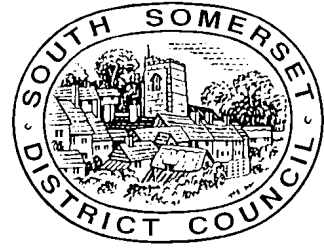


South Somerset District Council

Notice of Meeting



Area West Committee

Making a difference where it counts

Wednesday 7th December 2016

5.30 pm

**Henhayes Centre
South Street Car Park
Crewkerne
TA18 8DA**

(disabled access and a hearing loop are available at this meeting venue)



The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than 6.45pm.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Jo Morris 01935 462055**, website: www.southsomerset.gov.uk

This Agenda was issued on Tuesday 29 November 2016.

A handwritten signature in cursive script, reading 'Ian Clarke'.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk



INVESTORS IN PEOPLE

Area West Committee Membership

The following members are requested to attend the meeting:

Chairman: Carol Goodall
Vice-chairman: Jason Baker

Marcus Barrett
Mike Best
Amanda Broom
Dave Bulmer
Val Keitch

Jenny Kenton
Paul Maxwell
Sue Osborne
Ric Pallister
Garry Shortland

Angie Singleton
Andrew Turpin
Linda Vijeh
Martin Wale

South Somerset District Council – Council Aims

South Somerset will be a confident, resilient and flexible organisation, protecting and improving core services, delivering public priorities and acting in the best long-term interests of the district. We will:

- Protect core services to the public by reducing costs and seeking income generation.
- Increase the focus on Jobs and Economic Development.
- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

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

Consideration of planning applications will commence no earlier than 6.45pm, following a break for refreshments, in the order shown on the planning applications schedule. 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 formal written report from the Area Highway Officer should be included on the main agenda in May and September. Alternatively, they can be contacted through Somerset County Council on 0300 123 2224.

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 SSDC 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 West Committee are held monthly at 5.30 p.m. on the 3rd Wednesday of the month in venues throughout Area West (unless specified otherwise).

Agendas and minutes of Area Committees are published on the Council’s website 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 about planning applications will be dealt with at the time those applications are considered, 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 and/or 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 West Committee

Wednesday 7 December 2016

Agenda

Preliminary Items

- 1. To approve as a correct record the Minutes of the Previous Meeting held on 16th November 2016**
- 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 15th 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 Regulation Committee

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

Councillors Mike Best, Sue Osborne and Angie Singleton

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. Date and Venue for Next Meeting

Councillors are requested to note that the next Area West Committee meeting is scheduled to be held on Wednesday 18th January 2017 at 5.30pm at The Guildhall, Chard.

5. Public Question Time

This is a chance to ask questions, make comments and raise matters of concern.

Parish/Town Councils 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.

Anyone wishing to raise matters in relation to items on the agenda may do so at the time the item is considered.

6. Chairman's Announcements

Items for Discussion

7. **Area West Committee - Forward Plan** (Pages 9 - 11)
8. **Blackdown Hills Area of Outstanding Natural Beauty (AONB) (Executive Decision)** (Pages 12 - 16)
9. **Area West Committee Development Plan** (Pages 17 - 21)
10. **Ilminster - Conservation Area Appraisal and Designation of Extensions to Conservation Area (Executive Decision)** (Pages 22 - 42)
11. **Planning Appeals** (Pages 43 - 47)
12. **Schedule of Planning Applications to be Determined by Committee** (Pages 48 - 49)
13. **Planning Application: 15/02733/OUT - Land And Premises Barley Farm, Houses Lane, Tatworth** (Pages 50 - 67)
14. **Planning Application: 15/05534/FUL - Land OS 0005 At Knight House Farm, New Lane, Cudworth** (Pages 68 - 87)
15. **Planning Application: 15/05535/FUL - Land OS 0005 At Knight House Farm, New Lane, Cudworth** (Pages 88 - 107)
16. **Planning Application: 15/05536/FUL - Land OS 0005 At Knight House Farm, New Lane, Cudworth** (Pages 108 - 134)
17. **Planning Application: 15/05537/FUL - Land OS 0005 At Knight House Farm, New Lane, Cudworth** (Pages 135 - 154)

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.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Agenda Item 7

Area West Committee - Forward Plan

Assistant Director: Helen Rutter (Communities)
Service Manager: Zoe Harris, Area Development Lead (West)
Agenda Co-ordinator: Jo Morris, Democratic Services Officer , Legal & Democratic Services
Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055

Purpose of the Report

This report informs members of the proposed Area West Committee Forward Plan.

Recommendation

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached.
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

Forward Plan

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

To make the best use of the Area Committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC corporate aims and objectives.

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

Background Papers: *None.*

Notes

- (1) Items marked in italics are not yet confirmed, due to the attendance of additional representatives.
- (2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk
- (3) Standing items include:
 - (a) Chairman’s announcements
 - (b) Public Question Time

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
18 th January 2017	Avon & Somerset Policing Update	Report on activities on neighbourhood policing and partnership working to reduce crime and fear of crime.	Sgt Rob Jameson
18 th January 2017	Avon and Somerset Police and Crime Panel	Update report	Cllr. Martin Wale
18 th January 2017	Area West Committee Meeting Times and Venue Review	Review of Area West Committee meeting arrangements	Helen Rutter, Assistant Director (Communities)
18 th January 2017	Ile Youth Centre Management Committee	Reports from members on Outside Organisations	Cllr. Val Keitch
15 th February 2017	Welfare Benefits	Service Update Report	Catherine Hansford, Welfare Advice Team Leader
15 th February 2017	Affordable Housing Development Programme	To update members on the current position with the Affordable Housing Development Programme	Colin McDonald, Corporate Strategic Housing Manager
<i>15th February 2017</i>	<i>Local Housing Needs in Area West</i>	<i>Service Update Report</i>	<i>Kirsty Larkins, Housing & Welfare Manager</i>
<i>15th March 2017</i>	<i>Making It Local Executive Group</i>	<i>Reports from members on outside organisations.</i>	<i>Cllr. Martin Wale</i>
<i>15th March 2017</i>	<i>A Better Crewkerne & District (ABCD)</i>	<i>Reports from members on outside organisations.</i>	<i>Cllr. Mike Best</i>

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
15 th March 2017	Licensing Service	Update report on the Licensing Service	Nigel Marston, Licensing Manager
15 th March 2017	S106 Obligations	Update report	Neil Waddleton, S106 Monitoring Officer
15 th March 2017	Annual report on Local TICs	Update report	Dylan Martlew, Neighbourhood Development Officer (West)
19 th April 2017	Ilminster Forum	Reports from members on outside organisations.	Cllr. Carol Goodall
19 th April 2017	Arts and Entertainment Service Update Report	Annual Update Report	Adam Burgan, Arts & Entertainments Manager

Agenda Item 8

Blackdown Hills Area of Outstanding Natural Beauty (AONB) (Executive Decision)

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Helen Rutter, Communities
Lead Officer: Zoe Harris, Area West Team Leader
Contact Details: zoe.harris@southsomerset.gov.uk or 01460 260423

Purpose of the Report

To update members on the work of the Blackdown Hills AONB partnership.

Public Interest

This report provides an annual update on the activities and projects carried out by the Blackdown Hills Area of Outstanding Natural Beauty (AONB) partnership.

Recommendations

Members are asked to

- 1) Comment upon and note the report.
- 2) Agree in principle to continue SSDC contribution to the core funding of the AONB Partnership of £6000 in 2017/18, subject to confirmation of Area West budgets in February 2017.

Background

The Blackdown Hills is an unspoilt landscape on the Somerset and Devon border, rich in wildlife, beauty and heritage. The Blackdown Hills were designated an Area of Outstanding Natural Beauty in 1991 after the Countryside Commission's landscape assessment judged the Blackdown Hills landscape 'to be outstanding due to the subtle combination of four characteristics':

- An isolated, unspoilt rural area
- Diversity of landscape patterns and pictures
- A unique geology
- A landscape with architectural appeal

An AONB also encourages the social and economic wellbeing of its local communities; promotes sustainable development and has regard to the needs of recreation.

There are six South Somerset parishes wholly or partly within the AONB. They are Buckland St Mary, Broadway, Combe St Nicholas, Tatworth & Forton, Wambrook and Whitestaunton. However, as Ilminster, Chard and many other villages are so close to the Blackdown Hills, plenty of residents in South Somerset enjoy spending time in the AONB and benefit from the work of the partnership.

AONB Management and Funding

The AONB is managed by a partnership which is made up of six local authority core funding partners, other public bodies, the 41 parish councils with the Blackdown Hills, community organisations and voluntary groups.

South Somerset District Council, along with the five other local authorities that sit within the AONB (Devon County Council, East Devon District Council, Mid Devon District Council, Taunton Deane Borough Council and Somerset County Council) has statutory duties in relation to the Hills. These duties include being involved in the preparation and review of the five-year Management Plan, with the current plan covering the period 2014-19.

In addition, it is a statutory responsibility of the six Local Authority partners to contribute 25% of the core funding to cover the running costs of the small staff team; with the other 75% coming from Defra. This funding ratio is fixed by Defra and the level of core funding is agreed through a Memorandum of Agreement. It should be noted, that if any Local Authority partner reduces their funding contribution this will result in a reduction in the amount of money from Defra.

The table below shows what each local authority partner has contributed this financial year.

Funding Partner	Amount contributed
Devon County Council	9,274
Somerset County Council	5,676
East Devon District Council	9,323
Mid Devon District Council	10,000
South Somerset District Council	6,000
Taunton Deane Borough Council	10,000
Total from Local Authorities	50,273
Defra	159,917
Total funding	2101,90

Through the Area West budget, SSSC has agreed to contribute £6,000 per annum in the period 2016-17. This figure represents good value for money when taking into account the quality of the projects and activities delivered through the partnership and the wide range of benefits residents in and around the AONB gain from enjoying the Blackdown Hills.

Councillor Martin Wale represents SSSC on the Partnership Management Group. Zoe Harris represents SSSC on the Officers Support Group.

AONB activities project work and associated programmes

The AONB has a small staff team who carry out a range of work across the area, during 2016 that work has included:

25th Anniversary celebrations

2016 marks 25 years since the designation of the Blackdown Hills AONB and a wide and diverse programme of walks and activities was held over the year. The celebrations started on 23rd April with a heritage day at RAF Culmhead, this event included talks and a guided walk. In June a birthday celebration was held at the Candlelight Inn in Bishopswood, aimed at families the event included river dipping, live music and a tea party. The anniversary celebrations formally come to a close on Friday 2nd December at Wellington Monument for 'Carols Under the Stars' The Monument will be floodlit, the path illuminated with flaming torches, members of the Blackdown Community Choir will lead the Christmas singing, with Smeatharpe Women's Institute selling their delicious mince pies and mulled wine.

Events that have taken place in or close to South Somerset include:

- Family pond dipping at Ferne Animal Sanctuary in May
- Hedges, Herbs and History, a guided walk with a local botanist around Yarcombe

- Butterfly identification and survey training at Neroche Village Hall in June
- Garden birds and nest box making in Wambrook October 2016
- Fungi identification walk in Wambrook in November.
- Lichen Identification walk at Buckland Wood in October

The events have been well attended engaging new audiences and they have helped raise the profile of the AONB by attracting good media coverage. Publicity includes:

- Feature in both Devon Life and Somerset Life magazines
- Major feature in the Western Morning News by Martin Hesp
- Major article in The Landsman magazine
- Regular mentions in other local press
- Local radio interviews

Natural Futures

This 3 year project is nearing the end of its second year and is proving to be very popular and has successfully encouraged many more people to engage with activities and events within the AONB. The project has 3 strands:

Discover it

This is all about education and training. Each year 3 conservation graduates are given the opportunity to take part in a 6 month fieldwork placement, which provides them with the essential work experience they need to progress their careers. This year's ecology graduates have recently completed their 6 month placements and one has already secured a job with Devon Local Nature Partnership. The trainees visited and surveyed over 40 sites and discovered a number of rare species including the UK's first black dormouse.

The Natural Futures Officers have also held educational sessions with 11 schools, involving over 730 children. In South Somerset both Neroche and Buckland St Mary Schools have been involved.

In addition, a number of short films have been made of local experts covering various subjects including Hillforts, farming wild flower meadows, woodland management, the Romans and reptiles. These films are all available to view on the Natural Futures website.

Share it

The Natural Futures website is the main conduit for sharing information and brings together all the photos, film clips, stories, discoveries, advice and achievements into one place. The website is being continually updated and has experienced a big increase in users this year, visit <http://www.blackdownhillsnaturalfutures.org/front>

Work is in progress to provide a smartphone app and 4 newsletters a year are also produced to keep people updated.

Do it

To date 17 community nature projects have been supported across the AONB. In South Somerset that includes Combe St Nicholas, Tatworth, Buckland St Mary and Ashill. In July an event was held to bring the volunteers from all the projects together so they could learn from each other. That event was very successful and well attended and included expert speakers, site visits and sharing experiences.

Practical workshops are also being offered to help upskill volunteers. A scything course for volunteers took place in July and a hedge laying course is taking place this autumn.

Nature and Wellbeing Project

This is a joint project with the Quantock Hills and Mendip Hills AONBs and is funded by Public Health Somerset. The aim of the project is get people who would not normally venture into an AONB, into the countryside doing some form of gentle physical activity.

Kristen Lambert, the officer leading the programme has built partnerships with a number of groups in Chard including the Watch project, Chard Memory Café/Alzheimer's Society and Chard Children's Centre. Kristen is currently working with Ferne Animal Sanctuary and the Alzheimers Society to develop a volunteering project, which will benefit both groups.

Planning

The Planning Officer has contributed comments to Devon County Council on their provisional plans regarding improvement works along the A30 section through the AONB. A series of information sheets aimed at both households and organisations to help them minimise light pollution from their home or premises has been produced and is available on the AONB website. The Planning Officer has commented on 10 applications within the South Somerset area.

Financial Implications

Like the other local authorities that make up the partnership, SSDC continues to contribute an annual grant towards the running costs of the AONB. The agreed financial contribution of £6,000 per annum has been funded through existing budgets in 2016/17. Approval in principle to continued funding in 2017/18 is recommended but this is subject to the Council's budget setting process and available budgets for 2017/18

Council Plan Implications

Working in partnership with the Blackdown Hills AONB helps address Focus 2 of the SSDC Council Plan:

- The environment - the work of the AONB helps make South Somerset an attractive place to live, work and visit.

Carbon Emissions & Climate Change Implications

The Blackdown Hills AONB website is a useful resource for homeowners seeking information on renewable energy and light pollution.

Equality and Diversity Implications

The Blackdown Hills AONB works to ensure that people with limited mobility can enjoy the countryside easily by promoting easy access trails.

Background Papers

- Area West Committee – Blackdown Hills AONB December 2015
- Area West Committee – Blackdown Hills AONB December 2014
- Area West Committee – Natural Futures February 2014

- Area West Committee - Blackdown Hills Area of Outstanding Natural Beauty (AONB)
October 2013
 - Area West Committee - Blackdown Hills Area of Outstanding Natural Beauty (AONB)
October 2012
-

Agenda Item 9

Update on the work of the Area West Development Team

Assistant Director: Helen Rutter, Communities
Lead Officer: Zoë Harris, Area West Team Leader
Contact Details: zoe.harris@southsomerset.gov.uk or 01460 260423

Purpose of the Report

To provide members with an update on the progress of projects and work taking place in Area West.

Public Interest

The Area Development Service supports the Council's four Area Committees (North, South East and West) to work closely with communities to help make South Somerset a great place to live, work and visit. This report provides an outline of the work undertaken by the Area West Development Team over the past 9 months.

Recommendation

That Members consider and note the report.

Background

Each Area Development team has a service plan (see Appendix 1) which contains a set of local priorities and a work programme. This document is updated on an annual basis with targets designed to show how the Area West Committee resources are used to address local needs and promote improved quality of life in Area West.

Delivering the work outlined in the 2016/17 Service Plan

The Area West Development Team is small yet very proactive. The team consists of:

- 1 fulltime Area Development Team Lead,
- 1 fulltime Neighbourhood Development Officer
- 1 part time Project Support Officer (2.5 days per week)
- 5 person Community Support team, made up of 4 Community Support Assistants (equal to 3.1 FTE) and 1 part time Deputy Community Support Office Manager (equal to 0.5 FTE) who provide front office customer support in Chard, Crewkerne and Ilminster along with administrative and project support.

A presentation will be given at the committee detailing progress of the work to date in relation to the current Service Plan. In addition to the activities outlined in the Service Plan, the team deals with a wide range of queries from parishes, individuals and organisations. Those queries are generally dealt with by the Neighbourhood Development Officers and some are relatively straightforward requiring on the spot advice and sign posting. Others have led to more work around issues such as registering an Asset of Community value or giving funding advice.

Financial Implications

There are no new financial implications arising from this report.

Council Plan Implications

The work and priorities of the Area West Service Plan have been developed taking into account the SSDC Council Plan and also helps to meet the following action within 2016-17 action plan:

- Support at least 50 community projects

Carbon Emissions & Climate Change Implications

This is considered on an individual project and programme basis.

Equality and Diversity Implications

This is considered on an individual project and programme basis

Background Papers

- Area West Development Plan and Budget Report June 2016
 - The SSDC Council Plan
-

Place & Performance
Area Development West Service Plan 2016-2017

Portfolio Holder – Councillor Carol Goodall

Team Lead – Zoe Harris

Assistant Director – Helen Rutter

Set out below are the key projects & programmes being undertaken by the team (either directly or in support of community groups & other partners) where we have a key role in the delivery of the projects. This Plan sits alongside our core work or responding to issues & problems on a day-to-day basis, working with Councillors & other services across the Authority and beyond, to try and resolve them.

Completed	In Progress – On Target	In Progress – Risk of Missing Target	Behind Target	Future Action – not started

Service Action Plan: *Top level actions – more detail is within individual work programmes/project plans*

Action	Lead Officer	Target Date	Outcomes to be achieved this year	Current Progress
Provide support and encouragement for the development and implementation of the Chard Regeneration Scheme Programme, and in particular;	Dylan Martlew	As agreed	Support provided to assist delivery of Town Centre and CEDA developments and any other elements of the scheme as required	Performance is reviewed by the CRS board
– to explore feasibility of project(s) to address risks to viability of prominent town centre buildings and improve the offer to residents and visitors.	Dylan Martlew	April 2017	Feasibility study provides details of appropriate options for CRS board to consider	Work ongoing
– to prepare outline business case for business incubation project using vacant space in Holyrood Lacemill.	Dylan Martlew	April 2016	Business case approved and first stage of project underway.	See Area West Committee report November 2016 2 consultation events held early December
– To support the development of the Stop Line Way as a sustainable cycle route and footpath	Dylan Martlew	September 2016	Deliver a legal agreement for creation of the SLW from Chard to at least part way to the B3162 at Forton.	Legal agreement being drawn up

Continue to support the development of the Chard Town Team	Dylan Martlew / Alison Baker	On going	A financially independent Town Team with an active programme of events and activities to support business and footfall in the town centre.	Support being given on Governance and Action Plan
Grant Support to Chard Tourist Information Centre and Crewkerne and Ilminster Local Information Centres	Alison Baker Zoe Harris/ Dylan Martlew	Annual	Service Level Agreement covers promotion to visitors though the Town Centre based TIC & LICs	SLAs being reviewed
Work with A Better Crewkerne and District (ABCD) to create and develop the 2015-2025 Community Plan.	Zoe Harris	April 2017	Public consultation, data analysis, research, design of action plans and publication.	Community Plan recently published and results distributed. Working groups set up
Provide support for the development of arts and entertainment projects devised by the Creative Crewkerne group	Zoe Harris	Annual events	More events held to promote Crewkerne and bring people together, building on successful development from Theatre in Shops (2014) onwards	Supported the delivery of 3 events in 2016
Work with the Ilminster Forum to create the new Community Plan for the town.	Zoe Harris	April 2017	Public consultation, data analysis, research, design of action plans and publication.	Data analysed report in progress
Provide advice to community groups to assist access to SSDC and other sources of funding.	Zoe Harris/ Dylan Martlew	As needed	Community Groups received appropriate advice and apply for funding from SSDC (Area West Committee) and other sources	Advice and support given to 26 groups
Attend the Blackdown Hills AONB Officers group and oversee funding arrangements as agreed	Zoe Harris	3 x per year	Support the work of the BHP, especially in South Somerset.	Progress report will be made to committee December 2016
Attend Making it Local Executive group meetings (ZH only) and provide advice to potential applicants	Zoe Harris/Dylan Martlew	On going	Support the development of project ideas and plans as required.	2 applicants, both received grants
Assist Henhayes Centre to develop and action a fundraising strategy to fund major improvement works	Zoe Harris	April 2017	Support the development of project ideas and plans as required.	70% of funding now in place, on track to secure all funds by April 2017

Provide support and advice for Haselbury Plucknett Village Hall project	Zoe Harris	April 2017	Support the development of project ideas and plans as required.	Ongoing work	
Support Parish Planning	Zoe Harris/ Dylan Martlew	As needed	Appropriate support is made available to Parish Councils to undertake PP development	3 parish plans supported in 2016	

In addition, the service will take action to deliver key corporate strategies, comply with corporate policies, deliver savings, monitor performance, review and monitor complaints and manage risk.

Agenda Item 10

Ilminster – Conservation Area Appraisal and Designation of extensions to Conservation Area (Executive Decision)

<i>Ward Member(s):</i>	<i>Carol Goodall Val Keitch</i>
<i>Assistant Director:</i>	<i>Martin Woods Assistant Director Economy</i>
<i>Group Manager:</i>	<i>Dave Norris Development Manager</i>
<i>Lead Officer:</i>	<i>greg.venn@southsomerset.gov.uk or 01935 462595</i>

Purpose of the Report

To formally designate an extension to the Ilminster Conservation Area and approve the recently prepared Conservation Area Appraisal.

Public Interest

This report proposes alterations to the conservation boundary and the adoption of the Conservation Area Assessment for Ilminster.

Conservation areas are *areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance*. The Conservation Area at Ilminster was first designated in 1973 and is therefore in need of review.

The District Council is also required to formulate and publish proposals for the preservation and enhancement of conservation areas. A conservation area appraisal that identifies what is special about an area assists in making the designation effective in conserving that special interest, allowing planning decisions to be made with a thorough understanding of the conservation area's character.

An appraisal is therefore an essential tool for the planning process and for managing informed intervention. It should provide a sound basis, defensible on appeal, for the relevant development plan policies and development control decisions made in the area. The appraisal is intended to provide the District Council and the local community with a clear idea of what features and details contribute to the character of the conservation area and how these may relate to any wider proposals for regeneration.

Recommendations

- (1) Formally designate changes to the Ilminster conservation area boundary;
- (2) Approve the Ilminster Conservation Area Appraisal;
- (3) Advertise the changes to the designated area in accordance with the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Background

Conservation areas are areas of **'special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'**.

Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local authorities to identify appropriate parts of their areas, to designate them as conservation areas and to keep them under review.

Historic areas are now extensively recognised for the contribution they make to our cultural inheritance, economic well-being and quality of life. Public support for the

conservation and enhancement of areas of architectural and historic interest is well established. By suggesting continuity and stability, such areas provide points of reference in a rapidly changing world: they represent the familiar and cherished local scene. Over 9000 have been designated nationally since they were introduced in 1967 and there are now 88 in South Somerset.

Local Authorities are required by the Act to review conservation areas from time to time and formulate and publish proposals for their preservation and enhancement. The preparation of character appraisals forms a part of this process, offering the opportunity to re-assess a designated area and to evaluate and record its special interest, particularly to help guide the way change and development takes place. An up to date appraisal will help guide development and regeneration in ways that will preserve the special character of the area. Appraisals are designed to provide guidance and support to parish councils, on decisions taken by the Council, its Development Management Service and to raise public awareness about the special character of the areas.

Designation is a matter for local (Area Committee) decision and is the principle means by which a local authority can apply conservation policies to a particular area.

To manage changes in Conservation Areas, normal permitted development rights (works that can be carried out without planning permission) are restricted and planning permission is required for some works that may affect the external appearance of dwellinghouses. Trees in conservation areas are also protected and works to them require prior notification.

Ilminster Conservation Area appraisal and boundary review.

The Ilminster conservation area was first designated in 1973 and has not been reviewed since that date. To remain sound and effective conservation areas need to be reviewed and brought up to date with revisions to the boundary where they are necessary or desirable, taking account both of current understanding of historic significance and reviewing changes and development that has taken place since original designation.

Through the process of review and the preparation of the appraisal, some amendments to the boundary are felt to be necessary to the area, some to correct boundary anomalies and ensure the boundary coincides with on-the-ground features and some to add areas that have now been identified as worthy of inclusion. The proposed alterations and extensions to the designated conservation area are shown on the attached map.

Consultations

The boundary proposals and the draft appraisal have been consulted on locally by letter to all the properties that would be affected by inclusion in the conservation area for the first time, by public notices displayed in the town and by inclusion of all the details on the SSDC website

As a result a small number of residents made contact to ask about the implications for them and were satisfied by the explanations they received.

Two letters correcting factual errors in the appraisal were received.

One objection was received to the proposed inclusion of a garden area containing a number of trees. The owners' concern is over the curtailment of their freedom to trim the trees by conservation area control. The council's tree officer has spoken with this objector to reassure them that the control simply requires the council to be notified and that he is always happy to advise and take a helpful, practical approach.

The Town Council, Ward members, Historic England, the Dillington Estate and South West Heritage Trust have also been consulted. Historic England have written in support of our proposals.

The Save Shudrick Valley Group in supporting the proposals also suggested the inclusion of a small extension area at the lower end Love Lane including a listed cottage and other houses of interest. This had been consulted on and is included in the proposals (see area 18 below)

Proposed boundary changes

These are shown numbered on the attached map. The details are

1. **Exclude** - 37, Station Road – A modern house not of historic interest.
2. Amendments to boundary of Conservation Area to follow physical boundary features.
3. **Add** - Uplands House – A good Victorian house in grounds. Substantial tree cover is a feature on New Road contributing to the setting of the house and area.
4. **Add** - Edwardian terraces at New Road and Hill View Terrace – fine terraced houses with much original detail surviving forming a significant group.
5. **Add** - Speke Court and Coachmans – C19th buildings of quality and local interest. Converted stables court and coachman's house perhaps formerly associated with now demolished Hazelwell House or what is now the Shrubbery Hotel in Station Road.
6. **Add** - Three pairs of well-detailed late C19th semi-detached villas at 10 - 20 Station Road adding to the character of the street.
7. **Add** - Edwardian villas at 7, 12 and 14 New Road, all good quality buildings retaining historic details and adding to the character of the street.
8. Amendments to boundary of Conservation Area to follow physical boundary features
9. **Add** - Length of former driveway to Dillington House of historic interest and contributing to setting of the listed lodges and gates on Bay Hill. Also features substantial trees that form a part of the skyline behind the conservation area and remains of WW2 defences of historic interest.
10. **Add** – An area to include two listed houses, 12 & 14 Bay Hill and unlisted thatched houses at 17 & 18 Townsend together with significant treescape at entrance to the town on A30 road.
11. Amendments to boundary of Conservation Area to follow physical boundary features.
12. **Exclude** - Area of recent development Frog Lane not of historic interest.
13. **Exclude** - Area of 1970s development at Isle Court not of historic or architectural interest.
14. **Add** – a range of historic mill and other buildings and a high quality listed house, Ditton Lea, Ditton Street.
15. **Add** – An area at Ditton Street to include the library of 1889, listed Olcote House and Ditton House, the former school and teacher's house of 1877, good quality terrace 34 - 40 and houses 41-43 Ditton Street.
16. Amendments to boundary of Conservation Area to follow physical boundary features

17. Amendments to boundary of Conservation Area to follow physical boundary features
18. **Add** - Area in Love Lane around the listed house at 17 and including thatched no.18 and neighbouring older houses.

The attached map shows the existing boundary and proposed alterations marked and numbered.

Procedure

The boundary amendments are designated by a decision by this committee and it only remains to publicise the decision. The appraisal will be an advisory document that will form part of the Historic Environment Strategy that in turn forms part of the local plan and is required by the National Planning Policy Framework.

Financial Implications

The cost of statutory publicity in the local press and the London Gazette is expected to be approximately £100.

Implications for Corporate Priorities

Contributes to Corporate Aims 4 'Ensure safe, sustainable and cohesive communities' and 5 'Promote a balanced natural and built environment'.

Carbon Emissions and Climate Change Implications

No implications arising from this report.

Equality and Diversity Implications

None

Background Papers: Conservation Area Files
Ilminster Conservation Area Assessment.

Ilminster Conservation Area Appraisal - Consultation Draft November 2016

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Introduction

Conservation areas are areas of 'special architectural or historic interest the character or appearance of which it is desirable to preserve or enhance'. Section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a duty on local authorities to identify appropriate parts of their areas, to designate them as conservation areas and to keep them under review. Historic areas are now extensively recognised for the contribution they make to our cultural inheritance, economic well-being and quality of life. Public support for the conservation and enhancement of areas of architectural and historic interest is well established. By suggesting continuity and stability, such areas provide points of reference in a rapidly changing world: they represent the familiar and cherished local scene. Over 9000 have been designated nationally since they were introduced in 1967 and there are over 80 in South Somerset

The Ilminster Conservation Area was first designated in 1973. The District Council is required by the Planning (Listed Buildings and Conservation Areas) Act 1990 to define the special interest and publish proposals for the preservation and enhancement of conservation areas. Conservation area appraisals contribute to the fulfilment of this requirement.

In order that designation is effective in conserving the special interest, planning decisions must be based on a thorough understanding of the Conservation Area's character. Appraisals are therefore essential tools for the planning process and to manage informed intervention. They will provide a sound basis, defensible on appeal, for the relevant development plan policies and development control decisions and will form the framework for effective management of change. The appraisal will help provide the District Council and the local community with a clear idea of what features and details contribute to the special character of the conservation area. The more clearly the character or special interest of a conservation area is defined, the easier it is to manage without damaging that interest.

The appraisal document follows the recommendations in Historic England Advice Note 1 – Conservation Area Designation, Appraisal and management dated February 2016

Summary of special interest - the area's key characteristics

Tight urban grain with well contained streets dominated by good quality listed buildings
Topography of the core town and views out to adjacent hills and open countryside
Distinctive widespread use of local Moolham marlstone
High quality ashlar stone houses and many historic shop fronts
Market House a key focal point in the Market Place
Minster Church of St Mary enclosed within its urban churchyard
Minster tower rising over the town and a feature visible from many points
Widespread use of ironwork in railings and cresting to shopfronts
Regency houses with round-arched central 1st floor windows
Fine Ham stone door cases with broken pediments

Assessment of the special interest

Location and context

Ilminster is situated along the southern side of a ridge close to the point at which the River Isle issues from the narrow valley formed between the Blackdown and Windwhistle foothills, about a mile east of the course of the Isle. The town is primarily a linear settlement aligned on an east-west axis, settled in the valley associated with the Shudrick Stream, with the core of the town concentrated upon the market place and church, which lies between the stream and the lower slopes of Beacon Hill. Nineteenth century maps indicate settlement growth around and adjacent this core, and along the main E-W through route (Station Road and Bay Hill). Recent residential growth has spread both north, south and southwest of the town centre, whilst a large employment area has developed to the west of the town, adjacent the confluence of the Isle and Shudrick stream corridors, and convenient for access to the major road network.

