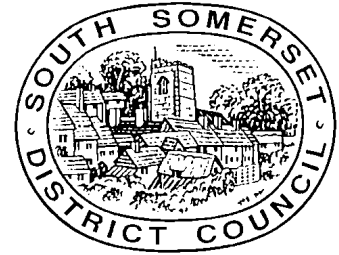


**South Somerset District Council**

*Notice of Meeting*



## Area South Committee

*Making a difference where it counts*

**Wednesday 3rd December 2014**

**2.00 pm**

**Council Chamber  
Council Offices,  
Brympton Way,  
Yeovil  
BA20 2HT**

(disabled access is available at this meeting venue)



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Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Boucher 01935 462011**, website: [www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)

This Agenda was issued on Monday 24<sup>th</sup> November 2014.

*Ian Clarke, Assistant Director (Legal & Corporate Services)*

This information is also available on our website  
[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk)



INVESTORS IN PEOPLE

# Area South Committee Membership

Peter Gubbins  
Cathy Bakewell  
Tim Carroll  
John Vincent Chainey  
Tony Fife  
Marcus Fysh  
Nigel Gage

Jon Gleeson  
Dave Greene  
Andy Kendall  
Pauline Lock  
Tony Lock  
Ian Martin  
Graham Oakes

Wes Read  
David Recardo  
John Richardson  
Gina Seaton  
Peter Seib

## South Somerset District Council – Council Plan

Our focuses are: (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses.
- Environment – We want an attractive environment to live in with increased recycling and lower energy use.
- Homes – We want decent housing for our residents that matches their income.
- Health & Communities – We want communities that are healthy, self-reliant, and have individuals who are willing to help each other.

## Scrutiny procedure rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

## Consideration of planning applications

Members of the public are requested to note that consideration of the planning applications will commence immediately after Item 6 at approximately 2.15pm. The public and representatives of Parish/Town Councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

## Highways

A representative from the Area Highways Office will attend Area South Committee six monthly in June and December from 1.30 pm to answer questions and take comments from Members of the Committee. Alternatively, they can be contacted direct through Somerset Highways direct control centre on 0845 345 9155.

## Members questions on reports prior to the meeting

Members of the committee are requested to contact report authors on points of clarification prior to the committee meeting.

# Information for the Public

The Council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by Area Committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as "key decisions". Members of the public can view the council's Executive Forward Plan, either online or at any SSSC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman's discretion, members of the public are permitted to speak for up to up to 3 minutes on agenda items; and
- see agenda reports.

Meetings of the Area South Committee are normally held monthly at 2.00pm on the first Wednesday of the month at the Council Offices, Brympton Way, Yeovil.

Agendas and minutes of Area Committees are published on the Council's website [www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions)

The Council's Constitution is also on the web site and available for inspection in council offices.

Further information about this Committee can be obtained by contacting the agenda co-ordinator named on the front page.

## Public Participation at Committees

This is a summary of the Protocol adopted by the Council and set out in Part 5 of the Council's Constitution.

## Public Question Time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the chairman of the committee. Each individual speaker shall be restricted to a total of three minutes.

## **Planning Applications**

Comments and questions about planning applications will be dealt with at the time those applications are considered, when planning officers will be in attendance, rather than during the Public Question Time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the Planning Officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The Planning Officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to 3 minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant/Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

### **If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest**

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

# Area South Committee

**Wednesday 3 December 2014**

## Agenda

### *Preliminary Items*

1. **Minutes of previous meeting**
2. **Apologies for absence**
3. **Declarations of Interest**

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15<sup>th</sup> May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

### **Planning Applications Referred to the District Council's Regulation Committee**

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Tim Carroll, Tony Fife, Peter Gubbins, Ian Martin and Gina Seaton

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

#### **4. Public question time**

This is a chance for members of the public and representatives of Parish/Town Councils to participate in the meeting by asking questions, making comments and raising matters of concern. Parish/Town Council representatives may also wish to use this opportunity to ask for the District Council's support on any matter of particular concern to their Parish/Town. The public and representatives of Parish/Town Councils will be invited to speak on individual planning applications at the time the applications are considered.

#### **5. Chairman's announcements**

#### **6. Reports from representatives on outside organisations**

This is an opportunity for Members who represent the Council on outside organisations to report items of interest to the Committee.

#### *Items for discussion*

- 7. Schedule of Planning Applications to be Determined by Committee** (Pages 1 - 2)
- 8. Planning Application - 14/03761/OUT - Land at K Farm, Hoopers Lane, Stoford** (Pages 3 - 12)
- 9. Somerset Highways Report** (Pages 13 - 14)
- 10. SSDC Welfare Benefit Work in South Somerset** (Pages 15 - 21)
- 11. Area South Committee Forward Plan** (Pages 22 - 23)
- 12. Planning Appeals (For information)** (Pages 24 - 33)

**Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.**

**This does not apply to decisions taken on planning applications.**

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# Agenda Item 7

## **Schedule of Planning Applications to be determined by Committee**

*Strategic Director:* Rina Singh, Place and Performance  
*Assistant Director:* Martin Woods, Economy  
*Service Manager:* David Norris, Development Control Manager  
*Contact Details:* david.norris@southsomerset.gov.uk or 01935 462382

### **Purpose of the Report**

The schedule of planning applications sets out the applications to be determined by Area South Committee at this meeting.

### **Recommendation**

Members are asked to note the schedule of planning applications.

***Planning Applications will be considered at 2.00pm.***

Members of the public who wish to speak about a particular planning item are recommended to arrive for 1.45pm.

<b>SCHEDULE</b>					
<b>Agenda Number</b>	<b>Ward</b>	<b>Application</b>	<b>Brief Summary of Proposal</b>	<b>Site Address</b>	<b>Applicant</b>
8	COKER	14/03761/OUT	Outline application for the erection of an occupational dwelling in relation to kennel business	Land At K Farm Hoopers Lane Stoford	Ms L Beddison

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda had been prepared.

## **Referral to the Regulation Committee**

The inclusion of two stars (\*\*) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

## **Human Rights Act Statement**

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

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# Agenda Item 8

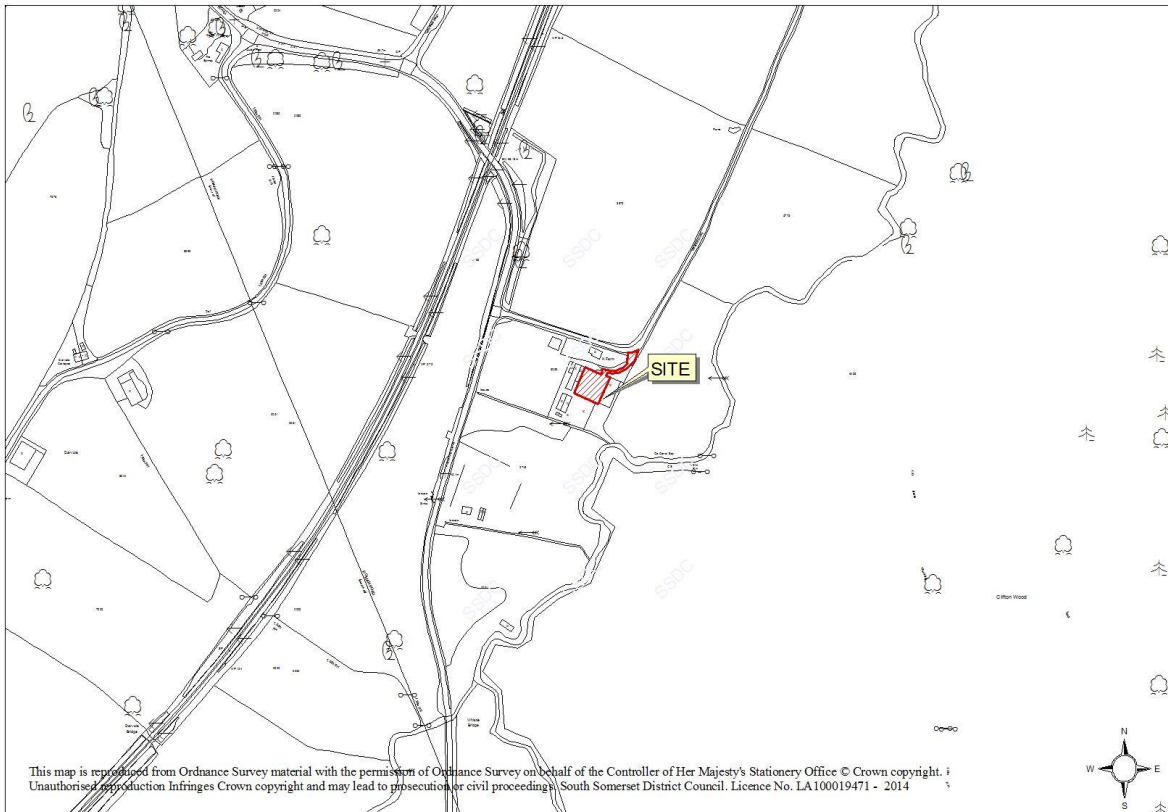
## Officer Report On Planning Application: 14/03761/OUT

