feasible, to either a holiday let or a

residential dwelling (i.e, without a holiday occupation condition/ requirement). The works to the barn and the wider proposal will lead to enhancements to the immediate setting. As such the principle of converting the barn to either a holiday use or residential use is supported by Policy DP22, in addition to the provisions of the NPPF under paragraph 79.

The principle of each aspect of the development scheme is supported, and for the avoidance of doubt a condition is not recommended to restrict the main barn (the old diary) to holiday/tourism accommodation as the conversion of it to residential is supported by policy DP22.

Impact on listed building

There is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at paragraph 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 131-135 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

The conservation officer has considered the impact of the development on the designated heritage assets and offers no objections, as confirmed within their comments above.

It is considered no material harm to the designated heritage assets is identified having due regard to Section 66(1) of the Planning (Listed Building and Conservation Area) Act 1990 and Policy DP3 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014).

Impact to Conservation Area

There is a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 In considering whether to grant planning permission for development which affects a listed building or its setting to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework at paragraph 190 sets out that the local planning authority should identify and assess the particular significance of any heritage asset. They should take this assessment into account when considering the impact of a proposal on a

heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 192-197 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations.

The conservation officer has considered the impact of the development on the designated heritage assets and offers no objections, as confirmed within their comments above.

The scheme will be in keeping with the character of the conservation area and will not materially harm the designated heritage asset, having due regard to Section 72 of the Planning (Listed Building and Conservation Area) Act 1990 and Policy DP3 of the Mendip District Local Plan 2006-2029 (Part 1 Strategies and Policies - adopted 15th December 2014).

Bearing in mind the above assessment, it is considered that the development will not create significant harm to the conservation area.

Character and appearance

The proposed external alterations to the barn are considered to be acceptable in design terms and the rural character of the original barn and the wider site will be maintained.

The proposed external alterations to the main house are considered to be acceptable and are supported by the conservation officer.

Details of new joinery, materials, external attachments etc.. have been provided and these details are considered to be acceptable. The details will be secured via relevant condition to preserve the character of the existing buildings and the wider site, in the event that permission is granted.

Permitted development rights will be removed for any further extensions to the barn conversion in the interests of preserving the character of the barn and the setting of the listed build and wider area.

The visual impact of the development is considered to be acceptable as the works will preserve the character and appearance of the barn and existing house and lead to enhancements to the immediate setting without harm to the character or appearance of the area. The proposal accords with Policy DP1, 3, 4, 7 and 22 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Residential Amenity

Policy DP7 of the MDLP states that new development should protect the amenities of neighbouring occupiers and users, and provide an adequate standard of amenity for the benefit of the proposal's future occupiers. Policy DP8 states that development should not give rise to unacceptable adverse environmental impacts, including in relation to residential amenity.

The holiday let/ dwelling within the converted barn will provide a good level of amenity space and parking and could function as a stand-alone dwelling without harm to neighbouring or future residential amenities. The barn attached to the main dwelling is likely to function / be used in the same way in that ancillary living space would be occupied, and given the limited size and scale of floorspace proposed this is considered to be an acceptable arrangement.

Given the overall design and scale of the proposed developments the proposal would not cause significant harm to the amenities of any occupiers or adjacent occupiers through loss of light, overshadowing, overbearing impact, loss of privacy, noise, smell, traffic or other disturbance. The proposal accords with Policy DP7 of the adopted Local Plan Part 1 (2014) and Part 12 of the National Planning Policy Framework.

Highways

The means of access and parking arrangements are acceptable and maintain highway safety standards. The proposal accords with Policy DP9 and DP10 of the adopted Local Plan Part 1 (2014) and Part 9 of the National Planning Policy Framework.

Trees

The proposed development will not have an adverse impact on a tree which has significant visual or amenity value. The proposal accords with Policy DP4 of the adopted Local Plan Part 1 (2014) and Part 15 of the National Planning Policy Framework.

Energy Conservation

It is considered that the proposal utilises practical methods for energy conservation within its construction.

Ecology

The County Ecologist raises no objections to the proposal.

Flooding and Drainage

The site is located within flood zone 1, which is defined as an area at low risk of flooding. The development will not create a significant threat to flood risk. The proposal is therefore considered to be in accordance with Policy DP23 of the Local Plan.

