

Appeal Decision

Site visit made on 17 March 2020

by Mrs H Nicholls MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2020

Appeal Ref: APP/Q3305/W/19/3242239

Knapp Hill Farm, Bath Road, Wells BA5 3LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Flower & Hayes Developments Ltd against the decision of Mendip District Council.
 - The application Ref 2019/1726/FUL, dated 12 July 2019, was refused by notice dated 15 November 2019.
 - The development proposed is DP22 application for the conversion and change of use of a redundant agricultural building into a 1 bedroom residence.
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Decision

1. The appeal is allowed and planning permission is granted for proposed DP22 application for the conversion and change of use of a redundant agricultural building into a 1 bedroom residence at Knapp Hill Farm, Bath Road, Wells, BA5 3LN, in accordance with the terms of the application, Ref 2019/1726/FUL, dated 12 July 2019, subject to the conditions in the attached schedule.

Preliminary Matter

2. Plan ref F1531_100a was submitted during the course of the appeal application and does not amend the scheme other than to show the proposal in relation to the adjacent public right of way (PROW). I have taken this plan into consideration in the determination of the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the host building and wider area, including the Mendip Hills Area of Outstanding Natural Beauty (AONB);
 - Whether the proposal would harm the setting of the Mendip Hospital Conservation Area (CA) or setting of the grade II listed 'South Lodge' gatehouse building;
 - Whether the proposal would accord with local policies in respect of the suitability of the building for conversion;
 - Whether the proposal would make adequate provision for foul and surface water drainage; and
 - Whether the proposal would adequately protect existing trees.

Reasons

Character and appearance

4. The appeal site comprises a small stone barn with monopitch roof, an open front and three internal bays. The building is tucked in against the slope of the land. There is a small area of hardstanding external to the barn and some intervening agricultural land between it and the road. A low stone wall also runs along the edge of the footway, separating the site from the road. The site lies within the Mendip Hills Area of Outstanding Natural Beauty (AONB) and adjacent to a public right of way (PROW).
5. Due to its siting in close proximity to the highway, its elevated position relative thereto, and the adjacency with the PROW, the appeal building is particularly visible in the streetscene and in public views. Whilst most surrounding buildings are residential in nature and sited on the south side of the street, the appeal building stands alone surrounded by a swathe of agricultural land. It is however experienced as an agricultural building that has an obvious visual link with the tapered end of the settlement where the lower density and more modern residential development has diluted the urban character otherwise demonstrated to the west along Bath Road and St Thomas Street.
6. The proposals would convert the building, largely using its existing walls and adding a front wall and replacement roof. The new zinc roof would allow the building to maintain its low monopitch roof profile, albeit with rooflights from which there would be minimal light spill given their orientation. The building would not appear materially different in views from the AONB to the rear. The construction materials and the detailing of the new windows and doors would also be appropriate for the simple character of the building.
7. The proposals would represent a low level intervention to an existing building which is experienced in an edge of settlement context. Whilst the Local Plan¹ Policy DP22 is applicable to the site's location outside of the defined development limits, the area has a greater capacity to accept change than somewhere more rural and unspoilt to which the natural landscape characteristics of the Mendip Hills NCA² may be more applicable. The proposals would ensure that the original form and purpose of the building were capable of being understood and the alterations to the wider garden would be seen as a further transitional change between the semi-rural and urban characteristics which blend together in this area. For similar reasons, users of the PROW would not detect a marked or harmful change.
8. In view of this main issue, the proposal would maintain the character and appearance of the area, and thus conserve the Mendip Hills AONB. The proposal would therefore comply with Local Plan Policies DP.4 and DP.22 which seek to ensure that new developments conserve and enhance the natural beauty, wildlife and cultural heritage will of the AONB and that its design respects its surroundings. For similar reasons, the proposal also complies with Local Plan Policies DP1 and DP7 which also underline the importance of good design and maintaining local identity.

Impact on heritage assets

¹ Mendip District Local Plan Part 1 Strategy and Policies (adopted December 2014)