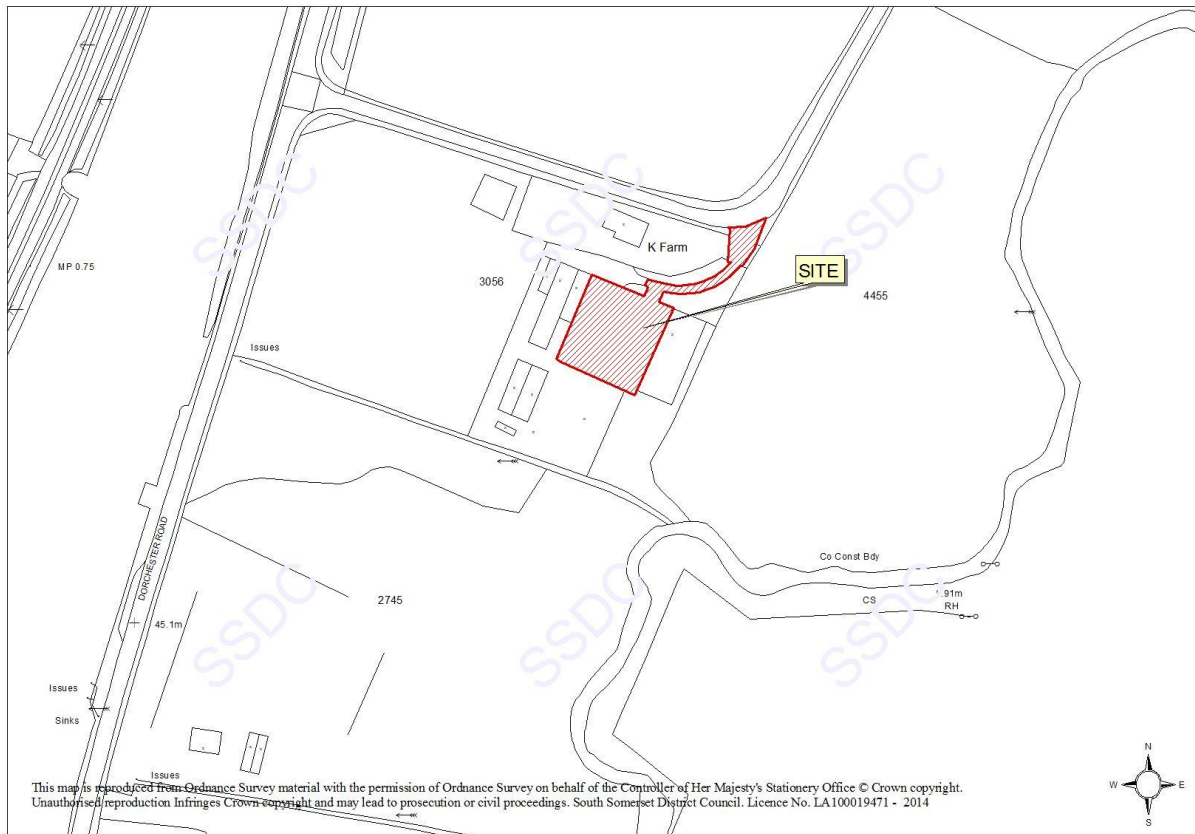
<b>Proposal :</b>	Outline application for the erection of an occupational dwelling in relation to kennel business (GR 356349/112589)
<b>Site Address:</b>	Land At K Farm Hoopers Lane Stoford
<b>Parish:</b>	Barwick
<b>COKER Ward (SSDC Member)</b>	Cllr G Seaton Cllr Cathy Bakewell
<b>Recommending Case Officer:</b>	Andrew Collins Tel: 01935 462276 Email: andrew.collins@southsomerset.gov.uk
<b>Target date :</b>	4th November 2014
<b>Applicant :</b>	Ms L Beddison
<b>Agent: (no agent if blank)</b>	Acorus Addlepool Business Centre Woodbury Road Clyst St George Exeter Devon EX3 0NR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### Reason for Referral to Committee

This application is referred to the committee at the request of the Ward Member(s) with the agreement of the Area Chairman to enable the comments of the letters of support to be fully debated.

### Site Description and Proposal





The site is located some distance to the south of Stoford village at the junction of Hoopers Lane and the A37. A railway line runs close by to the west on the opposite side of the A37, and the River Yeo is close to the eastern edge of the site. The River Yeo also forms the boundary between Somerset and Dorset. A public footpath also runs along the eastern side of the site along the banks of the River Yeo. The site is currently being used as a dog kennels.

There is currently a dwelling on the site known as K Farm. This has an occupancy condition that includes agriculture, forestry or dog kennels.

This application seeks outline permission with all matters reserved for an additional dwelling for serve the dog kennel business.

To support the application an appraisal has been submitted by Acorus to justify this additional dwelling.

## HISTORY

07/03486/FUL - Replace existing barn with single storey purpose built kennel block containing 20 kennels - Application permitted with conditions - 30/01/2008

07/03409/S73 - Application to vary condition 4 of appeal decision 872306 dated 13th July 1988 (variation of agricultural occupancy to include occupational use in connection with dog kennelling business. - Application permitted with conditions - 19/10/2007

This had the following conditions imposed;

"01. The occupation of the dwelling hereby permitted shall be limited to a person solely or

*mainly employed, or last employed, in the locality in agriculture as defined in section 290 of the Town and Country Planning Act 1971, in forestry or dog kennelling, or a dependant of such a person residing with him or her, or a widow or widower of such a person."*

07/01823/FUL - Replace existing barn with single storey purpose built kennel block containing 20 kennels - Application Withdrawn - 11/06/2007

910749 - Change of use of barn to dog boarding kennels - Conditionally approved - 22/05/91

883026 - Reserved Matters (872306) Agricultural workers dwelling - Conditionally approved - 9/12/88

872306 - The erection of an agricultural worker's bungalow - Outline application refused - 11/12/87 - Allowed on appeal 13/7/88

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant policy framework is provided by the National Planning Policy Framework and the saved policies of the South Somerset Local Plan 2006.

Saved policies of the South Somerset Local Plan (Adopted April 2006):

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy HG15 - Agricultural and Forestry Dwellings

Policy EC3 - Landscape Character

National Guidance

National Planning Policy Framework

Achieving Sustainable Development - 3 Key Roles - Economic, Social and Environmental

Chapter 1 - Building a Strong Competitive Economy

Chapter 3 - Supporting a Prosperous Rural Economy

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

*"55. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: -the essential need for a rural worker to live permanently at or near their place of work in the countryside;"*

Chapter 7 - Requiring Good Design

Other Relevant Considerations

Somerset Parking Strategy

Somerset Standing Advice

## CONSULTATIONS

BARWICK AND STOFORD PARISH COUNCIL - No comments received.

COUNTY HIGHWAY AUTHORITY - Standing advice applies.

