

SECTION 2 – ITEM 7

Application No: 22/P/2761/FUH

Proposal: Proposed erection of a single storey side extension to the west side of the main dwelling, following demolition of existing stable blocks.

Site address: Jubbs Court Farm, Failand Lane, North Somerset, BS8 3SS

Applicant: Mr Colin Davidson

Target date: 12.01.2023

Extended date: 21.07.2023

Case officer: Kyle Williams

Parish/Ward: Wraxall and Failand Parish Council
Long Ashton Ward

Ward Councillors: Councillors Stuart McQuillan and Ashley Cartman

REFERRED BY COUNCILLOR CARTMAN

Summary of recommendation

It is recommended that the application be **REFUSED**. The full recommendation is set out at the end of this report.

The Site

The application site is located within the hamlet of Lower Failand. The surrounding context consists of agricultural fields with some residential properties along Sandy Lane and Failand Lane. The property consists of a barn conversion, the barn historically formed part of the wider Farm. The farmhouse is now in separate ownership and is known as Jubbs Court. There is a large linear stable block to the west of the property which was built to replace the barn lost to the conversion to residential. To the south west of the property is a small stable block, formally known as the tack room. To the north of the property is a large equestrian menage which was originally built for commercial purposes. The property is accessed via Failand Lane, which is lined with tree coverage either side of the road. The property and its outbuildings are on a lower gradient than the upper part of Failand Lane.

The Application

Full permission is sought for:

- the demolition of the existing stable blocks (linear stable block and small stables 'tack room') and
- the erection of a single storey side extension to the west side of the main dwelling

Relevant Planning History

Year: 2008

Reference: 08/P/0910/F

Proposal: Erection of a first-floor extension, with replacement roof and dormer windows and erection of a porch

Decision: Approved

Year: 2002

Reference: 02/P/0010/F

Proposal: Conversion and extension of existing stable building to include car port and hay store. Conversion of existing tack room and stable to form ancillary accommodation for dependant relative.

Decision: Approved

Year: 1994

Reference: 94/0342

Proposal: Garage and stable block

Decision: Approved

Year: 1989

Reference: 1731/88

Proposal: Conversion of former stables to dwelling and erection of new garage and stables

Decision: Approved

Year: 1987

Reference: 1858/87A

Proposal: Use of loose boxes to accommodate a maximum of eight horses or ponies on full livery.

Decision: Approved

Year: 1987

Reference: 1858/87B

Proposal: Use of equine facilities for schooling of horses for commercial purposes.

Decision: Approved

Jubbs Court was once a rural working farm; records show a farmhouse was present on OS mapping dating from the 1840s. The farm has since evolved with numerous outbuildings, such as the converted barn, small stables 'tack room', stores, and other structures.

An extension to the farmhouse was approved in 1981 under application reference 1015/81.

In 1987, an application (reference 1858/87B) was approved to create equine facilities for the schooling of horses for commercial purposes to the north of Jubbs Court farmhouse.

Also, in 1987 an application (reference 1858/87A) was approved to construct loose boxes to accommodate a maximum of eight horses or ponies on full livery. Unfortunately, no drawings exist to confirm its location however it is believed to be in the present position of the existing linear stable block. On this basis it is not considered that the linear stable block formed part of the original buildings on site pre-1985.

Subsequently in 1988 an application (reference 1731/88) was made to convert the former barn into a residential dwelling. The barn conversion was approved in 1989 along with the erection of a new garage and stable block. The proposed garages and stables would be built on the land for the loose boxes approved under 1858/87A. The conversion of the stables resulted in the farmhouse and its associated outbuildings falling under separate ownership.

An application (reference 94/0342) was approved in 1994 for the erection of a garage and stable.

In 2002, an application to convert and extend the linear stable block to include a car port and hay store were approved. These works were partially implemented with the construction of the hay store and garage at the far end of the linear stable block. Another element of the proposal was to convert the tack room (small stable block) to form ancillary accommodation.

In 2008, application reference 08/P/0910/F for a 1st floor extension & erection of a porch was approved. This added 59sqm to the gross floor space an increase of 20% compared to the original building.