² National Character Area – National Character Area Profile 141 - Mendip Hills

9. The appeal site lies in close proximity to the Mendip Hospital CA and in close proximity to the grade II listed building, South Lodge. Under Sections 66(1) and 72(1) of the Listed Building and Conservation Areas Act 1990 respectively, I am required to have special regard to the desirability of preserving the setting of the listed building, and in respect of the CA, pay special attention to the desirability of preserving or enhancing its character or appearance.
10. The Mendip Hospital CA covers some of the grounds of the old Mendip Hospital which now forms the basis of the village of South Horrington. The special qualities of the CA include the grade II listed former hospital building which is broadly central to the CA, and its associated buildings, including the grade II chapel immediately to the north, and South Lodge. The wider area also has a distinct rural setting, being largely surrounded by expanses of countryside, including golf course, except for where it almost connects with the built limits of Wells to the west. The rural setting of which the appeal site forms a minor part contributes to the setting of the CA and South Lodge, thus the appeal site contributes in a minor way to the significance of the heritage assets.
11. South Lodge forms a prominent building at the walled entrance to the former hospital, now in residential use. Its significance relates primarily to its age, form and historic fabric, along with its specified features of special interest, including its ogee-shaped gables and lead roof, and ashlar stacks. Importantly, its significance also derives from its group value with the former hospital and chapel of the same listing category.
12. The appeal site lies a short distance from and on the opposite side of the road to South Lodge and boundary of the CA. The proposal would domesticate the existing building and its immediate surroundings. However, as the building already forms a feature within this swathe of landscape and is seen in context with the outer limits of Wells, the impact of a degree of urbanisation would be less pronounced. The proposal would leave intact the swathes of greenery either side of the site and would maintain the simple form and discreet scale of the existing building. Furthermore, the existing front boundary wall would be retained to help preserve the site's current semi-rural appearance, along with additional landscaping measures to integrate the garden within the streetscene in a subtle and sensitive manner.
13. In view of this main issue, subject to the imposition of conditions, the proposal would at least preserve the settings of the listed building and CA, thus having a neutral effect on their significance. It would therefore accord with Local Plan Policy DP3, which seeks to preserve the significance and setting of heritage assets.

Suitability of building

14. Local Plan Policy DP22 sets out that any building to be converted in the countryside should be of permanent and substantially sound construction and is proposed for re-use and adaptation in a manner which would not require major or complete reconstruction.
15. The appeal application was submitted with a visual structural appraisal undertaken by an appropriately qualified specialist. The appraisal indicates that the barn is of permanent and substantially sound construction and is in a suitable condition to allow for conversion into a habitable dwelling without necessity for major reconstruction.

16. Whilst the survey is a visual one based on inspection from the ground, I share the same views expressed in respect of the apparent suitability of the barn for conversion. It is a robust, predominantly stone built structure which does not appear to have any obvious defects or prohibitive factors that would prevent its conversion. The works to provide a new roof, front wall and insulation throughout, including in the flooring, would not amount to major reconstruction. The removal of the internal bays would be necessary to open up the living spaces to create suitable room dimensions, although the circular stone partitions supports would be retained. Owing to the size of the original building, the resulting dwelling would be modestly sized, however, the proposal would utilise the structure in a manner sensitive to its existing character.
17. In light of this main issue, the building is considered suitable for conversion and the proposal therefore complies with Local Plan Policy D22 in this regard.

Drainage

18. The appeal building is located in an area which has a mains sewerage network. The site also comprises a relatively large area of sloping agricultural land which is to be maintained as a grassed garden and which currently forms part of an agricultural field also in the ownership of the appellant.
19. The appeal application was submitted with limited details in respect of the proposed means of foul drainage or sustainable urban drainage system (SUDS) for surface water run-off. Despite the limited evidence, there does not appear to be any obvious impediment to providing drainage solutions for both foul and surface water given the range of possible options and extent of land available, should it be required. Consequently, whilst it may ordinarily be desirable to ascertain the specific means of drainage at the earliest opportunity, in this instance, planning conditions could be used to seek such details prior to the commencement of any development on site.
20. In view of this main issue, the proposal would comply with Local Plan Policies DP8 and DP23, which collectively seek to manage the quality of water resources and ensure all development incorporates appropriate water management measures to reduce surface water run-off and avoid flood risks.

Protection of trees

21. The front of the appeal building is in close proximity to a tree. As I consider that the tree has a low amenity value, and given the high number of larger and more prominent tree specimens in the wider surroundings, including two trees along the southern boundary of the proposed garden, I do not consider that its retention is necessary or desirable.
22. The appeal proposal seeks to remove the aforesaid tree. Subject to conditions to ensure the retention of other trees within the appeal site, adequate tree protection measures during construction and further details of the landscaping measures, the proposal would adequately protect the key trees and maintain the character and appearance of the area.
23. In view of this main issue and subject to conditions, the proposal complies with Local Plan Policies DP1 and DP4, which together, seek to ensure proposals are formulated with an appreciation of the built and natural context of their locality, including features such as trees.