COUNTY RIGHTS OF WAY - *"The proposed development will obstruct the right of way and a diversion will be necessary. The right of way will need to remain open and available until the (stopping up/diversion) Order has come into effect. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. We would request to be consulted on the surface of any diverted public right of way."*

Reference is also made to the health and safety of walkers during construction and any improvements needed to the right of way.

DISTRICT RIGHTS OF WAY - *"Public footpath Y2/1 runs through the vehicular access to the site and then through old farm buildings and fences east of the proposed development site. The obstruction of the recorded definitive footpath was noted by my predecessor in March 1991 (following a complaint from the public), and again in May 1991 when the Planning app for the kennels was being considered.*

*In the late 1990's the permissive route to the east alongside the hedge was gated and signed through the Parish path partnership (P3) scheme with Barwick Parish Council.*

*I do not have any recorded complaints since then.*

*The footpath should be legally diverted to the current permissive route as advised in 1991."*

ENVIRONMENTAL PROTECTION OFFICER - *"This site lies on land which has been identified as potentially contaminated due to past use as a landfill site (CL4073). Therefore should the application be approved I recommend that conditions regarding contaminated land and ground gas."*

ECOLOGIST - No comments to make.

LICENSING - Verbally confirmed that the existing dwelling on site meets the requirements of the licence. She also confirmed that no other kennels within the District had more than 1 dwelling.

No comments have been received from West Dorset District Council.

## REPRESENTATIONS

6 letters from existing customers have been received giving the following areas of support:-

- o Proposals would be an asset to the business
- o The applicant and her parents run a very professional business
- o Support should be given for the family to stay together
- o Parking is a problem at times and should be extended
- o Would be beneficial to the local community
- o Unlikely to be sold off as next to kennel business
- o The proposal would be an enhancement to the eyesore of the old barns next to the footpath

## CONSIDERATIONS

### Principle

The key aim running through the NPPF is the presumption in favour of development that meets the requirements of sustainable development. Therefore the starting point must be to consider the proposal in line with the 3 roles.

It has been detailed that the additional dwelling on the site would meet an economic role in safeguarding the business. However this is debated as there is an existing dwelling on the site that has a condition that restricts its occupation to agriculture, forestry or the dog kennel business. Therefore the economic argument is not accepted. This aspect will be debated in greater detail below.

The social role is also debated. The business does have a social role as indicated in the letters of support for this proposal. However this does not override other concerns regarding the need for the dwelling.

An environmental role requires that development protects and enhances the natural, built and historic environment. It is noted that the site proposed is an old barn and building on the site could be argued to improve the natural environment. Living on site could be argued to minimise pollution, but this needs to be assessed in relation to the existing dwelling that serves the business.

As detailed in Section 38(6) of the Planning and Compulsory Purchase Act 2004 there is a requirements that decisions must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

There are no specific policies in the South Somerset Local Plan for dwellings associated with kennels. However Policy HG15 relates to agricultural or forestry worker dwellings and this proposal is a similar type of application therefore the requirements of this policy should be applied to this case.

Policy HG15 states;

*"Proposals for agricultural or forestry worker dwellings will only be permitted in the countryside where:*

- 1. The dwelling is essential for the proper functioning of the enterprise so that one or more workers would be readily available at most times. In cases where a functional test alone is not conclusive, it may be appropriate also to apply a financial test;*
- 2. The need is for accommodation for a full-time worker, or one primarily employed in agriculture;*
- 3. No other housing accommodation is available for occupation locally by the worker concerned that would fulfil the functional need;*
- 4. The necessary accommodation cannot be provided by the conversion of an existing building or structure on the holding.*

*Dwellings that are unusually large in relation to the agricultural needs of the unit or are unusually expensive to construct in relation to the income of the unit in the longer term will not be permitted.*

*Where there is inconclusive evidence supporting the need, temporary planning permission may be granted for temporary accommodation on a new farm unit, to allow three years to test the viability of the proposal.*

*The renewal of a temporary planning permission for temporary accommodation will not be granted if the case for permanent accommodation has not been made by the end of the temporary period.*

*A condition will be attached to any planning permission granted to ensure that the dwelling is kept available to meet the justified need. A planning obligation will be sought where a planning condition would not keep the dwelling available to meet the justified need."*

A detailed assessment has been supplied that is detailed below. But this fails to pick up on some of the aspects of the policy.

With reference to criteria 1 it states 'that where the functional test alone is not conclusive, it may be appropriate to apply a financial test'. In this case it has not been demonstrated the need for an additional dwelling on the site is necessary and therefore regardless of any financial test, this would not materially change the conclusion.

With regard to criteria 4, there are a range of timber barns (that are to be demolished to form the dwelling) and a large pole barn on the site. Neither of these buildings are considered to be appropriate for conversion to a dwelling.

Indicative plans have been provided showing a three bedroom bungalow on the site. This does not appear to be overly large, but as this is an outline application with all matters reserved this is only indicative as to what could be provided on site.

The submitted appraisal gives an assessment of the business on the basis of the criteria of PPS7 Annex A. This is a useful assessment following the more general requirement of Paragraph 55 of the NPPF requiring assessing the 'essential need' to live permanently at or near their place of work in the countryside. Of particular relevance to this application is the essential need to live permanently on site.

The submitted Appraisal will however be assessed following the titles used.

#### The Business / Labour

It has been detailed that a licence has recently been granted by the District Council regarding the use of 35 kennels at the property. The average occupancy of the kennels has increased by 25% over the last 2 years and that there is increased demand and a requirement to provide 24 hour supervision. This is stated at 4.5 of the submitted appraisal that this justifies an additional dwelling on the holding. However it has not been detailed why the current dwelling on site that has the restricted occupancy attached does not meet this requirement.

At 4.6 the daily routine is outlined with a timetable of between 07:00 and 21:00. However further in the assessment at 6.2 indicates that in addition to the 3 business partners (the applicant and her parents) a further 3 part time staff are employed with the business. In order to comply with the licensing requirements it is detailed that one person has to remain on site at all times. As previously detailed there is already an existing dwelling on the site and other part time staff could be present to meet the licensing requirements.

### Reason for the Application

At 8.2 of the submitted appraisal reference is made in relation to the licence needing to comply with the Animal Boarding Establishment Act 1963. In particular 'there shall be a responsible person residing on site at all times'. This requirement is not debated. But this is already met by the existing dwelling on the site. It is stated that the labour provided by the occupants of the dwelling (Mr and Ms Shutlar, the applicant's parents) is not sufficient as the business has expanded. Therefore this is not sufficient outside of normal working hours. In order to meet this requirement this could be utilised by additional staff or by the applicant. But this is not considered to demonstrate an essential need for an additional dwelling on the site.

At 8.4 of the submitted appraisal reference is made for the attendance at vet facilities and the delivery and collection of pets outside of normal working hours. This requires 2 members of staff to attend away from the holding. It is stated that this occurs on a regular basis but it does not give a break down between attendance at vets and providing an improved service for their customers. It is envisaged that visits to the vet are on an infrequent basis and that in providing a premium service for customers is likely to attract a premium fee. Therefore a member of staff could retain on site to cover these situations. With 3 full time members of staff and 3 part time this does not demonstrate an essential need for an additional dwelling on site.

### Established Functional Need

The functional need for a dwelling to meet the needs of the licence is not questioned. However, there is an existing dwelling on site that meets this need and it is the additional dwelling on the site has not been demonstrated.

It is still possible to meet the licence condition by the occupation of the existing dwelling. It is possible for the applicant to live nearby and for her to come to site if needed during an emergency.

It has not been detailed why the provision of only one dwelling on the site is unsuitable for the type and scale of the activity.

Reference has been made to visiting the vets when there is a particular problem. If more than one dog is affected, in exceptional circumstances a vet could visit the site to avoid the issues raised.

Monitoring of temperature control, lighting and ventilation could be undertaken by mechanical means with alarms ringing in the dwelling on site. Continuous monitoring of the animals on site can be undertaken by staff employed via shift works and the people residing on site.

