

## South Somerset District Council

Minutes of a meeting of the **Area South Committee** held at the **Council Chamber Council Offices Brympton Way on Wednesday 3 December 2014.**

(4.00pm – 5.35pm)

**Present:**

**Members:** Councillor Peter Gubbins (Chairman)

|              |               |
|--------------|---------------|
| Tim Carroll  | Graham Oakes  |
| Tony Fife    | Wes Read      |
| Marcus Fysh  | David Recardo |
| Pauline Lock | Gina Seaton   |
| Tony Lock    | Peter Seib    |
| Ian Martin   |               |

**Officers:**

|                    |  |
|--------------------|--|
| Jo Boucher         | Democratic Services Officer            |
| Kim Close          | Area Development Manager (South)       |
| Neil Waddleton     | Section 106 Monitoring Officer         |
| Catherine Hansford | Welfare Benefits Team Leader           |
| Mike Fear          | Assistant Highway Service Manager, SCC |
| Nick Whitsun-Jones | Principal Legal Executive              |

*NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.*

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**74. Minutes of previous meeting (Agenda Item 1)**

The minutes of the Area South meeting held on 5<sup>th</sup> November 2014 copies of which had been circulated, were agreed as a correct record and signed by the Chairman.

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**75. Apologies for absence (Agenda Item 2)**

Apologies for absence were received from Councillors Cathy Bakewell, John Vincent Chainey, Nigel Gage, Jon Gleeson, Dave Greene and Andy Kendall.

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**76. Declarations of Interest (Agenda Item 3)**

There were no Declarations of Interest.

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**77. Public question time (Agenda Item 4)**

Neil Waddleton, Section 106 Monitoring Officer updated members in response to concerns raised at last month's meeting regarding the provision of a new length of

pavement at St Thomas Cross in Yeovil. He reported that they were very close to an agreement being finalised and that relevant payments had been made. Confident that settlement should be finalised within the next couple of days with hope that work will start within the next three months.

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#### **78. Chairman's announcements (Agenda Item 5)**

The Chairman advised members that:

- Free parking on Market days Tuesday and Friday between 3- 5pm.
- Update on the current balance of Area South Community Grants Budget.

The Chairman also wished to pass on the good wishes and appreciations of the committee to the Principal Legal Executive as it was his final attendance at committee before retirement.

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#### **79. Reports from representatives on outside organisations (Agenda Item 6)**

Councillor Peter Seib told members that the trustees of John Nowes Exhibition Foundation had met but insufficient information had been supplied and the meeting would reconvene at a future date.

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#### **80. Schedule of Planning Applications to be Determined by Committee (Agenda Item 7)**

Members noted the Schedule of Planning Applications.

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#### **81. Planning Application - 14/03761/OUT - Land at K Farm, Hoopers Lane, Stoford (Agenda Item 8)**

The Planning Officer presented the application as detailed in the agenda and with the aid of a power point presentation showed the site and proposed plans. He told members that since the report had been published further comments had been received from the applicant which included:

- Business now comprised a total of 35 kennels
- Part time staff consisted mainly of students
- The nature of business was typical of long hours with a need to be present for emergencies
- The issue of the footpath diversion could be easily resolved.

He also informed members that additional photographs had been submitted by the applicant which had been included within the power point presentation.

In conclusion the Planning Officer referred to the key considerations as to whether there is an essential need for an additional dwelling on the site to serve the existing kennel business. He appreciated it was a successful business, however he did not feel there was a need for an additional dwelling on the site and that the applicant could easily live

nearby and go to the site in case of emergency. His recommendation was therefore to refuse the application for the reason as set out in the agenda report.

Michael Clarke, representative from Barwick and Stoford Parish Council addressed the committee to inform members that no objections had been raised from the Parish Council

Mrs Shutlar the applicant also addressed the committee. She said this was a family business which had grown considerably and therefore there was now the need to employ a full time member of staff in addition to the part time students who already help out. She said that over the last ten years the kennels had never been left unattended and it was getting extremely difficult for the family to have any time away. Her daughter had to rely on family members to help her out when needed. She appreciated the site was considered to be within open countryside but felt it would improve the parking and the unsightly barns which are currently located on the site.

In response to questions, members were informed that:

- Unaware of any other dog kennelling business with more than one dwelling on site
- Considered there is no evidence to support the essential need for an additional dwelling on site as detailed in Paragraph 55 of the National Planning Policy Framework (NPPF).
- Clarified the location of the footpath on the site, however considered this was not a concern regarding this application.