Policy Framework

The site is affected by the following constraints:

- Within the Bristol & Bath Green Belt
- Outside Settlement Boundary
- North Somerset and Mendip Bats Special Area of Conservation – Bat Zone C
- Lesser Horseshoe Bats Density Band B
- Lower Failand Monument Area – Lower Failand
- Trees
- Landscape Character Area (F1 Abbots Leigh Sandstone Uplands)

The Development Plan

North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS5	Landscape and the historic environment
CS6	North Somerset's Green Belt

CS11	Parking
CS12	Achieving high quality design and place making
CS33	Smaller settlements and countryside

Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

DM1	Flooding and drainage
DM2	Renewable and low carbon energy
DM8	Nature Conservation
DM9	Trees
DM10	Landscape
DM12	Development within the Green Belt
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM32	High quality design and place making
DM38	Extensions to dwellings
DM45	The conversion and re-use of rural buildings to residential use

Other material policy guidance

National Planning Policy Framework (NPPF) (2021)

The following sections are particularly relevant to this proposal:

- 2 Achieving Sustainable Development
- 8 Promoting healthy and safe communities
- 12 Achieving well designed places
- 13 Protecting Green Belt Land
- 15 Conserving and enhancing the natural environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- Residential Design Guide (RDG2) Section 2: Appearance and character of house extensions and alterations (adopted April 2014)
- North Somerset Parking Standards SPD (adopted November 2021)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

Consultations

Copies of representations received can be viewed on the council's website. This report contains summaries only.

Third Parties: No comments received.

Wraxall and Failand Parish Council: Supports the application as it would turn derelict buildings into good use and enhance the existing property.

Other Comments Received:

Natural England

Comments awaited

Officer comment

Due to an administrative error Natural England was not initially consulted. In light of this, Natural England were consulted on the 25th August. An update will be provided to the committee.

Principal Planning Issues

The principal planning issue in this case is whether the proposal would be classed as inappropriate development within the Green Belt.

Issue 1: Whether the proposal would constitute inappropriate development in the Green Belt.

Paragraph 147 of the National Planning Policy Framework (NPPF) states that *“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. Paragraph 149 of the NPPF gives exceptions where development is not classed as inappropriate within the Green Belt. Paragraph 149 (c) states that extensions or alterations of a building are not considered inappropriate development providing it does not result in a disproportionate addition over and above the size of the original building.

Policy DM12 of the Sites and Policies Plan (Part 1) relates to development within the Green Belt. DM12 reiterates that inappropriate development is, by definition, harmful to the Green Belt and will not be approved except in very special circumstances. It goes on to set out how the assessment of extensions will be assessed. The policy states an *“extension or alteration of a building will not be regarded as inappropriate provided that it is within the existing curtilage, and it does not result in disproportionate additions over and above the size of the original building. For North Somerset ‘original’ relates to the building as existing on 26 July 1985 or for buildings constructed after this date as so built. The determining factors in assessing whether the extension is disproportionate will be the size of the proposed extension in relation to the size of the original building. An extension will not normally be regarded as disproportionate provided it does not exceed 50% of the gross floor area of the original building.”*

In this case, the proposed extension, following the demolition of the existing outbuildings would create a property that is 112% larger than the original converted building. The applicant’s calculation that the original dwelling had a gross floor area of 293.5sqm (as converted under the 1988 permission) is agreed. The 2008 first floor extension and porch (approved under reference 08/P/0910/F) added a further 59sqm resulting in a 20% gross floor increase when compared with the original converted building. The currently proposed

further extension at 270sqm, would therefore represent a gross floor area of 622.5sqm, 112% larger than the original building.

Whilst every application should be considered on its individual merits, policy DM12 has been supported by the Planning Inspectorate on appeal. For example, at Sunnyside, Naish Lane, Barrow Gurney, Bristol, BS48 3ST (reference 22/P/0093/FUH) a proposed single storey extension to a dwelling in the Green Belt entailed a 59% increase compared to the original dwelling and was seen to undermine local and national policy relating to development in the Green Belt. The Inspector stated in paragraph 5 of the decision that *“... the original addition exceeded the level specified in Policy DM12. Subsequent incremental additions to properties in the Green Belt would undermine the aims and objectives of local and national policy which seeks to ensure that permitted additions are not disproportionate to the original dwelling.”*

