

SECTION 2 – ITEM 6

Application No: 20/P/2327/FUL

Proposal: Change of use of land and extension of existing steel-framed barn for personal hobby use for storage of heritage buses

Site address: Slimeridge Farm, Links Road, Uphill, Weston-super-Mare, BS23 4XY

Applicant: Mr Jon Jones-Pratt

Target date: 23.11.2020

Extended date: 19.03.2021

Case officer: Jessica Smith

Parish/Ward: Weston-super-Mare/Weston-super-Mare Uphill

Ward Councillors: Councillors Peter Bryant and John Ley-Morgan

REFERRED BY COUNCILLOR LEY-MORGAN

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 outside the settlement boundary for Weston-super-Mare and is within the countryside. The site falls within the wider Slimeridge Farm site which is made up of a mixture of uses including residential, agricultural and a personal storage facility.

The site is located approximately 100m south west of Links Road where there is a slight slope in the topography from the north east to the south west and as such the building is at a lower level than other buildings within Slimeridge Farm. The site boundary consists of a 2m high timber fence to the north west, south west and south east.

The existing building was erected as an agricultural barn but was granted retrospective planning permission (20/P/0835/FUL) for the change of use for the storage of heritage buses and steam engines last year. The building is 25 metres long, 6.1 metres wide and 5.8 metres high and is clad in green profile sheeting.

There is an additional existing storage barn measuring approximately 21.5m in length and 17.2m in width, located approximately 39m to the north east of the application barn, however there appears to be no relevant planning history for this barn.

The Application

Full permission is sought for:

- the change of use of agricultural land to personal hobby storage use for the storage of heritage buses.
- the erection of a single storey front extension measuring 5.8m in height to the roof apex, 12.9m in length and 6.1m in width.
- the erection of a single storey rear extension measuring 5.8m in height to the roof apex, 24.7m in length and 12.20m in width.
- The extensions will be clad in metal sheeting coloured green to match the existing building.
- The 2 proposed extensions to the existing steel-framed storage barn will equate to an increased floor area of 120%.

Relevant Planning History

Year: 2020

Reference: 20/P/0835/FUL

Proposal: Retrospective change of use of an existing steel-framed barn for storage of heritage buses and steam engines

Decision: Approved with conditions removing permitted development right for extensions to be carried out to the barn; restricting the use of the barn to the storage of heritage buses and steam vehicles kept for purposes of display and exhibition and not for hire or other transportation services; limiting the number of movements of the heritage buses annually and restricting hours of operation in order to ensure the living conditions of neighbouring occupiers would not be adversely impacted and highway safety maintained.

Year: 2020

Reference: 20/P/0138/LDE

Proposal: Lawful development certificate for an existing agricultural barn and access at Slimeridge Farm

Decision: Granted

Year: 2019

Reference: 19/P/2431/FUL

Proposal: Extension of existing steel-framed barn for personal hobby use for storage of 26no. heritage buses

Decision: Withdrawn

Policy Framework

The site is affected by the following constraints:

- Outside a settlement boundary
- Within a wildlife site -Weston Golf Course and fields below Uphill
- Flood zone 3a
- Potential Setting of a listed building

The Development Plan

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

The following policies are particularly relevant to this proposal:

- CS3 Environmental impacts and flood risk management
- CS4 Nature Conservation
- CS5 Landscape and the historic environment
- CS10 Transport and movement
- CS11 Parking
- CS12 Achieving high quality design and place making
- CS20 Supporting a successful economy
- CS22 Tourism Strategy
- 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
- DM4 Listed Buildings
- DM8 Nature Conservation
- DM10 Landscape
- DM24 Safety, traffic and provision of infrastructure etc associated with development
- DM28 Parking standards
- DM32 High quality design and place making
- DM55 Extensions, ancillary buildings or the intensification of use for existing businesses located in the countryside
- DM56 Conversion and re-use of rural buildings for employment development
- DM57 Conversion and re-use and new build for visitor accommodation in the countryside

Sites and Policies Plan Part 2: Site Allocations Plan (adopted 10 April 2018)

The following policies are particularly relevant to this proposal:

- SA2 Settlement boundaries and extension of residential curtilages

Other material policy guidance

National Planning Policy Framework (NPPF) (February 2019)

The following sections are particularly relevant to this proposal:

- 2 Achieving Sustainable Development
- 4 Decision-taking
- 6 Building a strong, competitive economy
- 9 Promoting sustainable transport
- 11 Making effective use of land
- 12 Achieving well designed 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