Other Matters

24. I note the close proximity of the appeal building to a PROW as shown on plan Ref F1531_100a. Although it would appear that full access to the PROW is to be retained, I note that there may be a need to resurface it, and/or temporarily divert it until such works are undertaken. The process of diverting a PROW or seeking authorisation to resurface it is governed by separate legislation and due process would need to be followed in the event that any works or diversion are necessary.
25. I note the concerns of local residents that the current proposal could lead to the creation of a harmful precedent. There is limited evidence to suggest that allowing the proposal would lead to additional housing being constructed on adjoining land. A key reason for the principle of development being acceptable in this case is due to the existence of the building which is to be converted in the context of Local Plan Policy DP22. In the absence of any other potentially convertible buildings, future applications for new housing would be determined on the basis of their own merits.
26. I note that a number of comments highlight the seemingly large size of the plot relative to the small size of dwelling. The scale of the dwelling is constrained by the size of the building that is to be converted. The plot size relative thereto is also determined, to an extent, by the position of the building in relation to boundary features and point of access. Despite the garden being generous in size, I do not consider that is disproportionate or irregular in the context of the building or existing site features.
27. Whilst a number of correspondents raised concerns in relation to highway safety, I note that there was no objection from the Highways Officer and that reference was made to standing advice. I note that the access is situated within an 30mph restricted area and has a good degree of visibility in both directions. As such, there is limited evidence that the proposal would lead to any prejudicial effects on highway safety.
28. Ecological protection and enhancement measures can be secured by conditions relating to the timing and overseeing of construction works as detailed in the submitted ecological appraisal and bat survey. The proposal would otherwise leave intact the wider network of agricultural land and tree belt that contribute more obviously to the ecological value of the area.

Planning balance

29. The Mendip District Council Five Year Supply Position Statement as at December 2019 (January 2020) indicates that the Council currently has a 3.8 years supply of housing land, which is a shortfall of 763 dwellings against the minimum requirement.
30. The absence of a five year housing land supply would ordinarily render policies relevant to the supply of housing 'out of date' and engage the 'tilted balance' outlined in paragraph 11 (d) of the National Planning Policy Framework (2019) (the Framework). The tilted balance sets out that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. However, none of the development plan policies which are most important for determining this appeal would constrain housing

supply. The policies are relevant for development management purposes and I do not consider them to be out-of-date.

31. I have found the proposal to accord with the development plan. None of the other material considerations justify determining the appeal otherwise and the appeal should therefore be allowed.

Conditions

32. In addition to the statutory time limit, a condition is necessary to specify the approved plans in the interests of certainty.
33. Whilst the Council did not consider it necessary to suggest any further conditions, I consider that in the interests of the character and appearance of the area, it is necessary to condition details of landscaping, including tree retention and protection. For similar reasons, it is also necessary to condition details of external materials.
34. In the interests of highway safety, it is necessary to ensure that the parking provision is made available prior to occupation of the dwelling and maintained as such thereafter.
35. Drainage conditions are necessary in the interests of environmental quality and human health. For similar reasons, a condition requiring the reporting of unexpected contamination is required on a precautionary basis.
36. Given that the curtilage will largely be to the front of the dwelling, the permitted development rights for alterations thereto or for the construction of outbuildings are unlikely to apply in any event. As such, I have not given further consideration to the removal of permitted development rights by way of condition.
37. In the interests of the ecological value of the area, it is necessary to condition the implementation of ecological protection and enhancement measures. A separate condition requiring the submission of a sensitive lighting scheme is also necessary in the interests of the protection of bats in particular.

Final conclusion

38. For the reasons set out above, the appeal is allowed.

Hollie Nicholls

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Location Plan, Ref F1531.LOC, dated 10.12.2019
 - Topographical Survey, Ref 1531_002, dated 20.06.2019
 - Existing Floor Plan, Elevations and Location Plan, Ref F1531_001a, dated 27.06.2018
 - Proposed Plans and Elevations, Ref F1531_100a, dated 30.08.2019
- 3) No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping and implementation timetable. The scheme shall include indications of the existing trees to the south of the site to be retained and measures for their protection throughout the course of development. The landscaping scheme shall also detail all other proposed hard and soft landscaping measures, including surfacing materials and specification for hedgerow plants.

The landscaping scheme shall be carried out in accordance with the approved details and in accordance with the timetable specified therein.
- 4) No works involving external materials shall take place until details, including samples where necessary, have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.
- 5) The dwelling hereby permitted shall not be occupied until space has been laid out within the site in accordance with plan no. F1531_100a for the parking of vehicles. The space shall thereafter be retained for the parking of vehicles and for no other purpose.
- 6) No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme for disposal of sewage. The development shall be carried out in accordance with the approved details prior to first occupation of the dwelling hereby permitted.
- 7) No development shall commence until there has been submitted to and approved in writing by the local planning authority a scheme for surface water drainage. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non-statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall:
 - i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- ii) include a timetable for its implementation; and,
- iii) provide, a management and maintenance plan for the lifetime of the development to secure the operation of the scheme throughout its lifetime.

The development will be carried out in accordance with the approved details prior to first occupation of the dwelling hereby permitted.

- 8) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 9) The development hereby permitted shall be implemented in full accordance with the Ecological Appraisal undertaken by Crossman Associates, dated 16 August 2019, incorporating all of the recommendations set out in Section 4 - Recommendations (4.5 to 4.15).
- 10) Prior to occupation of the dwelling hereby permitted, 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 in accordance with the design thereafter.