Another recent appeal (dated 18 August 2023) for a proposed two storey extension in the Green Belt at Rendy Mead, Chew Road, Winford, (reference 22/P/2394/FUH) was dismissed. Even though the extension did not exceed the 50% limit specified in DM12, the Inspector nevertheless concluded that *“... there would be a considerable increase in the massing of the first floor element of the house, when viewed from the front and from both sides, particularly the eastern side. The extensive front gable and extension of the ridge projecting forward would amount to a substantial increase in the form, bulk and overall scale and size of the original building, and its original asymmetrical pitched roof form would be completely altered.”*

The applicant's submission on the current application for Jubbs Court Farm states it is a material consideration that the extension would replace the existing linear stable block, which has an extant planning permission (reference 02/P/0010/F) for partial conversion to a car port and hay store and creation of ancillary accommodation. The applicant further states that the permission was part-implemented by the creation of the garage and hay store at the far end of the existing linear stable block. As a result of this the remainder of the permitted works could be carried out.

The existing residential floor space, ancillary usage of the linear stable block, small stable block (tack room) and extant permission amounts to a total gross floor space of 571.5sqm. Considering the floor space of the existing buildings, the additional floorspace would entail infilling the space of about 51sqm between the outbuildings. It is stated that due to the lack of visibility of the site and the creation of a more tightly contained building, there will be a limited impact on the openness of the Green Belt. The case is made by the applicant that whilst the extension would be materially larger than the original converted building, thus rendering the proposal inappropriate development in the Green Belt, the actual impact on openness given the infilling of a gap between the outbuildings is limited. The applicant submits that the extant consent for residential use of the linear stable block/small stable block granted in 2002 and the limited impact of the proposal on the openness of the Green Belt, amount to very special circumstances to justify an approval.

Paragraph 148 of the NPPF states *“When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.”*

For the reasons given above, the proposal amounts to a disproportionate addition to the dwelling and therefore constitutes inappropriate development which, as stated in the NPPF para 147 is harmful by definition. This harm is not outweighed by other considerations in this case. It would be of greater scale, height, and massing than the 2002 extension.

It is not considered that the removal of the existing low-rise outbuildings, limited visibility and extant permission amount to very special circumstances. The principle of connecting the buildings could be acceptable, however the present scale spatially of the proposed extension is excessive and disproportionate to the original converted property.

Policy DM12) states that *“In determining planning applications consideration will be given to the impact on the openness of the Green Belt for both extensions and replacement buildings and regard will be taken of the design (including bulk, height and floorspace), siting and overall scale of the development on the site.”*

It is agreed with the applicant that the extension would represent a 112% gross floor area increase when compared to the gross floor area of the original converted property. The proposed extension following the removal of the existing outbuildings would be significantly larger in bulk, height and floorspace compared to the existing low scale buildings. The proposal’s ridge height would also be of greater height than the existing linear stable block.

Policy DM12 goes on further to state, *“The location, visual character of the site and surroundings and the effect of the proposal on the open and rural character of the area in general, prominence, visual and physical impact (including the impact of lighting) and plot size will all need to be assessed”*. (underlining added)

Further to this, policy DM45 gives guidance on additions to dwellings created from the conversion of rural buildings. It states that *“any subsequential extensions should not be disproportionate to the original building and should respect the scale and character of the building and its setting”*. The intention is that the barn conversion retains the character and historical use as a once rural working farm. In this case, the scale of the extension would be of a more residential appearance rather than that of a former barn with associated outbuildings. When considering the original site, the extensions and outbuildings constructed since the barn’s conversion represent a significant encroachment into the Green Belt. The proposed infill element of the extension would create a uniformed massing, removing the rural character depicted by the existing outbuildings which appear to be of different height and massing.

Impact on openness

A key consideration for development in the Green Belt set out in the NPPF and policy DM12 is the effect on openness, which entails keeping land permanently open from development. National Planning Policy Guidance (NPPG) states that openness is capable of having both spatial and visual aspects.

Openness was considered by an inspector in a recently dismissed appeal at Glen Farm, Sandy Lane, Lower Failand, BS8 3SE (reference 21/P/1931/FUL). In this appeal the Inspector concluded that *“‘Open’ can mean the absence of development in spatial terms, and it follows that openness can be harmed even when development is not readily visible*

from the public realm.” It is clear therefore that the Inspector assessed that openness can be harmed even when the site is not readily visible from the public realm.

