

Application Details	
Application Reference Number:	12/24/0003
Application Type:	Full Planning Permission
Earliest decision date:	05 April 2024
Expiry Date	09 May 2024
Extension of time	
Decision Level	Delegated Decision
Description:	Change of use of public house and beer store to 3 No. dwellings with demolition of outbuilding and skittle alley and erection of 2 No. dwellings with associated landscaping and car parking at The White Hart, Pitminster Road, Corfe
Site Address:	THE WHITE HART INN, PITMINSTER ROAD, CORFE, TAUNT ON, TA3 7BU
Parish:	12
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Yes
National Landscape (AONB):	Blackdown Hills
Case Officer:	Mr G Clifford
Agent:	
Applicant:	CORFE ESTATES LTD
Committee Date:	
Reason for reporting application to Committee	N/A

1. Recommendation

1.1 Refusal

2. Executive Summary of key reasons for recommendation

2.1 The proposal is considered contrary to policy with the loss of a community facility without justification, the adverse impact of the proposal on the character of the area and amenity of neighbours, the potential adverse impact on wildlife, the substandard size of unit 3 and potential adverse impact of phosphates.

3. Planning Obligations and conditions and informatives

3.1 Conditions (full text in appendix 1)

None

3.2 Informatives (bullet point only) _

3.2.1 Proactive Statement

3.3 Obligations

None

4. Proposed development, site and surroundings

4.1 Details of proposal

The proposal is to convert the existing public house into two dwellings, convert the adjacent beer store to a third and erect a pair of semi detached two storey dwellings in the car park with the demolition of the skittle alley.

4.2 Sites and surroundings

The site lies within the village of Corfe adjacent to the road junction to Pitminster and consists of a rendered and stone two storey public house with a detached store to the west and a single storey skittle alley to the rear projecting into the car park to the south.

5. Planning (and enforcement) history

None

Reference	Description	Decision	Date

6. Environmental Impact Assessment

Not required

7. Habitats Regulations Assessment

The proposed development would result in an increase in phosphate load within the catchment of the Somerset Levels and Moors and as such would potentially be harmful to the Ramsar site and no mitigation has been put forward.

8. Consultation and Representations

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 15 March 2024

8.2 Date of revised consultation (if applicable):

8.3 Press Date:

8.4 Site Notice Date: 20 March 2024

8.5 **Consultees** the following were consulted:

Consultee	Comment	Officer Comment
CORFE PARISH	Object on the basis loss of	10.1.1

COUNCIL	pub, a community asset, overdevelopment and design contrary to policy, no need, no community engagement, adverse phosphate impact and AONB impact, impact on protected species and contrary to development plan.	10.1.12 10.1.9 10.1.3
SCC - ECOLOGY	Preliminary Bat Roost and Breeding Bird assessment required.	10.1.9
SCC - TRANSPORT DEVELOPMENT GROUP	Comments to follow.	10.1.5
WESSEX WATER	No comment received	
LANDSCAPE	No landscape objection, need clarification of where cycle parking will be	
BLACKDOWN HILLS AONB SERVICE	The new dwellings appear oversized in relation to their surroundings and dominates neighbouring properties. While redevelopment may be appropriate in principle the current scheme would not conserve or enhance the special qualities of the National Landscape.	10.1.3
SOMERSET WASTE PARTNERSHIP SOMERSET WILDLIFE TRUST	No comment received Object strongly without ecological impact assessment	10.1.9

8.6 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

36 letters have been received making the following comments (summarised):

Material Planning Considerations	
Objections(36)	Officer comment
Loss of pub and no genuine effort to sell contrary to CP3 Loss of asset of community value and social venue	10.1.1

Loss of skittle alley	
Loss of school pick up point	
Loss of access	
Loss of employment	
Overdevelopment and overbearing	10.1.6
Scale inappropriate	
Not high quality development	
Not in keeping with AONB	10.1.3
Not complement local vernacular	
No benefits with no infrastructure like shop or bus service	
Noise and pollution	10.1.12
Loss of privacy	10.1.7
Lack of amenity space	10.1.4
Bat impact	10.1.9
No need for housing	10.1.12
Traffic increase and reliance on car	10.1.5
Insufficient parking	
Increased accident risk with dangerous access	
No phosphate mitigation and	10.1.9
Lack of community engagement	10.1.12
Support	Officer comment

9. Relevant planning policies and Guidance

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations strongly indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

As a result of local government reorganisation Somerset Council was established from the 1 April 2023. The Structural Change Order agreeing the reorganisation of local government requires the Council to prepare a local plan within 5 years of the 1 April 2023 and the Council will be bringing forward a Local Development Scheme to agree the timetable for the preparation of the local plan and scope in due course.