Refuse and recycling

There is adequate outdoor amenity space to provide refuse and recycling bins/ containers, which would then be brought out onto the highway on collection day.

Equalities Act

In arriving at this recommendation, due regard has been given to the provisions of the Equalities Act 2010, particularly the Public Sector Equality Duty and Section 149.

The Equality Act 2010 requires public bodies to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations between different people when carrying out their activities. Protected characteristics are age, disability, gender reassignment, pregnancy and maternity, race/ethnicity, religion or belief (or lack of), sex and sexual orientation.

Environmental Impact Assessment

This development is not considered to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Conclusion

The proposal is considered to be acceptable and is recommended for APPROVAL WITH CONDITIONS.

Reason/s for Recommendation

1. The proposal accords with the Council's settlement strategy as it proposes the re-use of a redundant rural building with enhancements to the immediate setting. The proposal will create economic benefits through the creation of tourist accommodation (holiday lets). The proposal, by reason of its design, scale and layout would be in keeping with its surroundings. The proposal will preserve the character and appearance of designated heritage assets. The proposal, by reason of its design, scale and layout, would safeguard the amenities of neighbouring residents and adjoining land users. The means of access and parking arrangements meet the required safety standards and will ensure the free flow of traffic on the highway. The proposal makes adequate arrangements for biodiversity/ ecology. The proposal will not increase flood risk. The proposal has been tested against the following Development Plan policies. In the opinion of the Local Planning Authority, and subject to the conditions below, the proposal is acceptable:-
Policies CP1, 2, 3 and 4 and DP1, 3, 4, 5, 6, 7, 8, 9, 10, 22 and 23 of the Mendip District Local Plan 2006-2029, Part 1: Strategy and Policies, adopted December 2014
National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Somerset County Council Parking Strategy, 2013
Somerset County Council Standing Advice, 2015

Conditions

1. **Standard Time Limit (Compliance)**
The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: As required by Section 91 of the Town and Country Planning Act 1990 (as amended) and to avoid the accumulation of unimplemented planning permissions.

2. **Plans List (Compliance)**

The development shall be carried out in full accordance with the following approved plans:

- Report on Visual Structural Inspection Barn Conversion at Little Oakhill, Brewery Lane, Oakhill, Ref Y347 (Received 9th September 2019)
- 1763/P/03A (Received 5th July 2019)
- Bat Scoping Survey Report dated June 2019 (received 24th June 2019)
- 1763/S/04 (validated 14th May 2019)
- 1763/P/01A (validated 14th May 2019)
- 1763/P/02A (validated 14th May 2019)
- CR_WRCS_LS_D Revision D (validated 14th May 2019)
- 1763/P/04 (validated 14th May 2019)
- Detail 1H (validated 14th May 2019)
- Detail 2A (validated 14th May 2019)
- Detail 9A (validated 14th May 2019)
- Detail 34B (validated 14th May 2019)
- Detail 35A (validated 14th May 2019)

Reason: To define the terms and extent of the permission.

3. **Schedule of Conversion Works to Barn (Bespoke Trigger)**

No works of alteration to the building ('barn') shall begin until a schedule of works has been submitted to and approved in writing by the Local Planning Authority. The schedule of works shall include:

- (a) Details of demolition or removal of any building fabric and any rebuilding or repairing works required to convert the building. Prior to the repair of any part of the walls, details of the methods of repair shall be submitted to and approved by the Local Planning Authority. All existing structural posts and beams shall be retained and reused in existing positions, unless otherwise agreed in writing by the Local Planning Authority;
- (b) Details of measures required to support any wall, floor, roof or other vertical or horizontal surface;
- (c) Details of measures required to provide protection for the building against the weather during the conversion works.

The agreed schedule shall be strictly adhered to during the course of the conversion works.

Reason: Permission has only been granted having regard to the existing structural condition of the rural building ('barn') to be converted, having regard to the provisions of Policy DP22 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

4. **Holiday Accommodation (Dairy) Occupancy (Compliance)**

The holiday let created within the 'Dairy' is to be used as a holiday let or as ancillary accommodation to serve the main house and shall not be occupied as a person's sole or main place of residence. An up-to-date register of all occupiers on the site (including their main home address), shall be maintained and this information shall be made available at all reasonable times to the Local Planning Authority.