Historic development

Ilminster sits along a ridge which drops down to the fertile Isle Valley. The town's growth pattern has been dominated by the topography, and its economy by the availability of both fast flowing streams and level meadowland. The area is geologically complex, with marl, limestones, sandstones and chalk strata available for quarrying.

There is some evidence of both prehistoric and Roman activity in the area, in the shape of isolated artefact finds. Unfortunately, these are not well provenanced and it is difficult to be certain whether the site of Ilminster itself was occupied in these periods. As it lies astride a

ridgeway and, in the Roman period, was only a few miles from the Fosse Way, occupation cannot be ruled out.

There is documentary evidence of a Saxon minster and settlement at Iminster (Ile Mynister - the minster on the River Isle). The earliest certain reference to the site is King Ethelred's Confirmation of 995, which returned the estates to the Benedictine Muchelney Abbey after a time of disturbance. The wording of this document implies an earlier origin for Iminster, and a charter of 693 may record the original estate grant. However, the 725 "Charter of King Ine" is now thought to be a later forgery, perhaps medieval, or perhaps 10th century and part of the dispute which led to the issue of Ethelred's Confirmation (Bond, c1990). The early estate centred on Iminster was extensive: the parish of Iminster was the most important in the Hundred of Abdick and Bulstone in the late Saxon period. The place names of the surrounding area - Ilton, Dillington, Whitelackington, Dinnington, for example - suggest that a network of estates and estate settlements existed: of these, Dillington was certainly part of the abbey's estates and allied to Iminster.

After the Conquest, attempted rebellion brought serious consequences for some of Iminster's neighbours, including Donyatt, Dowlish and Whitelackington. But the town itself, being a church possession, was largely spared. Domesday records an affluent estate, with a good deal of woodland (some of which may have been attached to Neroche Forest to the west), and the beginnings of a town in the shape of a market rated at twenty shillings a year. Muchelney remained in possession of the manorial rights, rents, the tithes and the church itself until the Dissolution of the Monasteries, and presided over the growth of the medieval town. In 1201, a deal struck between Muchelney and Wells inaugurated the 'golden age' of Iminster (Street, 1904): the abbots of Muchelney gained status as prebends, Wells gained the rectory and much of the revenues, and both institutions protected and encouraged the town - though they never allowed a free borough to be established.

Iminster was extremely prosperous by the later medieval period, and the 15th century parish church and Grammar School bear witness to this. The town's prosperity was largely based on the textile industry, but it was also an important local market centre.

Between the late 15th and the late 17th centuries Iminster suffered a series of setbacks. The first of these was a major fire in 1491, which seems to have damaged the town's economy. According to Collinson (1791), Iminster was never completely rebuilt after this catastrophe. Only a few decades later, the Dissolution of the Monasteries disrupted the running of the town. The abbots' rights were split up into the Lordship of the Manor, the rectorial tithes and the advowson of the vicarage, and the 16th and 17th centuries saw a series of absentee Lords of the Manor. As well as the disruption of the Civil War, in 1661 there was another major fire, this one being followed by appeals read up and down the country.

Despite all this, Iminster was still the fourth largest town in Somerset in 1670 (as shown by the hearth tax returns). Prosperity continued into the 18th century and Collinson described two irregular streets with about 300 houses, many of which were "decent stone and brick".

The town was both a market centre (noted for leather in the post-medieval period) and a centre of the cloth industry, ropemaking and gloving (though many of the actual sites of activity were in the outlying areas along the rivers). It was also surrounded by orchards. Iminster benefited from the increasing traffic on the turnpiked London to Exeter route which passed through the town.

Iminster's population was declining at the beginning of the 19th century, but it took off in the 1820s and 1830s. The town then thrived throughout the 19th century, aided by the arrival of

the Chard Canal (briefly) and then the Railway. Braggs Directory described a town "much improved by many new houses" by the 1840s, and Hunts 1848 Directory mentions improvements to the market. There were then two weekly markets and quarterly and annual livestock fairs, but the Directory says that the woollen trade was almost gone, and that the silk factory and maltings were the town's staple industry at the time. Population growth continued up to the 1870s. Though the failure of the canal adversely affected some of the ventures that had been set up around the town, notably at Dowlish Ford and Moolham, population remained steady, and a brewery and the artificial stone works took the place of failed industries.

Ilminster remains a small market town. It now lies within commuting distance of larger towns such as Taunton and Yeovil and since the 1950s, its population has again been steadily increasing.

Archaeology

There is no evidence (as yet) for prehistoric or Roman settlement on the site of the town itself although there have been isolated finds of bronze age artefacts and Roman material nearby.

In later Saxon times, as one of the heartlands of the kings of Wessex, Somerset played an important part in the early re-urbanisation of the south, and there are a number of places which can claim to have been towns before the Norman Conquest. This list includes Ilminster where the probable or possible existence of a pre-Conquest market has been noted along with possible signs of pre-Conquest planning. Ilminster is also associated with a known or probable pre-Conquest minster.

The street pattern of the early town has been somewhat obscured by later developments. However, the focus of routes at the market and what was presumably the minster gates appears to be early. One of the main fields of interest in Ilminster is the establishment of the early street lines.

Very little is known about the minster. The topography and street plan suggest the southern, south-eastern and south-western limits, but the northern extent of the precinct is not clear. The Triangle may represent the vestigial remains of a very open area which was built up in the medieval and later periods. However, it is also possible that the minster precinct extended as far as High Street. The minster precinct boundary may be archaeologically detectable and its establishment is important to the understanding of the early development of the town. Within the minster precinct, there may be remains of the early church, burials and buildings associated with the abbey's administration of the town. The suggestion that the medieval church's cruciform plan reflects the original minster plan (Bond, c1990) may imply that the older church directly underlies the present building. The original extent of the churchyard is not known: it is possible that burials underlie areas later encroached upon and developed commercially. The character and extent of associated buildings is also unclear: they may, however, have included high status timber or stone buildings.

The precise location and extent of the Saxon settlement at Ilminster has not been established.

It may be that the main focus of activity was around the present market area at the crossroads, but this remains to be archaeologically established. Any surviving archaeology of this period is likely to be ephemeral in character, consisting principally of the remains of timber buildings. Since the suggested settlement areas underlie the centre of the medieval and later town, much may already have been lost.

The market is probably of Saxon origin, though its original extent is unclear. By its nature, the early market would have been largely open. However, there are likely to have been small structures associated with commercial activity. Certainly, in the post-medieval period, the market was bisected by shambles stretching nearly 100m eastward up the centre. These are shown on the 18th century map and were still in existence when Collinson described the town in 1791. They were demolished in the 19th century, during refurbishment of the market place: the present market house also dates from the early 19th century, but probably incorporates an earlier structure.

Landscape setting

The immediate landscape setting of the town is defined by three hills; Beacon Hill to the north, and Herne and Pretwood Hills to the southwest and southeast respectively, all of which rise to a little above 100 metres, and broadly contain the spread of the town and its immediate rural edge onto the valley of the Shudrick stream on the south side. To the west, the setting is less defined, with the town extending toward the open land of the River Isle valley while southwards urban development spreads up the saddle between the hills towards Dowlish Ford.

The setting of the conservation area

The conservation area is broadly linear in form running E-W along the southern side of Beacon Hill and extending down to the west where Station Road drops towards the Isle valley and also southwards into the Shudrick Valley centred on Ditton Street. The hills mentioned above define the extent of the setting to the south where it can be regarded as following the skyline of Pretwood, Listers and Herne Hills. To the north where the town is bounded by lands of the Dillington Estate and the high point of Beacon Hill the skyline forms the limit of setting. The strong visual containment of the urban area and the Shudrick valley, the frequent prospects of whose landscape is a special feature of the town, are provided by the hills north and south. Containment does not extend to the west where the lower ground opens out. The setting of the CA is formed here by the urban fringe of the town and can be taken no further than the Canal Way junction with Station Road. Eastwards the narrowing of the Shudrick valley at Knott Oak provides a limit in this direction. Map at shows the limit of setting.

Spatial analysis

General character and plan form

The conservation area is the core of the historic settlement and takes form from the topography on the southern slope of Beacon Hill and the historic road pattern, a crossing of N-S and E-W routes. The evolution of the street layout is not certain but it may be that although the routes intersected in the present Market Place, the location of the Minster precinct possibly resulted in the west road deviating up North St to High Street. The precinct possibly occupied an area still contained by the lines of Silver St, North and High Streets with the intricacies around Court Barton representing the interior of the minster precinct.

The principle streets have building lines consistently on the road frontage and streets thereby contained are of varying widths giving a tight-knit character to the urban area.

The wider triangular Market Place/ Cornhill, dominated by the covered Market house, leads off to the narrower principal streets radiating out. This pattern of streets defines character and form; there are few secondary streets but narrow minor lanes leading off are a characteristic. A more spacious character evolves further out from the centre; towards the

western end of the area along Station Road, larger houses are set back in generous gardens behind front boundary walls and to the east at Butts and Townsend a more rural character with many trees prevails.

Key views and vistas

Views southwards across the Shudrick valley from many locations in the eastern part of the town are a particularly distinctive feature of the CA

Southwards down North Street with view to open country beyond

Vista up the Dillington Park driveway

Particularly good townscape vistas looking west down East Street, east along Silver Street and north up Court Barton from Silver Street with church on right

Landmarks

Church of St Mary and its tower is prominent from many locations

Dillington Park Lodges

Market House

Former Methodist Church spire, West Street. 1887 by Alexander Lauder

The Meeting House, Former Unitarian Chapel East Street. 1719

134 listed buildings in the area

Materials and key colour characteristics

Moolham marlstone, a local limestone of a rich orange/gold colour together with Ham Hill stone features as ashlar and rubble giving the town a particular colour character throughout.

Character analysis

Conservation Areas are designated for their special character. Within an area there will be zones that express character variations but contribute to the whole. The definition and description of these 'sub areas' and the elements making up their character allows a more detailed, comprehensive appraisal which will provide a useful document in development control terms.

When using this document it should be noted that there will often be a transitional area between defined character areas where the character may contain characteristics of both adjacent areas.

Iminster's historic core, the conservation area, has a reasonably cohesive character based upon its street network and their mostly close-set built frontages, a distinct palette of materials and consistencies of scale.

The area can be subdivided into areas to aid description:

- 1. The central area - Court Barton, Silver Street, High Street and West Street**
- 2. Market Place, Cornhill, East and North Streets**
- 3. Station Road**
- 4. The Butts, Bay Hill, Townsend and Knott Oak**
- 5. Ditton Street proposed extension area**
- 6. New Road proposed extension area**
- 7. Love Lane proposed extension area**

1. CENTRAL AREA - COURT BARTON, SILVER STREET, HIGH STREET AND WEST STREET

Form and character

The ancient core of the town: at its centre, an intimate, intricate network of narrow streets, spaces and venerable buildings set around the imposing Church of St Mary which sits in its tight urban churchyard, elevated above Silver St and dominating the area. The tower is a reference point from many aspects both within this area and across the wider conservation area. Silver Street passing its south side, one of the best streets of historic buildings in the district, is narrow and enclosed at the Market Place end, opens out at the railing-fronted churchyard and continuous frontage again beyond by the Dolphin Inn, set back a little from the street, a high walled garden to 24 before turning north towards High St. Court Barton runs north beside the churchyard to the Chantry and a small green; a quiet enclave, with an intricate form of a winding street and path connections, Church Walk, around the church yard and Church Lane leading back to Market Place

High St is the east-west through route for vehicles avoiding the Market Square, it is a busy thoroughfare with raised pavement on the N side containing a long terrace of houses, many quite small and of mixed dates and styles, including C20. At the junction with West St a wider space and then westwards, some larger buildings still to back of footways, dominated by the strong elevation and elegant spire of the former Methodist Church behind low railings.

Streetscape analysis, scale, height and building line

Silver Street strong built frontage to back of pavements and emphatic 3 storey group both sides at Market Place end. Scale reduces to 2 storey westwards with no.39 the exception. Scale however is variable from intimate vernacular (33, 35) to 37, a fine 1830s ashlar-fronted house with shop inserted (Bonners). The continuity of building frontage is broken by the elevated church yard wall and a few gaps as the street winds up to West Street at a lower scale. Good shopfronts at 1-3, Harriman's the bakery, 11 with iron cresting (Bilby's), 33 again with iron cresting and Dyers, 21. Upper end rebuilt with pleasant C20 cottages in brick or render with Minster Stone windows.

Court Barton a mixture of intimate cottages and larger ancient buildings. Building line set back generally along Court Barton with small walled front gardens facing the green and public realm along with some high-walled enclosures. Berryman's Lane leads up to High St with similar closed, intimate character of stone cottages and enclosing walls north of the imposing gable of Abbots Court.

High Street continuous built frontage hard on back of footway, largely 2 storey but c.1.5m high raised footway to north side increases sense of the scale of the relatively small terrace houses here.

West Street consistent building lines in a street of good quality buildings also with a low raised footway continuing from High St. Scale generally 2 storey but 3 storeys at corner of Brewery Lane (33 & 35, early C19 ashlar with good surviving details) and larger scale at the Methodist Church beyond.

Brewery Lane a lane off West St narrowing to a footpath leading south.

Significant listed buildings and groups

The Church of St Mary, its churchyard and group around it; The Chantry, Cross House, the former Grammer School and Old Vicarage

Group around the green, 5-8 Court Barton

Buildings in whole length of Silver Street between Market Place and the turn to the north where all but 3 are listed; a good continuous range and including examples of excellent historic shopfronts.

Former Methodist Church and Church Rooms, West St – the spire a major skyline feature.

8, West Street - good Regency front in fine Ham ashlar, pilasters, margin-paned windows and good railings.

6, West St. at a key location on junction with High St. Good shopfront.

Good group around New Rd junction with good corner shopfront.
Bell Inn, High St.

Key unlisted buildings

Massive wall of brick and stone on frontage around corner of High St and into North St.
Crown Inn - 12 West St. distinctive C20 1st floor timbered with render panels
Warehouse Theatre, industrial character, formerly part of the Brewery and Ashcombe Court, stucco Regency villa with distinctive railings in Brewery Lane.
The Rookery - C18 altered with large bays to ground floor with front garden to street with good boundary walling, railings and gate piers.

Trees and green spaces

Of significance are
The minster churchyard, with dark yew trees on north and west sides punctuating the space and setting off the rich stonework.
Walled private gardens of The Old Vicarage with significant trees over Church Lane
Small green square Court Barton
Enclosed by walls, trees appearing above, the garden at St Mary's Hall North Street
Long gardens, reaching southwards behind the frontage of Silver St and East St form a significant pattern of former burgage plots and provide a green area important to the setting of the buildings close to the centre.
Green gaps in the Silver St frontage, punctuating street at the garden of 17A and the entrance to school between 25 and 29.
Prominent group of pines behind Rutters Lane
Large holm oak in Brewery Lane

Local features

Ornate historic shopfronts
Some curved 1st floor bay windows
Strong walled boundaries in West St, High St, Berryman's Lane, Court Barton, Silver St etc
Decorative wall with iron railing at entrance to Greenflyte School, Silver Street

Typical details and materials

Ham Hill stone ashlar and Moolham stone ashlar, rubble or coursed and dressed, red brick, painted render in light colours, stone and brick with cream brick dressings in West St.
Exceptional is painted stone (West St)
Stone parapets
Mixture of slate and tile roofs with dormer windows atypical
Brick chimney stacks

Key colour characteristics

Colours of Ham Hill and particularly local Moodham stone
Brick is typically warm red (Bridgwater) and cream. Light whites, creams and occasional pastel colours of painted surfaces. Joinery white in windows

2. MARKET PLACE, CORNHILL, EAST AND NORTH STREETS

Form and character

Market Place and Cornhill is at the core of this character area. As a space it is a widened crossroads roughly triangular, widest on the west side where North Street arrives and tapering away up into East St. On a gradient, the space is strongly enclosed by surrounding buildings and made distinctive by the open colonnaded Market House which rises above the trafficked street on its south side. Good modern Yorkstone repaving around the Market House and on the footways. A busy and often congested area of people and vehicles which

have to funnel out around the Market House and through the narrow portals of Silver St (west) and Ditton St (south).

Excellent buildings on all sides, finest on west side; The George Hotel range, Retreat Brasserie and Lloyds Bank, all three storey in Ham stone ashlar with stone shaft of a drinking fountain in front.

North St climbs and curves out of the Market Place northwards. It has a quieter character and buildings are lower.

East Street, east of the Market, tapers gradually from a wide, busy space closed by the trees of the Arts Centre, into a narrow, more intimate character of smaller houses and cottages further up.

The form of the area is made by these main streets; there are few secondary streets, partly because of the steep topography: Church Lane, a path between walls linking Cornhill to the churchyard; on the south side of East Street are Love Lane and Frog Lane and its extension alleyway connecting back to East St. are the only examples in this area.

Streetscape analysis, scale, height and building line

The streets have well-defined building lines with largely continuous frontages with few gaps.

Market Square and Cornhill and its exits at Ditton and Silver Streets are contained by mostly 3 storey buildings tight to the footways.

In **East St** this scale reduces progressively although the building lines remain tight to footways with 2 storey houses of modest scale containing the street, some terraced, mostly stone near Cornhill, light-coloured render further up and stone again nearer Bay Hill. Some houses with elevated front gardens facing the street with a retaining wall (33,35). The Arts Centre creates a wider space, its wall still maintaining a strong frontage.

North St is also well-contained but by trees and walls as well as buildings but has a lower scale beyond The George which gives a more open character to the upper street, due in part to the open view southwards.

Significant listed buildings and groups

The Market House, Cornhill

The George Hotel and the whole high quality townscape of the group around the central Market; a consistently listed frontage of 2 and 3 storey scale.

Further up a group of Natwest Bank (once Stuckey's bank c. 1875), eclectic, 3 storey ashlar with Barlays next door, symmetrical stucco front with fine railings and opposite, 11 and 13 in smooth Ham ashlar also with railings.

The Meeting House Arts Centre, East St - former large Unitarian chapel with walled burial ground.

Good early C19 houses in East St some elevated above street level 32-34 and 33-35.

57 East St - Brick Dutch gable to front

Good historic shopfronts at 28, 33 and especially 8, East Street.

North Street House and the attached range to the north with thatched no.19

Former North St. School, walls and railings

Key unlisted buildings

The majority of Cornhill and East Street is listed with no unlisted of standout character. Significant in the central streetscene are the Co-op supermarket and Old Bank Building, more for siting than quality of architecture.

4 North St – recon stone TC offices and former fire station and stone and stone terrace

12 -14 North St - gables and bays in cream brick with stone and red brick details with carved bargeboards

63 East St – early C20, stone with prominent gables timbered with white panels.

Trees and green spaces

Trees in garden of North Street House – strong architectural presence, and closing a view north and in the garden of The Rookery 22 North St on corner of Ile Court.

A tree group feature at the junction North and High St
Pollards in the former burial ground to the East Street Meeting House adds to its importance as a space even though used for car parking.

Local features

While much of the frontage of these streets is well defined by buildings, substantial stone boundary and retaining walls are also a significant feature eg The Meeting House in East Street and along upper North St.

Curved corner buildings in Market Place and Cornhill.

The Dutch gable and its derivatives the double curved wing, is a feature in the town, here seen in its full form at 57 East St.

Good historic shopfronts, some with iron cresting to fascias

Some cast iron street nameplates

Good iron gates and overthrow between Old Bank and No 11

Typical details and materials

Moolham stone, Ham Hill stone, brick, painted render in light colours, Exceptional and atypical are stone with brick dressings (in High Street), artificial stone, half-timber effect with brick (earlier C20th at 6, East St) and dormer windows

Stone parapets

Slate roofs but tile roofs more common away from centre

Brick chimney stacks

Disused C19 pump in wall recess 59 East St.

Key colour characteristics

Colour of Ham Hill and particularly local Moodham stone

Brick is typically either warm red (Bridgwater) or a red-purple. Light whites and creams of painted surfaces. Joinery white in windows.

Views

As noted views extend south from gaps in the S side street frontage eg at Frog Lane and Love Lane over the Shudrick Valley.

3. STATION ROAD

Form and character

Station Road character area runs westwards from the junction with New Road from where the closely enclosed terraced frontage character steadily changes to that of larger Georgian, Regency and Victorian houses set back in more generous plots running down the hill westwards towards the valley of the River Isle. Low walled front gardens, high walled boundaries, railings and hedges all feature along with some prominent trees and some high quality buildings. Larger houses long fronted; some examples of gables to fronts – The Shrubbery, 13 & 15 and bays at 31

Scale height and building line

Two storey buildings some with attics generally set back from the street behind front gardens of varying depth, enclosed by walls/railings. Topography results in some buildings elevated well above the street on the north side and consequent sense of greater scale.

Significant listed buildings and groups

Summerods, 7 Station Rd

A series of fine larger houses on the south side –

No.25, The Ridge, with low front wall and railings and double-curved side bays

No 29, The Hermitage, C17 mullions on west gable wall and C18 front

31, 33, 37 all grade 2

Key unlisted buildings

Shrubbery Hotel - rebuilt for the Shepherds of Dowlish Ford Mills, c. 1900.

Three pairs of late C19 semi-detached villas on north side 10 -20 even numbers, two brick, one stone, upstanding above the street; a well detailed group

Trees and green spaces

Green spaces are private garden areas, some extensive with substantial trees, typically behind the southern side houses. Significant trees that contribute to the street at corner of Summerlands Park Drive, Shrubbery Hotel, The Hermitage 29, larger trees between 31 and 33, and around Hazelwell House,36; prominent dark cypressus to side of 37

Local features

Dutch type gabled side wings to front elevations of Regency houses at

Railings along road frontage

Brick chimneys

Typical details and Materials

Painted render (white/light colour) with stone window surrounds and details, Ham stone ashlar and near ashlar walling, window and door surrounds. Moolham and Ham rubble walling, red brick villas, slate and clay tile roofs, without dormers, white painted windows; metal railings

Key colour characteristics

Orange/browns of stone, light painted surfaces and red brick

Views

The elevated land provides a series of views out to the southwest towards Herne Hill from gaps between the buildings and from the rear garden areas on the south side, rear of Shrubbery Hotel and from Summerlands Park Drive.

4. BUTTS, BAY HILL and TOWNSEND

Form and character

The eastern extremity of the Conservation Area. The Butts was enlarged to function as a link between Bay Hill and High Street for the route of the Exeter Road avoiding the Market Square in the mid C20 and much building to the north and south has taken place.

The north side of the street is characterised by steeply rising ground, high stone retaining walls and trees significantly placed high on the edge of the CA. The only building group is Butts Castle which forms a part square of 2 and 3 storey terrace houses set back high above road level behind retaining walls and gardens. On the south side an almost continuous frontage of C18,C19 and C20 houses. The gaps between them reveal far-reaching views to Pretwood Hill.

The 1970s Isle Court development was built within the CA but is of insufficient quality to remain included.

The eastern end of Butts into Bay Hill represents a continuation of the walled north side with very prominent large trees elevated above the broad estate entrance and matching pair of Dillington Park lodges. The straight drive leads north between tall stone gate piers and is enclosed by strong tree belts each side. The southern side of Bay Hill has a more open character with spread out, larger detached houses which have, along with the many spaces between them, extensive views out to the south across the Shudrick valley contributing to character here.

At the junction with Townsend more enclosure formed by White Horse and the houses on the north side hard on the street and dark mass of prominent trees. Townsend itself, dipping downwards, is overshadowed by these and the buildings, spread out, crouch beneath. Blank

walls of extensive range of converted farm buildings (Fortnum Place) and former Dillington estate office enclose the space.

Scale height and building line

The Butts - Strong enclosure of street by high stone retaining walls and 2 storey groups of houses to consistent building line on back of footway.

Bay Hill – 2 storey houses set back behind walls or railings except at east end where building line is against the street.

Townsend – Built form and boundary walls against road edge. 1 and 2 storey

Significant listed buildings and groups

Dillington Lodges, grade 2 star with gates and walls, grade 2 – a set piece of matching Regency Gothick lodges with gates, piers etc between

Bay House, grade 2 - early C19 - ornate window glazing

Former White Horse Inn, grade 2

12 Bay Hill, grade 2 - Former Toll House on A30 from the Ilminster turnpike trust

Key unlisted buildings and features

Butts Castle - 2 and 3 storey attached houses round a square garden area

On the driveway to Dillington, WW2 'dragons teeth', a pill box and other remains of a defensive Stop Line.

Former ranges of farm buildings at Fortnum Place

Group of 14 Townsend – former estate managers house of C19 dressed Ham stone mullioned windows with gables to street and, in similar style, 15 Townsend, former estate office - single storey, stone with gables to street.

Trees and green spaces

Tall pines and grand holm oaks around Dillington lodges and driveway

Holm oaks etc extend east from Townsend junction – a strong street feature

Garden areas at rear of houses extend southwards into Shudrick valley

Larger trees behind 14 and 15 Townsend

Gardens to 12 & 13 bay Hill and 17 & 18 Townsend (Proposed extension area)

Local features

Tall stone boundary retaining walls

Railings with walls and hedges along streets
matching pair

Typical details and materials

Rubble Moolham stone, Ham ashlar, some red brick dressings, pale coloured renders, clay tile roofs

Key colour characteristics

Orange/brown of stone, light painted surfaces, red brick

Views

From many of the buildings and from the streets between buildings on south side, extensive views across Shudrick valley to Pretwood Hill

Defined view southwards to Shudrick valley from the Dillington Park drive between lodges

5. DITTON STREET

Form and character

Immediately south of Market Place, Ditton St forms a tight linear space with 3 storey buildings each side before scale reduces with smaller houses and the range of a former

textile mill on the west side. This area extends no further than Ditton Lea at the junction with Shudrick Lane where the close urban character is lost.

The (proposed) detached area further south is also a less intensely urban street scene with the larger houses, gardens, the library and old school in an open lawn area and a short uniform terrace.

Buildings – Scale, height and building line

Ditton St. northern section is a tight space strongly enclosed by buildings arranged hard to the footways, variously 1, 2 and 3 storey with higher buildings nearer Cornhill. The (proposed) southern section is 2 storey scale with well-defined front boundaries following the line of the street, with short gardens to the buildings on the west side and the larger houses set well back on the other.

Significant listed buildings and groups

Vine Flats - 3 storey 5 bay Georgian painted brick with broken pediment doorcase

Ditton Lea grade 2 – imposing late Georgian with double curve wings, walled front garden with railings

In the (proposed) detached part of the C area a distinct group of good quality buildings including;

Olcote C19 stucco front gardens and railings

Ditton House Regency grade 2 stone behind deep front garden with laurels, walls, railings, gates and gate piers.

and the former reading room now library, school and school house with open walled lawn area and uniform terrace of houses on west side

Key unlisted buildings

Frampton House, red brick and stone, former 3 storey collar works and single storey factory adjacent with saw-tooth roof 1930s.

Library - former Reading Room of 1889, by *James Hine* of Plymouth. Given by Shepherds of Dowlish Ford Mills. Single storey Ham with Bath? stone dressings, carving in gable to front, complete with piers, gates, wall and railing surround.

Victorian Board School and School House, Ham stone, tiled roof with chimneys, gables and half-hips. Grassed surround to enclosing wall and railing – a nice set piece.

43 Ditton St – Ham ashlar, quoins and architraved windows. Railings to front garden area.

34-39 Ditton St - C19 terrace of good architectural unity in stone with red brick, pent roof bays, ornate gables, front walls with railings.

Trees and green spaces

Gardens to Ditton Lea and in the proposed extension area, set back on east side and the lawned area of old school.

Local features

War memorial in the former school grounds

Boundary walls with railings are a feature

Typical details and materials

Stone with red brick dressings, red brick with cream brick dressings, red brick, painted brick, pale coloured renders. Slate and tile roofs. Slate hung gables.

Southern section - stone, white windows, pale stucco, stone with red brick, slate roofs, white painted windows, red brick chimney stacks. Dormers absent.

Key colour characteristics

Orange/ browns of Ham and Moolham stone, red brick, pale renders

Views

No significant views

6. NEW ROAD

Form and character

New Road appears to have been constructed as an alternative route north that avoided the steep gradient of the Old Road northwards from North Street. It was turnpiked (and possibly constructed) in 1759 around the western flank of Beacon Hill as part of the Curry Rivel to Chard road. This proposed extension to the Conservation Area takes in the late C19 terraces running up each side of the road and along Hill View Terrace together with several larger semi-detached villas of similar age, and Uplands House, a Victorian house in well wooded grounds at the top. The extension is also proposed to include the former (converted) stables of Hazelwell House and coachman's house adjacent, defensive accessed from Speke Close, Station Road.

Scale height and building line

Significantly uniform 2 storey terracing with short walled front gardens and a uniform building line following the lines of both New Road and Hill View Terrace.

Significant buildings and groups

The Victorian terraces at New Road and Hill View Terrace are fine examples with much original detail surviving forming a significant and satisfying group enhanced by the way they step up the hill and, in Hill View, also curve around the slope of the hillside.

Key unlisted buildings

Uplands and its outbuildings

Three terraces behind short walled gardens in New Rd and Hill View Terrace – uniform ranges of late C19 or early C20; New Road west side are rubble stone with cream or painted brick dressings, small timbered effect gables pent roofed bays and Hill View similar but without gables and, on defensive east side, simpler, white roughcast above pent roofed brick bays, small plain gables.

7 New Road - c.1900 villa, rubble stone with Bath dressings. Tall decorated barge board to street

12 & 14 New Road – pair of late C19 semi-detached villas, brick, slate roofs, gable and bays to front. Front railings to long front garden.

40 New Rd – early C20 roughcast villa elevated above street behind architectural hedging above high stone walls.

Speke Court – C19 well detailed Ham stone 'U' plan coach house range, now converted and Coachmans – Late C19 house Ham stone, tiled gables, formerly associated with the coach house.

Trees and green spaces

Substantial tree cover is a feature at the top of New Road and in the grounds of Uplands forming a skyline feature and contributing the setting of the house and wider area below defensive.

Local features

PO Box set into stone wall adjacent to gate piers of Uplands

Typical details and Materials

Moolham stone, red brick, cream brick as dressings, white render, clay tile and slate roofs brick chimney stacks

Ornate crested ridge tiles, gables with carved detail or timbering effect

Key colour characteristics

Orange/brown of stone, creams, white and brick red

Views

Glimpses southwards to countryside and southern hills

Vistas up stepping terraces of New Road and distinctive curving terrace of Hill View.

7. LOVE LANE

Form and character

Love Lane runs southwards from East Street down into the Shudrick valley originally leading to a small cluster of houses at its end that once formed an almost separate hamlet. Infilling has occurred back towards east Street. A distinctive narrow 'ginnel' or path leads back north to Bay Hill at its junction with East Street. It is a close-knit space with buildings on north side elevated above the lane behind large stone retaining walls. No consistent building line but the lane space is well-enclosed.