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

- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)

Consultations

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

Third Parties: 5 letters of objection have been received. The principal planning points made are as follows:

- Detrimental to villagers, environment, local ecology and nature reserve
- Existing vehicles cause highway issues and an increase in traffic
- Inadequate access and parking provisions causing obstructions for emergency vehicles. Inadequate room to manoeuvre vehicles
- Fumes from buses running for long periods of time (up to 4 hours) causes air pollution and noise.
- Over development of a residential property, out of keeping with the character of the area and not suitable in this location
- Increased danger of flooding
- Slimebridge Farm is increasingly becoming a commercial property in a residential area

Weston Town Council: "made comments in support of this application"

Environment Agency: No comments received

Historic England: No comments received.

Other Comments Received:

Uphill Village Society:

It's assumed the buses are stored as part of Crosville Vintage Ltd operating at Slimeridge Farm offering vintage bus and steam hire which is a business activity. Concern about the visual impact on the views from the Uphill conservation area and Grade 1 listed Old Church of St Nicholas and Grade 2 listed windmill, as well as the Scheduled Monument of Bell barrow 650m south west of Slimeridge Farm, may be harmed in terms of setting.

Principal Planning Issues

The principal planning issues in this case are (1) principle of the development in this location, (2) flood risk, (3) character and appearance, (4) impacts on neighbours, (5) parking and highway safety, (6) setting of listed buildings and heritage assets and (7) protected species.

Issue 1: The principle of the development in this location

The application site is located outside of any established settlement boundary and is within the countryside.

It is proposed to erect a single storey front and large single storey rear extension to the existing steel-frame storage barn which was granted retrospective planning approval use for the storage of heritage buses and steam engines under planning permission 20/P/0835/FUL. The proposed extensions would see the footprint of the existing storage barn increase by 120% and as such the proposed development also includes the change of use of the agricultural land on which the proposed extensions would be sited on.

The proposed development is to accommodate the storage use of approximately 5 additional vintage buses as part of a hobby. There are currently 12 vintage buses already stored on the site. The previously withdrawn application 19/P/2431/FUL sought extensions to the existing barn to accommodate 26 buses. While the applicant has confirmed the proposed extension to the barn would be to accommodate approximately 5 additional buses providing more space for maintenance within the building, it has been confirmed that any additional buses in the current or future collection that exceeds 17 in total would have to be stored elsewhere.

The applicant's supporting statement and further information suggests that the proposal would be of economic benefit to the countryside both through requiring skilled engineers to maintain the buses and creating a tourism benefit through the hiring of the buses for various events with the possibility of hosting fetes and events in the future. As such it is argued the proposal should be encouraged as set out within the National Planning Policy Framework (NPPF), Policy CS22 of the Core Strategy and Policies DM55 and DM56 through achieving economic development and boosting tourism within the countryside.

However, this benefit to the local economy and tourism is considered to be limited and indirect with no official business plan to host events at the application site. Moreover, the restrictive conditions attached to the approval of the retrospective planning application clearly demonstrate that planning application 20/P/0835/FUL was only acceptable as this was a conversion of an existing building.

Given that the proposal is for a personal/hobby use it is considered that is not directly related to tourism or economic development within the countryside per se and as such it is not an activity that would be considered sustainable and allowed under Policy CS33. There is no other relevant policy within the North Somerset Council Local Plan to support this type of development but paragraph 11 of the NPPF gives further advice about the presumption in favour of sustainable development.

In this particular case NPPF paragraph 11(d)(i) advises that the presumption in favour of sustainable development does not apply where other policies in the NPPF that protect areas of particular importance provides a clear reason for refusing the development proposed. Land designated as being at risk of flooding is identified in the NPPF as one such protected area. Therefore, as is set out in detail below, this proposal fails to meet the requirements of an acceptable sequential test and therefore provides a clear reason for refusing the development.

Notwithstanding the above, a balancing exercise has been undertaken to assess the benefits of the principle of the proposal against the harm it might cause if allowed. Whilst the proposal would provide more storage space for 5 additional vintage buses with a possibility of hosting events at the site in the future, the proposed extension to the existing building would be for personal hobby use. Whilst the buses may indirectly benefit tourism, this would be very limited and would have no direct economic benefit.

