

TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE)
(ENGLAND) ORDER 2015

**ERECTION OF A DWELLING TO REPLACE THE EXTANT DWELLING
PERMITTED UNDER PLANNING PERMISSION 2019/1154/FUL**

**LITTLE OAKHILL, BREWERY LANE, OAKHILL,
SHEPTON MALLET, SOMERSET, BA3 5AT**



PLANNING STATEMENT

ON BEHALF OF MR & MRS N. HENDEY

JANUARY 2024

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1.0 APPLICATION SITE AND PROPOSAL

- 1.1 This application relates to **Little Oakhill, Brewery Lane, Oakhill, Shepton Mallet, Somerset, BA3 5AT**, and proposes to demolish an existing modern barn (see 'Site Photographs' provided) and replace it with a new-build dwelling of exceptional design quality, utilising a fallback position that has opened up through the successful implementation of planning permission **2019/1154/FUL** (see relevant decision notice and case officer report attached), which permits the conversion of the barn to a residential dwelling, without any restriction(s) on its future occupation.
- 1.2 Planning permission 2019/1154/FUL (approved 08/11/2019) was implemented in 2021, through the conversion of the '**Dairy**' to a holiday let, which is attached/ part of the main house. Relevant evidence has been provided that demonstrates that my client has a realistic fallback position, which justifies the replacement of the barn with a new-build dwelling. Further evidence can be provided if necessary.
- 1.3 The main house at Little Oakhill is Grade II Listed and the existing barn (to be demolished) does not currently preserve or enhance its existing historic setting (see '*Heritage Statement and D&A*' provided separately).
- 1.4 The new dwelling proposed has been designed by **Josephine de Boynes** of '**CJ Architects**', to create visual enhancements to the setting of this designated heritage asset, and provide a new-build dwelling of exceptional design quality, which also includes excellent sustainability credentials (see '*Resource Efficiency Form Somerset*' provided separately).
- 1.5 The site is accessed via Brewery Lane, which serves a number of other existing dwellings. The site is located within a short walk of key village services within Oakhill (identified as a 'Secondary Village' in the Mendip District Local Plan), including Oakhill Church School, The Oakhill Inn, Oakhill Surgery, All Saints' Church, Oakhill Methodist Church and Ashwick and Oakhill Village Hall.
- 1.6 The development proposes a dedicated parking, turning and access area, with 3 parking spaces to serve the new dwelling, which provides a betterment to the previously approved access and parking arrangements.
- 1.7 The application is accompanied by relevant supporting statements and existing and proposed plans that clearly show/ illustrate the benefits that will be secured on site.

2.0 RELEVANT PLANNING HISTORY

2019/1154/FUL - 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 – Approved with conditions 08/11/2019.

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 – Approved with conditions 08/11/2019.

2020/0909/NMA - Application for a non-material amendment to planning permission 2019/1154/FUL to include: blocking of door to the existing utility, opening of previously blocked window in the former dairy to allow for the fitting of an emergency egress window and wood-burner flue adjustments to allow for this and installation of extract fan vents serving kitchenette and shower room in former dairy – Approved 01/06/2020.

3.0 PLANNING POLICY CONTEXT

Development Plan

3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 (as amended) require Local Planning Authorities to determine Planning Applications in accordance with the Development Plan unless material considerations indicate otherwise.

3.2 The Mendip District Local Plan (Part I): Strategy and Policies 2006-2029 was adopted in December 2014 and forms part of the Development Plan for the District. The following development plan policies are relevant to this application:

- CP1 (Mendip Spatial Strategy)
- CP2 (Supporting the Provision of New Housing)
- CP4 (Sustaining Rural Communities)
- DP1 (Local Identity and Distinctiveness)
- DP3 (Heritage and Conservation)
- DP4 (Mendips 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)
- DP14 (Housing Mix)
- DP23 (Managing Flood Risk)

3.3 Other Material Planning Considerations

- National Planning Policy Framework (NPPF), Dec 2023, Chapters:
 - 2 – Achieving sustainable development
 - 4 – Decision making
 - 5 – Delivering a sufficient supply of homes
 - 9 – Promoting sustainable transport
 - 11 – Making effective use of land
 - 12 – Achieving well-designed and beautiful places
 - 14 - Meeting the challenge of climate change, flooding and coastal change
 - 15 - Conserving and enhancing the natural environment
 - 16 - Conserving and enhancing the historic environment
- Relevant Planning Practice Guidance (PPG)
- Somerset County Parking Strategy
- Somerset County Council Highways Development Control Standing Advice
- Design and Amenity of New Development, Policy DP7 SPD (March 2022)