Scale height and building line

Buildings generally 2 storeys and of small scale linked or in short terraces. The elevated location of 11 and 19-21 overlook and dominate the lower lane.

Significant buildings and groups

22-24 Love lane – a short terrace in brick and stone

Group at 11 and 19-21 Love Lane elevated above lane

Key unlisted buildings

11 Love lane - early C19 well-proportioned house

18 Love Lane – C18 thatched cottage attached to listed no.17

Trees and green spaces

None of significant in the area. Some garden spaces only.

Local features

High boundary and retaining walls in local rubble stone

Typical details and Materials

Moolham stone rubble walling, C19 local pressed red brick, clay tiles(plain, double roman)

Views

There are views out over the open land of the Shudrick valley, the rising ground and strong skyline of Pretwood Hill from many points in this sub-area

Key colour characteristics

Orange/brown of stone, cream /white paint, and brick red

SUGGESTED BOUNDARY CHANGES

Several changes are recommended and are therefore described in this draft document

1. Addition of area at New Road - see description in Area 6 above
2. Addition of area in Ditton Street - see description in Area 5 above
3. Exclusion of late C20 development at Isle Court that is not of historic or architectural interest
4. Addition of an area of trees, gardens and historic houses, including the listed former Toll house and 13 Bay Hill, at extreme east of the existing Conservation Area between Townsend and Bay Hill, included in Area 4

5. Addition of a length of the Dillington House driveway leading from the Bay Hill lodges and its prominent boundary tree belts included in Area 4.
6. Minor boundary adjustments to take account of changes made by recent development
7. Addition of area at the lower end of Love Lane - see description in area 7 above

Maps Weaver's map 1780



1798 map ref EUS

1821

Tithe map 1838

Iminster Conservation Area




PROPOSED BOUNDARY AMENDMENTS 4
FEB 2016, DEC 16

-  AREAS TO ADD TO CONSERVATION AREA
-  AREAS TO REMOVE FROM CONSERVATION AREA

REFER TO KEY TO AMENDMENTS

 Conservation Area

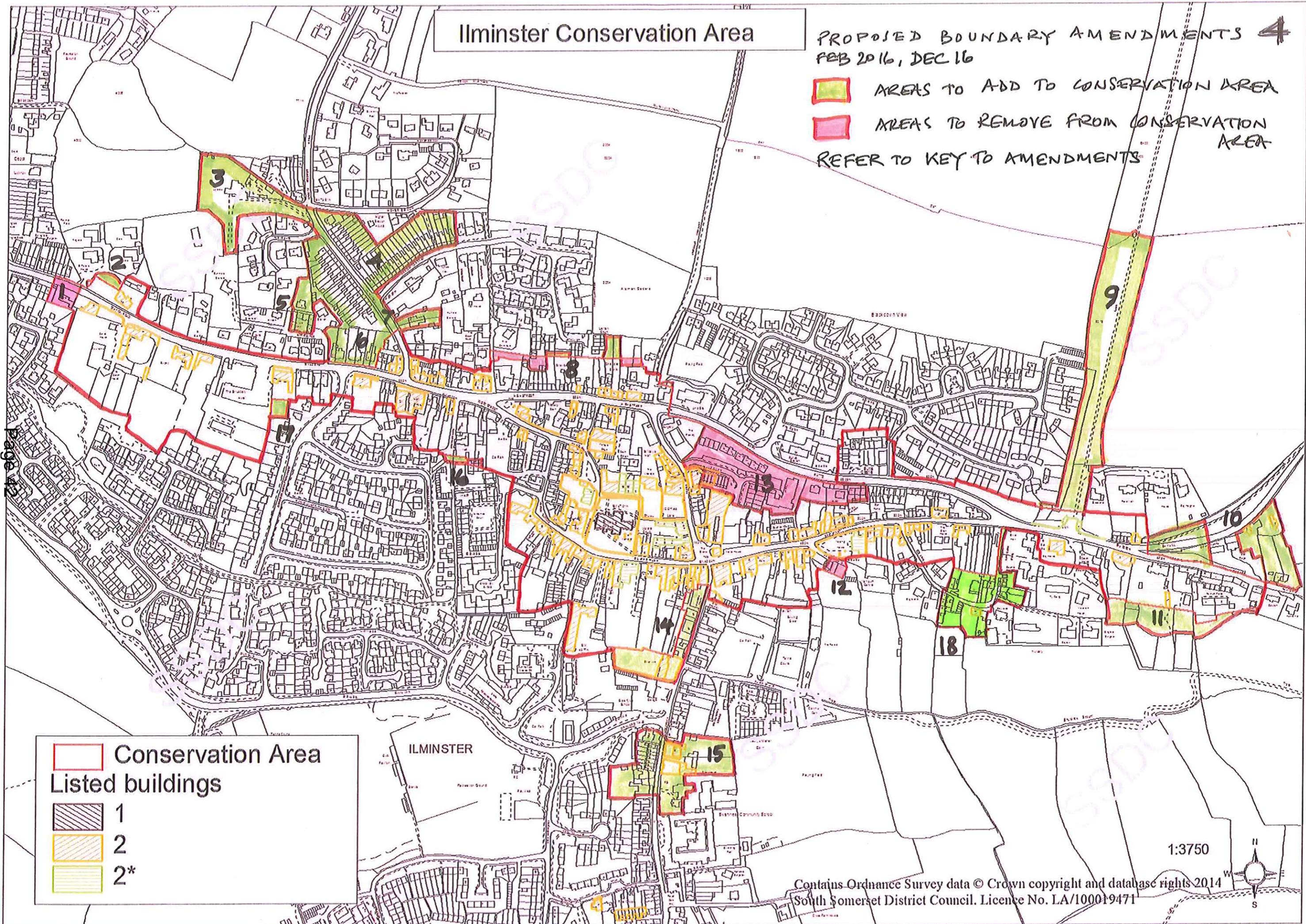
Listed buildings

-  1
-  2
-  2*

ILMINSTER

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Agenda Item 11

Planning Appeals

Assistant Director: Martin Woods (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

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.

Report Detail

Appeals Allowed

15/04773/FUL – Land East of Two Oaks, Broadway Road, Broadway, Ilminster
Erection of 1 No. 4 bedroom detached dwellinghouse and 1 No. 3 bedroom detached dwellinghouse with associated garaging (revised application) (GR 332040/115479) (Officer Decision)

Background Papers

Appeal decision notice attached

Appeal Decision

Site visit made on 25 October 2016

by Rory Cridland LLB (Hons)

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

Decision date: 23 November 2016

Appeal Ref: APP/R3325/W/16/3152198

Two Oaks, Broadway, Broadway Road, Ilminster, TA19 9RE

- 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 & Mrs S C Annings & Ms C Wakely & Mr I Pearce against the decision of South Somerset District Council.
 - The application Ref 15/04773/FUL, dated 21 October 2015, was refused by notice dated 16 December 2016.
 - The development proposed is one new 4 bedroom detached dwelling & one new 3 bedroom detached dwelling with associated garaging.
-

Decision

1. The appeal is allowed and planning permission is granted for one new 4 bedroom detached dwelling & one new 3 bedroom detached dwelling with associated garaging at Two Oaks, Broadway, Broadway Road, Ilminster, TA19 9RE in accordance with the terms of the application, Ref 15/04773/FUL, dated 21 October 2015 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
AWB-02 Rev A; AWB-03; AWB-04; AWB-05; AWB-06; AWB-07 Rev A; AWB-08 Rev B; AWB-09; AWB-10; AWB-11; AWB-12; AWB-13; AWB-14; AWB-15; AWB-16.
 - 3) No development above damp proof course level shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

Preliminary matter

2. The Council's second reason for refusal relates to the absence of a legal agreement in respect of affordable housing contributions. However, within its written evidence the Council has confirmed that it no longer wishes to maintain this refusal reason following the decision of the Court of Appeal in the *West Berkshire*¹ case. I have no reason to disagree with the Council's approach in respect of this matter and have determined the appeal on that basis.

¹ R (West Berkshire District Council and Reading Borough Council) v. Secretary of State for Communities and Local Government [2016] EWCA Civ 441.

3. The appellant has submitted a scheme of highways alterations as part of the appeal which would involve, amongst other things, the building out of the access into the adopted highway (Drawing Ref: AJK5). This would materially alter the access arrangements originally proposed. Having considered the principles set down in the case of *Wheatcroft*², I consider that determining the appeal with regard to that scheme would result in those who should have been consulted being deprived of the opportunity to comment. I have therefore not taken it into account in reaching my conclusions below.

Main Issue

4. The main issue is the effect of the proposed development on highway safety with particular regard to visibility.

Reasons

5. The appeal site is located to the rear of properties on Broadway Road, a 30mph single carriageway which passes through the centre of the village and provides access to a number of residential properties. The site is accessed via an existing tarmac access way which serves two residential dwellings as well as providing access to Yatford Farm. The proposal would involve the erection of 2 new dwellings, access to which would be over the existing track.
6. Policy TA5 of the South Somerset Local Plan (2006-2028)³ (LP) requires new development to address its own transport implications by, amongst other things, securing inclusive, safe and convenient access. It also seeks to ensure that new development does not compromise the safety and function of the local or strategic road network. Similarly, Paragraph 32 of the National Planning Policy Framework ("the Framework") indicates that decision makers should take account of whether safe and suitable access to the site can be achieved for all people.
7. The Council is concerned that visibility at the junction with Broadway Road is so impaired that an increase in traffic movements at this junction would result in severe harm to highway safety. These concerns are echoed by both local residents and the Parish Council all of whom have referred to the Highways Development Control Standing Advice for Planning Applications ("the Standing Advice") in support of their position. Para 3.1 of that document states that where accesses and junctions are to be formed, the Manual for Streets is the appropriate guidance for visibility splays. However, in this case the proposal seeks to utilise the existing access and the application form indicates that no new junction is to be formed. As such, I do not consider Para 3.1 of the Standing Advice to be applicable. Instead, I consider the central question to be whether visibility at the junction is such that the additional vehicular movements associated with the development would pose a significant risk to highway safety.
8. During my site visit I drove down both Broadway Road and the access track itself. Although visibility from the track is restricted in both directions, I noted that it was possible to clearly see vehicles approaching from the west. Similarly, while visibility looking east is restricted by the boundary wall and hedge to the front of neighbouring Stofield House, I noted that there was

² *Bernard Wheatcroft Ltd v Secretary of State for the Environment* (JPL, 1982)

³ Adopted March 2015

- sufficient visibility to enable a driver to exit the junction with only a reasonable degree of caution.
9. Likewise, the access road itself is clearly visible when travelling in both directions along Broadway Road, whose residential nature and numerous residential accesses alerts drivers that they need to exercise caution. Furthermore, in contrast to other nearby accesses, the existing access which would serve the proposed development is highly visible. I am therefore satisfied that a reasonably observant driver travelling along this section of road would be alert to the likelihood of vehicles pulling out and would proceed with an appropriate degree of caution.
 10. Nevertheless, the proposal would inevitably result in an increase in traffic using the junction. However, during my visit I observed no vehicles using the access track and only light traffic along the main road. While this may not be indicative of the traffic levels during peak times, or of those which may result from the proposed development, it was nevertheless clear that vehicular use of the track was not significantly oversubscribed and that traffic movements along Broadway road were generally low. This accords with the traffic survey provided by the appellant and I consider the limited number of vehicular movements associated with the proposal would not place any significant additional pressure on the highway network.
 11. Furthermore, I note that the access road already serves a number of other properties as well accommodating agricultural vehicles associated with Yatford Farm. Cumulatively, these are likely to result in a greater number of vehicular movements to those of the proposed dwellings. I have been provided with no robust evidence, for example in the form of accident data, to indicate that this has resulted in any significant highway safety issues at the junction or more widely. As such, I do not consider the additional traffic movements which would result from the proposal would have any material impact on highway safety at the junction, either individually or cumulatively when taken with those of other users.
 12. Consequently, I find that the proposal would not compromise the safety and function of the local or strategic road network and, as such, find no conflict with LP Policy TA5. Likewise, I find that the proposal would not conflict with the guidance out in Paragraph 32 of the Framework which seeks to ensure that safe and suitable access to the site can be achieved for all people.

Other matters

13. I have had regard to the concerns expressed by local residents and the Parish Council. Those which relate to visibility at the junction have been taken into account in reaching my conclusions above. Furthermore, while I have noted the concerns expressed by local residents regarding parking congestion, in view of the levels of parking proposed, I do not consider that this the proposal would have any material impact on parking. I also note that it is open to the Council to seek to address any significant parking issues by other means. As such, I do not consider it provides sufficient grounds to refuse planning permission for the development proposed.
14. In respect of those which relate to any loss of privacy for neighbouring occupiers, I note that in view of the separation distances between the proposed dwellings and neighbouring properties, the Council has concluded that there

would be no significant levels of overlooking. I have seen nothing which would lead me to conclude otherwise. Similarly, there is no robust evidence which would indicate that the proposals would materially affect existing sewage infrastructure, flooding, or wildlife. As such, I do not consider that these provide sufficient grounds to refuse planning permission in this instance.

15. I note that there is a Grade II listed building located to the western side of the proposed access. However, the Council has concluded that in view of the lack of alterations to the access and the separation distance between it and the proposed dwellings, there would be no material impact on the significance of the heritage asset or its setting. I concur with that assessment and I am satisfied that both the heritage asset and its setting would be preserved.

Conditions

16. Neither party has provided a list of conditions which they consider appropriate in the event that the appeal were to be allowed. However, in addition to the standard commencement condition, I consider a condition specifying the approved plans as appropriate in the interests of certainty. I also note that the officer report raises concerns with some of the materials proposed. I therefore consider a condition requiring the submission and approval of further details to be appropriate in order to protect the character and appearance of the surrounding area.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR

Agenda Item 12

Schedule of Planning Applications to be Determined by Committee

Assistant Director: Martin Woods, Economy
Service Manager: David Norris, Development 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 West Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 6.45 pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 6.35 pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
13	TATWORTH & FORTON	15/02733/OUT	Demolition of existing outbuildings and erection of 7 No. dwellings with associated access, parking and landscaping (outline application) (GR 332874/106060)	Land And Premises Barley Farm Houses Lane Tatworth	Mr Andy Shire
14	WINDWHISTLE	15/05534/FUL	The erection of a general purpose agricultural building and associated vehicular access track from New Lane. (GR 337192/110596)	Land OS 0005 At Knight House Farm New Lane Cudworth	Mr Simon Saunders
15	WINDWHISTLE	15/05535/FUL	The erection of a general purpose agricultural building and associated vehicle access track from New Lane. (GR 337192/110596)	Land OS 0005 At Knight House Farm New Lane Cudworth	Mr Simon Saunders

16	WINDWHISTLE	15/05536/FUL	The siting of a temporary agricultural workers dwelling and associated vehicular access track from New Lane. (GR 336994/110112)	Land OS 0005 At Knight House Farm New Lane Cudworth	Mr Simon Saunders
17	WINDWHISTLE	15/05537/FUL	The erection of an agricultural store and animal care building and associated vehicular access track from New Lane. (GR 336994/110112)	Land OS 0005 At Knight House Farm New Lane Cudworth	Mr Simon Saunders

Further information about planning applications is shown below 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.

Agenda Item 13

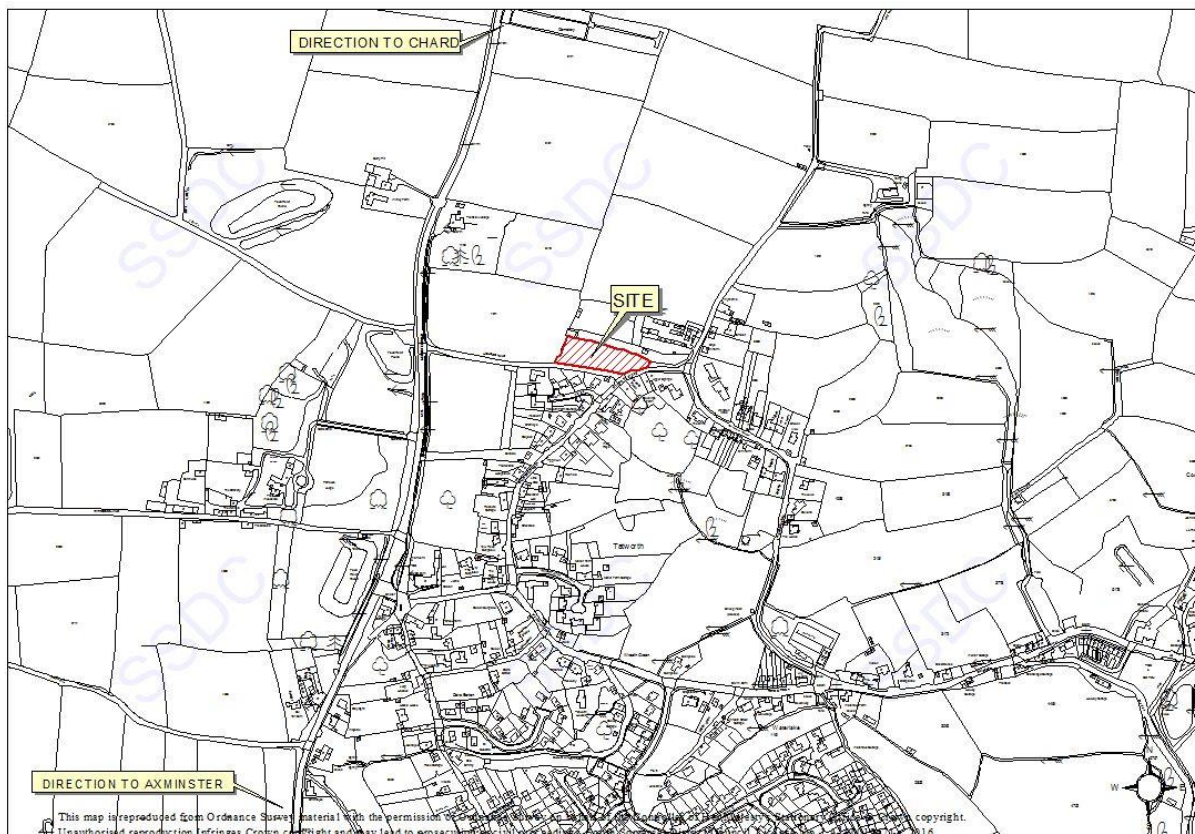
Officer Report On Planning Application: 15/02733/OUT

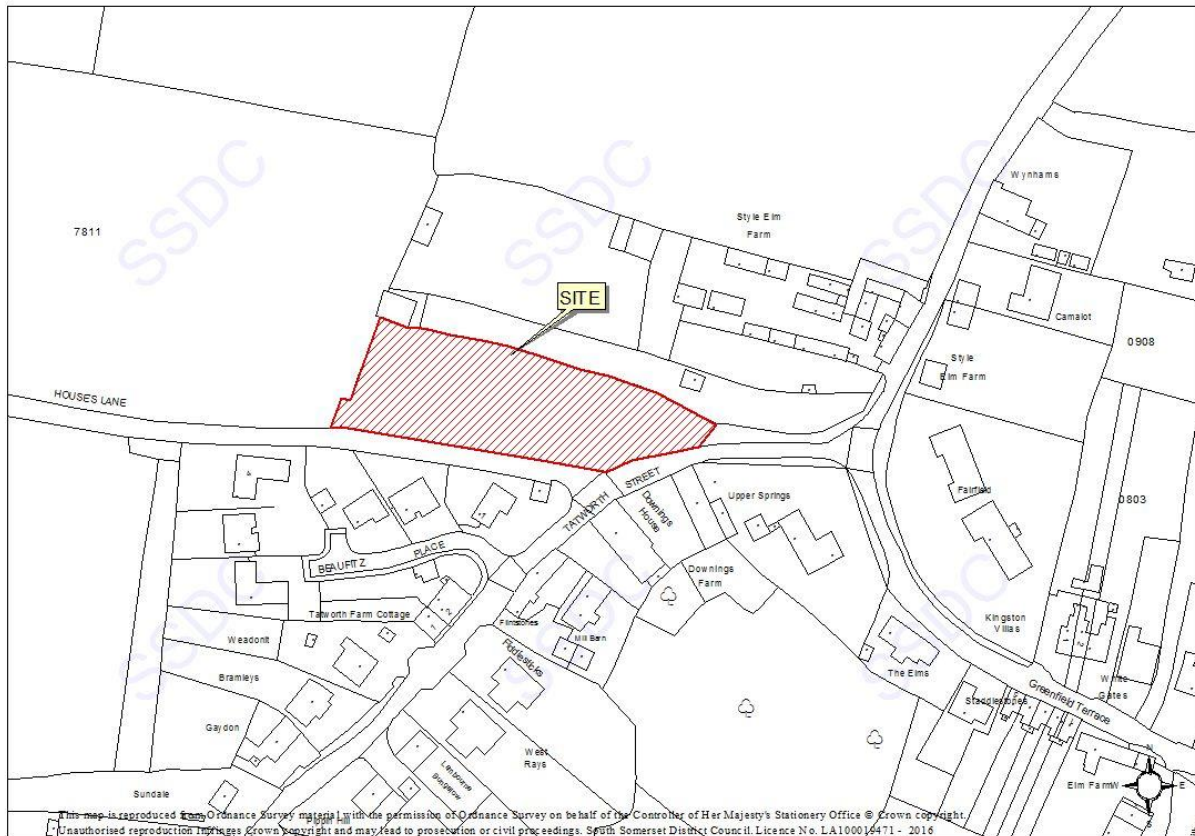
Proposal:	Demolition of existing outbuildings and erection of 7 No. dwellings with associated access, parking and landscaping (outline application) (GR 332874/106060)
Site Address:	Land And Premises Barley Farm Houses Lane Tatworth
Parish:	Tatworth & Forton
TATWORTH AND FORTON Ward (SSDC Member)	Cllr A Turpin
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date:	29th July 2015
Applicant :	Mr Andy Shire
Agent: (no agent if blank)	Mr John Bird Joyden Farm Holbear Lane Forton Road Chard TA20 2HS
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to committee with the agreement of the Chair due to the public interest and issues raised by the Ward Member.

SITE DESCRIPTION AND PROPOSAL





The site comprises approximately 0.29 hectares located off the northern side of Tatworth Street and Houses Lane which links the site to the A358 to the west. The site contains a number of agricultural style buildings both older and modern construction. Ground levels rise gradually from the site entrance to the northern site boundary.

The site is bound by traditional hedgerow to the northern, western and southern site boundary fronting Houses Lane. The south eastern boundary fronting Tatworth Street consists of Leylandi style hedging and low stone walling.

There is one Grade II listed building located adjacent to the site to the southern side of Tatworth Street known as Downing Farm.

This is a revised outline application for residential development comprising of up to 7 no. dwellings. The application is to agree the principle of development and access only, all others matters are reserved. The outline proposal includes an indicative layout for the provision of two 2 bedroom dwellings and five 3 bedroom dwellings.

It is proposed that the dwellings would be open market units. During consideration of the application a Court of Appeal decision has clarified that affordable housing or tariff based contributions cannot be sought on developments of 10 or fewer dwellings or with a floor area of less than 1000 square metres. These thresholds would not be met.

HISTORY

14/03027/OUT: Outline planning permission for the erection of up to 8 dwellings - Application withdrawn.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

In relation to Listed buildings Section 66 of the Listed Building and Conservation Areas Act places a statutory requirement on local planning authorities when considering whether to grant planning permission for development which affects a listed building or its setting to 'have special regard to the desirability the preservation of the Listed building, its setting or any features of special architectural or historic interest which it possesses.

National Planning Policy Framework: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS4 - District Wide housing Provision

Policy SS5 - Delivering New housing Growth

Policy HG5 - Achieving a mix of market housing

Policy TA5 - Transport impact of new development

Policy TA6 - Parking standards

Policy EQ1- Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

National Planning Policy Framework

Core Planning Principles

Chapter 6: Delivering a wide choice of high quality homes

Chapter 11: Conserving and enhancing the natural environment

Chapter 12: Conserving and enhancing the historic environment

National Planning Practice Guidance

Guidance within the PPG is a material consideration.

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

Tatworth Parish Council:

Recommend Refusal for the following reasons:

- This constitutes over-development in terms of scale, mass, size and form.
- The proposal is inappropriate and not in keeping with the density or style of the surrounding properties, which include 4 Grade 2 Listed Buildings.
- The volume of traffic generated would greatly increase the existing dangers to pedestrians and motorists in Houses Lane and Tatworth Street.
- The already hazardous situation regarding vehicular access into Houses Lane from the A358 would be exacerbated. This is regarded as a dangerous road. Hazards already exist for the horse owner in providing feed and water for horses kept in an adjacent field off Houses Lane.
- Sight Lines for the Site Access should be a minimum of 43 metres in order to comply with Regulations stipulated in the Manual for Streets, as Houses Lane does not have a speed limit. (The proposed entrance is only 25 metres)
- Slow worms and dormice are extremely likely to be present on the site, as supported by Green's Preliminary Ecology Report. The local area has already lost a large amount of the species due to over-development, and therefore these are of particular importance to the local eco-system.
- Surface water flooding is an issue (drains are unable to cope) (Pictures supplied by some residents)
- Sewage system is unlikely to cope as there is already blockages to the local infrastructure
- HGV traffic (during construction) could damage neighbouring houses, some of which do not have foundations
- Air, light and noise pollution would be increased
- Main entrance is in Houses Lane where the recommendation from Highways expressed an opinion that the entrance should be from Tatworth Street.
- Houses Lane is entirely unsuitable for access to this site.
- Plots 1 -6 can only be accessed down Houses Lane from the A358. Plot 7 is accessed from Tatworth Street. There's no access between plot 7 and the other 6 plots, so the only way in is down Houses Lane via the A358 for these 6 plots.
- Loss of amenity in the form of riding stables.
- Residents have seen bats on the site regularly, indeed every night during the summer.
- How can large trucks, i.e. 26 tonne refuse trucks access the site?
- Eroding/removing the Devon Bank.
- There are numerous inaccuracies in the access statement - i.e. no 30 bus - bus times are every 1.5 hrs with no services in the evening or on Sundays and nor do they connect with public transport in Axminster. Wessex water do not deal with the sewage. The sewage system is at full capacity.
- Not enough parking spaces for the number of houses being built and they do not comply with the National guidance. We believe that for this site 20 spaces are required for parking, which will increase the level of traffic.
- Pedestrians currently are forced to walk back down Houses Lane when walking towards the A358.
- Damage has been done to sewage and water works.

- Lots of the cottages on Tatworth Street have no frontage or frontage is right onto the road.
- Tom Tom sat navs main access into Tatworth brings vehicles down Houses Lane.
- Large vehicles have been wedged in Houses Lane and have had to reverse back onto the A358 in the wrong direction, which holds the traffic up.

SSDC Conservation Officer:

Make sure the height of 7 is not excessive and we need to control the front elevation.

I am not happy with the area D where the wall has been pulled back to form a triangle of land. This would be somewhat odd in the streetscene.

SSDC Ecologist:

Bats:

The bat inspection didn't identify any evidence of bats in the buildings proposed for demolition but the consultant concluded some buildings have some (or low) potential to be used by bats and recommends an emergence survey to give confidence in a negative assessment of bat use. I support this recommendation and recommend it is made a requirement by condition:

No buildings identified as having low potential to support bats in the Preliminary Ecological Appraisal (Richard Green Ecology Ltd, August 2014) shall be demolished until a dusk emergence or dawn re-entry survey for bats has been undertaken in the period of May to September by an appropriately qualified person (preferably a licenced bat consultant) in accordance with current best practice and the survey report has been submitted to and approved in writing by the Local Planning Authority. The survey shall be completed prior to submission of any full or reserved matters planning application.

In the event of the above survey(s) concluding any potential impact to bats, full details of a mitigation plan or method statement containing measures for the avoidance of harm, mitigation and compensation, shall also be submitted to and approved in writing by the Local Planning Authority. The approved mitigation plan shall be implemented in complete accordance with its contents, unless otherwise agreed in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan (adopted).

Dormice and hedges:

Dormice have been recorded in hedges from a number of locations around the area and there is a moderate likelihood that they will occupy the site boundary hedges on either a temporary or permanent basis.

I note the north and west boundary hedges are proposed for retention. However, as these hedges (at least in part) would end up as part of the garden boundaries, there would be a lack of control over their future management or even their future retention. There would also be some loss of the south and east boundary hedges (e.g. for access).

Given the village edge context of the site, the hedges are unlikely to be of any strategic importance for dormice (e.g. as important linking corridors between significant areas of dormouse habitat).

The south and east hedges are of relatively low quality for dormice. Whilst the north and west

hedges are of better quality, this is a small site and dormice exist at very low densities. It is therefore unlikely that the site would support more than a very small number of dormice at best. Although there would be a risk of disturbance or harm to dormice from development of the site and introduction of cats or from subsequent treatment or future removal of hedges once they are garden boundaries, I consider the level of risk and likely very low numbers of dormice that would be affected is not sufficient to raise an objection.

However, given some, albeit low level of risk, and the high conservation status and legal protection afforded to dormice, I recommend a condition requiring precautionary measures:

No removal of any hedge (or part thereof) shall be undertaken until a Method Statement detailing precautionary measures for the avoidance of harm to dormice has been submitted to and approved in writing by the local planning authority. All hedge removal shall be undertaken in full accordance with the approved Method Statement unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance (dormouse) in accordance with NPPF, and of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

Wessex Water:

No objections. Standard comment provided regarding connections to Wessex Water infrastructure.

South West Water:

No objections.

SDDC Landscape Architect:

These revised sketches now infer a building arrangement that appears much more responsive to local context, and offer a way forward. I have no further landscape issues to raise.

SCC Highway Authority:

First response:

The traffic impact of the development is likely to be limited. Access arrangements appear to provide safe and suitable access as in accordance with the NPPF. The number of parking spaces is sufficient but no consideration has been given to cycle parking.

Reference has been made to the previously submitted TA but no data has been provided. It is considered that the traffic impact is unlikely to be severe; however evidence needs to be provided to demonstrate this.

Access will come from Houses Lane for 6 of the 7 properties and one dwelling will be accessed off Tatworth Street. Previous pre application consultation with SCC officers concluded that the proposed access arrangement was acceptable with the width of the carriageway, horizontal alignment and existing hedgerows likely to contribute to low speeds. In view of this 20mph visibility splays have been previously accepted by the council as acceptable. However these will need to be revised on the Proposed Site Layout plan (P-150) as this shows the 2.4 x 25m splay leading into the centre of the carriageway on House Lane, this visibility splay should be to the near edge of the carriageway and there should be no

obstruction greater than 300mm in height within any of the visibility splay areas (pedestrian and vehicular).

The access onto Houses Lane is one way and therefore residents can only turn left coming out of their property and have to travel via Axminster Road to get back to their property. It is agreed that this is acceptable subject to the appropriate signing strategy in place prior to occupation of the properties.