Relevant policies of the development plan in the assessment of this application are listed below:

SD1 - Presumption in favour of sustainable development,
SP1 - Sustainable development locations,
CP1 - Climate change,
CP3 - Town and other centres,
CP4 - Housing,
CP6 - Transport and accessibility,
CP8 - Environment,
DM1 - General requirements,
DM4 - Design,
DM5 - Use of resources and sustainable design,
A1 - Parking Requirements,
A5 - Accessibility of development,
C4 - Protection of community facilities,
D7 - Design quality,
D8 - Safety,
D10 - Dwelling Sizes,
D12 - Amenity space,
ENV1 - Protection of trees, woodland, orchards and hedgerows,
ENV2 - Tree planting within new developments,
I4 - Water infrastructure,

Blackdown Hills AONB Management Plan 2019-2024
Policy PD2 - Planning and Development
Policy CC3 - Supports retention of community facilities and services

Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (March 2022).

Neighbourhood plans:

None

9.1 National Planning Policy Framework

Sections 2, 4, 5, 11, 12, 14 & 15

10. Material Planning Considerations

The main planning issues relevant in the assessment of this application are as follows:

10.1.1 The principle of development

The site lies within the village of Corfe which is an identified village and under policy SP1 and with settlement boundaries retained development of small scale proposals within settlement limits will be allowed. That said the development of the site has to be assessed against other policies of the development plan. Specifically the loss of

a pub facility has to be considered in light of policies CP3 of the Core Strategy and C4 of the Site Allocations and Development Management Plan(SADMP). CP3 states that proposals which would result in the loss of such services will not be permitted where this would damage the vitality and viability of a settlement or increase car travel by local residents unless it can be independently proven to be unviable for re-use for local service provision. Policy C4 requires evidence to demonstrate no community need, the facility is no longer financially viable, or it could not be put to another community use. These requirements were set out in pre-application advice and no evidence has been submitted with the application. In light of the local objection to the scheme and the clear non-compliance with these policies the proposed conversion and loss of the public house fails the policy test.

10.1.2 Heritage

The site lies outside of the conservation area and while not listed can be considered a non-designated heritage asset. The proposed conversion would see the retention and conversion of the main buildings on site.

10.1.3 Design of the proposal

The conversion of the main pub and external store are considered to maintain the traditional character of these structures. The new build elements are to be constructed in stone and slate roofs which reflect the character of the area. However plots 4 and 5 provide effectively 3 storeys of accommodation and the height of the new dwellings at 9m is around a metre higher than the neighbouring dwellings to the west and would appear dominant in the street scene despite being set back from the frontage. That together with the parking set at the front gives a cramped appearance to the development not in keeping with the character of the area of the village in the National Landscape. The Blackdown Hills AONB Partnership raise objection on this basis

10.1.4 Quality of Accommodation

The new build semi detached properties provide 3 bedroom accommodation and this meets the space standard requirements of SADMP policy D10 as do the conversion units 1 and 2 of the main public house. Unit 3 however is a 2 bedroomed unit and this has a minimum requirement of 79sqm. It is indicated at only 65.6sqm which is below the standard and the amenity space externally is very limited and does not meet the requirements of policy D12. Again this reflects on the cramped nature of the scheme.

10.1.5 Access, Highway Safety and Parking Provision

The proposed scheme sets out to provide 5 units of accommodation and indicates 9 parking spaces. This is two per unit, other than unit 3 which has one. This level is considered appropriate and in line with policy A1 in light of the rural location and lack of local bus services. The outcome is maintaining a swathe of tarmac in front of the new dwellings and provision of a tandem space to the side of plot 5. The proposal utilises the existing access to the highway which already has limited visibility due the position of the buildings and the existing boundary hedge. It is not considered reasonable to object on this basis given the long standing use of the access by numerous vehicles that would have used the pub car park. The layout maintains adequate turning space and maintains the access through for the existing properties to the south.

10.1.6 The impact on the character and appearance of the locality

The proposed scheme re-uses the existing buildings on site, other than the skittle alley, and proposes materials to match the character of the area. The new build element however is considerably higher than the adjacent dwellings and will appear dominant in the street scene and will tower over the traditional outbuilding and pub and so would appear as an incongruous element detrimental to the character of the area and contrary to policy DM1d of the Core Strategy.

10.1.7 The impact on neighbouring residential amenity

The proposed new build element will be set back into the site and will be 9m high to the ridge. The gable end will face existing properties to the east and be overbearing to their outlook, while to the west the new dwellings will project some 6m beyond the rear of the property to the west. This would also be overbearing and cause loss of light to the garden area closest to the dwelling. This is considered detrimental to the amenity of neighbours. An objection has been made on the grounds of loss of privacy. There are no windows in the gables of the new properties and the rear windows and roofline face a garden that at 15m long negates any significant adverse impact.

10.1.8 The impact on trees and landscaping

There is no significant vegetation on the existing site and the development would allow for new planting in both the front of the pub, the new rear gardens as well as the new courtyard. This could be conditioned and would satisfy the requirements of policy ENV2.