4.0 PLANNING MERITS OF THE PROPOSED DEVELOPMENT

Principle of Development

- 4.1 The application site is located adjacent to the development limit boundary of Oakhill, which is identified as a ‘*Secondary Village*’ under Policy CP1 of the adopted Mendip District Local Plan (adopted 2014), which is a village that offers “*some services and the best available public transport services making them appropriate for development aimed at meeting more localised housing, business and service needs*”.
- 4.2 Regardless of the sites position adjacent to the development limit boundary, there is an **extant planning permission** (ref: **2019/1154/FUL**) for the creation of an additional residential dwelling on this site, through the conversion of the barn in question.

- 4.3 Planning permission 2019/1154/FUL (approved 08/11/2019) was implemented in 2021 by our clients, through the conversion of the **'Dairy'** to a holiday let, which is attached/part of the main house. Relevant evidence has been provided that demonstrates that my client has a realistic fallback position, which justifies the replacement of the barn with a new-build dwelling.
- 4.4 This application proposes to demolish the existing modern barn (see 'Site Photographs' provided) and replace it with a new-build dwelling of exceptional design quality, utilising the fallback position that has opened up through the successful implementation of planning permission 2019/1154/FUL (see relevant decision notice and case officer report attached), which permits the conversion of the barn to a residential dwelling, without any restriction(s) on its future occupation.
- 4.5 It should also be highlighted that the Planning Case Officer's report for application 2019/1154/FUL (see relevant attachment) confirms the acceptability of the barns conversion to a residential use:

"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".

- 4.6 The consequent decision notice for planning permission 2019/1154/FUL (see relevant attachment) restricts the future occupation of the 'Dairy' (attached to the main house) to a holiday use, but there is no such condition restricting the occupation of the Main/ Sheep Barn. The Planning Case Officer's report (see relevant attachment) confirms:

*"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 to***

holiday/ tourism accommodation as the conversion of it to residential is supported by Policy DP22”.

- 4.7 My clients therefore have a legitimate fallback position, which is a material planning consideration that supports the general principle of development, and allows for the erection of a new-build dwelling in this location, particularly as the development offers a number of significant social, economic and environmental benefits, which are covered further below.
- 4.8 Mendip District Council, as Local Planning Authority (LPA), is currently unable to demonstrate a secure 5-year supply of deliverable housing sites, and this means that relevant policies for the supply of housing (Policy CP1, CP2 and CP4) are treated as being **‘out-of-date’**. Mendip/ Somerset East’s current housing supply is confirmed between **2.87 – 2.94 years**.
- 4.9 Housing applications must therefore be considered in the context of the **‘Presumption in Favour of Sustainable Development’**, outlined under **Paragraph 11(d) of the NPPF**. This means that for decision-taking, planning permission should be granted unless policies that protect areas or assets of particular importance provide a clear reason for refusing the development proposed, or if any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against policies taken as a whole.
- 4.10 Case law relating to **‘Braintree District Council -v- Secretary of State for Communities and Local Government (2017)’** is also considered to be of relevance to this case, *which* deals specifically with what constitutes *“isolated”* for the purposes of paragraph 84 of the NPPF. In the Braintree case, and indeed in the case of this application, the site is clearly shown adjacent to the main development limits of the village, and is surrounded by existing buildings on 3 sides and currently consists of an existing building/ barn that will be replaced by the new single-storey dwelling proposed (as part of a legitimate fallback position), on a similar footprint. The proposed dwelling is well related to the existing settlement and its built form, and is located within close-proximity of existing local services and facilities (as confirmed previously). It is therefore concluded that the application site is not isolated or located within an open rural setting.
- 4.11 The application site is also located outside of the **‘Somerset Levels and Moors Ramsar’** designation, where there are currently issues relating to unfavourable levels of

phosphates that are preventing development, which is having a severe knock-on effect on Mendip/ Somerset East's ability to demonstrate a secure 5-year housing land supply. The site's location outside of this catchment area is a planning consideration that should be afforded significant weight in the overall planning balance, particularly as the current housing supply is less than 3 years.