### Financial Assessment

It has been detailed that there has been an increase of 25% in the past year and the business has been profitable for at least the last 3 years. It also has every prospect of remaining profitable in the future. It is detailed that the business is more than sufficient to support the development. No detailed figures have been provided but the following comments are acknowledged. However, in assessing that the business could support the development, additional staff could be employed to provide additional cover as detailed in the assessment.

### Alternative Accommodation

It is stated at 9.6 of the submitted appraisal it is stated that there is no other existing accommodation suitable and available for occupation. It is stated that a dwelling should be within sight and sound of the kennels. However under planning considerations this has been debated on the past. In addition on carrying out a Rightmove search with ½ a mile of the site 11 properties are for sale. Of these, 3 properties are available for less than £150,000. Also a property is available for offers over £150,000. In addition, within 3 miles of the site this would encompass most of Yeovil and there are plenty of properties from £60,000 for sale. It is not considered that a worker at the kennel business has to also live on the site due to there being an existing dwelling. If any emergency arose the applicant could be contacted and she could visit the site in addition to Mr and Ms Shutlar, her parents living on site.

In addition, it has not been demonstrated where the applicant currently lives and why an additional dwelling is required now.

It has not been demonstrated that the applicant cannot live nearby, like any worker and commute to work. In addition with modern technology in the form of mobile phones, the applicant could easily be contacted and shift patterns for staff provided to cover all eventualities.

### Conclusion to Appraisal

In the conclusion to the appraisal, the agent has provided 6 paragraphs to conclude the need for the dwelling. It is stated that animal boarding facilities provide a public need and that the highest welfare standards are maintained. This is not doubted. However this need can be met by the existing dwelling on the site.

It is stated that the functional need results from welfare requirements and the overall security of the site and failure to provide necessary supervision and attendance in emergencies affects the functioning of the business and in turn financial viability. This fails to take into account that there is a current dwelling on site linked to the business. In addition the applicant could live elsewhere and still work a full time shift. If an emergency arose the applicant could attend once notified by Mr / Ms Shutlar on site.

To meet the growing needs of the business it is stated that it is not unreasonable for Mr and Ms Shutlar and their daughter, the applicant to enjoy separate accommodation as all are separate partners and have a full role in the functioning of the business. This is accepted. But this does not result in an essential need for an additional dwelling on the site. As noted above there are properties available within a mile radius of the site and within 3 miles of the site the majority of Yeovil is an option. At this distance the applicant could be on site in a matter of minutes and is not considered to adversely affect the effective running of the business.

In assessing all the above, it is not considered that the requirements set out in Paragraph 55, and the previous criteria of PPS7, Annex A have been met and that there is not an essential need for an additional dwelling on the site.

### Landscape

There are no direct landscape implications relating to this application as the site is a previously developed farm site that is surrounded on all sides by mature planting.

The line of the current footpath is open to the West - facing the site. However the siting is not



considered to result in a detrimental impact on the landscape in accordance with Policy EC3 of the Local Plan.

### Residential Amenity

Dog kennels potentially have an impact on the occupiers of surrounding properties because of the noise generated by the dogs and disturbance from traffic. In this location, there are no nearby residential properties for these issues to be a problem. Furthermore, the area is already fairly noisy from the noise generated by the nearby trunk road and railway.

If the principle was agreed a condition tying the dwelling to the business would be necessary.

### Highways

Whilst the subject land is outside the development area of Stoford, it is located close to a junction on the main A37 road and is therefore easily accessible by car which would normally be the expected mode of transport for people taking their dogs to the kennels. As far as previous applications for the new dog kennels is concerned, the Highway Officer did not raise an objection and it was considered that the other relevant matters above concerning the location of the business outweighed transport policies seeking to reduce reliance on the private car.

The indicative plans show, via the redline that this proposal is seeking to utilise the existing access into the site. The access is located on the outside of a bend and in this regard visibility can be seen in both directions ensuring that there is safe access into the site.

An indicative dwelling has been shown on a block plan with an area of 990m<sup>2</sup> enclosed within the redline. In assessing this area it is considered that there is sufficient space on site for parking and turning for the dwelling.

### **CONCLUSION**

It is acknowledged that the business is successful and provides a valuable community facility. However it has not been demonstrated in the application that there is a need for an additional dwelling on the site. The current dwelling on site meets the requirements of the licence and the applicant could easily live nearby and go to site in the case of an emergency.

In assessing the merits of the application, these are not considered to override the harm caused by the proposal.

### **RECOMMENDATION**

Refuse permission for the following reason

### **SUBJECT TO THE FOLLOWING:**

01. 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.

**Informatives:**

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
- o offering a pre-application advice service, and
  - o as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions. In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

02. It is noted that footpath Y2/1 should be legally diverted to the current permissive route as formed on the ground along the Eastern boundary. A formal diversion would need to be applied to the District Council. In this regard you are advised to contact David Shears (01935 462115).
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# Agenda Item 9

## **Somerset Highways Report**

*Lead Officer:* Mike Fear, Assistant Highway Service Manager, South Somerset Highways

*Contact Details:* Countyroads-southsom@somerset.gov.uk or 0845 345 9155

### **Purpose of the Report**

Somerset County Council Highways Interim report for the period April 2014 to March 2015, to provide an update on works progress.

### **Surface Dressing**

Surface Dressing is the practice of applying a bitumen tack coat to the existing road surface and then rolling in stone chippings. Whilst this practice is not the most PR friendly, it is highly effective in preserving the integrity of the road surface.

The Surface Dressing was completed within the programmed timescale for the 2014 'season' and various remedial sites from last year's program were attended to as well.

This year's Surface Dressing sites are currently receiving their final inspections prior to acceptance by SCC.

### **Grass Cutting**

The verge cutting of main A and B roads commenced in mid May followed by the C and D roads and then the final cut of the A and B roads. There was some delay experienced in the C and D road cutting program and this was unfortunately due to re-distribution of resource by the Term Maintenance contractor.

I would note that the enquiries relating to this year's grass cutting were less than the previous year, which I trust is a good indication of getting the timing of the cutting right.

### **Winter Maintenance**

The preparation for this year's winter maintenance programme has commenced and the salt supply for the upcoming season is being delivered to the depot.

It is likely that similar to previous years the local parishes will be invited to collect their allocation of ten 20kg grit bags. Confirmation will be submitted to Parish Clerks as soon as this is approved by the Winter Maintenance Manager.

To provide efficiencies in resource time for filling the parish grit bins, a request will be submitted to the parish clerks to identify, check and inform SCC of the current situation with regards to accessibility and filling requirements for their grit bins.

### **Structural maintenance Schemes 2014/15**

Structural maintenance schemes for this year that have been completed and those planned are listed below:

<b>PARISH</b>	<b>LOCATION</b>	<b>WORKS</b>	<b>DATE</b>
Yeovil	Sherborne Road	Footpath	Completed
Barwick	Fairhouse Road	Drainage	Nov 2014
Stoford	Stoford Bridge Road	Drainage	Dec 2014
Yeovil	Middle Street	Block Paving	Feb 2015
West Coker	White Post	Drainage	Jan 2015
Closworth	Netherton Lane	Drainage	March 2015
Yeovil	Hillcrest Road	Surfacing	TBC
East Coker	Halves Lane	Patching	Jan 2015
Yeovil	Portreeve Drive	Drainage	Feb 2015
Yeovil	South Street	Surfacing	March 2015
Yeovil	Court Ash/Silver St.	Surfacing	TBC
Yeovil	Queensway	Anti-skid	Completed
Yeovil	West Street	Footpath	Completed
Yeovil	St Johns Road	Footpath	TBC
Yeovil	Eastland Road	Surfacing	TBC
Yeovil	Roping Road	Footpath	TBC

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# Agenda Item 10

## **SSDC Welfare Benefit Work in South Somerset**

*Strategic Director:* Vega Sturgess, Strategic Director (Operations and Customer Focus)  
*Assistant Director:* Steve Joel, Assistant Director (Health and Well Being)  
*Service Manager:* Kirsty Larkins, Housing and Welfare Manager  
*Lead Officer:* Catherine Hansford, Welfare Benefits Team Leader  
*Contact Details:* catherine.hansford@southsomerset.gov.uk or 01935 463737

### **Purpose of the Report**

To update and inform Members on the work of the Welfare Benefit Team for the financial year 2013/14.