In contrast, the extension is considered to be a disproportionately large addition to a building originally built for agricultural purposes but no longer used for that purpose. Policy CS33 seeks to strictly control new development in order to protect the character of the countryside and prevent unsustainable development. The site is in the countryside and not in a sustainable location. There is an additional existing and possibly unauthorised barn located approximately 39m to the north east of the application barn which has been confirmed to be used as personal leisure storage including tools and equipment for the gardens and estate. While the information provided suggests this is needed for personal storage and cannot accommodate additional buses, it is considered that there is already a substantial amount of personal storage provided within Slimeridge Farm that could accommodate the 5 additional buses without requiring a large extension. In addition, while the proposal is only for the storage of 5 additional buses resulting in a total of 17 buses stored at the application site, it has been confirmed that other buses in the current and future collection would be stored elsewhere. Therefore it is apparent that other storage is available for the excess buses and a large extension is not necessarily required to the existing barn.

It is considered that overall the harm caused by the development clearly and demonstrably outweigh the limited and indirect benefits of the proposal.

Issue 2: Flood risk

The application site is located within Flood Zone 3A. The principal way to manage flood risk is to avoid locating development within areas at risk of flooding. To encourage development to avoid flood risk areas, Government policy set out in the NPPF and related guidance, requires that a Sequential Test is passed for minor development exceeding 250m² in flood zone 3A. As the application site is located outside any established settlement boundary, Policy CS3 of the Core Strategy states that the area of search for alternative sites should be North Somerset unless it can be demonstrated with evidence that there is a specific need within a specific area.

The requirements of the Sequential Test, which are supported by Policy CS3 of the Core Strategy, clearly set out that the Test should consider all reasonably available sites in areas at a lower risk of flooding, such as sites in, or with planning permission for, other uses. Such a search should include various available sites where a clear justification as to why the site is not suitable is submitted to support the assessment. However, such a search for alternative available sites has not been submitted in this case.

The submitted FRA and Sequential Test is lacking in evidence as it does not adequately justify why the whole district was not used as the area of search. Moreover, the search for alternative sites that has been undertaken is further deficient as it has only considered allocated employment sites. No map or list of the available employment sites has been submitted. Furthermore, no details of existing vacant commercial properties have been considered.

It is the applicant's responsibility to assemble the relevant evidence in order to allow the LPA to consider whether the Sequential Test is satisfied. This evidence needs to be submitted with the planning application and demonstrate that there are no reasonably available alternative sites within an area of lower flood risk which can accommodate the proposal. In this respect, no alternative sites in the district that are reasonably available for development and have a lower probability of flooding have been assessed as part of the submitted sequential test and as such, the sequential test is therefore not passed.

The development is therefore considered to be at an avoidable and unacceptable risk of flooding and the proposal conflicts with policy CS3 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (part 1 – Development Management Policies), and section 14 of the National Planning Policy Framework.

Issue 3: Character and appearance

Concern has been raised over the proposal adversely impacting the open countryside. Whilst, the application site is at a lower land level to that of Links Road and is therefore not prominent when viewed from Links Road, the extension is of a scale that would make it unacceptable in principle in a countryside location unless related to an agricultural, employment or other appropriate use. There are however existing 2m high timber fence boundaries to the north west, south west and south east, which coupled with the site levels, do mean the proposal is unlikely to be visible from wider views and would not cause unacceptable harm to the character of the area.

It is therefore considered that on this basis the proposal would not unacceptably harm the characteristics of the existing site or the visual character of its surroundings given that there are no external alterations proposed to the existing building and site. In this respect, the proposal complies with policies CS12 and CS33 of the Core Strategy, policy DM32 of the Sites and Policies Plan (Part 1).

Issue 4: Impacts of neighbours

The application site is located approximately 100m south west of Links Road and any other neighbouring residents. While concern has been raised over a noise nuisance and increase in pollution from the running of the buses for an extended period of time, it is considered that the storage of the buses would be a substantial distance away (over 100m) from the nearest neighbour and is therefore unlikely to have an unacceptable noise nuisance to nearby residents.

It is therefore considered that while the proposal would result in additional buses being stored and moved to and from the application site, this would not result in an unacceptable increase in air pollution over that of the general use of Links Road.

Given this assessment, the proposed development would not result in a significant adverse impact upon the living conditions of neighbouring residents. In this respect, the proposal complies with policy DM32 of the Sites and Policies Plan (Part 1).