- 4.12 The application has been designed around sustainability at its core, as demonstrated by the *'Resource Efficiency Form Somerset'* provided (see relevant attachment).
- 4.13 The following sections of this report provide an assessment as to whether the proposal would achieve **'Sustainable Development'** having regard to the **social, economic** and **environmental** dimensions enshrined in planning policy.

Social Dimension of Sustainable Development

- 4.14 The proposal will perform an important social role by providing a new dwelling that will contribute towards the Council's supply of deliverable housing sites. The importance of one dwelling should not be under-estimated as Policy DP14 of the adopted Local Plan confirms that Mendip District Council has traditionally delivered a significant proportion of its new housing on smaller sites, and paragraph 70 of the NPPF also highlights that *"Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly"*.
- 4.15 The new dwelling will be a 3-bedroom unit with accommodation on one floor, which are in high demand within Mendip, and will add to the housing stock available within both Oakhill and the wider District for this type of accommodation. It is also highly likely that the new dwelling will be offered as a *'Self-Build'*. As such, it is considered that there will be significant benefits for housing supply.

Economic Dimension of Sustainable Development

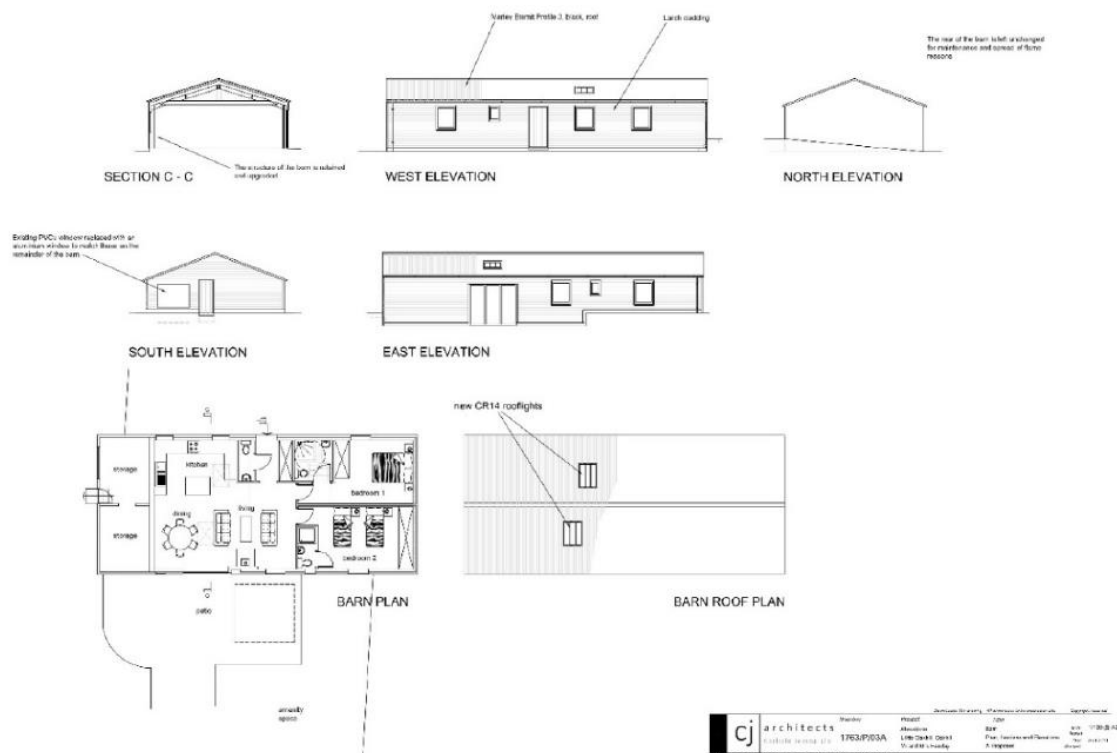
- 4.16 The proposal will perform an important economic role by providing jobs and supply chain investment during the construction phase, and there will be increased demand for local goods and services over the long-term occupation of the dwelling for the benefit of the local economy. Furthermore, there will be local financial benefit from the payment of the New Homes Bonus which is becoming an increasingly dependent source of income for the Council to provide local services, and regard must be given to this local finance consideration when making a decision. As such, there will be

significant economic benefits which further weigh in favour of permission being granted.