### **Public Interest**

The report gives an overview of the work of the SSDC Welfare Benefit Team.

### **Recommendation**

Members are invited to comment on the Report

### **What is the Welfare Benefit Team?**

The Welfare Benefits Team consists of 3.1 full time equivalent staff responsible for undertaking casework for clients across the whole of South Somerset. We provide specialised advice and advocacy; preparing claims, representing clients at Appeals, up to and including First-Tier and Upper Tier Tribunals.

The Team is based at Petters House and provides advocacy and advice by telephone, appointments at Petters House and the Area Offices and carries out home visits where appropriate.

In 2013-14, funding was in place to provide additional outreach surgeries in Areas North and East.

### **Annual Statistics**

During 2013 the Welfare Benefit Team undertook casework for 680 clients across South Somerset achieving an Annual Income for clients of £1,089,883. In addition clients received a total of £191,450 in Lump Sums. Combined total: £1,281,333 (at 04/11/14).

Please note that these figures are provisional due to the time lag involved in benefits being awarded/clients confirming their award. This lag is longer than in previous years due to the extended delays with existing and new benefits (one year for new claims for Employment and Support Allowance (ESA) – although a basic rate is paid until that time). We would expect these figures to show a further increase as 110 cases remain open awaiting outcomes.

Personal Independence Payment (PIP) and ESA processing delays are largely due to the backlog of medical examinations with the Healthcare Providers (ATOS).

Out of the 680 clients we worked with we helped take 46 to appeal. This is a drop in last year's figures as less decisions are being made and because October 2013 also saw the introduction of the Mandatory Reconsideration process.

26 appeals were successful and the unsuccessful appeals automatically proceeded to a tribunal.

We took 28 cases to Tribunal and won 27 of them – an 96% success rate so far which is way above the national average of represented cases.

Sometimes we pick up cases that are already at Tribunal stage.

Unfortunately there are no timescales for processing Mandatory Reconsiderations and we have some cases that have been open, awaiting outcomes for up to 7 months or longer and once decisions are made they may still progress to appeal, leading to further delays.

### **Where We Are Now.**

The 2012 Welfare Reform Act represents the biggest change to the welfare system in over 60 years. All these changes are also taking place against a backdrop of reductions in funding from central government across both the statutory and third sectors.

### **Passported Benefits**

The impact of completely redesigning the whole system of means tested benefits and tax credits goes beyond those just immediately affected by losing a benefit.

Over time a whole raft of secondary benefits have been developed and eligibility depends on receiving Income Support, income based Jobseeker's Allowance, income related Employment and Support Allowance and Child Tax Credits.

These are known as 'passported benefits' and include free school meals, school travel, prescriptions, dental treatment and other reductions in prices for services, e.g. leisure, Careline etc.

The Social Security Advisory Committee, a statutory independent committee which advises Department of Work and Pensions (DWP) on the operation of the benefits system, has recently produced a report (1) which raises clear concerns about the loss of these passported benefits.

It points out that these benefits make significant contributions to the health and wellbeing of low income families and to preventing child poverty and social exclusion.

If families lose benefits and in turn eligibility for free school meals this also impacts on the overall funding the schools receive in the 'pupil premium'.

In addition if families migrate because of the Housing Benefit caps and other loss of income arising from the reforms, then this will have significant impact sub-regionally and could exacerbate disparities of wealth in rural areas.

The application of the Spare Room Subsidy to Social Housing Tenants (known as the Bedroom Tax) was also rolled out from April 2013 and, as of March 2014, 2,651 tenants in Somerset experienced a reduction in Housing Benefit as a result of this, with South Somerset having the highest number affected at 793.

From September 2013, the Benefit Cap (the total amount of benefit that working-age households can receive) was implemented and whilst there were a relatively small number of households affected in Somerset (around 100 by April 2014), South Somerset again had the highest number of affected households at 38 (by April 2014).(2)

Figures from Mendip DC, South Somerset DC and Taunton Deane BC indicate that more than 6,700 households have been affected by reductions in Local Housing Allowance rates (the Housing Benefit paid to tenants who rent from private landlords).

There has been an almost three fold increase in the households in Somerset receiving extra help with housing costs through Discretionary Housing Payments (DHP) in 2013-14 compared to 2012-13. DHP's in South Somerset have risen from 230 to 487. (2)

### **Saved and Maintained Tenancies**

The figures for Saved and Maintained Tenancies for 2013-14 stand at 10 and 33.

Saved Tenancies are those cases which would have resulted in the loss of the tenancy but for the intervention of the Welfare Benefit Team. Maintained Tenancies are those where the Welfare Benefit Team have undertaken a significant amount of work with the clients towards assisting in the successful maintenance of the tenancy.

The cost to SSSDC of dealing with a homeless application is estimated at £2630 per family. The 10 tenancies saved by the intervention of the Welfare Benefit Team equates to a potential saving of £26,300. Further savings were made by the 33 x Maintained Tenancies, as it is highly probable that a number of these would have progressed to the stage of loss of tenancy without early intervention, which is key in the current financial climate.

The need for support for people to retain their homes has never been greater than now given the consequences of Welfare Reform.

### **Housing Benefit**

More recent research from the National Housing Federation (3) shows that middle-income households earning between £20,000 - £30,000 a year accounted for two thirds of all new Housing Benefit claims during the last six years, as the struggle to afford a home gets tougher.

With the proportion of households having to claim Housing Benefit despite being in work doubling to 22 per cent (one in five) since 2008, the National Housing Federation predicts that this figure could rise to one in three in the next five years. (3)

Here in South Somerset, out of a Housing Benefit caseload of 10,065, working claimants make up 2513 of these which, at 25%, is higher than the national average. This does not include those in receipt of passported benefits who also work.

In 2004 the estimated cost for a 2 child family if an eviction took place without a homeless application being made was £3563. The wider social costs in relation to education and health services were estimated to be £4896. (4) In addition the emotional impact on clients' health will be considerable.

Becoming homeless is of course the very last resort for families and experience has shown that considerable financial pressure will be absorbed and debt accrued by families before

they accept it. The impact of this can be widely felt in families, children and vulnerable adults in these families can be particularly at risk.

Nationally, the number of Housing Benefit claimants who are in work in 2013-14 broke the *one million* barrier for the first time. DWP statistics published in November 2013 show that 1,013,822 people in employment were claiming Housing Benefit in August 2013.

## **Unemployment**

Unemployment is not so much an issue in South Somerset as underemployment - few people realise just how many in work rely on HB to pay their rent, not to mention earnings top up's such as Working Tax Credits due to typically low wages in the area.

UK figures published in December 2013 found that the largest group in poverty are working age adults without dependent children - 4.7 million people are in this situation, the highest on record. Pensioner poverty is at its lowest level for 30 years. (5)

## **The Value of Welfare Advice**

By ensuring the maximisation of income and helping to challenge decisions, welfare rights services ensure that national government covers such housing costs instead of the council by way of the homelessness route and/or loss in rent collection

The Low Commission, in May 2014, published a major follow up work on the economic value of social welfare advice (6) and presents compelling evidence from different sources that social welfare advice saves public services money. So apart from putting money in the pockets of those who need it, there is also widespread added value from our work.

Looking at all work to date on Cost Benefits Analysis (CBA) and Social Return on Investment data, the report finds that this not only pays for itself, but it also makes a significant contribution to families/ households, to local area economics, and also contributes to significant public savings.