Reason: Permission has only been granted for holiday use/ ancillary accommodation to preserve the future residential amenities of the occupiers of the development, having regard to the provisions of Policy DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

5. **Materials (Compliance)**

The development hereby approved shall be carried out using external facing and roofing materials as specified on the approved plans and application form.

Reason: In the interests of the appearance of the development and the surrounding area in accordance with Policy DP3 and DP7 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

- 6. Removal of Permitted Development Rights - No extensions or alterations (Compliance)**
Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no extension, enlargement (including additions or alterations to the roof(s)) or external alterations to the holiday let within the 'Barn' hereby approved shall be carried out without the granting of planning permission from the Local Planning Authority.
Reason: Any further extensions require detailed consideration by the Local Planning Authority to safeguard the amenities of the surrounding area and the character and appearance of the development having regard to the provisions of Policy DP3, DP7 and DP22 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 7. External Lighting (Bespoke Trigger)**
No new external lighting, other than that shown on the approved plans, shall be installed within the boundary of the application site unless in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Such details shall include the location, number, luminance, angle of illumination and type of each luminaire or light source and a lux diagram showing the light spill from the scheme. The lighting shall thereafter be installed, operated and maintained in accordance with the approved details.
Reason: To avoid harm to bats and wildlife in accordance with DP5 and DP6 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 8. Parking (Compliance)**
The areas allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
Reason: To ensure that sufficient parking is provided to serve the approved development in the interests of highway safety in accordance with Policies DP9 and DP10 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).
- 9. Removal of Solar Panels (Compliance)**
Within 6 months of the point where the solar panels permanently ceases to produce electricity, the solar panels together with any supporting apparatus, shall be removed.
Reason: To safeguard the character and appearance of the listed building in accordance with Policy DP3 of the Mendip District Local Plan Part 1: Strategy & Policies 2006-2029 (Adopted 2014).

List of Advices

- 1. Condition Categories**
Your attention is drawn to the condition/s in the above permission. The heading of each condition gives an indication of the type of condition and what is required by it. There are 4 broad categories:

Compliance - The condition specifies matters to which you must comply. These conditions do not require the submission of additional details and do not need to be discharged.

Pre-commencement - The condition requires the submission and approval of further information, drawings or details before any work begins on the approved

development. The condition will list any specific works which are exempted from this restriction, e.g. ground investigations, remediation works, etc.

Pre-occupation - The condition requires the submission and approval of further information, drawings or details before occupation of all or part of the approved development.

Bespoke Trigger - The condition contains a bespoke trigger which requires the submission and approval of further information, drawings or details before a specific action occurs.

Please note all conditions should be read fully as these headings are intended as a guide only.

Failure to comply with these conditions may render the development unauthorised and liable to enforcement action.

Where approval of further information is required you will need to submit a conditions application and pay the relevant fee, which is £116 per request (or £34 where it relates to a householder application) and made payable to Mendip District Council. The request must be made in writing or using the Standard Application form (available on the council's website www.mendip.gov.uk). For clarification, the fee relates to each request for the discharge of condition/s and not to each condition itself. There is a no fee for the discharge of conditions on a Listed Building Consent, Conservation Area Consent or Advertisement Consent although if the request concerns condition/s relating to both a planning permission and Listed Building Consent then a fee will be required.

2. In determining this application the Local Planning Authority considers it has complied with the aims of paragraph 38 of the National Planning Framework by working in a positive, creative and pro-active way.
3. The responsibility for ensuring compliance with the terms of this approval rests with the person(s) responsible for carrying out the development. The Local Planning Authority uses various means to monitor implementation to ensure that the scheme is built or carried out in strict accordance with the terms of the permission. Failure to adhere to the approved details will render the development unauthorised and vulnerable to enforcement action.
4. The Planning Authority is required to erect a Site Notice on or near the site to advertise development proposals which are submitted. Could you please ensure that any remaining Notice(s) in respect of this decision are immediately removed from the site and suitably disposed of. Your co operation in this matter is greatly appreciated.
5. Please note that your proposed work may also require Building Regulations approval, which is a separate consent process to the consideration of a planning application. The Council's Building Control team are available to provide Building Regulations advice from pre-application stage to completion of a development and can be contacted on 0300 303 7790. Further details can also be found on their website <http://www.sedgemoor.gov.uk/SomersetBCP/>