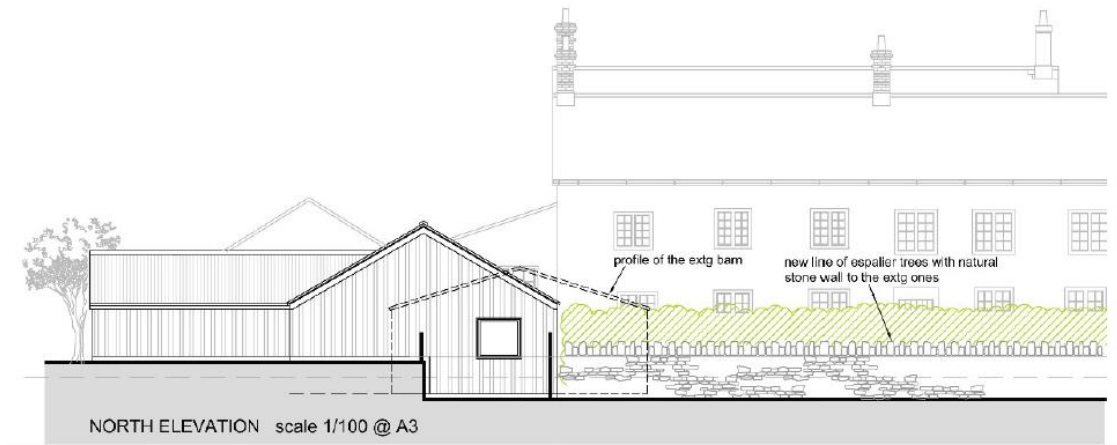
Environmental Dimension of Sustainable Development

Landscape and Visual Impact

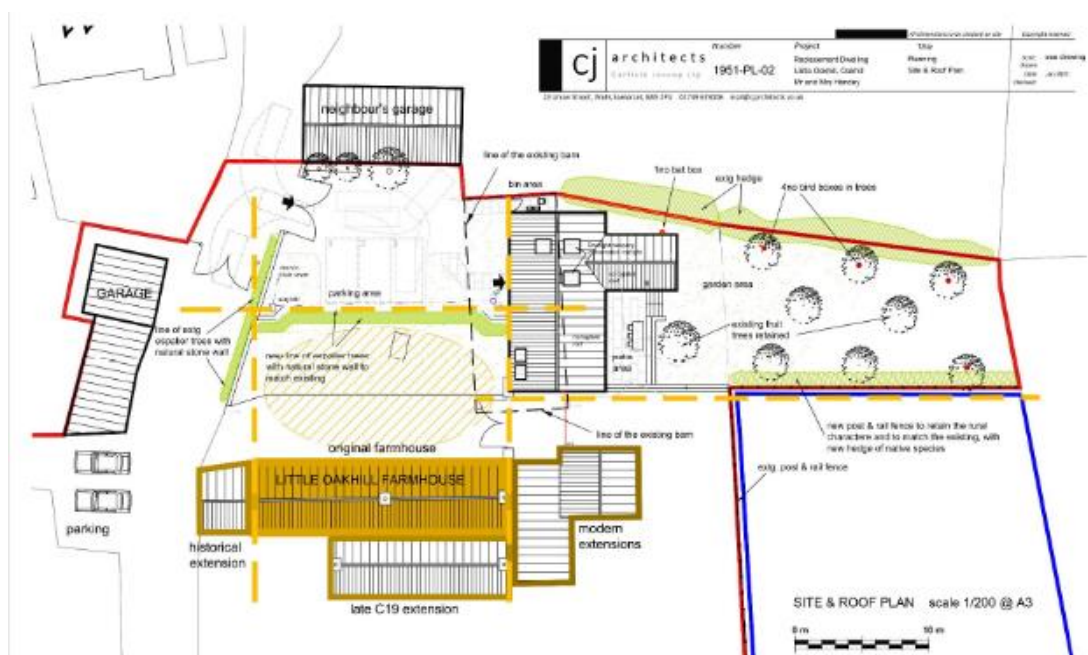
- 4.17 As confirmed previously, the current application proposes a new-build dwelling to replace an existing barn, that has permission to be converted into a dwelling under planning permission 2019/1154/FUL.
- 4.18 The approved plans for planning permission 2019/1154/FUL are provided below:



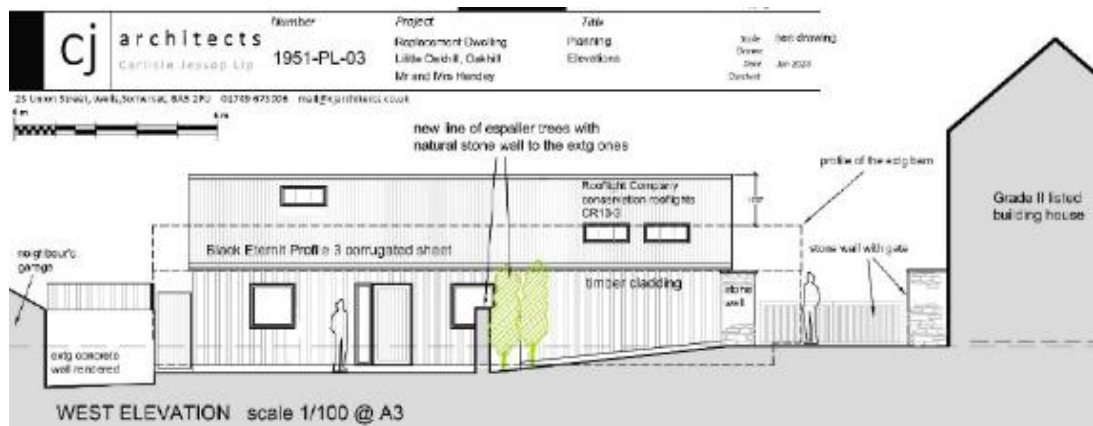
- 4.19 As confirmed within the accompanying 'Heritage Statement and D&A', the key objective with this proposal has been to stay as close as possible to what has been approved, but create a development that brings visual enhancements to the setting of the listed building, by re-positioning the proposed dwelling, as shown by the proposed plan extracts provided on page 9:



Above: Proposed northern elevation with new dwelling stepped back into site



Above: Proposed site plan showing position of new dwelling



Above: Proposed front elevation of dwelling

- 4.20 Whilst we acknowledge that the new dwelling will be approximately 1.2m taller than the existing barn/ extant permission, and includes a modest rear extension, the dwelling has been stepped back into the site by approximately 3.2m (at its further point), in comparison to the position of the existing barn, which will reveal more of the historic features of the rear elevation of the listed building (Little Oakhill), bringing visual enhancements to its setting.
- 4.21 The proposed external materials for the new dwelling tie in with those approved previously, with the incorporation of timber cladding for the external walls and corrugated metal sheeting for the proposed roofing material, which creates a new building that has the external appearance of being a converted rural outbuilding/ barn, which is appropriate to the sites setting and the status of the existing listed building.
- 4.22 The development will create a visually attractive form of 21st Century architecture that will add visual interest to the character and quality of the local area, whilst respecting the hierarchy of the site and enhancing the prominence of the designated heritage assets, including Oakhill Conservation Area.
- 4.23 Paragraph 135 c) of the NPPF makes it clear that planning policies and decisions should ensure that developments “*are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)*”.
- 4.24 A combination of careful siting, design, landscaping and natural screening of the development ensures that the proposed development will enhance the setting of the listed building and conservation area (‘designated heritage assets’), whilst respecting its existing landscape setting. The development therefore complies with the requirements of Policies DP1, DP3, DP4 and DP7 of the Local Plan and guidance contained within the NPPF.

Carbon Emissions

- 4.25 This application has been designed around sustainability at its core, as demonstrated by the ‘*Resource Efficiency Form Somerset*’ provided (see relevant attachment).
- 4.26 The overall environmental benefits of the development should be afforded significant weight in the planning balance, to include the wider bio-diversity and environmental benefits outlined further below.

Flood Risk

- 4.27 The site is within an area defined on the Environment Agency's Flood Maps as being at the lowest risk of flooding (Flood Zone 1) and there is no history of this site flooding (see EA Flood Map provided). Surface water run-off will be appropriately drained and managed within the site, to ensure that the proposed development will not increase the risk of flooding elsewhere. The proposal therefore accords with the provisions of Policy DP23 and DP8 of the Local Plan and Chapter 14 of the NPPF.

Biodiversity

- 4.28 A '*Bat & Bird Scoping Report*', dated *January 2024*, prepared by '**Nash Ecology**', is provided to accompany the application.