Signing strategy of one way system should be set out on the exit from the proposed access junction informing motorists of the arrangement prior to occupation. The access should be 5.0m wide for 6.0m back from the edge of highway and consolidated for 5.0m back from the edge of highway.

The proposed parking arrangement is based on 7 dwellings. This includes, as set out in Section 4 of the Design and Access statement, 5 3 bed properties and 2 2 bed properties. Based on this, the number of vehicle parking is more than sufficient for the site and above that stated in the SCC Parking Strategy. However, a higher number of higher bedroom properties are also mentioned in the documentation so this needs clarification to ensure appropriate levels of parking are provided. Single parking bays should be 5m long and 2 longitudinal spaces should be 10.5m long.

No details have been provided for cycle parking. Cycle parking should be provided in accordance with the SCC Parking Strategy. In addition the turning areas outside each dwelling need to be sufficient to allow cars to park, as well as manoeuvre. Parking outside the properties proposed may make turning an issue. Again compliance to the SCC parking strategy is required.

Due to the narrow width of House's Lane along the section where the access would be formed, it may be prudent to ask for a tracking plan (scale 1:200) showing how a refuse vehicle 11.4m long (4 axle) can turn into the estate. I have concerns that there will be areas of overrun and that it may be necessary to incorporate some form of widening to Horse's Lane in the vicinity to the access. There appears to be sufficient room for a refuse vehicle to turn within the internal estate

The infrastructure within the estate does not currently meet adoptable standards as there are no margins around the edge of the shared surface road (margins should be 1m all around except at the end of turning arms where there should be a 2m overhang margin).

The access from Tatworth Street is only 3m wide for the majority. The access should be 4.1m wide minimum to allow for 2 way traffic to avoid any queuing on the existing Highway. The site access should be consolidated or surfaced for the first 5m back from the carriageway.

The eastern splay for the Tatworth Street access appears to cross land that is neither in the applicant's ownership or Highway land. Visibility must be demonstrated and maintained and the proposed access arrangement is suitable for vehicles entering and exiting the site. There should be no obstruction greater than 300mm in height within any of the visibility splay areas (pedestrian and vehicular).

Please ensure there is adequate pedestrian visibility for the pedestrian link out onto Tatworth Street. The requirement is a 2.0 x 2.0m visibility splay that will need to be measured back up House Lane as well as Tatworth Street, again there should be no obstruction greater than 300mm in height within any of the visibility splay areas (pedestrian and vehicular).

Looking through the historic electronic filing for this site, it does appear that there have previously been flooding/drainage issues in the area. I note there was no Flood Risk Assessment on the planning portal. There is mention of the possible use of an infiltration structure to drain surface water. There should be no assumption that any connections can be made to the existing Highway drainage system. No private water should fall onto or run into the Highway.

Second response:

I refer to the above-mentioned planning application received on 21 March 2016. After submitting the application for audit, have the following observations on the amended plans provided for this proposal:-

It must be assumed that the existing highway drainage system within Houses Lane is operating at design capacity and therefore not suitable to serve to collect any increase in highway catchment. The surface water run-off from the proposed new access road, including the bellmouth junction itself, must therefore be collected by the surface water system serving the new site.

It is recommended that drainage provision be incorporated immediately upstream of the new bellmouth junction to intercept surface water runoff from Houses Lane.

It should be noted that pervious pavement is not currently approved for use in adoptable highways in Somerset and therefore will need to be constrained for use on this development within private areas only. The Designer will be required to consider in detail the correlation between any permeable paved area and the prospective public highway to ensure that any future works in the highway will not inadvertently compromise the integrity of the permeable paved area. These paved areas should also be designed with levels that fall away from the highway to reduce the impact upon the highway of any failure in their operation.

The Designer will need to consider in detail the interface between permeable paved areas and standard highway construction to ensure that the ingress of surface water doesn't have a detrimental effect on the stability of the road formation. Somerset County Council standard requirement is the provision of a suitable buffer of traditional construction between permeable paving and prospective public highways.

It should be noted that to enable the Highway Authority to adopt any road it would require soakaways to be positioned such that they would not have a detrimental long-term effect on the stability of the road formation and to that end would expect the Building Regulation requirements in terms of soakaway positioning to be satisfied. Any soakaway should be positioned a minimum distance of 3.0m from an adjacent footway and 5.0m from any carriageway

Taking the above into account, the Highway Authority is not in a position to discharge the amended plans until the developer has addressed the points that have been raised above.

Third Response:

Having looked at the updated location of the soakaway, I can see that it is now 5m away from the proposed access road (including turning head) and therefore is far enough away so as not to cause any negative impacts to the road structure.

SDDC Highway Consultant:

First response:

Refer to SCC comments. Development unlikely to have significant impact on approach roads to the site. Concerns that residents may not obey the current TRO if seeking to access the site from the east, unless the TRO is altered. 2.4m x 25m visibility splays should be shown to vehicle track line rather than centreline. Potential APC liability - SCC to comment on standard of internal highway. Parking provision should seek to accord with SPS optimum

standards.

Second response:

I am in receipt of an amended Proposed Site layout plan (drawing: P-150 Rev A) which shows the provision of 2.4m x 25m visibility splays at the main point of access extending to the vehicle track line which I consider to be acceptable, provided the highway authority is content that 85th%ile speeds on Houses Lane are 20mph. Any alteration to the existing TRO would require a separate public consultation process and on the basis that the local highway authority has not mentioned the need to alter the TRO it may be prudent not to make any amendments to the TRO.

In my opinion the means of access to Plots 1-6 and to Plot 7 are broadly acceptable. I note that the highway authority has commented on the details of the internal layout and I agree that there are one or two points that need to be resolved (e.g. the provision of a margin on the eastern side of the internal access road and ensuring that vehicles reversing from P4 and P5 have sufficient turning space to execute such a manoeuvre, but I consider that these matters can be resolved at reserved matters or full application stage. Given the modest scale of the development, I do not believe it is essential that the refuse collection vehicle needs to be able to access the site - collecting waste and recyclables using the standard kerb-side collection method (with a bin store or hardstanding located close to the access) should be sufficient. Other service/delivery vehicles could reverse into the site on the very infrequent basis that such manoeuvres are required (subject to tracking which may necessitate a slackening of the southern junction radius at the main point of access).

On-site parking provision still needs to accord with SPS optimum standards but again this matter can be addressed at reserved matters or full application stage.

I would anticipate that APC would apply in this case (a matter for SCC to determine) even if it is the intention for the internal access road to remain private. On this note, it would be worthwhile re-consulting SCC in light of the revised Proposed Site Layout plan to seek its final consultation response and recommendation on this application but I trust the above is useful.

Somerset Waste Partnership:

I've visited the site and seen that Houses Lane is restricted to 7.5t vehicle. From an operational point of view we have very little scope for expansion on these routes, so if there is a way of putting a collection point for properties 4,5,6 accessible from Tatworth Street, via a footpath and back gates for example, it would really help to minimise the impact on the narrow access rounds.

Appreciate this is an operational issue from our point of view but anything you can do to accommodate the request would be appreciated.

It shouldn't be a problem to collect from the edge of Houses Lane for plots 1, 2 and 3.

SDDC Drainage Engineer:

First response:

The design proposed keeps all surface water on site by infiltration so greenfield run off rates are not relevant. The tests should be carried out to BRE Digest 365 which includes filling three times in succession etc. The design of the soakaways should also be carried to the same document. The design should cater for the 100 year, 6 hour rainfall event plus 30% climate change and 10% urban creep allowance.

Assuming this design correlates with the sizing etc as shown the soakaways should incorporate silt collection traps and also inspection and maintenance of the silt traps and soakaways.

Identify who will be responsible for this maintenance. It is noted that the soakaways are in what will be garden areas or restricted access so arrangements for access need to be determined. A design for the permeable paving and regime for maintenance needs to be submitted.

Second response:

Whether it is acceptable under a planning condition is up to you. My comments are that the calculations are simplistic and not to an accepted standard in BRE Digest 365. In addition the infiltration tests have also not been carried out to the same document.

Whilst the figures submitted indicate good infiltration rates one of the holes was a bit 'slower'. They were also only filled once rather than three times. If the soakaways are not designed to BRE 365 then appropriate factors of safety should be applied which may have an effect on sizing.

It would be useful if the infiltration test locations were indicated on the plan. There is no indications of levels on the proposal so these should be added to verify potential overland flow routes.

The design for the proposed permeable paving needs to be submitted and indications on maintenance. The maintenance of the soakaways is an important part of the drainage system etc. so should be determined.

Like I said up to you whether you would like this prior or under condition.

Third response:

All looks OK (In response to the revised drainage calculations).

SSDC Tree Officer:

If an outline consent is to be granted, I'd be grateful if you would consider imposing a pre-commencement tree protection requirement, perhaps along the following lines:

Tree Condition: Prior to commencement of this planning permission, site vegetation clearance, demolition of existing structures, ground-works, heavy-machinery entering site or the on-site storage of materials, an Arboricultural Method Statement and a Tree and Protection Plan shall be prepared in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and these details shall be submitted to the Council. On approval of the tree protection details by the Council in-writing, a site-meeting between the appointed building/groundwork contractors, the Site Manager and the Council's Tree Officer (Phil Poulton: 01935 462670 or 07968 428026) shall be arranged at a mutually convenient time. The locations and suitability of the tree protection measures (specifically the fencing & signage) shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree protection requirements shall be implemented in their entirety for the duration of the construction of the development and the protective fencing may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of protected trees in

accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

SCC Housing:

Initially commented in relation to affordable housing provision. It has since been confirmed that affordable housing cannot be sought on this site as the relevant thresholds are not met.

SSDC Sport, Art Leisure:

Initially commented in relation to affordable housing provision. It has since been confirmed that sport and leisure contributions cannot be sought as the relevant thresholds are not met.

REPRESENTATIONS

In response to consultation letters and a site notice being posted, 31 representations have been received, 26 objecting and 5 in support. The following comments are made:

Objections-

- Concerns over traffic volume/safety/parking/accessibility for refuse vehicles.
- Overdevelopment.
- Adverse impact on listed buildings and character and appearance of the area.
- Loss of hedgerow.
- Concerns over surface water flooding in the area that will be made worse by the development.
- Will set an undesirable precedent.
- Noise and light pollution.
- Loss of privacy/overlooking.
- Houses not needed.

Support-

- Application will increase the number of affordable properties in the village.
- Will allow young families to stay within the village.

CONSIDERATIONS

As set out above, the starting point for decision-making is the statutory development plan, which is the South Somerset Local Plan (2006 - 2028). Adopted in March 2015, this provides the policy framework through which to make decisions on whether or not to grant planning permission for development in the district.

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 14 which states that where development plan policies are out-of-date planning permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- Specific policies in this Framework indicate development should be restricted.

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the

benefits. It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council's shortfall and any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing application should be considered "in the context of the presumption in favour of sustainable development" (para. 49) and that any adverse impacts would need to significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as whole; or specific policies in the Framework indicate development should be restricted. (para.14).

Having regard to the above, the planning merits of the proposal are considered against the aims of the NPPF and these considerations are set out below:

Sustainability of the settlement:

In terms of the sustainability of any particular site, proximity to local facilities and services is a key consideration. Within the village there is a primary school, pre-school, shop/post office, playing fields, public house and bus services. Overall it is considered that Tatworth and South Chard is a sustainable location for housing development in principle given the facilities that the settlement provides.

In terms of the physical connections to these facilities, it is noted that the site is on the northern fringe of the settlement and therefore the school is approximately 800 metres away. The footway provision in the village is also intermittent which weighs slightly against the proposal. Nevertheless, the site is physically well related to the edge of the village and represents an 'infill' style plot of land. Even if some local services are accessed by car, the journeys involved would be short and therefore it is considered that the site is a sustainable location for residential development.

Having regard to the above the proposal would comply with the relevant sections of the NPPF in respect to siting housing in 'sustainable' locations.

Number of dwellings proposed:

The key consideration is whether the site can acceptably accommodate the number of dwellings proposed. The applicant has submitted an indicative layout, however these details would be part of a reserved matters submission and is therefore not finalised at this stage. The provision of 7 dwellings would represent a gross density of approximately 22 dwellings per hectare. This density is not considered to be excessive in this context. For the reasons outlined elsewhere in the report it is considered that an acceptable scheme can be achieved at reserved matters.

Landscape Character/ Visual amenity/Setting of the Listed Building:

The Landscape Architect has been consulted and his comments are quoted in the consultation section of this report. In summary the Landscape Officer does not object to the indicative layout.

The indicative layout is considered to be well conceived and provides an informal layout which is considered appropriate to this context. This is in contrast to a layout on the previously withdrawn application showing a row of semi-detached properties which was considered to be overly standard and suburban in the context of the above constraints.

There is a grade II listed building located to the opposite side of Tatworth Street, 'Downings House'. The Council's Conservation Officer has commented that care would have to be taken over the scale and design of plot 7 which is directly opposite the listed building. The design and access statement submitted with the application indicates that plot 7 would be single storey. A single storey design is considered necessary given the proximity to the listed

building. It is anticipated that a design and appearance replicating the character of a converted barn may be an appropriate way to proceed at reserved matters stage. Having regard to the above, it is considered necessary to include a condition within the decision notice to ensure that any dwelling within plot 7 is single storey.

Highways:

There has been a significant amount of correspondence with the Highway Authority to address various points that have been raised. These are summarised as follows:

Visibility splays:

The applicant originally proposed visibility splays to the centre line of Houses Lane. On the amended plans the applicant has illustrated visibility splays taken to the vehicle track line, however the highway authority commented that they should be taken to the highway edge. The Councils highway officer has commented that in a lightly trafficked single carriageway road it is acceptable to take splays to the track line and as such this detail is considered to be acceptable. The provision and retention of the visibility splays can be conditioned as part of the planning approval.

The Highway Authority commented that the visibility splays intersected an area of third party land. The applicant has since produced a land registry plan confirming that the area of verge is within their ownership. The Highway Authority have since submitted a road records plan verifying the applicants land registry plan. As such the proposal is acceptable in this regard.

Refuse vehicles:

The Councils Highway Consultant has commented that in his opinion it is not essential for refuse vehicles to be able to enter and turn within if appropriate bin stores can be provided close to collection points on Houses Lane and Tatworth Street. The Highway Authority suggested that the applicant consults Somerset Waste Partnership to confirm they are content with this arrangement and this has now been confirmed in writing. Having regard to the above it is considered that the above arrangements would be acceptable in terms of highway safety and are achievable in design terms at the reserved matters application stage.

Highway adoption/Drainage:

The internal road would be a private street rather than being adopted by the highway authority. Regulations under the Highway Act require that the road must nevertheless be constructed to an adoptable standard even though it remains as a private street in order to ensure that it will not deteriorate over time. The adoptable standard of construction precludes the use of permeable surfacing for the access road. As a consequence, the drainage scheme has been amended to take into account additional surface water which would be dealt with via onsite soakaways rather than permeating through the road surface. The Councils drainage engineer and the Highway Authority have since commented that this amendment is acceptable.

Parking provision:

The parking provision on the indicative layout indicates 3 spaces per dwelling which would accord with the optimum levels set out in the Somerset Parking Strategy. This issue can be addressed at reserved matters stage.

Flooding/sewerage infrastructure:

Objections have been received from local residents in relation to surface water flowing from the site. There is currently a relatively significant amount of hardstanding and existing buildings on the site will already create an amount of unregulated surface water run off. It is understood that this runoff exits the site at the southern end. The applicant has submitted an outline drainage scheme. Percolation tests demonstrate that the ground provides a good

level of permeability. The purpose of the drainage scheme is to demonstrate that there is sufficient space within the site to locate soakaways when the root protection area of the Ash tree is taken into account. The Councils engineer has commented that the drainage scheme as submitted is acceptable.

It is a usual requirement that runoff from the access road is dealt with on site via soakaways and as such there would be no flow into the wider highway drain network. Given that the development would be undertaken in accordance with modern drainage requirements rather than the current situation where ad hoc development has taken place on the site in the past which will not comply with modern standards it is considered likely that the proposal would represent an improvement over the existing situation in drainage terms. Having regard to the above the proposal would be acceptable in relation to local plan policy EQ1.

Ecology:

An extended phase 1 habitat survey has been submitted with the application. The report concludes that there is no evidence for bat activity in the buildings to be demolished but nevertheless recommends an emergence survey for certainty. The Councils ecologist concurs with this view and considers that this detail can be secured via a condition.

The report concludes that there is a moderate possibility of dormice using the hedgerow at the northern end of the site. The Councils ecologist agrees but also comments that given the risk of harm is very negligible. However a condition is proposed given that dormice are a protected species.

Tree Protection:

There is a mature Ash tree subject to a Tree Preservation Order located adjacent to the junction of Tatworth Street and Houses Lane.

The Councils tree officer does not raise an objection subject to a planning condition relating to tree protection measures and methods of working. An additional condition is considered to be necessary in relation to the location of underground services in order that the root protection area of the tree is not harmed.

The future maintenance of the tree is also a consideration. A planning condition is considered appropriate to secure details of the future maintenance. For example if the tree is located within the ownership of plot 7 it is considered that its maintenance would be covered by the relevant property owners. Other than being the responsibility of a single dwelling, the tree would have to be included within the responsibility of a management company along with other shared areas such as the access facilities.

Residential Amenity:

Having regard to the relationship of the site to adjoining occupiers, it is considered that an acceptable scheme can be achieved at reserved matters stage in relation to overlooking, overshadowing and sense of enclosure.

Conclusion:

It is considered that the principle of providing up to 7 open market dwellinghouses would be acceptable within this sustainable location of Tatworth and South Chard. The access arrangements are considered to have no adverse impact on highway safety. The setting of the adjacent grade II listed building would not be harmed. There would be no harm to the amenities of adjoining occupiers. An acceptable drainage scheme can be secured that will not contribute to flood risk in the area.

The proposal is considered to comply with the relevant development plan policies. There are

no other material considerations that would warrant a refusal in their own right.

Section 106 Planning Obligations:

Following a Court of Appeal ruling relating to financial contributions, it is considered that the site would be beneath the threshold whereby contributions should be sought. There are no considerations or direct impacts arising from this development that warrant a contribution to be secured contrary to this guidance.

RECOMMENDATION

Approve subject to conditions.

01. The proposed development is located in a sustainable location, provides social benefits in the provision of housing and will contribute to overall housing supply within the district. The impacts of the scheme will be acceptably mitigated through planning obligations and is considered that an acceptable scheme can be achieved in relation to residential amenity, highway safety, visual amenity and would not harm the setting of the adjacent Grade II Listed Building. Planning conditions would ensure that protected species are not harmed and that there are ecological enhancements within the site. An appropriate drainage scheme would ensure that the proposal does not increase the risk of flooding off site. As such it is considered that the proposal would accord with the requirements of policies EQ1, EQ2, EQ3, HG3, TA5 and TA6 of the South Somerset Local Plan (2006-2028).

SUBJECT TO THE FOLLOWING:

01. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development shall begin no later than 3 years from the date of this permission or not later than 2 years from the approval of the last "reserved matters" to be approved.

Reason: As required by Section 92(2) of the Town and Country Planning Act 1990.

02. The development hereby approved shall be carried out in accordance with the following approved plans: P-100; P-150 Rev. B only.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The landscaping scheme required by condition 1 shall include the retention of the existing hedges to the north, east and western site boundary fronting Houses Lane (other than for the provision of the visibility splay required by this permission), details of measures for their protection in the course of the development and measures for the protection of any trees within the development site. The landscaping scheme shall include details of any changes proposed in existing ground levels, the construction, location and finish of hardstanding and all proposed planting, seeding and turfing. The landscaping scheme shall be carried out and completed in accordance with a timetable to be agreed in writing. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy EQ2 of the South Somerset Local plan (2006-2028).

04. At the proposed new accesses there shall be no obstruction to visibility greater than 300 millimetres above adjoining road level within the visibility splays illustrated on the approved plan No. P-150 (drawn 2.4m back from the carriageway edge). Such visibility splays shall be provided prior to the commencement of the use of the access hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with Policy EQ2 of the South Somerset local Plan (2006-2028).

05. The proposed roads, including footpaths and turning spaces where applicable, shall be constructed in such a manner as to ensure that each dwelling before it is occupied shall be served by a properly consolidated and surfaced footpath and carriageway to at least base course level between the dwelling and existing highway.

Reason: In the interests of highway safety to accord with Policy TA6 of the South Somerset Local Plan (2006-2028).

06. The reserved matters application required by condition 01 shall include a detailed surface water drainage scheme together with a programme of implementation; maintenance and management of the sustainable drainage scheme, for the lifetime of the development have been submitted to and approved by the Local Planning Authority. Such works shall be carried out in accordance with the approved details.

These details shall include: -

- Information about the design storm period and intensity, discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance (6 metres minimum), the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters.

- Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant).

- Flood water exceedance routes, both on and off site, note: no part of the site shall be allowed to flood unless specifically designed to do so.

- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management company or maintenance by a Residents' Management Company and / or any other arrangements to secure the operation and maintenance to an approved standard and working condition throughout the lifetime of the development.

Reason: To ensure that the development is served by a satisfactory system of surface water drainage, constructed to the approved details, thereafter implemented, retained, managed and maintained as per the approved details for the lifetime of the development and in accordance with paragraph 17 and sections 10 and 11 of the National Planning Policy Framework, Paragraph 103 of the National Planning Policy Framework and the Technical Guidance to the National Planning Policy Framework (March 2015).

07. The reserved matters application required by condition 01 shall include details of the design of building foundations and the layout, with positions, dimensions and levels, of service trenches, ditches, drains and other excavations on site, insofar as they may affect trees and hedgerows on or adjoining the site, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy EQ2 of the South Somerset Local plan (2006-2028).

08. The dwellinghouse(s) to be erected within the area annotated as 'plot 7' illustrated on the approved plan, drawing No. PL-150 Rev. A shall be of single-storey construction only with no accommodation in the roof space.

REASON: In the interests of preserving the setting of the adjacent Listed Building to accord with Policy EQ3 of the South Somerset Local plan (2006-2028).

09. Prior to commencement of this planning permission, site vegetation clearance, demolition of existing structures, ground-works, heavy-machinery entering site or the on-site storage of materials, an Arboricultural Method Statement and a Tree and Protection Plan shall be prepared in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and these details shall be submitted to the Council. On approval of the tree protection details by the Council in-writing, a site-meeting between the appointed building/groundwork contractors, the Site Manager and the Council's Tree Officer (Phil Poulton: 01935 462670 or 07968 428026) shall be arranged at a mutually convenient time. The locations and suitability of the tree protection measures (specifically the fencing & signage) shall be inspected by the Tree Officer and confirmed in-writing by the Council to be satisfactory prior to commencement of the development. The approved tree protection requirements shall be implemented in their entirety for the duration of the construction of the development and the protective fencing may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve the health, structure and amenity value of protected trees in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

10. Prior to the occupation of any of the dwellings hereby permitted, a scheme for the management and responsibility of the mature Ash tree positioned at the junction of Houses lane and Tatworth Street as illustrated on the approved site layout plan, drawing No. P-150 Rev. B shall be submitted to and approved in writing by the Local planning Authority. The approved scheme shall be implemented in accordance with the agreed details in perpetuity.

Reason: To preserve the health, structure and amenity value of protected trees in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

11. No removal of any hedge (or part thereof) shall be undertaken until a Method Statement detailing precautionary measures for the avoidance of harm to dormice has been submitted to and approved in writing by the local planning authority. All hedge removal shall be undertaken in full accordance with the approved Method Statement unless otherwise approved in writing by the local planning authority.

Reason: For the conservation and protection of species of biodiversity importance (dormouse) in accordance with NPPF, and of legally protected species in accordance

with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981 and The Habitats Regulations 2010.

12. No buildings identified as having low potential to support bats in the Preliminary Ecological Appraisal (Richard Green Ecology Ltd, August 2014) shall be demolished until a dusk emergence or dawn re-entry survey for bats has been undertaken in the period of May to September by an appropriately qualified person (preferably a licenced bat consultant) in accordance with current best practice and the survey report has been submitted to and approved in writing by the Local Planning Authority. The survey shall be completed prior to submission of any full or reserved matters planning application.

In the event of the above survey(s) concluding any potential impact to bats, full details of a mitigation plan or method statement containing measures for the avoidance of harm, mitigation and compensation, shall also be submitted to and approved in writing by the Local Planning Authority. The approved mitigation plan shall be implemented in complete accordance with its contents, unless otherwise agreed in writing by the local planning authority.

Reason: To protect legally protected species of recognised nature conservation importance in accordance with NPPF and Policy EQ4 of the South Somerset Local Plan (adopted).

Informatives:

01. Water Supply Connections

New water supply connections will be required from Wessex water to serve this proposed development.

Application forms and guidance information is available from the Developer Services web-pages at our website www.wessexwater.co.uk.

Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply.

The applicant is advised that the existing Ash tree at the junction of Houses Lane and Tatworth Street is subject to a Tree Preservation Order. The Tree Preservation Order protects the tree above and below ground and prevents the cutting down, topping, lopping, uprooting, wilful damage or destruction. Any proposed works to the tree require the written consent of the Local Planning Authority. If further advice is required please contact the Councils Tree Officer on 01935 462670.

Agenda Item 14

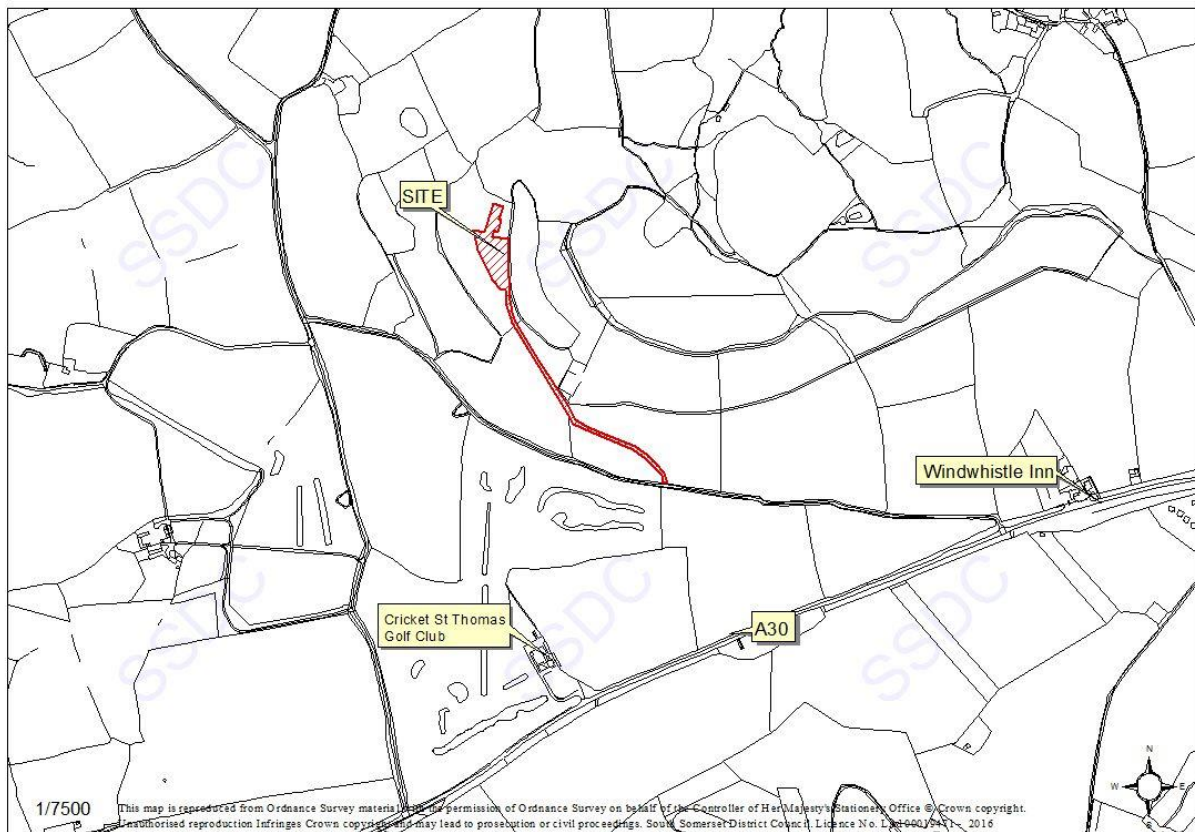
Officer Report On Planning Application: 15/05534/FUL

Proposal:	The erection of a general purpose agricultural building and associated vehicular access track from New Lane. (GR 337192/110596)
Site Address:	Land OS 0005 At Knight House Farm New Lane Cudworth
Parish:	Cudworth
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date:	16th February 2016
Applicant:	Mr Simon Saunders
Agent: (no agent if blank)	
Application Type:	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

With the agreement of the Chair and Ward member to consider the relevant planning issues.

SITE DESCRIPTION AND PROPOSAL



The application is made for a general purpose agricultural building and means of access. The proposed building would be part of a new farmstead located on the northern slopes of the Windwhistle Plateau. It would be situated within the northern corner of a pasture field. The field is bound by woodland to the southern and northern edges which are connected by

a hedgerow. The new farmstead would be in addition to the existing buildings at the northern end of the holding which are accessed via Cudworth as the demolition of these is not formally part of the proposal. However the applicant has suggested that some reduction in the amount of existing buildings could be considered.

The site is at an elevation of 165 metres and provides sweeping views across the district in a northerly direction. There is a public right of way (CH9/21) that runs through the site connecting the hamlet of Cudworth with the head of Windwhistle Hill.

The holding comprises approximately 101 hectares. Traditionally the holding has been managed from existing farm buildings and farmhouse at Knightshouse farm at the bottom of Windwhistle Hill. These are located approximately 550 metres to the north and are accessed from their northern side through the village of Cudworth. The existing buildings consist of a range of stone built and modern agricultural buildings.

There is a grade II* Listed Building (St Michaels Church) which borders the land holding and is approximately 140 metres to the north of the existing agricultural buildings. There are two Scheduled Ancient Monuments within this vicinity, fish ponds to the south of the church which border the existing agricultural buildings and a medieval village approximately 150 metres to the east.

The woodland adjacent to the proposed site is classified as an 'ecological network' and is also a County wildlife site.

The proposed farmstead comprises an animal care/storage building, 2 open fronted livestock buildings and a concrete yard. The three elements have been applied for under three applications as follows:

15/05534/FUL- The erection of a general purpose agricultural building, vehicular access and concrete yard.

15/05535/FUL- The erection of a general purpose agricultural building and vehicular access

15/05537/FUL- Animal care building and vehicular access

There is a concurrent application for an agricultural workers dwelling under reference 15/05536/FUL.

The proposed general purpose agricultural building would measure 27.5 by 12.2 metres. It would have a dual pitched roof with a maximum height of 6.8 metres. External materials would consist of concrete panels, Yorkshire boarding and a corrugated metal sheet roof. The building is designed to accommodate livestock. The concrete hardstanding would be located to the north of the proposed building and would form a yard fronted on two sides by buildings.

SITE HISTORY

90/00905/OUT (Outline Application)- The erection of a farmhouse- Permitted with conditions.