In her absence the Chairman then read out a statement from Councillor Cathy Bakewell, Ward member raising a number of comments and supporting the application. These included the following:

- Very successful dog kennelling business
- Footpath should not be considered a problem
- Unreasonable to expect a family running a business from the property which they live, not to grow organically.
- One dwelling does not meet the needs of the family running the business
- Family own the land and perfectly sensible for them to be able to build a second dwelling on site for their daughter to live in to help in running the family business.
- Believed it to be a sustainable location, especially as aware just up the road the site proposed for the urban extension for 3,500 homes. How can one house on a farm be viewed as unsustainable?

Councillor Gina Seaton, Ward member explained it was a successful hard working family business. She referred to Paragraph 55 of NPPF and understood we should look to enhance and retain rural communities. She said security was paramount to this business and that living away from the business would defeat the protection of the site. She voiced her full support for the application.

During member's discussion, several points were raised including the following:

- Additional dwelling to serve growth of the family and not necessary for additional workers dwelling
- Other housing accommodation is available for occupation locally that would achieve the practical need
- Set a precedent for other sites within the district

- Appreciated the need of a growing family but considered this is did not override the requirements of planning policy
- Understood the need to protect the site 24 hours a day due to the nature of the business
- Concern regarding the flood risk of the site
- Did not believe additional dwelling was essential for the needs of the business

In response to members' comments, the Planning Officer informed that:

- Original position of the proposed dwelling was changed due to concerns of flooding in that area of the site
- Appreciated the justification for security of the site, but considered there is not the need for an additional dwelling to meet these requirements. The applicant could easily live nearby and go to the site in the case of an emergency.
- Permitted development rights could not be used to convert existing buildings on site as this legislation related to agricultural buildings being used for an agricultural trade or business

The Principal Legal Executive advised members that an 'Occupancy' Condition could be imposed to ensure non fragmentation of the site as an alternative to that of a Section 106 Planning Agreement. He advised that future occupiers could apply for the removal of this condition; however planning advice would likewise need to be sought regarding this issue.

The Area Lead South also advised that:

- An agricultural tie could be imposed on more than one dwelling within a site
- There is no specific planning policy guidance in relation to dog kennelling
- There is no known history of any extensions to the existing house
- The daughter who lives with her parents in the property is the named licensee of the business

It was then proposed and subsequently seconded that planning permission be refused as per the officers recommendation for the reason as set out in the agenda report. On being put to the vote this was carried by 8 votes in favour and 4 against.

**RESOLVED:**

That application **14/03761/OUT** be refused for the following reason:

The site is in open countryside where national and local planning policy requires new residential development to be resisted unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. The proposal fails to demonstrate an essential need for an additional dwelling at this dog kennel site as detailed in Paragraph 55 of the NPPF and echoed in Policy HG15 of the South Somerset Local Plan, for a new dwelling in the countryside.

(Voting: 8 in favour, 4 against, 0 abstentions)

## 82. Somerset Highways Report (Agenda Item 9)

The Assistant Highway Service Manager presented the report as set out in the agenda. He updated members that:

- Salt bag collection had already taken place with a 40% take up
- East Coker, Halves lane to be re-surfaced and planned for this month and not January 2015

During the ensuing discussion, the Assistant Highway Service Manager noted the comments of members and responded to questions regarding issues within Area South. He noted the difficulties members had reporting faults to the Somerset County Council website and the members' gratitude of the work undertaken by his small team.

The Chairman and members thanked the Assistant Highway Service Manager for his report.

**NOTED**

### **83. SSDC Welfare Benefit Work in South Somerset (Agenda Item 10)**

The Welfare Benefits Team Leader presented the report as set out in the agenda and with the aid of a powerpoint presentation proceeded to give members an overview of the work of the Welfare Benefits Team including:

- Appeal and Tribunal Statistics for 2013 – 2014. Based on these figures 96% success rate
- 'Where we are now' - the various changes to the benefits scheme
- Households effected by Spare room Subsidy (bedroom tax) and Benefit Cap
- 487 households receiving Discretionary Housing Payments (DHP) in South Somerset
- 10 saved tenancies equating to a saving of £27,200
- 33 maintained Tenancies
- Continuous partnership working with other agencies such as Yarlinton and CAB

During the ensuing discussion, the Welfare Benefits Team Leader noted the comments of members and responded to questions on points of detail. Points raised included the following:

- In response to a member request regarding further information about DHP's the Welfare Benefits Team Leader was happy to provide further information and would inform the member direct
- In response to a member indicating his interest in the armed forces partnership, it was noted that further information would be sent to him direct
- Worked closely with 'Pathway for Adults' especially should the Adult Care Act impact SSDC.

The Chairman thanked the Welfare Benefits Team Leader and the excellent work of her team.

**NOTED**

### **84. Area South Committee Forward Plan (Agenda Item 11)**

No requests were made by members.

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**85. Planning Appeals (For information) (Agenda Item 12)**

Members noted the planning appeals.

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Chairman

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Date