Different studies done in the UK, US, Canada and Australia have all demonstrated similar findings that for every pound or dollar invested, there's a multiple of 10 in the savings produced by, for example, keeping people their homes with jobs and incomes intact rather than having to utilise expensive crisis and emergency services. The review shows that advice across different categories of law result in positive outcomes for clients and their households. (6)

Commenting on the findings Lord Colin Low said:

*"This research, carried out independently, demonstrates with hard economics the true value of social welfare advice. It can no longer be argued that funding social welfare advice is too much of a burden on the state. Early and necessary interventions from advice and legal support prevent problems and expense further down the line"*

## **Partnership Work**

Co-ordinated joined up working with other agencies is now more important than ever with the emphasis on making advice more accessible in rural areas and taking service out across the district. We are striving to maintain and improve ways where we can complement each other's services, focusing on each agencies strong points, exploring new technologies and access routes and better referral systems.



We are also working in conjunction with other advice agencies on Social Policy issues. The agencies we work with, such as the National Association of Welfare Rights Advisers and Citizens Advice Bureaux campaign on a national level, which we feed into, as well as highlighting individual cases via the local MP's.

Our partner agencies include South Somerset CAB, Age UK, Yarlinton Housing Group, South Somerset Mind, Village Agents, South Somerset Alliance – a lottery funded project – and many more.

### **Case Studies and Feedback**

The advice we provide helps our clients get back on their feet again and encourages them to be pro-active as we try to empower and avoid over dependence.

This local face to face responsive support has become more essential as more and more services are rolled out digitally or through central processing centres.

This is highlighted in the feedback we receive from our clients.

*“Best Council office ever. Catherine has been brilliant and together with Phil they put so much effort to get us sorted and assisted us all the way through. Top service.”*

*“I really couldn't have managed this on my own. It was making me so ill with worry. Please keep this support going it is vital to those of us who are ill/disabled and can't fight our way through the benefit hurdles on our own.”*

*“Both Nadine and Andy were excellent. Thank you for the help. It has made my recovery a little bit easier”*

*“Helen was wonderful. If it wasn't for her excellent service we would have given up long ago. Can't thank her enough for her efforts. She was a true professional. She helped us so much with everything especially when we were under immense pressure due to a serious family illness. We really would not have been able to continue with the claim at this point. Helen was there for us, really supportive and fighting our claim she was amazing.”*

*“Just like to say a big thank you for your services. We don't know what we would do without your help. A big thank you for Andy. We would be lost without him.”*

*“Nadine has worked tirelessly for me. It was a huge comfort knowing that she was there if I needed her.”*

*“Helen was very professional and helpful and had a very knowledgeable approach to the case. She was so supportive and kept me informed of what was happening. She attended the tribunal with my wife and I and helped us through a very difficult time. Thank you and well done Helen!”*

*“Excellent! Both Andy and Catherine were great and re-assuring. They stood by me and we got through this together. Words cannot describe how grateful I am. They both deserve recognition for their hard work and patience. They're manager needs to see what stars they have on the team!”*

*“Helen who handled my case was brilliant and I am incredibly grateful to her for all she did for me. I am extremely happy, it has meant that I was able to stay in my home. Helen helped save my independence and I will be forever thankful to her for that. There's no way we could*

*have fought this case on our own and Helen never gave up - even when things looked very bleak.”*

### **Case Study 1**

Mr Jones is in his mid-50's and has worked all his life in the building trade. Sadly, he has developed lower back, hip and knee problems and had to cease work earlier in the year due to the physical nature of his job. He has already had a hip replacement and is awaiting a knee replacement operation.

His wife works 15 hours per week. They have two young children and receive Child Tax Credit. They live in rented accommodation.

Mr Jones claimed Contribution-based Employment and Support Allowance (ESA) in March 2014 but this was only paid for 26 days, because of the 365 day limit which was linked to a previous claim that he had made due to surgery, which had ended Jan 2013.

Several months later Mr Jones spoke to a SSDC customer adviser, because he and his partner, were struggling financially. The customer adviser felt that something was not quite right about his ESA and referred his case to the Welfare Benefits Team in September 2014.

Mr Jones showed us his ESA decision letter and we rang the DWP who confirmed that he had a previous contribution-based ESA award from Jan 2012 to Jan 2013 when he took time off work for his surgery (although returned to work as soon as he was fit and able). This been paid for 339 days. It was evident that the DWP had used the wrong tax years to apply the two qualifying conditions with regards to National Insurance contributions.

We helped Mr Jones with challenging the decision, and his contribution based ESA was reinstated in November 2014 and arrears paid accordingly. The DWP also acknowledged that maladministration (their words) of his claim – paying Mr Jones a special payment as compensation. His partner now has the option of claiming WTC if she can increase her working hours from 15 to 16+ hours.

Mr Jones is still awaiting his ESA medical assessment so we continue to keep an eye on his case.

### **Corporate Priority Implications**

Council Plan 2012-2015:

Focus 3: Homes

Focus 4: Health and Communities

### **Equality and Diversity Implications**

The work within the Welfare Benefit Team brings us into daily contact with vulnerable clients, people with disabilities and non-English speaking communities.

### **Financial Implications**

None

### **Carbon Emissions & Adapting to Climate Change Implications (NI188)**

None

**Background papers;**

- (1) *Universal Credit: the impact on passported benefits*, Report by the Social Security Advisory Committee, DWP, March 2012
  - (2) Somerset Welfare Reform Impact Monitoring 2013-14
  - (3) *Broken Market, Broken Dreams*, Home Truths 2014/15, report by the National Housing Federation 2014
  - (4) Somerset Community Legal Service Partnership: County Court Project
  - (5) *Annual Monitoring Poverty and Social Exclusion 2013* published by the Joseph Rowntree Foundation and written by the New Policy Institute (08/12/2013)
  - (6) *Social Welfare Advice services – A Review* by Graham Cookson, an economist at the University of Surrey
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# Agenda Item 11

## **Area South Committee Forward Plan**

*Strategic Director:* Rina Singh, Strategic Director (Place & Performance)  
*Assistant Director:* Helen Rutter/Kim Close, (Communities)  
*Service Manager:* Kim Close, Area Development Manager - South  
*Agenda* Jo Boucher, Committee Administrator, Legal and  
*Co-ordinator:* Democratic Services SSDC  
*Contact Details:* jo.boucher@southsomerset.gov.uk or (01935) 462011

### **Purpose of the Report**

This report informs Members of the agreed Area South Forward Plan.

### **Recommendations**

Members are asked to:-

1. Comment upon and note the proposed Area South Forward Plan as attached at Appendix A.
2. Identify priorities for further reports to be added to the Area South Forward Plan, developed by the SSDC lead officers

### **Area South Committee Forward Plan**

The forward plan sets out items and issues to be discussed by the Area Committee over the coming few months.

The forward plan will be reviewed and updated each month, by the joint lead officers from SSDC, in consultation with the Area Committee Chairman. It is included each month with the Area Committee agenda, where members of the Area Committee may endorse or request amendments.

Members of the public, councillors, service managers, and partners may request an item is placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

**Background Papers:** None

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## Appendix A

### Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
- (2) For further details on these items, or to suggest / request an agenda item for the Area South Committee, please contact the Agenda Co-ordinator; Jo Boucher.

Meeting Date	Agenda Item	Background/ Purpose	Lead Officer
<b>January 2015</b>		<i>Please note this meeting will only be held if there are planning applications to be determined</i>	
<b>February 2015</b>	Youth Project	Update Report	Natalie Ross, Neighbourhood Development Officer
	Section 106 Monitoring Report * dependant on new agreement variation being signed	Update report on major schemes at Lyde Road, Lufton and Brimsmore Developments	Neil Waddleton, Section 106 Monitoring Officer
<b>March 2015</b>	Countryside Service	Update Report	Katy Menday, Countryside Manager
	Flooding, Drainage and Civil Contingencies	Update Report	Pam Harvey, Civil Contingencies & Business Continuity Manager
<b>April 2015</b>	Western Corridor Improvements	Update Report	Richard Needs, SCC
	Streetscene Service	Report on the Performance of the Streetscene Service	Chris Cooper, Streetscene Manager
<b>June 2015</b>	Community Health & Leisure Service Update	Update Report	Lynda Pincombe, Community Health & Leisure Manager

# Agenda Item 12

## **Planning Appeals (For information)**

*Assistant Director:* Martin Woods, Assistant Director (Economy)  
*Lead Officer:* Martin Woods, Assistant Director (Economy)  
*Contact Details:* martin.woods@southsomerset.gov.uk or (01935) 462071

### **Purpose of the Report**

To inform members of the appeals that have been lodged, decided upon or withdrawn.