In this case whilst extensive landscaping has resulted in the property being largely screened, Jubbs Court Farm can still be seen when viewed from the entrance to the neighbouring property known as Jubbs Court. Whilst the property is densely covered by trees along Failand Lane, these trees could be removed at a future date, thus making the proposed extension more prominent. It should also be noted that the arboricultural report submitted with this application has stated a group of Ash and Sycamore trees are suffering from Ash die back. Should the trees be removed, it would take considerable time for the replacements to provide adequate screening to soften the built form.

The extension would add further built form due to the bulk, height and scale of the extension as it would be materially larger when compared to the existing buildings and extant permission approved in 2002. It is acknowledged there is an existing structure on the neighbouring property that would partially screen the infill element of the extension. When viewing the property from the public highway towards the driveway of the neighbouring property at Failand Lane, the infill extension as part of the south elevation would be visible and would fill a gap in the landscape where there is currently no built form. The height of the proposed roof would add further bulk and mass to the overall property. This would affect the spatial openness of the Green Belt by introducing new built form and massing into the landscape.

To conclude, the proposal would represent a disproportionate addition to the original converted dwelling and constitutes inappropriate development in the Green Belt which is harmful by definition. It would adversely affect the openness of the Green Belt and is not in accordance with policies DM12 and DM45 of the Sites and Policies Plan (Part 1) and section 13 of the NPPF.

Natural Environment and Rural Communities (NERC) Act 2006

The site lies within Bat Zone C of the North Somerset and Mendip Bats Special Area of Conservation (SAC). The proposal also falls within Lesser Horseshoe Bats Density Band B. The impact the development may have during its construction and lifetime has been assessed through a detailed bat survey, this has demonstrated that adverse effects on bats will be avoided and mitigated.

The results of a protected species survey have been submitted with the application. This has concluded that a low impact bat mitigation license would be required as a night roost will be destroyed. The proposed mitigation would entail careful demolition under the supervision of a registered consultant. Replacement suitable roosts will be created in the roof void of the extension (two bat adapted tiles on the new southern pitched roof). The proposal would also entail an enhancement as at least one additional new bat box to that lost will be installed, the new bat box would create a roost to compensate that lost following the demolition.

The proposal would require the council to produce a Habitat Regulation Assessment (HRA) as a low impact license will be required. Given the proposal is considered to be inappropriate development within the Green Belt, a HRA has not yet been conducted

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

The proposed development does not fall within Schedule 1 or 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. A formal EIA screening opinion is not, therefore, required.

The Crime and Disorder Act 1998

The proposed development will not have a material detrimental impact upon crime and disorder.

Other matters

Trees of amenity value are located on site. Low quality young Ash trees and Cypress trees would be removed to accommodate the proposal. However, the trees that form part of that group are not considered to be of such importance that its loss would unacceptably harm the character or biodiversity value of the area. Adequate information has been submitted to demonstrate that retained trees would not be harmed by the development. If the application were to be approved, a condition would have been recommended to ensure that the trees are safeguarded during the development works. In this respect, the proposal complies with policy DM9 of the Sites and Policies Plan (Part 1) and to the council's Biodiversity and Trees SPD.

Conclusion

The proposed extension constitutes a disproportionate addition to a previously converted barn and is inappropriate development within the Green Belt which is harmful by definition. The considerations brought forward as very special circumstances do not outweigh or justify the harm to the Green Belt. The proposal therefore contravenes CS6 of the core strategy, policies DM12 and DM45 of the Sites and Policies Plan (Part 1) and section 13 of the NPPF.

RECOMMENDATION: REFUSE for the following reasons:

1. The proposed extension represents a disproportionate addition over and above the size of the original building. The proposal would, therefore, constitute inappropriate development within the Green Belt that would harm its openness and would conflict with the purposes of including land within it. There are no very special circumstances that outweigh the harm caused and the proposal is therefore contrary to policy CS6 of the North Somerset Core Strategy, policies DM12 and DM45 of the North Somerset Sites and Policies Plan (Part 1) and section 13 of the National Planning Policy Framework.