- 4.29 The ecological enhancement/ bio-diversity gains recommended within the '*Bat & Bird Scoping Report*' have been designed into the development, as shown within the proposed site plan. These enhancement measures include:

- The installation of a bat box to the proposed northern elevation of the dwelling;
- The installation of 4 bird boxes to existing trees within the current orchard area

- 4.30 The application site is located outside of the '*Somerset Levels and Moors Ramsar*' designation, where there are currently issues relating to unfavourable levels of phosphates in watercourses that are preventing development and harming ecosystems, which is having a severe knock-on effect on Mendip's ability to demonstrate a secure 5-year housing land supply. The site's location outside of this catchment area is a planning consideration that should be afforded significant weight in the overall planning balance, particularly as the Councils current housing supply is less than 3 years.

- 4.31 The development will secure significant ecological enhancements/ bio-diversity gains (environmental benefits) and will not harm protected species. As such the proposal complies with the provisions of Policy DP5 and DP6 of the Local Plan and the relevant parts of Chapter 15 of the NPPF.

Trees

- 4.32 The development will retain all existing trees and hedges within and adjacent to the application site, in compliance with the provisions of Policy DP1 and DP4 of the Local Plan and the relevant parts of Chapter 15 of the NPPF.

Heritage Assets

- 4.33 The application site is located within the Oakhill Conservation Area and the main house at Little Oakhill is a Grade II listed building.
- 4.34 The impact of the proposed development to designated heritage assets is covered within the '*Heritage Statement*', produced by CJ Architects (please see relevant attachment).
- 4.35 The Heritage Statement provided demonstrates that the historic environment will be enhanced, in accordance with the provisions of Policy DP3 of the Local Plan and Chapter 16 of the NPPF.

Living Conditions

- 4.36 There are no existing uses or activities that would compromise the living conditions for future occupants of the dwelling, and the development has been laid out/ designed to ensure that it will not adversely affect the light, privacy and living conditions currently enjoyed by the occupants of neighbouring residential properties.
- 4.37 Little Oakhill and the holiday let at 'The Diary' will also retain sufficient garden/ outdoor amenity areas, including parking, turning and access space.
- 4.38 Existing and proposed levels of residential amenity will be safeguarded in accordance with Policy DP7 and DP8 of the Local Plan and Chapter 12 of the NPPF.

Means of Access/ Highway Safety

- 4.39 The site is accessed via Brewery Lane, which serves a number of other existing dwellings.
- 4.40 The development proposes a dedicated parking, turning and access area, with 3 parking spaces (including 1 visitors space) to serve the new dwelling, which provides a betterment to the previously approved access and parking arrangements.
- 4.41 Sufficient car parking spaces will be provided to serve the new dwelling and Little Oakhill, in accordance with the County Parking Strategy, and there will be sufficient turning and access space provided on site, to allow vehicles to enter and leave the site in a forward gear.
- 4.42 The site is located within a short walk of key village services within Oakhill (identified as a 'Secondary Village' in the Mendip District Local Plan), including Oakhill Church

School, The Oakhill Inn, Oakhill Surgery, All Saints' Church, Oakhill Methodist Church and Ashwick and Oakhill Village Hall. As such the development will support sustainable transport methods and reduce the reliance on private vehicles, particularly as Oakhill is well served by buses to destinations such as Bath, Shepton Mallet, Wells and Frome (amongst others).

- 4.43 Access for the proposed development will be safe and suitable for the very limited amount of traffic that will be generated by the proposed development. The proposal therefore complies with Policy DP9 and DP10 of the Local Plan, Chapter 9 of the NPPF.

5.0 CONCLUSION

- 5.1 The Statements and accompanying plans provided demonstrate that no adverse impacts will be created by the development that will significantly and demonstrably outweigh the combined weight of the social, economic and environmental benefits of the development proposed.
- 5.2 The principle of the development is acceptable given the realistic fallback position of being able to build out the extant planning permission, under consent 2019/1154/FUL.
- 5.3 The current proposal will provide enhancements to the setting of designated heritage assets, in addition to securing relevant sustainability enhancements.
- 5.4 The LPA is respectfully requested to grant planning permission in accordance with the presumption in favour of sustainable development, as set out under Paragraph 11(d) of the NPPF.

Brimble Lea

January 2024