There is a concurrent application for an agricultural workers dwelling under reference 15/05536/FUL.

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 the 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 South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

The National Planning Policy Framework (NPPF) is a material consideration.

South Somerset Local Plan Policies

SD1- Sustainable development

EQ2- General Development

EQ4- Biodiversity

EQ5- green Infrastructure

EQ6- Woodland and Forests

EQ7- pollution Control

HG9- Agricultural workers dwellings

TA5- Transport impact of new development

TA6 Parking Standards

National Planning Policy Framework (March 2012)

Chapter 1- Building a strong, competitive economy

Chapter 3- Supporting a prosperous rural economy

Chapter 4- Promoting sustainable transport

Chapter 11- Conserving and enhancing the natural environment

National Planning Practice Guide (2013)

The following sections are of most relevance-

Determining a planning application

Rural housing

CONSULTATIONS

Landscape Officer:

Response to amended plans:

We now have a number of amendments before us, which from a landscape perspective, have made some useful changes to the proposal;

(a) Amended access drive.

My initial response identified the access proposal off New Road to be significantly adverse, both in the point of access, and its intrusion across undeveloped upper hillside. This is now removed from the scheme, with the new proposal intending an approach from the north, rising gradually from Knights House farm, to cross two fields to reach the application site. The access will be expressed as a stone track, which will have capacity to blend in to the agricultural landscape, with sections visible to local walkers, but otherwise relatively unobtrusive. Whilst there remains a negative impact, I consider it minor adverse, and this change to be a substantive improvement on the initial proposal.

(b) Re-sited farm building group.

The building group is relocated circa 20 metres to the south, and reconfigured to result in a slight reduction in both the building footprint, and in its profile, such that the office building no longer projects above the ridge elevation of the other buildings in the group. This shift will marginally reduce the visual profile of the buildings as viewed from the northern approaches,

and allow space for greater substance to the landscape mitigation, which I view to be improvements over the initial site arrangement and building mass.

(c) Additional planting proposals.

Further planting is added to the plan, particularly in the vicinity of the new farmstead, to play down building presence, and I acknowledge this to be positive. I would recommend some changes to the proposed planting mixes, but this is not pertinent at this stage. I also acknowledge the positive intention of local-species orchard planting to the east of the site.

In the 4th paragraph of my initial response, the landscape case against the siting of the farm buildings is set out, and it remains pertinent to provide a case for refusal, LP policy EQ2. However, I acknowledge that the weight of the landscape objection is now lessened by these latest changes, particularly to the site access, as (a) above. I accept that the holding will benefit from fit-for-purpose buildings to assist farm management, and to that end, have suggested that a more landscape-sympathetic siting would be to build upon the established farm building group by Knights House Farm, in a manner that would not compromise the adjacent heritage assets. This solution remains the favoured landscape option, but I understand that it does not best capitalise on improvements that can be gained for improved management of the stock and the farm enterprise. Ultimately that is one for the planning balance, but if you are minded to support this revised application, then some reduction in the farm building form at Knights House Farm should be sought, to gain some balance from the overall proposal.

First response:

The above applications intend the potential relocation of the main farmstead from its current location to the south of Cudworth church (where the current farmhouse - not in the applicant's personal ownership - and building group are to remain) to a pasture field between the northern ends of Higher and Old Woods. It intends the construction of 3 agricultural buildings; a farm store/office; a temporary dwelling; and two hard-surfaced yards. It is sited adjacent the corner of a pasture field, contained on either side by woodland, on a relatively level platform circa 165m aod, where the steep scarp slopes of the north face of Windwhistle Hill merge into the rolling land of Windwhistle's foothills. The site is divorced from existing built form, the nearest being the host farmstead, 0.55km to the north. A new site access is proposed, coming off New Lane, at the head of Windwhistle Hill circa 205m aod, and descending northwest across the open upper escarpment.

The recently published PPG (Natural Environment) has re-iterated the necessary role of landscape character assessment in planning for change due to development without sacrifice of local character and distinctiveness. An understanding of landscape character is also utilised to help determine a view on what may - or may not - be acceptable in terms of development in any particular landscape. Characterisation is about what is distinctive and particular in a place, and these qualities of place are matters to which planning weight is given when assessing the potential impact of new development, along with the need for any proposal to conserve and enhance local landscape character, and reinforce local distinctiveness, to comply with local plan policy EQ2. This policy guidance provides the planning context for this landscape evaluation:

The landscape of the northern face of the Windwhistle plateau is characterised by a steep, folding scarp, with a land cover of pasture fields, and extensive woodland blocks - some of which are fragments of ancient semi-natural woodland - that cover much of the main, upper escarpment. From the toe of the escarpment, the gradient eases into a broader, undulating landform, formed by the incision of the River Isle's headwater streams, which create a series of north-south valleys separating mixed rolling agricultural land. Other than the singular hamlet of Higher Chillington, 2 km to the east, the main Windwhistle scarp is characterised

by a lack of development form, and it is notable that the local farms and hamlets all lay at a lower elevation, below the spring-line, and are located on the lower Windwhistle foothills to the north. This is the broad landscape context within which this proposal is located.

Turning to the application site, the development proposal lays within a landscape pattern that is long-established - indicated on the Somerset Historic Environment Record as anciently enclosed (pre-17th century) farmland. It is characterised by its meadow context; woodland setting; and the steep, sheltering hillsides to the south. The hillsides and woodland bring a strong sense of enclosure to the site, which with its lack of development presence, and separation from the characteristic pattern of local farm settlement, establishes a strong sense of remoteness by South Somerset standards, which is both distinctive, and becoming increasingly rare. The introduction of a group of farm buildings into this deeply rural landscape, will establish built elements where development form is far-removed, to erode the unspoilt and locally distinctive character of the area. The introduction of building, and vehicular, nightlight to both the farm site and its access across the face of the upper scarp, within what is a dark-sky location, similarly erodes the tranquil character of this part of the Windwhistle scarp. Additionally, visibility becomes an issue when a proposal is either incongruously scaled or located, and in being sited in a location that is served by, and thus visible from, the well-used local rights of way network, the building complex will be seen as visually intrusive. I would assess this aggregation of landscape impacts to be both significant and adverse, which in substantively eroding local landscape character and distinctiveness, does not meet the requirements of policy EQ2. The suggestion of a new access off a narrow rural lane, with its incongruous bellmouth access - 7x the width of New Lane; the loss of circa 30 metres of hedgerow; the obtrusive level of that access relative to the falling slope, which will be circa 600mm above the general ground level circa 12 metres into the field, to then cross steeply-falling, highly-visible, non-developed land, is also considered a significant adverse landscape impact, to similarly tell against this application.

I accept that the holding will benefit from the introduction of fit-for-purpose buildings to assist future farm management. In the face of this landscape objection, is raised the need to look for possible alternatives, by which the landowner's main objectives can still be achieved. I agree with the application D&A statement that there are few ready options, and having walked the site, the only alternative that works in landscape terms is the redevelopment of the current farm site; its extension south; and use of the current access. As built form is already established in this location, and the site characterised by the existing farm building forms, the landscape impact would not be so extensive as would result from this application proposal, providing building scale, form and finish is strictly controlled, and there is no footprint spread toward, or increased visual intrusion upon, the heritage assets to the north and east.

Should you consider there is a case for the proposal as submitted, that would over-ride the weight of the landscape objection, then I consider it essential that a number of amendments to the proposal are sought, to lessen visual impact, and provide a level of enhancement, as is required by policy EQ2:

- 1) The grouping and varied heights of the proposed farm buildings is sensible, and potentially helps to play down massing impacts, yet having the tallest building - the store/office (ridge height almost 9.00 metres above lower yard level) - at the more visible edge of the complex, and at a raised elevation, will appear obtrusive, and potentially draw the eye. I would suggest either the height is reduced, or the building shifted south to the opposite corner of Building 1, to appear less obvious in the approach from the north. I would also suggest that the 1st floor windows are removed from the north elevation, for these are uncharacteristic of a traditionally-styled farm building range; and aligned along the most prominent part of the building group's elevation, will project both an incongruity; and nightlight.

2) I note from consultation responses that the suggestion of the complex being shifted further south, to a more visually contained location, has been mooted. Whilst this does not deal with the major impacts I have outlined above, I do agree that in shifting the farmstead further south along the woodland's side, it would appear less imposing as viewed from the north as approached on the local rights of way, and this would be beneficial.

3) Whilst the proposal for screen planting to the south of the buildings is welcomed, I consider that a more comprehensive approach is needed to landscape mitigation. To that end, I would suggest further hedgerow enclosure of the upper yard, linking into other woody features, is essential to provide both visual and physical containment of the farmstead. Further planting to consolidate the existing landscape pattern, in relation to both the track, and the farmstead, should also be agreed pre-determination.

4) The access off New Lane appears over-scaled alongside the narrow, enclosed width of the lane itself, and there is little that can be done to modify the incongruous ground profile of the access track. There is similarly little scope for a reduction in the size of the access. It may be possible to counter the worst excesses of the track's visual impact, by use of dark mortar tones; and washed, larger dark aggregate finishes.

5) There is an acknowledgement in the D&A statement of the sensitivity of the northern end of the holding, relative to the scheduled monuments and listed buildings located to the north and northeast of the present farmstead. Noting that the current farm buildings are now deemed inadequate, and that there will be limited use of them, and to compensate for the adverse impact of the new site, I believe there is scope for environmental enhancement in the removal of these buildings, with any necessary replacement (for hay storage) being of more restrained footprint and form, with appropriate landscape treatment, to thus present a more balanced scheme overall.

6) Finally, I am advised that - in acknowledging the applicant's highly successful auto business - some local apprehension has been expressed that the challenging terrain of the farm holding would be suited for testing off-road vehicles. I had similarly expressed such a concern at an earlier stage, for the introduction of such a use within this landscape would be both significantly adverse and damaging. We were subsequently re-assured by the applicant and his positive plans for both the land and woodland, that such use is not intended. However, aware that in a challenging economic climate, business needs may generate change, then to placate local concern, is there the possibility of the removal of PD rights of such use of land, such that the only vehicular use of the land is for the purposes of agricultural management only? I would welcome your thoughts and further discussion on this.

Parish Council:

Third response (In response to most recent amended plans):

At the Parish Meeting on the 17th October, the amended plans were considered and discussed. Whilst some of the concerns of the parish have been addressed, there is still considerable concern that this development is proposed on an entirely greenfield site in a prominent position away from the main hub of the village and removed a considerable distance from the existing farm buildings. The impact on the beautiful hill that rises up to the iconic Windwhistle Ridge will be irreversible.

It was appreciated that changing the access to the proposed site by getting rid of the track from New Lane would be an improvement, along with the reconfiguration of the proposed buildings. However, the proposed two storey building still gives cause for concern as its use remains unclear and it is difficult to see how this suits a farming operation.

The change of orientation of the temporary dwelling, whilst shown on the plans, is not mentioned, therefore we were unsure why this has changed. The concern still remains (see parish response of 26th January) that the temporary dwelling should only be built if the other applications are passed, and then to ensure it is built simultaneously with the other buildings. The intended use of the existing buildings seem very vague. Please refer to the Parish response of 26th January 2016, where the Parish Meeting asks the council to consider a

condition whereby the existing buildings, which are dilapidated and contain asbestos, are removed if the planning for the new buildings should be approved.

The view of the majority of parishioners at the meeting is that the existing site remains more suitable for developing a more up to date and appropriate range of buildings, as it would be developing what is, in effect, a brown field site.

Whilst the existing site remains more visible to many of the homes in the village, we have a responsibility to maintain the peace, tranquillity and beauty of the landscape.

Most of the concerns of the first two Parish responses remain (26th January and 29th March), and we ask that these are taken into consideration along with this response, when examining the amendments to these applications.

First response:

The parish support the idea of sustainable farming at Knights House Farm but raised the following concerns at the Parish Meeting held on January 7th 2016.

The application is for General Purpose agricultural buildings whereas the business plan states that the buildings will be used for a livestock enterprise. There are concerns that the proposed buildings are not suitable for livestock re design & ventilation particularly roof ventilation.

Concern re slurry, dung storage, & run off re water supply to village properties & risk of contamination. There are no facilities for this in the plan.

The parishioners have concerns that farm traffic will not be reduced as stated in the plan, due to the existing buildings at Knights House Farm still being in use for storage of fodder & bedding etc. according to Mr Saunders at the said meeting. This will involve tractors travelling through the village to the proposed new buildings and thus negating the benefits as stated in business plan of farm traffic reduction through the village. While there is a known track across the farm it is unlikely that this would be passable during the winter months when the proposed buildings will need to be serviced with fodder and bedding.

The Parish Meeting would ask the council to consider a condition whereby the existing buildings; which are dilapidated and contain asbestos, are removed if the planning for the new buildings were approved. We would also like consideration to permissible rebuilding of the original barns to be restricted.

There is a statutory duty to consider the impact this development will have on listed buildings & heritage assets, in conserving the natural environment. The proposed buildings are in the sight of St Michaels Church, The Old Vicarage, & the ancient monument, which includes the moat, carp ponds & site of medieval village. The footpath from New Road runs past the proposed site close to the General Agricultural Buildings the visible impact of the proposed buildings on views from public vantage points should also be considered.

With regard to the 4 applications for this site, there is concern that application 15/05536/FUL (siting of temporary Agricultural Dwelling) should not be considered unless the other applications are successful. There is also concern that the application 15/05537/FUL that consists of a 2 storey animal care Centre with 'storage' above' would be too visible and consideration should be given to reducing the height to 1 storey. The Parish Meeting would prefer a larger footprint on the Southside of the plan to house the storage facility; this would have a lesser impact on the landscape and would allay concerns of the Parishioners.

The buildings, if set back south approx. 140m would sit in a natural dip and therefore be less visible and have a lesser impact on the listed buildings in its sight line.

Second response (in response to first set of amended plans):

Following the first Parish Response to this application, all the original concerns contained in that response remain. The proposed amendments to the plans are minimal and do not address the concerns of the Parish.

The visibility of & need for the two storey general purpose building/ animal care centre with the upper floor being used for 'general storage' was again brought into question and while the roof line has been lowered it was still deemed preferred that the buildings, if passed should be single storey.

The Parish is supportive of sustainable farming at Knight's House Farm, and from the minutes at the meeting to discuss the amendments on 23rd March, it was apparent there would be a more favourable view if the applicant considered re-developing the original farm site, with the correct permissions and consideration to the historic sites and listed buildings nearby.

This view was unanimous at the Parish meeting held on Wednesday 23rd March although no formal vote was recorded. It must also be recognised that the site of the original buildings is far more visible to many of the residents' homes, but they would prefer any development and improvement to take place on what is, in effect, a brownfield site, rather than the proposed site, which would cause a huge and irrevocable change to a previously unspoilt and untouched landscape.

The original farm site has been the centre of a farming business for hundreds of years and we see no reason that this should not continue to be the case.

Highway Authority:

In response to amended site access:

The application is an amended plan for an application that my colleague Mr Malcolm Jones commented on previously where the Highway Authority raised no objection. This current application has the proposed access on to Knights Lane which is to the north. This proposal would mean that no agricultural access would need to be constructed as the red line adjoins Knights Lane in a location where traffic flow is likely to be extremely low as Knights Lane terminates next to the red line on the plan. Knights Lane leads on a rural road that does not have a high traffic flow and due to its agricultural surroundings, is likely to have an existing level of agricultural traffic.

Taking the above into account, the Highway Authority does not wish to raise an objection to the proposal, however, should the Local Planning Authority grant planning permission then I would recommend that the following conditions are attached:

1. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
2. The building hereby permitted shall only be used in connection with the working and management of the adjoining farmland. It shall not be used for any other purpose without the prior written consent of the Local Planning Authority.

Ecologist:

Most recent response in relation to submitted bat surveys: (The first and second responses are included as an appendix to this report).

I confirm I no longer maintain an objection to these applications following completion of bat activity surveys.

I agree with the 'Overview of the ecological survey results, mitigation and enhancements' (KP Ecology) and that the application site isn't particularly sensitive in terms of the bat species that forage and commute in and around the site, and that the proposed development is therefore unlikely to cause significant disturbance to any local bat populations.

Whilst it would still be preferable not to place such a development amongst features that are mapped as components of the local ecological network (as detailed in my original response of 12 January 2016), the proposed tree, hedge and orchard planting could be considered as appropriate mitigation. Provided this can be ensured (e.g. by condition) then I do not maintain an objection in this respect.

The only other matter I originally raised was that of the new entrance off New Lane and possible impacts of a visibility splay upon dormice. Due to the amended access arrangements this is no longer an issue.

Environment Agency:

We are not aware of any imminent plans to make everywhere under NZV designation. However, there is always the possibility that the NVZ designated areas will be altered or enlarged to encompass sites that haven't previously been with an NVZ area. We therefore always recommend that when farmers are considering constructing slurry/dirty water system they aim for the NVZ storage requirements.

Outside of NVZ areas there are not specific controls for solid manure storage, but drainage from solid manure heaps is considered to be 'slurry', so where this poses a risk to controlled water, it must be collected and contained. The code of good agricultural practice (CoGAP) recommends that stores should only be constructed with a sealed floor, and any containment tank used to collect drainage must meet SSAFO standards.

For field heaps follow the CoGAP advice, but where other storage is on permeable ground the risk to groundwater or other pollution pathways have to be considered to decide if it's acceptable. Normally such areas will be unacceptable as you can't collect and contain any drainage.

If field heaps are within an NVZ area then there are controls:

If you have poultry manure or other types of solid manure YOU MUST store them:

- In a vessel;
- On an impermeable base, with appropriate collection and containment of runoff;
- In a roofed building; or
- In an appropriately located temporary field heap. Field heaps must be of material that is stackable and doesn't give rise to free drainage.

Again, as good practice we would recommend that the NVZ guidance is followed even for those outside of current NVZ areas.

Environmental Monitoring Officer:

I've attached a map showing the location of the private water supplies within the vicinity of this planned development. The nearest one is approximately 600m to the north of the development so this is not of concern. All of the properties down in Cudworth are on private water supplies I believe, either spring chambers, wells or boreholes. Due to the location of the proposed development though being such a distance from the sources of these private water supplies it is unlikely to directly affect them. Associated activities with the new farm, such as location of manure heaps etc. may potentially cause issues if they are located close to the private water supplies.

REPRESENTATIONS

Following consultation, letters have been received from 16 nearby properties, 11 objecting, 3 making representations and 2 in support of the proposals. Representations have been received from The Ramblers objecting to the application. The following comments are made objecting to the proposal:

Landscape considerations:

- The site is inappropriate from a landscape perspective and will have an adverse impact on the tranquil character of the hillside and will have an adverse impact on users of the public right of way.
- The proposed site is impractical for future occupants.
- There is an existing site at the bottom of the hill which is more appropriate.
- Weather conditions at the proposed site are harsher (cold, misty, north facing) than at the bottom of the hill and therefore inappropriate for young animals.

Justification:

- Knightshouse farmhouse was removed from the holding by the applicant when the site was purchased, contrary to Local Plan policy.

Highways:

- Concerns that the revised access will bring additional traffic through the village. The highway network surrounding the site is substandard.
- If permission is granted it should be on the condition that existing buildings at the bottom of the hill are removed to alleviate concerns of these being developed in the future.
- There is likely to be conflict between commercial vehicles and pedestrians on the public right of way.

Other comments:

- The proposed site would be isolated and not subject to surveillance from surrounding properties, hence more vulnerable to thefts.
- Concerns over effluent produced from the buildings. There is currently an issue with effluent discharge from the existing buildings.

The following comments are made in support of the proposal:

- The proposed buildings would be in a central position within the holding.
- The proposed buildings would provide protection from the weather and good security for livestock.
- Buildings will not affect anyone and will have minimal landscape impact.
- Application will benefit wildlife.
- People who want to get into farming should be supported.

CONSIDERATIONS

Principle of development:

The applications have been substantially amended since the original submission. The amendments to the scheme are summarised as follows:

- Removal of vehicular access to the site from New Lane and installation of vehicular access from Knights House Farm.
- Re-siting of the new agricultural buildings approximately 20 metres to the south/amendments to design of agricultural building.
- Revised landscape mitigation in the form of additional planting.

The application site lies in open countryside. In terms of determining the application the key

consideration relates to whether the proposal complies with the development plan and if not whether material considerations indicate that planning permission should be granted. In addition to this, the NPPF is a material consideration that is given enhanced weight where local policies are absent, out of date or silent on any given issue.

Landscape Impact:

The applicant has undertaken various alterations to the proposal in response to a strong objection by the Councils landscape officer. The Landscape officer states that the original objection is still pertinent, however the weight of this objections is reduced. The removal of the access track from the top of Windwhistle Hill represents the most substantial improvement in landscape terms and the applicant has proposed additional landscape mitigation which can be secured via a planning condition.

As stated by the Councils Landscape officer, the site is very isolated and an area of very distinct and special character, due various characteristics such as surrounding topography and very isolated character. The landscape Officer states:

"the main Windwhistle scarp is characterised by a lack of development form, and it is notable that the local farms and hamlets all lay at a lower elevation, below the spring-line, and are located on the lower Windwhistle foothills to the north".

In the first response the Landscape Officer further stated:

The hillsides and woodland bring a strong sense of enclosure to the site, which with its lack of development presence, and separation from the characteristic pattern of local farm settlement, establishes a strong sense of remoteness by South Somerset standards, which is both distinctive, and becoming increasingly rare. The introduction of a group of farm buildings into this deeply rural landscape, will establish built elements where development form is far-removed, to erode the unspoilt and locally distinctive character of the area. The introduction of building, and vehicular, nightlight to both the farm site and its access across the face of the upper scarp, within what is a dark-sky location, similarly erodes the tranquil character of this part of the Windwhistle scarp. Additionally, visibility becomes an issue when a proposal is either incongruously scaled or located, and in being sited in a location that is served by, and thus visible from, the well-used local rights of way network, the building complex will be seen as visually intrusive. I would assess this aggregation of landscape impacts to be both significant and adverse, which in substantively eroding local landscape character and distinctiveness, does not meet the requirements of policy EQ2.

This response highlights the visual sensitivity of this particular site and on the basis of the original plans it was considered that the impact would be significantly adverse.

The applicant has since made amendments to the proposals including the removal of the access from the head of Windwhistle Hill (New Lane) and this was one of the most harmful aspects of the proposal. Alterations have also been made to the farm buildings including re-siting 20 metres to the south, reduction in scale and lowering in height of the two storey 'office' building and the introduction of additional planting to mitigate the visual impacts.

The design and appearance of the proposed building is relatively standard for an agricultural building. Overall, the Councils landscape officer has stated that the combined effect of the alterations represent an improvement in the overall landscape impact of the proposals.

However, the fundamental case for objection remains in relation to the siting of the farmstead and the associated need for a dwelling that would result in this location. In particular the aspects of harm identified above result from the location of the proposed farmstead and as such the alterations to the configuration of the buildings and additional planting do not

overcome such a fundamental and significant impact in landscape character terms.

The applicant has made a case for the proposed site on several grounds and these are relevant in balancing the harm identified above. The proposed site is relatively central within the holding and is an improvement on the original farmstead in this regard. The applicant has also made a case that the proposed site is more sheltered than at the bottom of the hill due to the wind buffering provided by the woodland. A letter has been submitted by the applicant's vet which supports the proposed site on this basis. The applicant has also submitted a letter from the Local Police Liaison Officer supporting the proposed site on the basis of farm security.

These aspects of the application provide some weight in favour of the proposed site, although it would be overstating the case to say that farming at the bottom of the hill is not possible as the location for most farmsteads in the locality have historically evolved to be in such positions.

These aspects of the application provide some weight in favour of the proposed site, although it would be overstating the case to say that farming at the bottom of the hill is not possible as the location for most farmsteads in the locality have historically evolved to be in such positions. Overall, whilst the scheme has been improved, it is considered that the uniquely tranquil environment and special landscape character of this site would be harmed by the provision of a dwelling and associated farmstead. The associated development such as hardstanding, activity, lighting etc would exacerbate this harm. Additionally the development of the original farmstead at the bottom of the hill can be achieved in an acceptable manner taking into account the nearby heritage assets and landscape character. Given the fall back available to the applicant to farm the land it is considered that the landscape harm would not be justified. As such the proposal is contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028).

Ecology:

The Council's ecologist originally objected to the application on the basis of the potential sensitivity of the location from an ecological perspective. Concern was raised over the proximity to ecological networks, lack of evidence in the form of bat surveys as to the level of activity in the locality and associated potential impacts such as impacts on bats from artificial lighting.

The applicant has since carried out a bat survey which demonstrated that the site is not particularly sensitive in terms of the bat species that forage and commute in and around the site, and that the proposed development is therefore unlikely to cause significant disturbance to any local bat populations. Conditions can be imposed to achieve ecological enhancements such as landscaping and the provision of bat boxes. Additionally it would be considered necessary to condition details of external lighting in the event of planning permission being granted. Having regard to the above it is considered that the proposal would comply with Policy EQ4 of the South Somerset Local Plan (2006-2028).

Residential Amenity:

Having regard to the distance of the site from neighbouring properties it is considered that there would be no harm to the amenities of nearby occupiers as a result of the proposal in relation to noise, odour and disturbance.

Highway Safety:

The Highway Authority has commented that there is no objection to the proposed development. The rights of way department initially objected to the proposal as they thought the public right of way would be obstructed but on closer inspection they since withdrew this objection.

The development would result in a section of the public right of way being surfaced. Given the relatively low level of traffic, good visibility along the right of way and ease for pedestrians and vehicles to pass one another, this aspect is considered to be acceptable. The rights of way department at the County Council would need to consider whether a temporary diversion is required during construction and would need to agree the finishing material of the vehicular access where it coincides with the public right of way. Having regard to the above it is considered that the proposal would comply with Policy TA6 of the South Somerset Local Plan (2006-2028).

Conclusion:

Having carefully assessed all of the relevant issues it is considered that the landscape harm outweighs the benefits of the proposal. The Councils landscape officer has considered that the area around the existing farm building group to the north of the site can be redeveloped whilst achieving an acceptable impact on landscape character and heritage assets. The proposal therefore does not justify the resulting landscape harm and as such the proposal is contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028).

RECOMMENDATION

Refuse permission

SUBJECT TO THE FOLLOWING:

01. The proposal would be located in a prominent position on an isolated hillside location that is characterised by a strong sense of remoteness. The proposed building and associated development would detract from the existing landscape character and would be contrary to the established pattern of existing development within the locality. Additionally there are other locations within the holding that can be developed without landscape harm resulting. As such there would be harm local landscape character that is not sufficiently outweighed by the merits of the proposal contrary to Policy EQ2 of the South Somerset Local Plan (2006).
-

Appendix – Council’s Ecologist First and Second Responses

First response:

I've noted the application documents, including the Ecology Report by K.P. Ecology Ltd (19th November 2015), and I've recently visited the site.

My comments below relate to the combined development impacts of all four planning applications together. However, potentially the comments may also apply alone to any individual application.

I have three main concerns:

1. Inappropriate site location in relation to ecological networks.
2. Potential impact of lighting to cause disturbance to bat foraging and commuting.
3. Hedge removal for visibility splay impacting upon dormice.

1. Ecological networks

NPPF has introduced a requirement to 'establish coherent ecological networks' (para. 109) and advises that local planning authorities should plan positively for the protection and enhancement of networks of biodiversity (para. 114) by mapping components ('wildlife corridors and stepping stones') of the local ecological networks and promote their preservation (para. 117). Local Plan policy EQ4 states that development proposals will 'promote coherent ecological networks'.

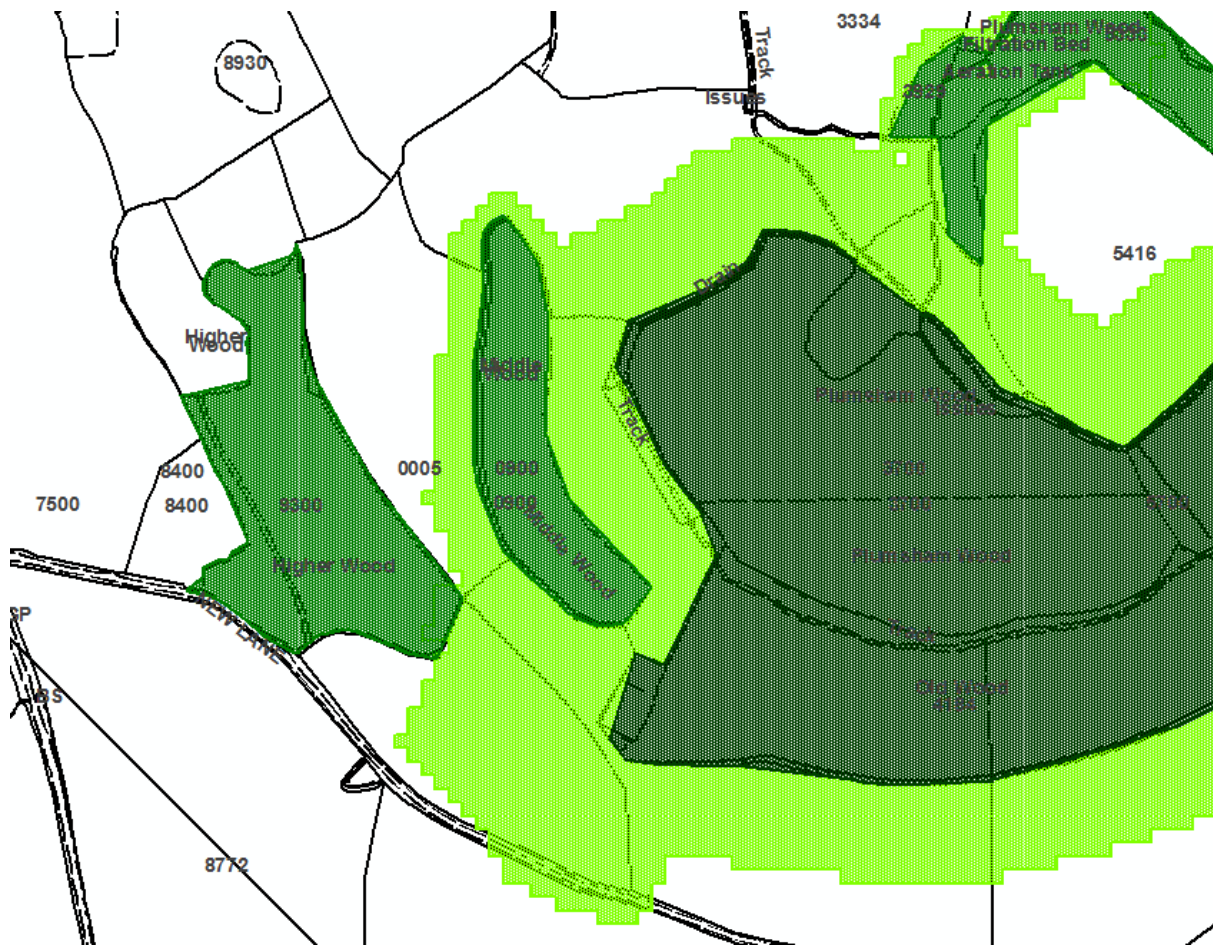
Components of the local ecological network have been identified and mapped by a partnership of Somerset County Council, Somerset Wildlife Trust, and Somerset Environmental Records Centre. In respect of this application site, the mapping includes a main habitat group of broadleaved woodland and identifies 'core areas', 'dispersal areas', and 'stepping stones'. The plan on the next page shows these components in relation to the application site.