Issue 5: Parking and highway safety

Neighbouring residents have raised concern over the access to the application site making manoeuvring of large buses dangerous in Links Road and the surrounding road network.

While the proposal seeks storage for an additional 5 buses there are no alterations proposed to the access. The alterations to the access required under planning permission 20/P/0835/FUL are considered to be sufficient to accommodate the increase in buses and as such is considered acceptable.

Concern has been raised over the buses causing an obstruction to emergency vehicles which might need to use the road. However the proposal is for increased storage space to park the vehicles off the road and as such there would be no long-term obstruction from buses being parked in the road.

It is therefore considered that the existing access is adequate and on-site parking provision complies with the standards set out in the North Somerset Parking Standards SPD. The proposal is therefore in accordance with policies DM24, DM28 and DM37 of the Sites and Policies Plan (Part 1).

Issue 6: Setting of Listed Building and heritage assets

There are no designated nor non-designated heritage assets within the application boundary, and no heritage assets will be directly impacted upon by the proposals. Whilst concern has been raised that there may be views from Uphill Conservation Area, the Grade I listed Old Church of St Nicholas and Grade II listed windmill, as well as the Scheduled Monument of Bell barrow 650m south west of Uphill Farm, these views would be limited given that the site is screened by existing landscape features. The impact from the proposal on the limited views of the application site from the surrounding heritage assets has been assessed within the submitted Heritage Impact Assessment and are considered to retain the heritage value of the surrounding assets and would not cause an unacceptable harm.

The proposal is therefore in accordance with policy CS5 of the North Somerset Core Strategy, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Issue 7: Protected species

While concern has been raised over the proposal resulting in a harmful impact on the local ecology and being detrimental to the nearby nature reserve, the proposed development will be contained within the existing curtilage of the wider Slimeridge Farm which is enclosed by 2m high timber fencing boundaries to the north west, south west and south east of the application site, thereby restricting any impact on the wider wildlife site. Moreover, the existing site consists of a modern barn located on a hard standing with a concrete access and some manicured grassland surrounding the application site which is not considered to be suitable to provide a habitat for protected species. While there may be some use of the site for foraging, this is likely to be on the edges of the site and conditions limiting external lighting and ecological enhancements could sufficiently mitigate any potential harm to the wider wildlife site.

In this respect, regard has been paid to the requirements of the Conservation of Habitats and Species Regulations 2017 and the Natural Environment and Rural Communities Act 2006, and to policy CS4 of the North Somerset Core Strategy, policy DM8 of the Sites and Policies Plan (Part 1) and the council's Biodiversity and Trees SPD.

Community Infrastructure Levy

The Council's Community Infrastructure Levy (CIL) Charging Schedule took effect on 18 January 2018. This means that the development may be liable to pay the CIL.

Natural Environment and Rural Communities (NERC) Act 2006

The proposed development will not have a material detrimental impact upon bio-diversity.

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.

Conclusion

The proposed development is located in an unsustainable location within the open countryside where policy CS33 requires that new development is strictly controlled. Whilst it would see a 120% increase in the floor space of the building it would not be unduly visible when viewed from surrounding land.

The site is located within flood zone 3A which is identified in the NPPF as a protected area. The details submitted within the sequential test do not fully assess other available sites on the open market and instead focus on employment land only which is not relevant to the proposal under this application as the proposed use of the extended building is for personal / hobby use any not employment use. In this respect, the submitted sequential test is considered to be insufficient where the proposed development is therefore considered to be at an avoidable and unacceptable risk of flooding and the proposal conflicts with policy CS3 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (part 1 – Development Management Policies), and section 14 of the National Planning Policy Framework.

RECOMMENDATION: REFUSE for the following reason:

1. The application site is in an unsustainable location within an area at risk from flooding and the application does not satisfactorily demonstrate that the proposal passes the Sequential Test referred to in policy CS3 of the North Somerset Core Strategy. The Local Planning Authority is not, therefore, satisfied that there are no alternative sites including the nearby large barn in the area that are reasonably available for development and have a lower probability of flooding. In the absence of a satisfactory Sequential Test and evidence of alternative suitable sites, the proposed development is, therefore, considered to be in an unsustainable location and at an unacceptable and avoidable risk of flooding, contrary to policies CS3 and CS33 of the North Somerset Core Strategy, policy DM1 of the North Somerset Sites and Policies Plan (Part 1) and section 14 of the National Planning Policy Framework (and the associated Planning Practice Guidance).