### **Recommendation**

That the report be noted.

### **Background**

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the committee.

### **Appeals Dismissed**

Ward: Yeovil Central  
Proposal: The erection of a porch (GR 356203/116497)  
Appellant: Mr Barry Upshall  
Site: 21 Mount Pleasant Yeovil Somerset BA21 4JL

Ward: Yeovil South  
Proposal: The change of use of premises as a mixed use comprising residential dwellinghouse and childminding business (GR 354682/115845)  
Appellant: Mrs Jennifer Jones  
Site: 109 Seaton Road Yeovil Somerset BA20 2AP

Ward: Yeovil East  
Proposal: The erection of 2 No dwellinghouses with associated access and parking (GR 356369/116250)  
Appellant: Chamba Developments  
Site: 94-98 Sherborne Road Yeovil Somerset BA21 4HN

### **Financial Implications**

None

### **Implications for Corporate Priorities**

None

### **Other Implications**

None

***Background Papers:*** Planning application file

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## Appeal Decision

Site visit made on 4 November 2014

**by Nick Fagan BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 November 2014

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**Appeal Ref: APP/R3325/D/14/2224796**

**21 Mount Pleasant, Yeovil, Somerset BA21 4JL**

- 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 Mr Barry Upshall against the decision of South Somerset District Council.
  - The application Ref 14/03111/FUL, dated 1 July 2014, was refused by notice dated 19 August 2014.
  - The development proposed is a front porch.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed porch on the character and appearance of the area.

### Reasons

3. The appeal property is a two-storey mid-terrace house situated in this hilly inner suburban part of the town characterised predominantly by Victorian/Edwardian terraced houses.
4. Some of the end-of-terrace houses on Mount Pleasant have similar front porches, notably those at Nos 27, 34 and 44, the latter property being directly opposite No 21. The pair of semi-detached houses at Nos 1 and 3 also has an original shared gabled front porch.
5. However, none of the mid-terraced houses on the street have a front porch. The houses on Mount Pleasant are set back a very short distance from the footway and the front porches on the above end-of-terrace houses are therefore relatively prominent.
6. The proposed porch would be much more prominent because of its forward projection from the uniform front building line of the terrace, which is only broken at present by the porch at No 27 at its eastern end. Its impact would be made worse by the fact that its return wall would directly abut the property's front window. It would consequently seriously harm the character and appearance of the existing terrace in the local street scene.
7. The appellant argues that there are other similar porches on Grass Royal and neighbouring roads. There is a porch on the end-of-terrace house at 9 Grass

Royal but its impact is no different to that of those on the above end-of-terrace houses on Mount Pleasant. Most of the other houses on Grass Royal are of more recent origin and are set back further from the street so the impact of any added front porches on the street scene is minimal.

8. The appellant has provided a photograph of a front porch on a mid-terrace house in a 'neighbouring road' that extends to the back edge of the footway. However, no address is provided for this example beyond the 'No 18' which can be seen on the photograph. I am not therefore aware of the location of that porch. It is not within sight of the appeal property and so I give it little weight in assessing the impact of the proposal on the immediate street scene.
9. For the above reasons I conclude that the proposed porch would seriously harm the character and appearance of the area.
10. Policies ST5 and ST6 of the adopted South Somerset Local Plan require new development to respect the form, character and setting of the locality. For the above reasons the proposal would fail to do so and it would therefore be contrary to these policies in the development plan, as well as to national policy guidance on the design of new development set out in the National Planning Policy Framework.
11. For the reasons given above I conclude that the appeal should be dismissed.

*Nick Fagan*

INSPECTOR





## Appeal Decision

Site visit made on 7 October 2014

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 November 2014

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**Appeal Ref: APP/R3325/A/14/2223133**

**109 Seaton Road, Yeovil, Somerset BA20 2AP**

- 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 Mrs Jennifer Jones of Little Lights Childcare against the decision of South Somerset District Council.
  - The application Ref 14/01442/COU, dated 14 March 2014, was refused by notice dated 21 May 2014.
  - The development proposed is the change of use to residential and childminding.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The mixed use of the appeal property has been occurring for almost three years, albeit without planning permission. However, the planning application considered by the Council sought to increase the number of children looked after at the appeal property to a maximum of nine at any one time. For this number of children there would be a requirement for two staff to be present.
3. Pursuant to the Council's refusal of the planning application, in the appeal submission the appellant has requested the reduction of the number of children to seven, with one assistant. The proposed reduction in both numbers of children and staff would fundamentally alter the nature of the planning application. Whilst the Council's Environmental Protection Officer has raised no objection to the proposed change, the appeal scheme is a significant departure from the one the Council determined and consulted on. Notwithstanding the revised scheme submitted for the appeal, I have therefore considered it on the basis of the details determined by the Council, and not the amended scheme as submitted for the appeal.

### Main Issues

4. The main issues are, firstly, the effect of the proposed mixed use on the living conditions of nearby residents, with particular regard to noise and disturbance; and secondly, the effect of the proposed parking arrangements on highway safety.

## Reasons

### *Living Conditions*

5. The appeal property lies within a residential area comprising mostly terraced and semi-detached houses of similar ages and styles. The properties are closely spaced with narrow side access gaps between the houses. Seaton Road is a long, no-through road, with the houses set back behind front gardens, some of which provide parking spaces. Further parking occurs along the road. There are several footpaths linking the road to the surrounding area.
6. 109 Seaton Road is one half of a pair of two storey semi-detached houses. There is parking for three cars within the front garden of the house. Both No 109 and the adjoining property have two and single storey rear extensions. The deep and level rear garden of the appeal property is mostly laid to grass with a large patio adjacent to the house, and is of a similar size to that of the neighbouring gardens. Timber fences bound the sides, whilst to the rear is a mature hedge, beyond which is an area of open space. Access to this and the cyclepath that runs along the airfield is gained by the public footpath that runs along the eastern boundary of the appeal site.
7. The proposed change of use is already occurring, albeit with fewer numbers of children being looked after than the proposed nine. Whilst two of the children currently looked after are the appellant's own, there would nonetheless be nine children at the property at any time. In addition, there would be two staff members to look after the children. Whilst the hours of care required by the parents would vary, there would be several adults and children present on the site. There would be recurrent comings and goings to the property, including early in the morning. I appreciate some car sharing occurs. However, even if arrival and departure times were staggered, due to the number of children and staff on site there would be frequent and regular disturbance to the neighbouring properties in the area.
8. The road has no turning head and turning around has to be undertaken in the carriageway. The property lies close to the end of the road. The absence of a turning space either within the appeal site or the highway would involve vehicles having to undertake much manoeuvring to turn around. Cars parked on the road would add to the number and complexity of these manoeuvres. Whilst I note the appellant's contention that one of the parking spaces would be unoccupied for much of the time, this could not be guaranteed. The number and frequency of the vehicle movements would increase the noise and disturbance experienced by nearby residents.
9. The appellant has referred to the absence of complaints concerning the current business, and that the property benefits from good insulation, with the main play room being in the extension. Be that as it may, it was apparent from my visit to the house that the whole of the ground floor was used by the children. I also understand from the appellant that a further room upstairs is used to provide a sleep room. The front garden has been laid to hardstanding to provide for three car parking spaces, whilst the rear garden is used for outside activities. Outdoor play would be required for the children on a daily basis. Much of the property would therefore be used by the business. Despite the boundary treatments to the garden and the requirements for supervision, the

level of noise and disturbance would be in very close proximity to neighbouring properties.