Dark green indicates a 'core area' of broadleaved woodland.

Mid green indicates a 'stepping stone' of broadleaved woodland.

Light green indicates 'dispersal areas' for broadleaved woodland.

Red indicates the approximate area of the proposed buildings.



Although a large proportion of the above plan is shown as part of the ecological network, this isn't at all reflective of the wider area (I wasn't able to produce this plan at a smaller scale).

Whilst the development isn't located directly within any components of the ecological network, it is clearly located directly between two nearby stepping stones. Whilst there isn't any detailed policy or guidance on the relationship of development sites in relation to ecological network components, I suggest that it would be strongly preferable to preclude against development in such locations in order to best protect ecological networks in line with NPPF and Local Plan Policy EQ4 and I suggest this might be a possible reason for refusal.

In the event that the applications are permitted, I suggest the site location in relation to the ecological network is strong justification for taking the opportunity to enhance the connectivity of the network by requiring substantial tree planting via a condition.

2. Impacts of lighting upon bats

Artificial lighting, whether it be intentional external lighting, or incidental light-spill to the exterior from interior lighting inside buildings, can have a detrimental impact upon foraging and commuting bats.

It's unlikely that any roosts will be directly impacted (the Ecology Report didn't identify any buildings or trees in close proximity with a significant likelihood of being used by bats for roosting). However, the close proximity of significant areas of woodland make it very likely

that bats will be foraging and/or commuting (between roosting sites and foraging areas) in the vicinity of the application site.

Bat species can be broadly divided into two groups with some species showing some tolerance of artificial lighting whilst other species are quite sensitive to even low levels of artificial lighting. In a worst case scenario, it's possible for example that bats roosting in the smaller block of woodland to the west of the application site could be inhibited from commuting to feeding areas in the larger woodland blocks to the east if the development introduces an increase in light levels around their favoured or only commuting route.

Regular disruption to bat flight routes could be significant and contrary to the Habitats Regulations 2010 which affords protection to all species of bat. Local planning authorities are required to have regard to the provisions of the Habitats Regulations when determining planning applications. This is a strong requirement that has been supported by judicial review.

The likelihood of significant disturbance from the development depends very much on:

- a) The species of bat present in the area (and their sensitivity to artificial lighting).
- b) The foraging and commuting behaviour of bats and the sensitivity of the application site in relation to their use of the local landscape.
- c) The effectiveness of controlling artificial light levels through the planning system.

Addressing these points in turn:

a) Bat species present in the area

A data search request to Somerset Environmental Records Centre has returned 113 records (over the last 25 years) for bats within 3km of the application site. Disregarding those species that are regarded to be more light tolerant, and records for small numbers of relatively common species more than 2km away, I can summarise 'significant' records as follows (NOTE: the following are all species considered to have some or significant sensitivity to artificial lighting):

800 metres from the site (survey date 2011):

Bechstein's Bat - 1 adult.

This is a very rare tree-dwelling bat (UK population estimate is around 1500), mostly associated with old growth broadleaved woodland. It is a 'priority species' (listed under Section 41 of the Natural Environment and Rural Communities Act 2006) and of very high conservation significance.

Whiskered/Brandt's Bat - 2 adults.

Woodland / woodland edge bats with widespread distribution.

Brown Long-eared Bat - 6 adults.

Although relatively common and widespread, this too is a 'priority species', probably due to its vulnerability to development of barns and consequent risk of wide-scale impacts to population numbers.

1500 metres from the site (various dates from 1990 to 2013):

Lesser Horseshoe Bat - max. count of 32.

Another 'priority species' with a localised distribution (predominantly the south west of the UK) that feeds in sheltered lowland valleys.

Natterer's Bat - max. count of 6.

Although a widespread distribution, it is a relatively scarce species that forages around trees.

b) Bat activity at the application site and sensitivity

The above data suggests there are five light-sensitive species of bat that could forage (or commute) in the vicinity of the application site. (From records, it's also likely that other species of bat such as serotine, noctule, and pipistrelle species will be active in the area).

The Ecological Report (K.P. Ecology Ltd, 19th November 2015), hasn't included any surveys of bat activity at the application site. (Nor did it include a data search). Instead, it assumes that the habitat will be used by foraging bats but notes that no bat roosts will be affected by the proposed development.

The likelihood of the application site being part of an important foraging or commuting route (and having the potential to cause significant disturbance) is low (due to the site's size relative to the woodland) and this has presumably influenced the consultant's recommendation that no further survey work is necessary. However, given the presence in the area of five light-sensitive species of bat, including 3 'priority species', and including the high conservation status of the very rare Bechstein's Bat, I suggest a more cautious approach and recommend bat activity surveys in the summer months should be conducted in order to properly assess the sensitivity of the site.

It could therefore be concluded that there is insufficient information (lack of bat activity surveys) to determine this application in compliance with our statutory obligations under the Habitats Regulations 2010.

c) Control of lighting through the planning system

Until the above recommended bat activity surveys have been completed, it isn't possible to properly assess the sensitivity of the site with regards to bats. However, should surveys reveal the application site is important for light-sensitive species of bats, a typical mitigation proposal might be to place controls over the type, locations, intensity or duration of artificial lighting.

Whilst this approach might be appropriate for larger residential developments for example, I question or have doubts about the effectiveness of such an approach in this sort of situation:

- o Would such conditions be time limited after which more intense lighting could be installed with possible harm to bats?

o In such a remote location, it's unlikely the site or any deviation from an approved lighting scheme would be subject to any public surveillance and reporting to the lpa for enforcement action.

Whilst I note that 'low level' lighting is proposed in order to minimise wildlife impacts, should the site prove to be sensitive for bats, I would argue that conditions to control light levels are effectively not enforceable, and that completely avoiding development of the application site (i.e. refusal) would be the appropriate outcome in accordance with NPPF (paragraph 118).

3. Hedge removal for visibility splay impacting upon dormice.

Whilst I note that the proposals don't include any hedge removal for access, should it be deemed necessary by Highways to remove any hedge for visibility splays (either at New Lane or on the A30) then I raise concern about impacts upon dormice, a species subject to the provisions of the Habitats Regulations 2010.

Dormice have been recorded in hedges in several locations to the east, west and north, and I therefore regard there to be a high likelihood of dormouse presence in the hedges local to this site.

I consider it unlikely that hedge removal for visibility, and dormouse presence, would constitute a reason for refusal. However, if hedge removal is required, then it may be appropriate to further assess the risk and/or apply a relevant planning condition. Please could you re-consult me in this event.

Second response:

Summary

In response to my original consultation response (dated 12 January 2016) further information has been received (letter from KP Ecology Ltd, February 12, 2016) that attempts to address the concerns that I raised.

On the issue of lighting causing disturbance to bats, bat surveys haven't been undertaken but the consultant assumes that bats will be active in the area, and she describes extensive mitigation measures that will be employed to minimise the level of light disturbance to bats.

The Habitats Regulations requires local planning authorities to consider potential impacts upon bats, and to specifically report on the derogation tests in the committee report, before any grant of planning permission is given. It is generally considered that this requirement can't be adequately fulfilled without proper bat surveys.

Failure of any planning decision to adhere to the provisions of the Habitats Regulations could result in judicial review and significant risks to the Council (several local authorities have been taken to court on this specific issue). If withdrawal (or extension of time) to allow for further bat surveys isn't agreed to then I strongly recommend refusal.

The lack of bat surveys is also contrary to Local Plan policy EQ4. Should subsequent bat surveys identify the site to be sensitive, and the development to present a significant risk of harm, I suggest the mitigation hierarchy required by NPPF may require an alternative location rather than mitigation to minimise light levels as proposed by the applicant.

Lack of bat surveys

Recognising this to be a potentially sensitive location for bats, pre-application advice was given that any development at this location would need to be supported by bat surveys. These haven't been included with the application (the Ecology Report submitted with the application considered bats but didn't include specific bat surveys).

Some species of bats, generally those of greater nature conservation importance, can be particularly sensitive to artificial lighting. Industry guidance for bat surveys¹ lists lighting as one of the impacts of development upon bats (Table 2.1). I doubt the other planning applications involving lighting that are referred to are sufficiently close to significantly raise ambient light levels at this application site.

Extensive mitigation measures to minimise lighting are offered by the applicant and described by the ecological consultant.

However, I remain concerned that:

1. Offering mitigation without properly assessing the impacts doesn't satisfy planning policy and legislation requirements.
2. Any planning conditions to control lighting at this location couldn't reasonably be monitored and enforced in the longer term (and perhaps fail the tests for conditions) with the risk that light levels could increase in the future (e.g. under different occupier) and result in harm to bats. This therefore brings in to dispute the principle of development at this location.

Policy EQ4 requires that applications should be informed and accompanied by a survey and impact assessment, and hence the application is contrary to this.

An adequate bat survey is likely to require monthly surveys from April to October in order to comply with industry guidance although I suggest the detailed specification for survey should be agreed between myself and the applicant's ecologist.

This will have implications for the timing of the application. It is not uncommon (both at SSDC and other authorities) for applications to be withdrawn (or an extension of time agreed) to allow bat surveys to be undertaken.

Local planning authority obligations under the Habitats Regulations

The Habitats Regulations 2010 provides protection for bats that makes it an offence to cause disturbance that would impair their ability to survive, breed or reproduce, or to rear or nurture their young. Artificial lighting could have this effect depending upon species present and patterns of activity around the application site.

A High Court judgement² made it clear that when determining a planning application which could harm a European Protected Species (which includes all species of bat) a local planning authority must be sure that the three derogation tests are satisfied:

1. the development must be for imperative reasons of overriding public interest or for public health and safety;

¹ Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn), J. Collins, 2016, The Bat Conservation Trust.

² Woolley v Cheshire East Borough Council, 2009.

2. there must be no satisfactory alternative; and
3. the favourable conservation status of the species must be maintained.

Furthermore, the court ruling also made it clear that the committee report must specifically address and demonstrate how these derogation tests are satisfied before any grant of planning permission is made.

Without proper bat surveys and impact assessment, I don't consider test 3 (maintaining favourable conservation status) can be adequately demonstrated.

Should further bat surveys suggest the development could cause harm to bats, I have significant doubt that the meeting of tests 1 and 2 could be adequately demonstrated.

Avoiding harm takes precedence over providing mitigation - NPPF and appeal case

Whilst the sensitivity of the location in respect of bats is unknown, should bat surveys later identify the site as sensitive, there shouldn't be a presumption that mitigation is the automatic or only outcome (even though this is the most common scenario).

National Planning Policy Framework (paragraph 118) states that if significant harm resulting from development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This principle was supported in a recent appeal³ where the inspector concluded "*the proposal attempts to mitigate the development but the starting point should be to locate the proposal on another site causing less harm*". The appeal was dismissed solely on this principle.

Conclusions

I consider any grant of planning permission wouldn't be legally sound prior to further survey and assessment of impacts upon bats. If withdrawal (or extension of time) isn't agreed to then I strongly recommend refusal (see appendix).

I consider this could be a potentially sensitive site for bats, and unless surveys demonstrate otherwise, I consider legislation and planning policy might not support the usual scenario of providing mitigation and might only be satisfied by an alternative location for the development.

Appendix – suggested reason for refusal.

The proposal lacks any surveys for bats contrary to Local Plan policy EQ4 and fails to provide information to enable the local planning authority to demonstrate compliance with The Conservation of Habitats and Species Regulations 2010.

³ Appeal Ref: APP/R3325/A/12/2188253 - Puthill Wood, Cricket St Thomas Estate, 1 August 2013.

Agenda Item 15

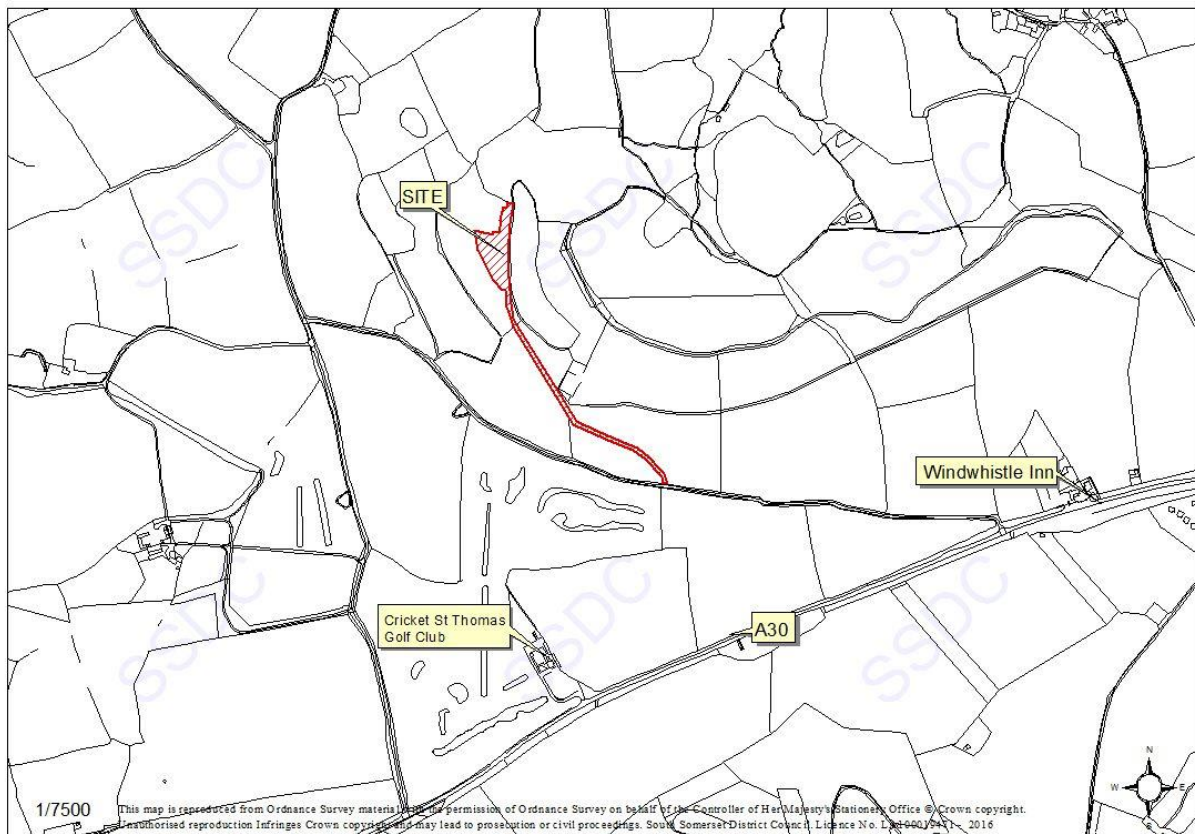
Officer Report On Planning Application: 15/05535/FUL

Proposal:	The erection of a general purpose agricultural building and associated vehicle access track from New Lane. (GR 337192/110596)
Site Address:	Land OS 0005 At Knight House Farm New Lane Cudworth
Parish:	Cudworth
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date:	16th February 2016
Applicant:	Mr Simon Saunders
Agent: (no agent if blank)	
Application Type:	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

With the agreement of the Chair and Ward member to consider the relevant planning issues.

SITE DESCRIPTION AND PROPOSAL



The application is made for a general purpose agricultural building and means of access. The proposed building would be part of a new farmstead located on the northern slopes of the Windwhistle Plateau. It would be situated within the northern corner of a pasture field. The field is bound by woodland to the southern and northern edges which are connected by

a hedgerow.

The new farmstead would be in addition to the existing buildings at the northern end of the holding which are accessed via Cudworth as the demolition of these is not formally part of the proposal. However the applicant has suggested that some reduction in the amount of existing buildings could be considered. The site is at an elevation of 165 metres and provides sweeping views across the district in a northerly direction. There is a public right of way (CH9/21) that runs through the site connecting the hamlet of Cudworth with the head of Windwhistle Hill.

The holding comprises approximately 101 hectares. Traditionally the holding has been managed from existing farm buildings and farmhouse at Knightshouse farm at the bottom of Windwhistle Hill. These are located approximately 550 metres to the north and are accessed from their northern side through the village of Cudworth. The existing buildings consist of a range of stone built and modern agricultural buildings.

There is a grade II* Listed Building (St Michaels Church) which borders the land holding and is approximately 140 metres to the north of the existing agricultural buildings. There are two Scheduled Ancient Monuments within this vicinity, fish ponds to the south of the church which border the existing agricultural buildings and a medieval village approximately 150 metres to the east.

The woodland adjacent to the proposed site is classified as an 'ecological network' and is also a County wildlife site.

The proposed farmstead comprises an animal care/storage building, 2 open fronted livestock buildings and a concrete yard. The three elements have been applied for under three applications as follows:

15/05534/FUL- The erection of a general purpose agricultural building, vehicular access and concrete yard.

15/05535/FUL- The erection of a general purpose agricultural building and vehicular access

15/05537/FUL- Animal care building and vehicular access

There is a concurrent application for an agricultural workers dwelling under reference 15/05536/FUL.

The proposed general purpose agricultural building would measure 27.5 by 12.2 metres. It would have a dual pitched roof with a maximum height of 6.8 metres. External materials would consist of concrete panels, Yorkshire boarding and a corrugated metal sheet roof. The building is designed to accommodate livestock. The concrete hardstanding would be located to the north of the proposed building and would form a yard fronted on two sides by buildings.

SITE HISTORY

90/00905/OUT (Outline Application)- The erection of a farmhouse- Permitted with conditions.

There is a concurrent application for an agricultural workers dwelling under reference 15/05536/FUL.

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 the 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 South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

The National Planning Policy Framework (NPPF) is a material consideration.

South Somerset Local Plan Policies

SD1- Sustainable development

EQ2- General development

EQ4- Biodiversity

EQ5- green Infrastructure

EQ6- Woodland and Forests

EQ7- pollution Control

HG9- Agricultural workers dwellings

TA5- Transport impact of new development

TA6 Parking Standards

National Planning Policy Framework (March 2012)

Chapter 1- Building a strong, competitive economy

Chapter 3- Supporting a prosperous rural economy

Chapter 4- Promoting sustainable transport

Chapter 11- Conserving and enhancing the natural environment

National Planning Practice Guide (2013)

The following sections are of most relevance-

Determining a planning application

Rural housing

CONSULTATIONS

Landscape Officer:

Response to amended plans:

We now have a number of amendments before us, which from a landscape perspective, have made some useful changes to the proposal;

(a) Amended access drive.

My initial response identified the access proposal off New Road to be significantly adverse, both in the point of access, and its intrusion across undeveloped upper hillside. This is now removed from the scheme, with the new proposal intending an approach from the north, rising gradually from Knights House farm, to cross two fields to reach the application site. The access will be expressed as a stone track, which will have capacity to blend in to the agricultural landscape, with sections visible to local walkers, but otherwise relatively unobtrusive. Whilst there remains a negative impact, I consider it minor adverse, and this change to be a substantive improvement on the initial proposal.

(b) Re-sited farm building group.

The building group is relocated circa 20 metres to the south, and reconfigured to result in a slight reduction in both the building footprint, and in its profile, such that the office building no longer projects above the ridge elevation of the other buildings in the group. This shift will

marginally reduce the visual profile of the buildings as viewed from the northern approaches, and allow space for greater substance to the landscape mitigation, which I view to be improvements over the initial site arrangement and building mass.

(c) Additional planting proposals.

Further planting is added to the plan, particularly in the vicinity of the new farmstead, to play down building presence, and I acknowledge this to be positive. I would recommend some changes to the proposed planting mixes, but this is not pertinent at this stage. I also acknowledge the positive intention of local-species orchard planting to the east of the site.

In the 4th paragraph of my initial response, the landscape case against the siting of the farm buildings is set out, and it remains pertinent to provide a case for refusal, LP policy EQ2. However, I acknowledge that the weight of the landscape objection is now lessened by these latest changes, particularly to the site access, as (a) above. I accept that the holding will benefit from fit-for-purpose buildings to assist farm management, and to that end, have suggested that a more landscape-sympathetic siting would be to build upon the established farm building group by Knights House Farm, in a manner that would not compromise the adjacent heritage assets. This solution remains the favoured landscape option, but I understand that it does not best capitalise on improvements that can be gained for improved management of the stock and the farm enterprise. Ultimately that is one for the planning balance, but if you are minded to support this revised application, then some reduction in the farm building form at Knights House Farm should be sought, to gain some balance from the overall proposal.

First response:

The above applications intend the potential relocation of the main farmstead from its current location to the south of Cudworth church (where the current farmhouse - not in the applicant's personal ownership - and building group are to remain) to a pasture field between the northern ends of Higher and Old Woods. It intends the construction of 3 agricultural buildings; a farm store/office; a temporary dwelling; and two hard-surfaced yards. It is sited adjacent the corner of a pasture field, contained on either side by woodland, on a relatively level platform circa 165m aod, where the steep scarp slopes of the north face of Windwhistle Hill merge into the rolling land of Windwhistle's foothills. The site is divorced from existing built form, the nearest being the host farmstead, 0.55km to the north. A new site access is proposed, coming off New Lane, at the head of Windwhistle Hill circa 205m aod, and descending northwest across the open upper escarpment.

The recently published PPG (Natural Environment) has re-iterated the necessary role of landscape character assessment in planning for change due to development without sacrifice of local character and distinctiveness. An understanding of landscape character is also utilised to help determine a view on what may - or may not - be acceptable in terms of development in any particular landscape. Characterisation is about what is distinctive and particular in a place, and these qualities of place are matters to which planning weight is given when assessing the potential impact of new development, along with the need for any proposal to conserve and enhance local landscape character, and reinforce local distinctiveness, to comply with local plan policy EQ2. This policy guidance provides the planning context for this landscape evaluation:

The landscape of the northern face of the Windwhistle plateau is characterised by a steep, folding scarp, with a landcover of pasture fields, and extensive woodland blocks - some of which are fragments of ancient semi-natural woodland - that cover much of the main, upper escarpment. From the toe of the escarpment, the gradient eases into a broader, undulating landform, formed by the incision of the River Isle's headwater streams, which create a series of north-south valleys separating mixed rolling agricultural land. Other than the singular

hamlet of Higher Chillington, 2 km to the east, the main Windwhistle scarp is characterised by a lack of development form, and it is notable that the local farms and hamlets all lay at a lower elevation, below the spring-line, and are located on the lower Windwhistle foothills to the north. This is the broad landscape context within which this proposal is located.

Turning to the application site, the development proposal lays within a landscape pattern that is long-established - indicated on the Somerset Historic Environment Record as anciently enclosed (pre-17th century) farmland. It is characterised by its meadow context; woodland setting; and the steep, sheltering hillsides to the south. The hillsides and woodland bring a strong sense of enclosure to the site, which with its lack of development presence, and separation from the characteristic pattern of local farm settlement, establishes a strong sense of remoteness by South Somerset standards, which is both distinctive, and becoming increasingly rare. The introduction of a group of farm buildings into this deeply rural landscape, will establish built elements where development form is far-removed, to erode the unspoilt and locally distinctive character of the area. The introduction of building, and vehicular, nightlight to both the farm site and its access across the face of the upper scarp, within what is a dark-sky location, similarly erodes the tranquil character of this part of the Windwhistle scarp. Additionally, visibility becomes an issue when a proposal is either incongruously scaled or located, and in being sited in a location that is served by, and thus visible from, the well-used local rights of way network, the building complex will be seen as visually intrusive. I would assess this aggregation of landscape impacts to be both significant and adverse, which in substantively eroding local landscape character and distinctiveness, does not meet the requirements of policy EQ2. The suggestion of a new access off a narrow rural lane, with its incongruous bellmouth access - 7x the width of New Lane; the loss of circa 30 metres of hedgerow; the obtrusive level of that access relative to the falling slope, which will be circa 600mm above the general ground level circa 12 metres into the field, to then cross steeply-falling, highly-visible, non-developed land, is also considered a significant adverse landscape impact, to similarly tell against this application.

I accept that the holding will benefit from the introduction of fit-for-purpose buildings to assist future farm management. In the face of this landscape objection, is raised the need to look for possible alternatives, by which the landowner's main objectives can still be achieved. I agree with the application D&A statement that there are few ready options, and having walked the site, the only alternative that works in landscape terms is the redevelopment of the current farm site; its extension south; and use of the current access. As built form is already established in this location, and the site characterised by the existing farm building forms, the landscape impact would not be so extensive as would result from this application proposal, providing building scale, form and finish is strictly controlled, and there is no footprint spread toward, or increased visual intrusion upon, the heritage assets to the north and east.

Should you consider there is a case for the proposal as submitted, that would over-ride the weight of the landscape objection, then I consider it essential that a number of amendments to the proposal are sought, to lessen visual impact, and provide a level of enhancement, as is required by policy EQ2:

- 1) The grouping and varied heights of the proposed farm buildings is sensible, and potentially helps to play down massing impacts, yet having the tallest building - the store/office (ridge height almost 9.00 metres above lower yard level) - at the more visible edge of the complex, and at a raised elevation, will appear obtrusive, and potentially draw the eye. I would suggest either the height is reduced, or the building shifted south to the opposite corner of Building 1, to appear less obvious in the approach from the north. I would also suggest that the 1st floor windows are removed from the north elevation, for these are uncharacteristic of a traditionally-styled farm building range; and aligned along the most prominent part of the building group's elevation, will project both an incongruity; and

nightlight.

2) I note from consultation responses that the suggestion of the complex being shifted further south, to a more visually contained location, has been mooted. Whilst this does not deal with the major impacts I have outlined above, I do agree that in shifting the farmstead further south along the woodland's side, it would appear less imposing as viewed from the north as approached on the local rights of way, and this would be beneficial.

3) Whilst the proposal for screen planting to the south of the buildings is welcomed, I consider that a more comprehensive approach is needed to landscape mitigation. To that end, I would suggest further hedgerow enclosure of the upper yard, linking into other woody features, is essential to provide both visual and physical containment of the farmstead. Further planting to consolidate the existing landscape pattern, in relation to both the track, and the farmstead, should also be agreed pre-determination.

4) The access off New Lane appears over-scaled alongside the narrow, enclosed width of the lane itself, and there is little that can be done to modify the incongruous ground profile of the access track. There is similarly little scope for a reduction in the size of the access. It may be possible to counter the worst excesses of the track's visual impact, by use of dark mortar tones; and washed, larger dark aggregate finishes.

5) There is an acknowledgement in the D&A statement of the sensitivity of the northern end of the holding, relative to the scheduled monuments and listed buildings located to the north and northeast of the present farmstead. Noting that the current farm buildings are now deemed inadequate, and that there will be limited use of them, and to compensate for the adverse impact of the new site, I believe there is scope for environmental enhancement in the removal of these buildings, with any necessary replacement (for hay storage) being of more restrained footprint and form, with appropriate landscape treatment, to thus present a more balanced scheme overall.

6) Finally, I am advised that - in acknowledging the applicant's highly successful auto business - some local apprehension has been expressed that the challenging terrain of the farm holding would be suited for testing off-road vehicles. I had similarly expressed such a concern at an earlier stage, for the introduction of such a use within this landscape would be both significantly adverse and damaging. We were subsequently re-assured by the applicant and his positive plans for both the land and woodland, that such use is not intended. However, aware that in a challenging economic climate, business needs may generate change, then to placate local concern, is there the possibility of the removal of PD rights of such use of land, such that the only vehicular use of the land is for the purposes of agricultural management only? I would welcome your thoughts and further discussion on this.

Parish Council:

Third response (In response to most recent amended plans):

At the Parish Meeting on the 17th October, the amended plans were considered and discussed. Whilst some of the concerns of the parish have been addressed, there is still considerable concern that this development is proposed on an entirely greenfield site in a prominent position away from the main hub of the village and removed a considerable distance from the existing farm buildings. The impact on the beautiful hill that rises up to the iconic Windwhistle Ridge will be irreversible.

It was appreciated that changing the access to the proposed site by getting rid of the track from New Lane would be an improvement, along with the reconfiguration of the proposed buildings. However, the proposed two storey building still gives cause for concern as its use remains unclear and it is difficult to see how this suits a farming operation.

The change of orientation of the temporary dwelling, whilst shown on the plans, is not mentioned, therefore we were unsure why this has changed. The concern still remains (see parish response of 26th January) that the temporary dwelling should only be built if the other applications are passed, and then to ensure it is built simultaneously with the other buildings. The intended use of the existing buildings seem very vague. Please refer to the Parish

response of 26th January 2016, where the Parish Meeting asks the council to consider a condition whereby the existing buildings, which are dilapidated and contain asbestos, are removed if the planning for the new buildings should be approved.

The view of the majority of parishioners at the meeting is that the existing site remains more suitable for developing a more up to date and appropriate range of buildings, as it would be developing what is, in effect, a brown field site.

Whilst the existing site remains more visible to many of the homes in the village, we have a responsibility to maintain the peace, tranquillity and beauty of the landscape.

Most of the concerns of the first two Parish responses remain (26th January and 29th March), and we ask that these are taken into consideration along with this response, when examining the amendments to these applications.

First response:

The parish support the idea of sustainable farming at Knights House Farm but raised the following concerns at the Parish Meeting held on January 7th 2016.

The application is for General Purpose agricultural buildings whereas the business plan states that the buildings will be used for a livestock enterprise. There are concerns that the proposed buildings are not suitable for livestock re design & ventilation particularly roof ventilation.

Concern re slurry, dung storage, & run off re water supply to village properties & risk of contamination. There are no facilities for this in the plan.

The parishioners have concerns that farm traffic will not be reduced as stated in the plan, due to the existing buildings at Knights House Farm still being in use for storage of fodder & bedding etc. according to Mr Saunders at the said meeting. This will involve tractors travelling through the village to the proposed new buildings and thus negating the benefits as stated in business plan of farm traffic reduction through the village. While there is a known track across the farm it is unlikely that this would be passable during the winter months when the proposed buildings will need to be serviced with fodder and bedding.

The Parish Meeting would ask the council to consider a condition whereby the existing buildings; which are dilapidated and contain asbestos, are removed if the planning for the new buildings were approved. We would also like consideration to permissible rebuilding of the original barns to be restricted.

There is a statutory duty to consider the impact this development will have on listed buildings & heritage assets, in conserving the natural environment. The proposed buildings are in the sight of St Michaels Church, The Old Vicarage, & the ancient monument, which includes the moat, carp ponds & site of medieval village. The footpath from New Road runs past the proposed site close to the General Agricultural Buildings the visible impact of the proposed buildings on views from public vantage points should also be considered.

With regard to the 4 applications for this site, there is concern that application 15/05536/FUL (siting of temporary Agricultural Dwelling) should not be considered unless the other applications are successful. There is also concern that the application 15/05537/FUL that consists of a 2 storey animal care Centre with 'storage' above' would be too visible and consideration should be given to reducing the height to 1 storey. The Parish Meeting would prefer a larger footprint on the Southside of the plan to house the storage facility; this would have a lesser impact on the landscape and would allay concerns of the Parishioners.