10.1.9 The impact on ecology and biodiversity and the Somerset Levels and Moors Ramsar Site.

The Ecologist has recognised that a preliminary bat roost and bird survey is required to ensure there is no harm to protected species. This was conveyed to the applicant but no survey has been forthcoming and the impact on protected species cannot be adequately assessed and the development is therefore resisted on this basis and being contrary to policy CP8 of the Core Strategy. In addition the development lies within the catchment of the Somerset Levels and Moors where Natural England has precluded new development that has a phosphate impact to avoid further damage to the Ramsar site. No evidence has been put forward as part of the submission demonstrating nutrient neutrality or a suitable phosphate mitigation strategy and on this basis the development fails to comply with policy CP8.

10.1.10 Waste/Recycling facilities

Provision for waste and recycling are provided partially within the properties as well as a walled external bin storage area being provided adjacent to the road.

10.1.11 Flood risk and energy efficiency

The site does not lie within a flood risk area and a condition to secure adequate disposal of surface water could be attached to any approval. The re-use of the existing buildings with improved insulation will enhance energy efficiency and it proposed that the new dwellings will be constructed using low carbon materials and energy efficient heating designs. A condition could be imposed on any approval to ensure measures to satisfy the climate change emergency and policy DM5.

10.1.12 Any other matters

While an objection has been made on the basis of lack of community engagement, this is not a reason to refuse the development. It has also been claimed that there is

no need for housing. However it is not necessary to demonstrate need as the site lies within the settlement limit where redevelopment of any appropriate scale would be acceptable if compliant with other policies of the development plan. The scale of the new development does not hit the trigger for affordable housing. It is not considered that a residential use here would lead to increased noise and pollution over the approved development as a public house.

11 Local Finance Considerations

11.1 Community Infrastructure Levy

Creation of dwellings is CIL liable regardless of size.

This proposed development measures approximately 520 sqm.

The application is for residential development outside the settlement limits of Taunton and Wellington where the Community Infrastructure Levy (CIL) is £125 per square metre. Based on current rates, the CIL receipt for this development is approximately £65,000.00. With index linking this increases to approximately £105,500.00.

12 Planning balance and conclusion

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole. In this instance the site lies in a National Landscape and the development is likely to result in an increase in phosphates that would damage the Levels and Moor Ramsar site. Furthermore there is a lack of evidence of no harm to protected species, plot 3 does not meet the space standard requirements and the development would adversely impact on the character of the area and the amenity of neighbours contrary to policy DM1. In addition and importantly the development would result in the loss of a public house a community facility, with no evidence of viability or marketing and the loss would be contrary to policies CP3 of the Core Strategy and C4 of the SADMP.

12.2 For the reasons set out above, having regard to all the matters raised, it is therefore recommended that planning permission is refused.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998 and the Equality Act 2010.

Appendix 1 – Reason/s for Refusal

- 1 The proposed development by reason of the siting and scale of the new dwellings would result in an unneighbourly development overbearing to the property to the west and would appear out of keeping with their surroundings contrary to policy DM1d of the Taunton Deane Core Strategy and PD2 of the Blackdown Hills AONB Management Plan 2019-2024.
- 2 The proposal will result in the loss of a community facility, being the only pub in the village and no evidence has been put forward to address policy C4 of the Site Allocations and Development Management Plan which it is therefore considered contrary to as well as policy CP3 of the Taunton Deane Core Strategy.
- 3 The design of plot 3 due to its inadequate floor and amenity space would not meet the standards set out in policy D10 and D12 of the Site Allocations and Development Management Plan.
- 4 The proposal provides insufficient information to ensure there is no harm to wildlife and protected species as a result of the development and consequently this may be harmful, contrary to policy CP8 of the Taunton Deane Core Strategy which seeks to protect habitats and species, expand biodiversity and provide necessary mitigation, and is not in line with Section 15 of the NPPF.
- 5 The proposed development has the potential to adversely affect the integrity of the Somerset Levels and Moors Ramsar site by adding to the concentration of phosphates in an area where they are already excessive. In the absence of sufficient technical information evidencing the level of phosphates generated by the development, and sufficient mitigation measures, if any, to demonstrate that phosphate neutrality can be achieved, the Local Planning Authority, through an appropriate assessment, is unable to conclude beyond all reasonable scientific doubt that the proposed development would not have an adverse effect on the integrity of the Ramsar site. Regulation 63(5) of the Conservation of Habitats and Species Regulations 2017 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the Ramsar site, subject to the exceptional tests set out in Regulation 64. As it cannot be ascertained that the proposal will not adversely affect the integrity of the Ramsar site, and as the exceptional tests in Regulation 64 do not apply, the Local Planning Authority cannot permit the proposal.

The proposal is therefore not in accordance with Policies CP8 (Environment) and DM1c (General requirements) of the adopted Taunton Deane Core Strategy and Paras. 185 -188 of the NPPF as there is the potential for the proposed development to result in adverse effects on the Somerset Level and

Moors Ramsar site.

Notes to applicant.

1. In accordance with paragraph 38 of the National Planning Policy Framework 2023 the Council has worked in a positive and creative way with the applicant and entered into pre-application discussions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.