10. Furthermore, it would be difficult to satisfactorily mitigate the noise the children could make when outside. I appreciate there is already noise from passing aircraft, but it is intermittent. Whilst I note the suggestion of a condition to limit the use of the garden to two hours a day, I do not consider this would be either enforceable or reasonable, particularly with the vagaries of the weather and the demands of the business.
11. I have also taken into consideration the appellant's request for a trial period of operating the business with nine children. However, the application was made for a permanent use of the site for the mixed uses, and as such I have considered the appeal on this basis.
12. I therefore find the proposed mixed use of the property would result in unacceptable levels of noise and disturbance to the occupiers of neighbouring properties. This would be contrary to the requirements of Policy ST6 of the South Somerset Local Plan (2006) (LP) that seeks, amongst other things, to protect the residential amenity of the occupiers of adjacent properties. Moreover it would not accord with the planning principle of the National Planning Policy Framework (the Framework) that seeks a good standard of amenity for all existing and future occupants of land and buildings.

#### *Highways Safety*

13. Like many of its neighbours, No 109 has parking provision within its front garden. The three spaces provide parking for the appellant and her family, her staff, and visitors to the house. The property is close to footpaths and cyclepaths that link to the surrounding area, and these would provide sustainable options for accessing the site other than using the private car.
14. The appellant has referred to the existing member of staff walking to work. However, this circumstance may change. Despite the sustainable location of the property and the intention of the appellant to promote cycling to the site, it would not be unreasonable to assume that many of the children would arrive and be collected by car. Furthermore, it is likely that parents would park as close to the property as possible when collecting or dropping off their children.
15. Seaton Road serves a number of residential properties. Whilst there is on road parking provision along much of its length, towards the end of the road it is restricted by the presence of parking within the front gardens of many of the houses. I accept that drop-off and collection times may be staggered and that parents could park outside the appeal property. However, this space would be limited. The number and frequency of trips would mean that parents would be likely to park in the road, close to the site. Moreover, the demand in the area for on street parking would increase in the evenings and early in the morning, which are likely to be busy times for the business. As such, I do not consider the proposed use of the property would provide sufficient off road car parking provision.
16. I note from the appellant that there are no specific parking standards for nurseries and that others are operating with fewer parking spaces than would be available on the appeal site. However, I do not have the full details of these businesses before me, and cannot make a comparison between them and the

proposed use. Moreover, each appeal has to be treated on its own individual merits in accordance with the requirements of the development plan and all other material considerations, as I have undertaken in this case.

17. In this particular instance, I find the proposed mixed use would not accord with the requirements of the Framework that requires the provision of appropriate levels of parking, which is consistent with the requirements of LP Policy TP6 and the Highways Development Control Standing Advice (2013).

#### **Other Matters**

18. The appellant's concerns regarding the Council's handling of the application relate to procedural matters and have had no bearing on my consideration of the planning merits of the case.

#### **Conclusion**

19. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

*J J Evans*

INSPECTOR



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## Appeal Decision

Site visit made on 7 October 2014

by **J J Evans BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 October 2014

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**Appeal Ref: APP/R3325/A/14/2223035**  
**94 - 98 Sherborne Road, Yeovil, Somerset**

- 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 Mr Garry Britton of Chamba Developments against the decision of South Somerset District Council.
  - The application Ref 14/00688/FUL, dated 6 February 2014, was refused by notice dated 21 May 2014.
  - The development proposed is two new residential dwellings (3 bed) with associated parking.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are firstly, the effect of the proposed dwellings on highway safety; and secondly, the effect on the living conditions of the future occupiers of the proposed properties, with particular regard to daylight and outlook.

### Reasons

#### *Highway Safety*

3. The appeal site lies close to the centre of Yeovil, within an area comprising mostly residential properties, amongst which a few commercial premises are scattered. Like most of the other houses along the southern side of Sherborne Road, the rectangular shaped appeal site is elevated above the level of the highway. A narrow pavement runs along the front of the existing retaining wall to the site, with a private road, Hill View, bordering the eastern side. This road is mostly single width, and provides access to the houses in Penfield, Hill View and Hillside Terrace.
4. The appeal site benefits from extant planning permission for two semi-detached houses that use Hill View to access the main road. The appellant considers that the proposed scheme, with its access from Sherborne Road, would be preferable to the use of Hill View as the high wall of Cherry Tree Cottage severely restricts visibility. I agree that the use of this access onto Sherborne Road has restricted visibility when looking up the hill.
5. However, Sherborne Road is a wide and heavily trafficked main road. Double yellow lines run along much of its length, with two sets of traffic lights near the site. During my mid-morning site visit, it was apparent that the road is very

busy. At times, due to the nearby traffic lights, vehicles were queued in front of the appeal site.

6. The provision of the proposed access may well offer improved visibility when compared to that of Hill View, and I accept it would move vehicles away from the bend in Sherborne Road. However, even with the proposed pillared frontage to the houses, visibility would be restricted. The proposed side walls to the houses would in themselves impede visibility, including views of any vehicles leaving Hill View. The restricted visibility of the proposed access, the proximity of it to Hill View, combined with the nature of Sherborne Road and the amount of traffic using it, would not provide safe and suitable access to the site.
7. Furthermore, I share the Council's concerns as to the adequacy of the proposed turning space. Entering and leaving the site would be dependent on the turning space remaining unobstructed at all times. Due to the amount of space available manoeuvring into any of the proposed four parking spaces would require several movements. The temptation would be to reverse out onto Sherborne Road. As such I do not consider the parking and turning arrangements would provide safe vehicular movements into and out of the site.
8. The appellant has referred to the proposed scheme providing more parking than the existing permission for houses on the site, and that it would reduce on street parking demand. Be that as it may, there is no on street parking along Sherborne Road, and Hill View is a private road. I also note the appellant's contention that the use of Hill View would not comply with the requirements of the Council's Highways Development Control Standing Advice (2013) (SA). Nevertheless, it would concentrate vehicular movements into one location. Moreover, I do not have the full details of the permitted scheme before me. Each appeal has to be treated on its own individual merits in accordance with the requirements of the development plan and all other material considerations, as I have undertaken in this case.
9. I appreciate that the proposed access and parking provision would provide larger rear gardens for the future occupiers of the houses than with the permitted scheme, and give a separate access and egress to the site. However, for the reasons given above, I do not consider the proposal would provide safe and suitable access to the site as required by the National Planning Policy Framework (the Framework). Nor would it accord with the requirements of Policy ST5 of the South Somerset Local Plan (2006) (LP) and the SA that, amongst other things, require a satisfactory turning space and means of access.

#### *Living Conditions*

10. The ground floor of the proposed houses would provide an entrance hall, wet room and bedroom to each dwelling. Due to the slope of the land the windows to these bedrooms would overlook the proposed parking spaces. The windows would look out over the covered parking and turning areas. As such, levels of daylight to the bedrooms would be severely limited.
11. In addition the proposed car parking spaces would be directly in front of the bedroom windows. Any cars parked in these spaces would not only give a restricted and oppressive outlook to the future occupiers of these rooms, but would further limit the levels of natural light available to them. As such I do

not consider the proposed scheme would provide acceptable living conditions to the future occupiers of the houses with regard to outlook and daylight.

12. I note the appellant considers the appeal proposal would offer better accommodation than the permitted scheme, and that the proposed ground floor bedrooms could be for occasional or other uses. However, the appellant's suggestion of a condition to restrict the use of these rooms so that they would not be used as bedrooms would neither be reasonable nor enforceable. Nor would such a condition overcome the limited natural light levels to these rooms or the oppressive outlook.
13. The Council considers the proposal would be contrary to the requirements of LP Policy ST6. Caveat 6 of this policy refers to the protection of the residential amenity of the occupiers of adjacent properties. However, in this particular instance the harm of the proposal would be to the future occupiers of the proposed houses, not that of adjacent properties. Notwithstanding this, the proposal would not accord with the planning principle of the Framework that seeks a good standard of amenity for all existing and future occupants of land and buildings.

#### **Conclusion**

14. For the reasons given above and having considered all other matters raised, the appeal is dismissed.

*J J Evans*

INSPECTOR