The buildings, if set back south approx. 140m would sit in a natural dip and therefore be less visible and have a lesser impact on the listed buildings in its sight line.

Second response (in response to first set of amended plans):

Following the first Parish Response to this application, all the original concerns contained in that response remain. The proposed amendments to the plans are minimal and do not address the concerns of the Parish.

The visibility of & need for the two storey general purpose building/ animal care centre with the upper floor being used for 'general storage' was again brought into question and while the roof line has been lowered it was still deemed preferred that the buildings, if passed should be single storey.

The Parish is supportive of sustainable farming at Knight's House Farm, and from the minutes at the meeting to discuss the amendments on 23rd March, it was apparent there would be a more favorable view if the applicant considered re-developing the original farm site, with the correct permissions and consideration to the historic sites and listed buildings nearby.

This view was unanimous at the Parish meeting held on Wednesday 23rd March although no formal vote was recorded. It must also be recognised that the site of the original buildings is far more visible to many of the residents' homes, but they would prefer any development and improvement to take place on what is, in effect, a brownfield site, rather than the proposed site, which would cause a huge and irrevocable change to a previously unspoilt and untouched landscape.

The original farm site has been the centre of a farming business for hundreds of years and we see no reason that this should not continue to be the case.

Highway authority:

In response to amended site access:

The application is an amended plan for an application that my colleague Mr Malcolm Jones commented on previously where the Highway Authority raised no objection. This current application has the proposed access on to Knights Lane which is to the north. This proposal would mean that no agricultural access would need to be constructed as the red line adjoins Knights Lane in a location where traffic flow is likely to be extremely low as Knights Lane terminates next to the red line on the plan. Knights Lane leads on a rural road that does not have a high traffic flow and due to its agricultural surroundings, is likely to have an existing level of agricultural traffic.

Taking the above into account, the Highway Authority does not wish to raise an objection to the proposal, however, should the Local Planning Authority grant planning permission then I would recommend that the following conditions are attached:

1. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
2. The building hereby permitted shall only be used in connection with the working and management of the adjoining farmland. It shall not be used for any other purpose without the prior written consent of the Local Planning Authority.

Ecologist:

Most recent response in relation to submitted bat surveys: (The first and second responses are included as an appendix to this report).

I confirm I no longer maintain an objection to these applications following completion of bat

activity surveys.

I agree with the 'Overview of the ecological survey results, mitigation and enhancements' (KP Ecology) and that the application site isn't particularly sensitive in terms of the bat species that forage and commute in and around the site, and that the proposed development is therefore unlikely to cause significant disturbance to any local bat populations.

Whilst it would still be preferable not to place such a development amongst features that are mapped as components of the local ecological network (as detailed in my original response of 12 January 2016), the proposed tree, hedge and orchard planting could be considered as appropriate mitigation. Provided this can be ensured (e.g. by condition) then I do not maintain an objection in this respect.

The only other matter I originally raised was that of the new entrance off New Lane and possible impacts of a visibility splay upon dormice. Due to the amended access arrangements this is no longer an issue.

Environment Agency:

We are not aware of any imminent plans to make everywhere under NZV designation. However, there is always the possibility that the NVZ designated areas will be altered or enlarged to encompass sites that haven't previously been with an NVZ area. We therefore always recommend that when farmers are considering constructing slurry/dirty water system they aim for the NVZ storage requirements.

Outside of NVZ areas there are not specific controls for solid manure storage, but drainage from solid manure heaps is considered to be 'slurry', so where this poses a risk to controlled water, it must be collected and contained. The code of good agricultural practice (CoGAP) recommends that stores should only be constructed with a sealed floor, and any containment tank used to collect drainage must meet SSAFO standards.

For field heaps follow the CoGAP advice, but where other storage is on permeable ground the risk to groundwater or other pollution pathways have to be considered to decide if it's acceptable. Normally such areas will be unacceptable as you can't collect and contain any drainage.

If field heaps are within an NVZ area then there are controls:

If you have poultry manure or other types of solid manure YOU MUST store them:

- In a vessel;
- On an impermeable base, with appropriate collection and containment of runoff;
- In a roofed building; or
- In an appropriately located temporary field heap. Field heaps must be of material that is stackable and doesn't give rise to free drainage.

Again, as good practice we would recommend that the NVZ guidance is followed even for those outside of current NVZ areas.

Environmental Monitoring Officer:

I've attached a map showing the location of the private water supplies within the vicinity of this planned development. The nearest one is approximately 600m to the north of the development so this is not of concern. All of the properties down in Cudworth are on private water supplies I believe, either spring chambers, wells or boreholes. Due to the location of the proposed development though being such a distance from the sources of these private water supplies it is unlikely to directly affect them. Associated activities with the new farm,

such as location of manure heaps etc. may potentially cause issues if they are located close to the private water supplies.

REPRESENTATIONS

Following consultation, letters have been received from 16 nearby properties, 11 objecting, 3 making representations and 2 in support of the proposals. Representations have been received from The Ramblers objecting to the application. The following comments are made objecting to the proposal:

Landscape considerations:

- The site is inappropriate from a landscape perspective and will have an adverse impact on the tranquil character of the hillside and will have an adverse impact on users of the public right of way.
- The proposed site is impractical for future occupants.
- There is an existing site at the bottom of the hill which is more appropriate.
- Weather conditions at the proposed site are harsher (cold, misty, north facing) than at the bottom of the hill and therefore inappropriate for young animals.

Justification:

- Knightshouse farmhouse was removed from the holding by the applicant when the site was purchased, contrary to Local Plan policy.

Highways:

- Concerns that the revised access will bring additional traffic through the village.
- The highway network surrounding the site is substandard.
- If permission is granted it should be on the condition that existing buildings at the bottom of the hill are removed to alleviate concerns of these being developed in the future.
- There is likely to be conflict between commercial vehicles and pedestrians on the public right of way.

Other comments:

- The proposed site would be isolated and not subject to surveillance from surrounding properties, hence more vulnerable to thefts.
- Concerns over effluent produced from the buildings. There is currently an issue with effluent discharge from the existing buildings.

The following comments are made in support of the proposal:

- The proposed buildings would be in a central position within the holding.
- The proposed buildings would provide protection from the weather and good security for livestock.
- Buildings will not affect anyone and will have minimal landscape impact.
- Application will benefit wildlife.
- People who want to get into farming should be supported.

CONSIDERATIONS

Principle of development:

The applications have been substantially amended since the original submission. The amendments to the scheme are summarised as follows:

- Removal of vehicular access to the site from New Lane and installation of vehicular access from Knights House Farm.
- Re-siting of the new agricultural buildings approximately 20 metres to the south/amendments to design of agricultural building.
- Revised landscape mitigation in the form of additional planting.

Principle of development:

The application site lies in open countryside. In terms of determining the application the key consideration relates to whether the proposal complies with the development plan and if not whether material considerations indicate that planning permission should be granted. In addition to this, the NPPF is a material consideration that is given enhanced weight where local policies are absent, out of date or silent on any given issue.

Landscape Impact:

The applicant has undertaken various alterations to the proposal in response to a strong objection by the Councils landscape officer. The Landscape officer states that the original objection is still pertinent, however the weight of this objections is reduced. The removal of the access track from the top of Windwhistle Hill represents the most substantial improvement in landscape terms and the applicant has proposed additional landscape mitigation which can be secured via a planning condition.

As stated by the Councils Landscape officer, the site is very isolated and an area of very distinct and special character, due various characteristics such as surrounding topography and very isolated character. The landscape Officer states:

"the main Windwhistle scarp is characterised by a lack of development form, and it is notable that the local farms and hamlets all lay at a lower elevation, below the spring-line, and are located on the lower Windwhistle foothills to the north".

In the first response the Landscape Officer further stated:

The hillsides and woodland bring a strong sense of enclosure to the site, which with its lack of development presence, and separation from the characteristic pattern of local farm settlement, establishes a strong sense of remoteness by South Somerset standards, which is both distinctive, and becoming increasingly rare. The introduction of a group of farm buildings into this deeply rural landscape, will establish built elements where development form is far-removed, to erode the unspoilt and locally distinctive character of the area. The introduction of building, and vehicular, nightlight to both the farm site and its access across the face of the upper scarp, within what is a dark-sky location, similarly erodes the tranquil character of this part of the Windwhistle scarp. Additionally, visibility becomes an issue when a proposal is either incongruously scaled or located, and in being sited in a location that is served by, and thus visible from, the well-used local rights of way network, the building complex will be seen as visually intrusive. I would assess this aggregation of landscape impacts to be both significant and adverse, which in substantively eroding local landscape character and distinctiveness, does not meet the requirements of policy EQ2.

This response highlights the visual sensitivity of this particular site and on the basis of the original plans it was considered that the impact would be significantly adverse.

The applicant has since made amendments to the proposals including the removal of the access from the head of Windwhistle Hill (New Lane) and this was one of the most harmful aspects of the proposal. Alterations have also been made to the farm buildings including re-siting 20 metres to the south, reduction in scale and lowering in height of the two storey 'office' building and the introduction of additional planting to mitigate the visual impacts.

The design and appearance of the proposed building is relatively standard for an agricultural building. Overall, the Councils landscape officer has stated that the combined effect of the alterations represent an improvement in the overall landscape impact of the proposals.

However, the fundamental case for objection remains in relation to the siting of the farmstead and the associated need for a dwelling that would result in this location. In particular the

aspects of harm identified above result from the location of the proposed farmstead and as such the alterations to the configuration of the buildings and additional planting do not overcome such a fundamental and significant impact in landscape character terms.

The applicant has made a case for the proposed site on several grounds and these are relevant in balancing the harm identified above. The proposed site is relatively central within the holding and is an improvement on the original farmstead in this regard. The applicant has also made a case that the proposed site is more sheltered than at the bottom of the hill due to the wind buffering provided by the woodland. A letter has been submitted by the applicants vet which supports the proposed site on this basis. The applicant has also submitted a letter from the Local Police Liaison Officer supporting the proposed site on the basis of farm security.

These aspects of the application provide some weight in favour of the proposed site, although it would be overstating the case to say that farming at the bottom of the hill is not possible as the location for most farmsteads in the locality have historically evolved to be in such positions.

These aspects of the application provide some weight in favour of the proposed site, although it would be overstating the case to say that farming at the bottom of the hill is not possible as the location for most farmsteads in the locality have historically evolved to be in such positions. Overall, whilst the scheme has been improved, it is considered that the uniquely tranquil environment and special landscape character of this site would be harmed by the provision of a dwelling and associated farmstead. The associated development such as hardstanding, activity, lighting etc would exacerbate this harm. Additionally the development of the original farmstead at the bottom of the hill can be achieved in an acceptable manner taking into account the nearby heritage assets and landscape character. Given the fall back available to the applicant to farm the land it is considered that the landscape harm would not be justified. As such the proposal is contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028).

Ecology:

The Councils ecologist originally objected to the application on the basis of the potential sensitivity of the location from an ecological perspective. Concern was raised over the proximity to ecological networks, lack of evidence in the form of bat surveys as to the level of activity in the locality and associated potential impacts such as impacts on bats from artificial lighting.

The applicant has since carried out a bat survey which demonstrated that the site is not particularly sensitive in terms of the bat species that forage and commute in and around the site, and that the proposed development is therefore unlikely to cause significant disturbance to any local bat populations. Conditions can be imposed to achieve ecological enhancements such as landscaping and the provision of bat boxes. Additionally it would be considered necessary to condition details of external lighting in the event of planning permission being granted. Having regard to the above it is considered that the proposal would comply with Policy EQ4 of the South Somerset Local Plan (2006-2028).

Residential amenity:

Having regard to the distance of the site from neighbouring properties it is considered that there would be no harm to the amenities of nearby occupiers as a result of the proposal in relation to noise, odour and disturbance.

Highway safety:

The Highway Authority has commented that there is no objection to the proposed development. The rights of way department initially objected to the proposal as they thought

the public right of way would be obstructed but on closer inspection they since withdrew this objection.

The development would result in a section of the public right of way being surfaced. Given the relatively low level of traffic, good visibility along the right of way and ease for pedestrians and vehicles to pass one another, this aspect is considered to be acceptable. The rights of way department at the County Council would need to consider whether a temporary diversion is required during construction and would need to agree the finishing material of the vehicular access where it coincides with the public right of way. Having regard to the above it is considered that the proposal would comply with Policy TA6 of the South Somerset Local Plan (2006-2028).

Conclusion:

Having carefully assessed all of the relevant issues it is considered that the landscape harm outweighs the benefits of the proposal. The Councils landscape officer has considered that the area around the existing farm building group to the north of the site can be redeveloped whilst achieving an acceptable impact on landscape character and heritage assets. The proposal therefore does not justify the resulting landscape harm and as such the proposal is contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028).

RECOMMENDATION

Refuse permission

SUBJECT TO THE FOLLOWING:

01. The proposal would be located in a prominent position on an isolated hillside location that is characterised by a strong sense of remoteness. The proposed building and associated development would detract from the existing landscape character and would be contrary to the established pattern of existing development within the locality. Additionally there are other locations within the holding that can be developed without landscape harm resulting. As such there would be harm local landscape character that is not sufficiently outweighed by the merits of the proposal contrary to Policy EQ2 of the South Somerset Local Plan (2006).
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Appendix – Council’s Ecologist First and Second Responses

First response:

I've noted the application documents, including the Ecology Report by K.P. Ecology Ltd (19th November 2015), and I've recently visited the site.

My comments below relate to the combined development impacts of all four planning applications together. However, potentially the comments may also apply alone to any individual application.

I have three main concerns:

1. Inappropriate site location in relation to ecological networks.
2. Potential impact of lighting to cause disturbance to bat foraging and commuting.
3. Hedge removal for visibility splay impacting upon dormice.

1. Ecological networks

NPPF has introduced a requirement to 'establish coherent ecological networks' (para. 109) and advises that local planning authorities should plan positively for the protection and enhancement of networks of biodiversity (para. 114) by mapping components ('wildlife corridors and stepping stones') of the local ecological networks and promote their preservation (para. 117). Local Plan policy EQ4 states that development proposals will 'promote coherent ecological networks'.

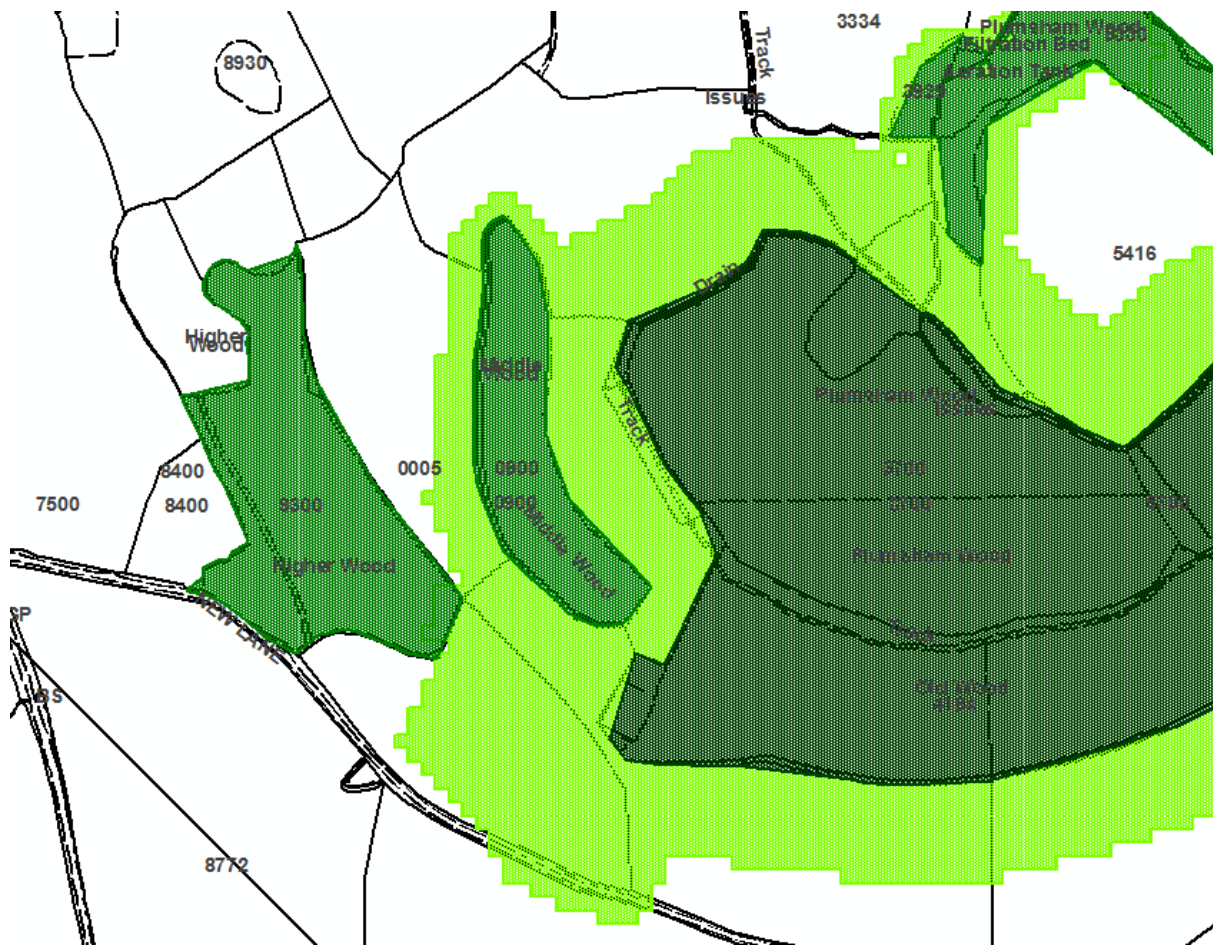
Components of the local ecological network have been identified and mapped by a partnership of Somerset County Council, Somerset Wildlife Trust, and Somerset Environmental Records Centre. In respect of this application site, the mapping includes a main habitat group of broadleaved woodland and identifies 'core areas', 'dispersal areas', and 'stepping stones'. The plan on the next page shows these components in relation to the application site.

Dark green indicates a 'core area' of broadleaved woodland.

Mid green indicates a 'stepping stone' of broadleaved woodland.

Light green indicates 'dispersal areas' for broadleaved woodland.

Red indicates the approximate area of the proposed buildings.



Although a large proportion of the above plan is shown as part of the ecological network, this isn't at all reflective of the wider area (I wasn't able to produce this plan at a smaller scale).

Whilst the development isn't located directly within any components of the ecological network, it is clearly located directly between two nearby stepping stones. Whilst there isn't any detailed policy or guidance on the relationship of development sites in relation to ecological network components, I suggest that it would be strongly preferable to preclude against development in such locations in order to best protect ecological networks in line with NPPF and Local Plan Policy EQ4 and I suggest this might be a possible reason for refusal.

In the event that the applications are permitted, I suggest the site location in relation to the ecological network is strong justification for taking the opportunity to enhance the connectivity of the network by requiring substantial tree planting via a condition.

2. Impacts of lighting upon bats

Artificial lighting, whether it be intentional external lighting, or incidental light-spill to the exterior from interior lighting inside buildings, can have a detrimental impact upon foraging and commuting bats.

It's unlikely that any roosts will be directly impacted (the Ecology Report didn't identify any buildings or trees in close proximity with a significant likelihood of being used by bats for roosting). However, the close proximity of significant areas of woodland make it very likely

that bats will be foraging and/or commuting (between roosting sites and foraging areas) in the vicinity of the application site.

Bat species can be broadly divided into two groups with some species showing some tolerance of artificial lighting whilst other species are quite sensitive to even low levels of artificial lighting. In a worst case scenario, it's possible for example that bats roosting in the smaller block of woodland to the west of the application site could be inhibited from commuting to feeding areas in the larger woodland blocks to the east if the development introduces an increase in light levels around their favoured or only commuting route.

Regular disruption to bat flight routes could be significant and contrary to the Habitats Regulations 2010 which affords protection to all species of bat. Local planning authorities are required to have regard to the provisions of the Habitats Regulations when determining planning applications. This is a strong requirement that has been supported by judicial review.

The likelihood of significant disturbance from the development depends very much on:

- a) The species of bat present in the area (and their sensitivity to artificial lighting).
- b) The foraging and commuting behaviour of bats and the sensitivity of the application site in relation to their use of the local landscape.
- c) The effectiveness of controlling artificial light levels through the planning system.

Addressing these points in turn:

- a) Bat species present in the area

A data search request to Somerset Environmental Records Centre has returned 113 records (over the last 25 years) for bats within 3km of the application site. Disregarding those species that are regarded to be more light tolerant, and records for small numbers of relatively common species more than 2km away, I can summarise 'significant' records as follows (NOTE: the following are all species considered to have some or significant sensitivity to artificial lighting):

800 metres from the site (survey date 2011):

Bechstein's Bat - 1 adult.

This is a very rare tree-dwelling bat (UK population estimate is around 1500), mostly associated with old growth broadleaved woodland. It is a 'priority species' (listed under Section 41 of the Natural Environment and Rural Communities Act 2006) and of very high conservation significance.

Whiskered/Brandt's Bat - 2 adults.

Woodland / woodland edge bats with widespread distribution.

Brown Long-eared Bat - 6 adults.

Although relatively common and widespread, this too is a 'priority species', probably due to its vulnerability to development of barns and consequent risk of wide-scale impacts to population numbers.

1500 metres from the site (various dates from 1990 to 2013):

Lesser Horseshoe Bat - max. count of 32.

Another 'priority species' with a localised distribution (predominantly the south west of the UK) that feeds in sheltered lowland valleys.

Natterer's Bat - max. count of 6.

Although a widespread distribution, it is a relatively scarce species that forages around trees.

b) Bat activity at the application site and sensitivity

The above data suggests there are five light-sensitive species of bat that could forage (or commute) in the vicinity of the application site. (From records, it's also likely that other species of bat such as serotine, noctule, and pipistrelle species will be active in the area).

The Ecological Report (K.P. Ecology Ltd, 19th November 2015), hasn't included any surveys of bat activity at the application site. (Nor did it include a data search). Instead, it assumes that the habitat will be used by foraging bats but notes that no bat roosts will be affected by the proposed development.

The likelihood of the application site being part of an important foraging or commuting route (and having the potential to cause significant disturbance) is low (due to the site's size relative to the woodland) and this has presumably influenced the consultant's recommendation that no further survey work is necessary. However, given the presence in the area of five light-sensitive species of bat, including 3 'priority species', and including the high conservation status of the very rare Bechstein's Bat, I suggest a more cautious approach and recommend bat activity surveys in the summer months should be conducted in order to properly assess the sensitivity of the site.

It could therefore be concluded that there is insufficient information (lack of bat activity surveys) to determine this application in compliance with our statutory obligations under the Habitats Regulations 2010.

c) Control of lighting through the planning system

Until the above recommended bat activity surveys have been completed, it isn't possible to properly assess the sensitivity of the site with regards to bats. However, should surveys reveal the application site is important for light-sensitive species of bats, a typical mitigation proposal might be to place controls over the type, locations, intensity or duration of artificial lighting.

Whilst this approach might be appropriate for larger residential developments for example, I question or have doubts about the effectiveness of such an approach in this sort of situation:

- o Would such conditions be time limited after which more intense lighting could be installed with possible harm to bats?

o In such a remote location, it's unlikely the site or any deviation from an approved lighting scheme would be subject to any public surveillance and reporting to the lpa for enforcement action.

Whilst I note that 'low level' lighting is proposed in order to minimise wildlife impacts, should the site prove to be sensitive for bats, I would argue that conditions to control light levels are effectively not enforceable, and that completely avoiding development of the application site (i.e. refusal) would be the appropriate outcome in accordance with NPPF (paragraph 118).

3. Hedge removal for visibility splay impacting upon dormice.

Whilst I note that the proposals don't include any hedge removal for access, should it be deemed necessary by Highways to remove any hedge for visibility splays (either at New Lane or on the A30) then I raise concern about impacts upon dormice, a species subject to the provisions of the Habitats Regulations 2010.

Dormice have been recorded in hedges in several locations to the east, west and north, and I therefore regard there to be a high likelihood of dormouse presence in the hedges local to this site.

I consider it unlikely that hedge removal for visibility, and dormouse presence, would constitute a reason for refusal. However, if hedge removal is required, then it may be appropriate to further assess the risk and/or apply a relevant planning condition. Please could you re-consult me in this event.

Second response:

Summary

In response to my original consultation response (dated 12 January 2016) further information has been received (letter from KP Ecology Ltd, February 12, 2016) that attempts to address the concerns that I raised.

On the issue of lighting causing disturbance to bats, bat surveys haven't been undertaken but the consultant assumes that bats will be active in the area, and she describes extensive mitigation measures that will be employed to minimise the level of light disturbance to bats.

The Habitats Regulations requires local planning authorities to consider potential impacts upon bats, and to specifically report on the derogation tests in the committee report, before any grant of planning permission is given. It is generally considered that this requirement can't be adequately fulfilled without proper bat surveys.

Failure of any planning decision to adhere to the provisions of the Habitats Regulations could result in judicial review and significant risks to the Council (several local authorities have been taken to court on this specific issue). If withdrawal (or extension of time) to allow for further bat surveys isn't agreed to then I strongly recommend refusal.

The lack of bat surveys is also contrary to Local Plan policy EQ4. Should subsequent bat surveys identify the site to be sensitive, and the development to present a significant risk of harm, I suggest the mitigation hierarchy required by NPPF may require an alternative location rather than mitigation to minimise light levels as proposed by the applicant.

Lack of bat surveys

Recognising this to be a potentially sensitive location for bats, pre-application advice was given that any development at this location would need to be supported by bat surveys. These haven't been included with the application (the Ecology Report submitted with the application considered bats but didn't include specific bat surveys).

Some species of bats, generally those of greater nature conservation importance, can be particularly sensitive to artificial lighting. Industry guidance for bat surveys¹ lists lighting as one of the impacts of development upon bats (Table 2.1). I doubt the other planning applications involving lighting that are referred to are sufficiently close to significantly raise ambient light levels at this application site.

Extensive mitigation measures to minimise lighting are offered by the applicant and described by the ecological consultant.

However, I remain concerned that:

1. Offering mitigation without properly assessing the impacts doesn't satisfy planning policy and legislation requirements.
2. Any planning conditions to control lighting at this location couldn't reasonably be monitored and enforced in the longer term (and perhaps fail the tests for conditions) with the risk that light levels could increase in the future (e.g. under different occupier) and result in harm to bats. This therefore brings in to dispute the principle of development at this location.

Policy EQ4 requires that applications should be informed and accompanied by a survey and impact assessment, and hence the application is contrary to this.

An adequate bat survey is likely to require monthly surveys from April to October in order to comply with industry guidance although I suggest the detailed specification for survey should be agreed between myself and the applicant's ecologist.

This will have implications for the timing of the application. It is not uncommon (both at SSDC and other authorities) for applications to be withdrawn (or an extension of time agreed) to allow bat surveys to be undertaken.

Local planning authority obligations under the Habitats Regulations

The Habitats Regulations 2010 provides protection for bats that makes it an offence to cause disturbance that would impair their ability to survive, breed or reproduce, or to rear or nurture their young. Artificial lighting could have this effect depending upon species present and patterns of activity around the application site.

A High Court judgement² made it clear that when determining a planning application which could harm a European Protected Species (which includes all species of bat) a local planning authority must be sure that the three derogation tests are satisfied:

1. the development must be for imperative reasons of overriding public interest or for public health and safety;

¹ Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn), J. Collins, 2016, The Bat Conservation Trust.

² Woolley v Cheshire East Borough Council, 2009.

2. there must be no satisfactory alternative; and
3. the favourable conservation status of the species must be maintained.

Furthermore, the court ruling also made it clear that the committee report must specifically address and demonstrate how these derogation tests are satisfied before any grant of planning permission is made.

Without proper bat surveys and impact assessment, I don't consider test 3 (maintaining favourable conservation status) can be adequately demonstrated.

Should further bat surveys suggest the development could cause harm to bats, I have significant doubt that the meeting of tests 1 and 2 could be adequately demonstrated.

Avoiding harm takes precedence over providing mitigation - NPPF and appeal case

Whilst the sensitivity of the location in respect of bats is unknown, should bat surveys later identify the site as sensitive, there shouldn't be a presumption that mitigation is the automatic or only outcome (even though this is the most common scenario).

National Planning Policy Framework (paragraph 118) states that if significant harm resulting from development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This principle was supported in a recent appeal³ where the inspector concluded "*the proposal attempts to mitigate the development but the starting point should be to locate the proposal on another site causing less harm*". The appeal was dismissed solely on this principle.

Conclusions

I consider any grant of planning permission wouldn't be legally sound prior to further survey and assessment of impacts upon bats. If withdrawal (or extension of time) isn't agreed to then I strongly recommend refusal (see appendix).

I consider this could be a potentially sensitive site for bats, and unless surveys demonstrate otherwise, I consider legislation and planning policy might not support the usual scenario of providing mitigation and might only be satisfied by an alternative location for the development.

Appendix – suggested reason for refusal.

The proposal lacks any surveys for bats contrary to Local Plan policy EQ4 and fails to provide information to enable the local planning authority to demonstrate compliance with The Conservation of Habitats and Species Regulations 2010.

³ Appeal Ref: APP/R3325/A/12/2188253 - Puthill Wood, Cricket St Thomas Estate, 1 August 2013.

Agenda Item 16

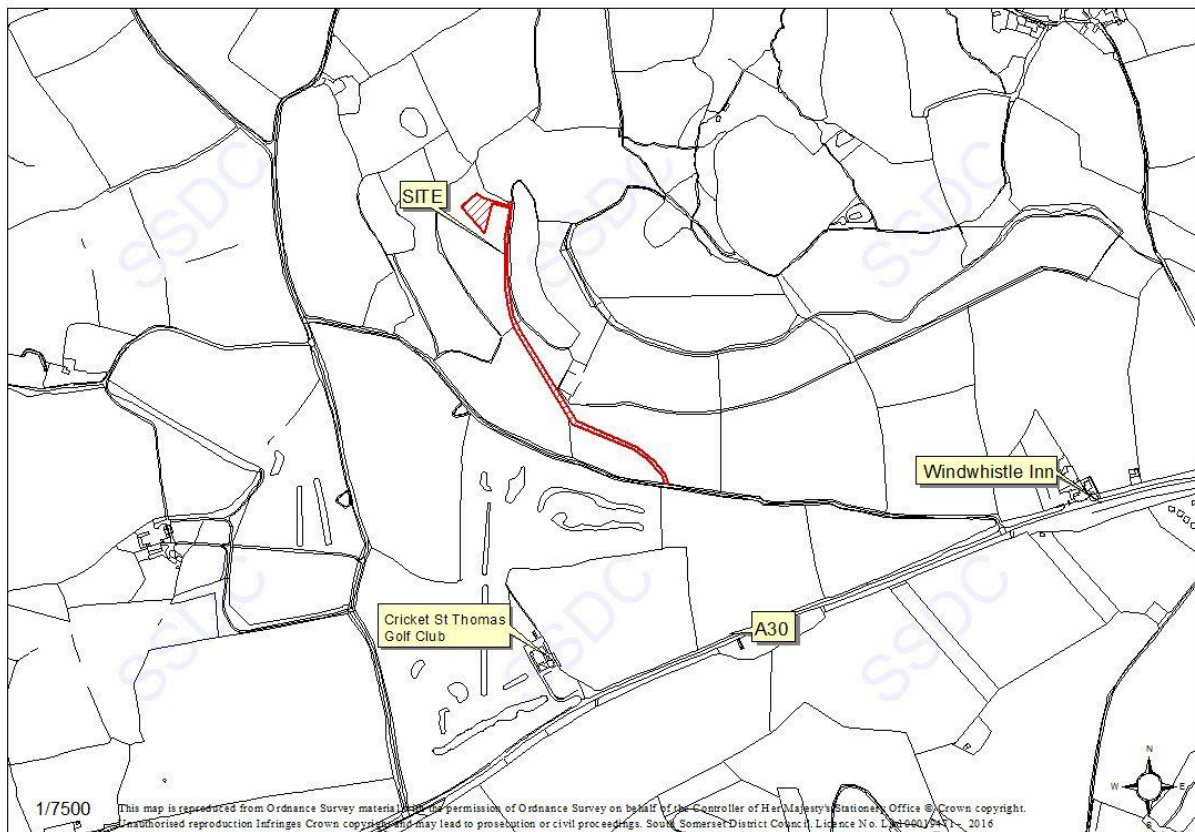
Officer Report On Planning Application: 15/05536/FUL

Proposal:	The siting of a temporary agricultural workers dwelling and associated vehicular access track from New Lane. (GR 336994/110112)
Site Address:	Land OS 0005 At Knight House Farm New Lane Cudworth
Parish:	Cudworth
WINDWHISTLE (SSDC Member) Ward	Cllr S Osborne
Recommending Officer:	Case Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date:	16th February 2016
Applicant:	Mr Simon Saunders
Agent: (no agent if blank)	
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE:

With the agreement of the Chair and Ward member to consider the relevant planning issues.

SITE DESCRIPTION AND PROPOSAL



The application is made to site a temporary agricultural workers dwelling. The site is located on the northern slopes of the Windwhistle Plateau, within the northern corner of a pasture field. The field is bound by woodland to the southern and northern edges which are connected by a hedgerow. The site is at an elevation of 165 metres and provides sweeping

views across the district in a northerly direction. There is a public right of way (CH9/21) that runs through the site connecting the hamlet of Cudworth with the head of Windwhistle Hill.

The holding comprises approximately 101 hectares. Traditionally the holding has been managed from existing farm buildings and farmhouse at Knightshouse farm at the bottom of Windwhistle Hill. These are located approximately 550 metres to the north and are accessed from their northern side from Cudworth. The existing buildings consist of a range of stone built and modern agricultural buildings.

There is a grade II* Listed Building (St Michaels Church) which borders the land holding and is approximately 140 metres to the north of the existing agricultural buildings. There are two Scheduled Ancient Monuments within this vicinity, fish ponds to the south of the church which border the existing agricultural buildings and a medieval village approximately 150 metres to the east.

This application is for the siting of a temporary agricultural workers dwelling for 3 years in association with a new livestock farming enterprise. There are three concurrent associated applications for the re siting of the farmstead from the original cluster of buildings at Knightshouse Farm to the proposed position adjacent to the temporary dwelling.

The applications have been substantially amended since the original submission. The amendments to the scheme are summarised as follows:

- Removal of vehicular access to the site from New Lane and installation of vehicular access from Knights House Farm.
- Re-siting of the new agricultural buildings approximately 20 metres to the south/amendments to design of agricultural building.
- Revised landscape mitigation in the form of additional planting.

The application is accompanied by an agricultural appraisal which addresses the functional need for the dwelling. The appraisal has been assessed by an independent consultant on behalf of the Planning Authority.

SITE HISTORY

15/05534/FUL- The erection of a general purpose agricultural building- Pending consideration

15/05535/FUL- The erection of a general purpose agricultural building- Pending consideration

15/05537/FUL- The erection of an agricultural store and animal care building- Pending consideration

90/00905/OUT (Outline Application)- The erection of a farmhouse- Permitted with conditions.

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 the 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 South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

The National Planning Policy Framework (NPPF) is a material consideration.

South Somerset Local Plan Policies

SD1- Sustainable development

EQ2- General Development

EQ4- Biodiversity

EQ5- green Infrastructure

EQ6- Woodland and Forests

EQ7- pollution Control

HG9- Agricultural workers dwellings

TA5- Transport impact of new development

TA6 Parking Standards

National Planning Policy Framework (March 2012)

Chapter 1- Building a strong, competitive economy

Chapter 3- Supporting a prosperous rural economy

Chapter 4- Promoting sustainable transport

Chapter 11- Conserving and enhancing the natural environment

National Planning Practice Guide (2013)

The following sections are of most relevance-

Determining a planning application

Rural housing

CONSULTATIONS

Agricultural Consultant:

1. Considerable background information has already been submitted to the Council in relation to this application and I do not intend to repeat it; rather a brief summary is provided as a point of reference for the appraisal that follows.

2. Knight House Farm extends to 101ha and was purchased by the applicant in April 2015. Included in the sale was agricultural land, woodland and a range of agricultural buildings but (it was thought) that no dwelling was available. Information has been submitted with the planning application in the form of Land Registry documentation that shows that the existing dwelling on the property was purchased by the applicant's son (Henry Saunders). As there is no record of the applicant's name on the LR documentation there can be no suggestion that the applicant bought and immediately the sold the house to his son.

3. However, an email from the applicant's agent to SSDC (16th June 2015) during the pre-app discussions states:

- "The dwelling nearby, Knight House Farmhouse, originally served the farm but was divided into separate ownership on the death of the owner. The house does not form part of the holding and is not available".

4. Although RAC has not investigated the veracity of this statement in detail, the Humberts Sales Particulars for the property (attached) clearly indicate that the sale was for:

"A most attractive ring fenced livestock, sporting and arable holding with the benefit of far reaching views, situated in a private and sought after part of South Somerset

- A detached period three bedroom farmhouse set in lawned gardens, with potential for expansion
- In all extending to about 251.14 acres (about 101.635 ha)
- For sale as a whole by Private Treaty".

Thus the suggestion that the house was divided into separate ownership - with the implied meaning of permanently - seems inaccurate; as does the statement "does not form part of the holding". The dwelling was demonstrably part of the holding at the point of sale and the land, buildings and house were offered for sale as a whole by Private Treaty.

5. The land and buildings (but not the house) were purchased with the express intention of developing an agricultural business producing premium lamb and beef for direct sale to the general public. The applicant, Simon Saunders, is a career businessman and entrepreneur and the documentation submitted with the application states:

"Simon Saunders brings a wealth of business and project management skills to the company, together with an understanding of niche markets, their customers and the particular demands of niche products. Simon set up Ariel Motor Company in 1999, now manufacturing the Ariel Atom and Ariel Nomad sports cars as well as the Ariel Ace motorcycle in Crewkerne. The vehicles have achieved international success as well as much acclaim and the company has expanded steadily. Although far removed from livestock rearing Ariel has operated in a market dominated by very high volume manufacturers and produces low volume, high quality, and premium products for a niche of the market. There is therefore some comparison between the automotive and food business and operation in a high quality, niche area. The Ariel companies are profitable, self-funded, have grown in terms of size, employment and profitability consistently, and continue to do so. His two sons have taken over the majority of the Ariel business leaving Simon able to pursue the farming business, a long held ambition".

6. The farming system to be adopted will be based on beef and sheep enterprises utilising the land available and housed in the proposed new buildings during the winter months. Beef cross calves will be sourced from local farms or a trusted livestock marketing business (Meadow Quality Ltd) and bucket-reared for the first 6 weeks. They will then be taken through to 30+ months of age and finished as high quality beef. Rearing 30 calves a year will provide a steady flow of cattle to meet the proposed direct sales of "Somerset" beef.

7. The ewe flock will be expanded from an initial 300 ewes with purchased and home-bred ewes to reach a maximum proposed 480 ewes by Year 3 (although the pre-app email of 16th June refers to 750 ewes or 75 suckler cows). Lambing will take place from March through to April allowing the ewes and lambs to then be turned out onto grass.

8. Approximately 20ha of arable crops will also be grown each year, as part of land rotation, and will provide bedding for the livestock, as well as crops to be sold. Timber and logs will also be harvested from the 22ha of existing woodland as part of active woodland management, and sold either as timber or firewood.

9. Four new buildings are proposed. These will be arranged in a courtyard configuration in the middle of the holding and will provide:

- General purpose/livestock building - 450 m²
- General purpose/livestock building - 130 m²
- General purpose/livestock building - 170 m²
- store/isolation unit - 297 m²

10. Labour will mainly be provided by Simon and his wife, Kate, with the assistance during peak periods from a neighbouring farmer and from temporary labour such as veterinary students; shearing, foot trimming, drenching etc will be carried out by specialist sheep contractors. Marketing will be undertaken by Simon and Kate using direct sales and e-commerce.

11. In order to develop the business as planned, and provide appropriate supervision for the stock, the applicant contends that there is an essential need to live on site and the

application seeks permission for an agricultural worker's temporary dwelling.

Development Plan Framework

12. The Development Plan includes the National Planning Policy Framework (NPPF), which was published in March 2012 and which revoked Planning Policy Statement 7 which had been used for assessments of such applications in the past. The NPPF deals with rural workers' dwellings at paragraph 55, noting:

"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:

o the essential need for a rural worker to live permanently at or near their place of work in the countryside..."

13. The Local Development Framework against which this application will be determined includes South Somerset Local Plan (2006-2028) Policy HG9 "Housing for Agricultural and Related Workers". This states:

"A development proposal in the countryside to meet the accommodation needs of a full-time worker in agriculture, horticulture, forestry, equestrian activities or other business where a rural location is essential should demonstrate that:

- Provision on-site (or in the immediate vicinity) is necessary for the operation of the business
- No suitable accommodation exists (or could be made available) in established buildings on the site or in the immediate vicinity
- It does not involve replacing a dwelling disposed of recently as general market housing
- The dwelling is no larger than that required to meet the operational needs of the business
- The siting and landscaping of the new dwelling minimises the impact upon the character and appearance of the countryside and ensures no adverse impact upon the integrity of internationally designated sites.

Where a new dwelling is permitted, this will be the subject of a condition ensuring the occupation will be limited to a person solely or mainly working, or last working in the locality in agriculture, horticulture, forestry, equestrian activities or other rural business, or a surviving partner of such a person, and any resident dependants".

14. There is though, no policy provision for agricultural workers' temporary dwellings to enable new or putative agricultural businesses to be established prior to an application for permanent residential accommodation. However, the Council will be aware that applications for such dwellings continue to be submitted (and permitted) and the following appraisal assesses the application based on the assumption that such applications can be appropriate - subject to similar criteria to those set out above.

Appraisal

Essential need

15. It is accepted that there is no established existing functional need, so the assessment below examines whether there could be an essential need in three years' time and whether provision on-site (or in the immediate vicinity) is necessary for the operation of the business.

16. Keeping livestock on farms requires close attention to detail to ensure the welfare of the stock is not compromised. Legislation vests a responsibility with stock keepers to ensure that animals are kept in a manner which accords them freedom from thirst, hunger and malnutrition; appropriate comfort and shelter; the prevention, or rapid diagnosis and

treatment of injury, disease or infestation; freedom from fear; and freedom to display most normal patterns of behaviour.

17. As far as the cattle are concerned, whilst I often support applications for an on-site presence to provide for the welfare needs of young bucket-reared calves, the numbers on this holding will be low with only 30 calves being reared per annum and spread out over the year to ensure "a steady flow of cattle to meet the proposed direct sales of "Somerset" beef"¹. As such it seems likely that batches of 10 calves will be purchased in say March, May and September and bucket-reared for six weeks. Thereafter, the calves will be reared on concentrates and fodder.

18. Whilst there is a need to provide appropriate supervision for calves, such small numbers do not warrant the provision of a year-round dwelling; the older cattle do not require on-site supervision at all and will be at grass, or loose housed in the barns. (The statement in the Agricultural and Business Appraisal (ABA) (paragraph 3.7) that the Code of Recommendations for the Welfare of Livestock: Cattle "requires constant attention" is simply incorrect).

19. With the sheep, the period of essential need is during the lambing window (on this holding it is referred to as "March through to April"²) and historically shepherds have made use of seasonal workers' accommodation during the lambing window to provide the necessary care and attention. For the remainder of the year the sheep will be out at pasture and there is no essential need to live on the holding to provide for their welfare needs.

20. The starting premise is thus that there is no essential need to live on the holding all through the year to provide for the welfare needs of the livestock. Reference is made in the appraisal to the Codes of Recommendation for the Welfare of Livestock³ but nowhere in these documents is there any reference to the need for on-site residential accommodation - simply appropriate supervision. Indeed, even the Animal Welfare Act 2006 (as amended) does not make any mention to the need for on-site accommodation - simply the need to check stock daily (or young calves twice-daily) and the need to respond to welfare needs propitiously.

21. However, I have recently reported in West Dorset that "with 450-500 ewes lambing in two distinct periods I would support an application for a key worker to live on site to provide for the needs of the stock"; thus, the issues are not straight forward.

22. When Planning Policy Statement 7, Annex A formed the Government guidance the test in policy sought to examine whether it was essential for the "proper functioning of the enterprise for one or more workers to be readily available at most times" which allowed a slightly wider interpretation that simply looking at the essential needs of the livestock. In this case whilst the livestock may not warrant year-round on-site residential accommodation, I have little doubt that the business planned by Mr Saunders will not be established as he wishes without on-site accommodation (and goes to the heart of Local Plan Policy H9, Bullet 1).

23. The investment, the desire to have hands-on capability at most times, the fear of intruders and other security risks will simply render the business plan untenable.

24. Thus, whilst the livestock elements do not generate an essential functional need, the overall business need does and in my opinion will not be developed without accommodation.

25. The NPPF seeks to encourage rural development and paragraph 28 states:
"Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a

strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship".

26. The provision of a dwelling will promote economic growth, but does not sit comfortably with the requirement of paragraph 55 that the need is essential.

27. Finally though, there is the issue of the former dwelling attached to the land that Mr Saunders knowingly and presumably willingly chose not to purchase whilst knowing (himself) that there was a need to live on the holding to provide for the welfare needs of livestock. Although planning policy cannot be used to force the purchase of a dwelling, the sale of a dwelling can constitute a perceived lack of need, as is referred to at Bullet 3 of the Local Plan policy. In this case the applicant has suggested to SSDC that there was insufficient finance to purchase the house and the land but it remains the case that the applicant has sufficient funds remaining to construct the farmstead, and finance the temporary dwelling.

28. Perhaps with hindsight the applicant should have purchased a smaller area of land and retained the agricultural dwelling.

Is the enterprise economically viable?

29. For a temporary dwelling financial plans and projections are required to demonstrate that the proposed business has a reasonable prospect of success.

30. In this instance a five-year cash flow and business plan has been submitted that suggests that the business ought to be generating an income in excess of £120,000 at the end of Year 3 and a gross profit margin of about £30,000, after £20,000 of labour has been allocated. Unfortunately, the cash flow does not include all costs necessary to estimate a gross profit, as depreciation has been omitted as have various fixed costs such as the cost of the temporary accommodation.

31. However, I consider that for a temporary dwelling the costings are sufficiently sound to enable the business to be developed. In writing this I am mindful of a Planning Inspector in Wiltshire who concluded:

(APP/Y3940/A/13/2200283, Land at Ashley, Box, Chippenham, Wiltshire)

"Turning to the proposed viability of the suggested enterprise, the appellant has submitted a Business Plan which sets out estimated costs and revenue for the proposed operation. There is some dispute regarding the trading price of alpacas and the future health of the alpaca industry in this country generally. However regardless of these matters, when taking into account the cost of the labour identified as required (using the minimum wage), the variable and relevant fixed costs and return on capital, the alpaca and small scale rabbit breeding side of the suggested operation would be relatively close to meeting the viability test in year 3 and 4. This would be the case whether the income from the stress therapy sessions for humans, experience days, birthday parties and meditation courses were taken into account

or not. Therefore, for the time being it would appear premature to reach a judgement that financial viability for the suggested enterprise would be out of the question at the end of the trial period. Therefore, on the basis that the alpaca and rabbit breeding enterprise is already up and running, there is little reason to dismiss it as not having been planned on a sound financial basis before it has had an opportunity to prove itself during a trial period". (Emphasis added)

32. I consider the same reasoning could be applied to this application, albeit the applicant will need to incur significant costs in the development of the buildings.

Does any suitable accommodation exist (or be made available) in established buildings on the site or in the immediate vicinity?

33. I am not aware of any dwellings in the immediate vicinity that is available (now) to provide for the residential needs of the holding. Clearly, the former dwelling was available prior to it being purchased by the applicant's son, but it is now no longer available.

Does the proposed dwelling involve replacing a dwelling disposed of recently as general market housing?

34. The Local Plan Policy expressly poses the question whether the proposed new dwelling replaces a dwelling recently sold as general market housing and it is crystal clear that the proposed new temporary dwelling does exactly that. Although there is no suggestion that the applicant bought and immediately the sold the house on to his son the house - that was providing for the functional needs of the holding.- did form part of the whole package offered for sale and it has recently been disposed as general market housing.

Is the dwelling larger than that required to meet the operational needs of the business?

35. This element does not fall to be considered for a temporary dwelling.

Does the siting and landscaping of the new dwelling minimise the impact upon the local landscape character and visual amenity of the countryside and ensure no adverse impact upon the integrity of nationally and internationally designated sites, such as AONB.

36. RAC does not comment on non-agricultural issues.

This is a difficult application to assess but the livestock generate only limited - and of short duration - essential (functional) needs. However, it seems likely that the business will not be developed in the manner proposed if there is not a dwelling on site, or nearby.

Landscape Officer:

Response to amended plans:

We now have a number of amendments before us, which from a landscape perspective, have made some useful changes to the proposal;

(a) Amended access drive.

My initial response identified the access proposal off New Road to be significantly adverse, both in the point of access, and its intrusion across undeveloped upper hillside. This is now removed from the scheme, with the new proposal intending an approach from the north, rising gradually from Knights House farm, to cross two fields to reach the application site. The access will be expressed as a stone track, which will have capacity to blend in to the agricultural landscape, with sections visible to local walkers, but otherwise relatively unobtrusive. Whilst there remains a negative impact, I consider it minor adverse, and this change to be a substantive improvement on the initial proposal.

(b) Re-sited farm building group.

The building group is relocated circa 20 metres to the south, and reconfigured to result in a

slight reduction in both the building footprint, and in its profile, such that the office building no longer projects above the ridge elevation of the other buildings in the group. This shift will marginally reduce the visual profile of the buildings as viewed from the northern approaches, and allow space for greater substance to the landscape mitigation, which I view to be improvements over the initial site arrangement and building mass.

(c) Additional planting proposals.

Further planting is added to the plan, particularly in the vicinity of the new farmstead, to play down building presence, and I acknowledge this to be positive. I would recommend some changes to the proposed planting mixes, but this is not pertinent at this stage. I also acknowledge the positive intention of local-species orchard planting to the east of the site.

In the 4th paragraph of my initial response, the landscape case against the siting of the farm buildings is set out, and it remains pertinent to provide a case for refusal, LP policy EQ2. However, I acknowledge that the weight of the landscape objection is now lessened by these latest changes, particularly to the site access, as (a) above. I accept that the holding will benefit from fit-for-purpose buildings to assist farm management, and to that end, have suggested that a more landscape-sympathetic siting would be to build upon the established farm building group by Knights House Farm, in a manner that would not compromise the adjacent heritage assets. This solution remains the favoured landscape option, but I understand that it does not best capitalise on improvements that can be gained for improved management of the stock and the farm enterprise. Ultimately that is one for the planning balance, but if you are minded to support this revised application, then some reduction in the farm building form at Knights House Farm should be sought, to gain some balance from the overall proposal.

First response:

The above applications intend the potential relocation of the main farmstead from its current location to the south of Cudworth church (where the current farmhouse - not in the applicant's personal ownership - and building group are to remain) to a pasture field between the northern ends of Higher and Old Woods. It intends the construction of 3 agricultural buildings; a farm store/office; a temporary dwelling; and two hard-surfaced yards. It is sited adjacent the corner of a pasture field, contained on either side by woodland, on a relatively level platform circa 165m aod, where the steep scarp slopes of the north face of Windwhistle Hill merge into the rolling land of Windwhistle's foothills. The site is divorced from existing built form, the nearest being the host farmstead, 0.55km to the north. A new site access is proposed, coming off New Lane, at the head of Windwhistle Hill circa 205m aod, and descending northwest across the open upper escarpment.

The recently published PPG (Natural Environment) has re-iterated the necessary role of landscape character assessment in planning for change due to development without sacrifice of local character and distinctiveness. An understanding of landscape character is also utilised to help determine a view on what may - or may not - be acceptable in terms of development in any particular landscape. Characterisation is about what is distinctive and particular in a place, and these qualities of place are matters to which planning weight is given when assessing the potential impact of new development, along with the need for any proposal to conserve and enhance local landscape character, and reinforce local distinctiveness, to comply with local plan policy EQ2. This policy guidance provides the planning context for this landscape evaluation:

The landscape of the northern face of the Windwhistle plateau is characterised by a steep, folding scarp, with a landcover of pasture fields, and extensive woodland blocks - some of which are fragments of ancient semi-natural woodland - that cover much of the main, upper escarpment. From the toe of the escarpment, the gradient eases into a broader, undulating

landform, formed by the incision of the River Isle's headwater streams, which create a series of north-south valleys separating mixed rolling agricultural land. Other than the singular hamlet of Higher Chillington, 2 km to the east, the main Windwhistle scarp is characterised by a lack of development form, and it is notable that the local farms and hamlets all lay at a lower elevation, below the spring-line, and are located on the lower Windwhistle foothills to the north. This is the broad landscape context within which this proposal is located.

Turning to the application site, the development proposal lays within a landscape pattern that is long-established - indicated on the Somerset Historic Environment Record as anciently enclosed (pre-17th century) farmland. It is characterised by its meadow context; woodland setting; and the steep, sheltering hillsides to the south. The hillsides and woodland bring a strong sense of enclosure to the site, which with its lack of development presence, and separation from the characteristic pattern of local farm settlement, establishes a strong sense of remoteness by South Somerset standards, which is both distinctive, and becoming increasingly rare. The introduction of a group of farm buildings into this deeply rural landscape, will establish built elements where development form is far-removed, to erode the unspoilt and locally distinctive character of the area. The introduction of building, and vehicular, nightlight to both the farm site and its access across the face of the upper scarp, within what is a dark-sky location, similarly erodes the tranquil character of this part of the Windwhistle scarp. Additionally, visibility becomes an issue when a proposal is either incongruously scaled or located, and in being sited in a location that is served by, and thus visible from, the well-used local rights of way network, the building complex will be seen as visually intrusive. I would assess this aggregation of landscape impacts to be both significant and adverse, which in substantively eroding local landscape character and distinctiveness, does not meet the requirements of policy EQ2. The suggestion of a new access off a narrow rural lane, with its incongruous bellmouth access - 7x the width of New Lane; the loss of circa 30 metres of hedgerow; the obtrusive level of that access relative to the falling slope, which will be circa 600mm above the general ground level circa 12 metres into the field, to then cross steeply-falling, highly-visible, non-developed land, is also considered a significant adverse landscape impact, to similarly tell against this application.

I accept that the holding will benefit from the introduction of fit-for-purpose buildings to assist future farm management. In the face of this landscape objection, is raised the need to look for possible alternatives, by which the landowner's main objectives can still be achieved. I agree with the application D&A statement that there are few ready options, and having walked the site, the only alternative that works in landscape terms is the redevelopment of the current farm site; its extension south; and use of the current access. As built form is already established in this location, and the site characterised by the existing farm building forms, the landscape impact would not be so extensive as would result from this application proposal, providing building scale, form and finish is strictly controlled, and there is no footprint spread toward, or increased visual intrusion upon, the heritage assets to the north and east.

Should you consider there is a case for the proposal as submitted, that would over-ride the weight of the landscape objection, then I consider it essential that a number of amendments to the proposal are sought, to lessen visual impact, and provide a level of enhancement, as is required by policy EQ2:

- 1) The grouping and varied heights of the proposed farm buildings is sensible, and potentially helps to play down massing impacts, yet having the tallest building - the store/office (ridge height almost 9.00 metres above lower yard level) - at the more visible edge of the complex, and at a raised elevation, will appear obtrusive, and potentially draw the eye. I would suggest either the height is reduced, or the building shifted south to the opposite corner of Building 1, to appear less obvious in the approach from the north. I would also suggest that the 1st floor windows are removed from the north elevation, for these are

uncharacteristic of a traditionally-styled farm building range; and aligned along the most prominent part of the building group's elevation, will project both an incongruity; and nightlight.

2) I note from consultation responses that the suggestion of the complex being shifted further south, to a more visually contained location, has been mooted. Whilst this does not deal with the major impacts I have outlined above, I do agree that in shifting the farmstead further south along the woodland's side, it would appear less imposing as viewed from the north as approached on the local rights of way, and this would be beneficial.

3) Whilst the proposal for screen planting to the south of the buildings is welcomed, I consider that a more comprehensive approach is needed to landscape mitigation. To that end, I would suggest further hedgerow enclosure of the upper yard, linking into other woody features, is essential to provide both visual and physical containment of the farmstead. Further planting to consolidate the existing landscape pattern, in relation to both the track, and the farmstead, should also be agreed pre-determination.

4) The access off New Lane appears over-scaled alongside the narrow, enclosed width of the lane itself, and there is little that can be done to modify the incongruous ground profile of the access track. There is similarly little scope for a reduction in the size of the access. It may be possible to counter the worst excesses of the track's visual impact, by use of dark mortar tones; and washed, larger dark aggregate finishes.

5) There is an acknowledgement in the D&A statement of the sensitivity of the northern end of the holding, relative to the scheduled monuments and listed buildings located to the north and northeast of the present farmstead. Noting that the current farm buildings are now deemed inadequate, and that there will be limited use of them, and to compensate for the adverse impact of the new site, I believe there is scope for environmental enhancement in the removal of these buildings, with any necessary replacement (for hay storage) being of more restrained footprint and form, with appropriate landscape treatment, to thus present a more balanced scheme overall.

6) Finally, I am advised that - in acknowledging the applicant's highly successful auto business - some local apprehension has been expressed that the challenging terrain of the farm holding would be suited for testing off-road vehicles. I had similarly expressed such a concern at an earlier stage, for the introduction of such a use within this landscape would be both significantly adverse and damaging. We were subsequently re-assured by the applicant and his positive plans for both the land and woodland, that such use is not intended. However, aware that in a challenging economic climate, business needs may generate change, then to placate local concern, is there the possibility of the removal of PD rights of such use of land, such that the only vehicular use of the land is for the purposes of agricultural management only? I would welcome your thoughts and further discussion on this.

Parish Council:

Third response (In response to most recent amended plans):

At the Parish Meeting on the 17th October, the amended plans were considered and discussed. Whilst some of the concerns of the parish have been addressed, there is still considerable concern that this development is proposed on an entirely greenfield site in a prominent position away from the main hub of the village and removed a considerable distance from the existing farm buildings. The impact on the beautiful hill that rises up to the iconic Windwhistle Ridge will be irreversible.

It was appreciated that changing the access to the proposed site by getting rid of the track from New Lane would be an improvement, along with the reconfiguration of the proposed buildings. However, the proposed two storey building still gives cause for concern as its use remains unclear and it is difficult to see how this suits a farming operation.

The change of orientation of the temporary dwelling, whilst shown on the plans, is not mentioned, therefore we were unsure why this has changed. The concern still remains (see parish response of 26th January) that the temporary dwelling should only be built if the other

applications are passed, and then to ensure it is built simultaneously with the other buildings. The intended use of the existing buildings seem very vague. Please refer to the Parish response of 26th January 2016, where the Parish Meeting asks the council to consider a condition whereby the existing buildings, which are dilapidated and contain asbestos, are removed if the planning for the new buildings should be approved.

The view of the majority of parishioners at the meeting is that the existing site remains more suitable for developing a more up to date and appropriate range of buildings, as it would be developing what is, in effect, a brown field site.

Whilst the existing site remains more visible to many of the homes in the village, we have a responsibility to maintain the peace, tranquility and beauty of the landscape.

Most of the concerns of the first two Parish responses remain (26th January and 29th March), and we ask that these are taken into consideration along with this response, when examining the amendments to these applications.

First response:

The parish support the idea of sustainable farming at Knights House Farm but raised the following concerns at the Parish Meeting held on January 7th 2016.

The application is for General Purpose agricultural buildings whereas the business plan states that the buildings will be used for a livestock enterprise. There are concerns that the proposed buildings are not suitable for livestock re design & ventilation particularly roof ventilation.

Concern re slurry, dung storage, & run off re water supply to village properties & risk of contamination. There are no facilities for this in the plan.

The parishioners have concerns that farm traffic will not be reduced as stated in the plan, due to the existing buildings at Knights House Farm still being in use for storage of fodder & bedding etc. according to Mr Saunders at the said meeting. This will involve tractors travelling through the village to the proposed new buildings and thus negating the benefits as stated in business plan of farm traffic reduction through the village. While there is a known track across the farm it is unlikely that this would be passable during the winter months when the proposed buildings will need to be serviced with fodder and bedding.

The Parish Meeting would ask the council to consider a condition whereby the existing buildings; which are dilapidated and contain asbestos, are removed if the planning for the new buildings were approved. We would also like consideration to permissible rebuilding of the original barns to be restricted.

There is a statutory duty to consider the impact this development will have on listed buildings & heritage assets, in conserving the natural environment. The proposed buildings are in the sight of St Michaels Church, The Old Vicarage, & the ancient monument, which includes the moat, carp ponds & site of medieval village. The footpath from New Road runs past the proposed site close to the General Agricultural Buildings the visible impact of the proposed buildings on views from public vantage points should also be considered.

With regard to the 4 applications for this site, there is concern that application 15/05536/FUL (siting of temporary Agricultural Dwelling) should not be considered unless the other applications are successful. There is also concern that the application 15/05537/FUL that consists of a 2 storey animal care Centre with 'storage' above' would be too visible and consideration should be given to reducing the height to 1 storey. The Parish Meeting would prefer a larger footprint on the Southside of the plan to house the storage facility; this would have a lesser impact on the landscape and would allay concerns of the Parishioners.

The buildings, if set back south approx.140m would sit in a natural dip and therefore be less visible and have a lesser impact on the listed buildings in its sight line.

Second response (in response to first set of amended plans):

Following the first Parish Response to this application, all the original concerns contained in that response remain. The proposed amendments to the plans are minimal and do not address the concerns of the Parish.

The visibility of & need for the two storey general purpose building/ animal care centre with the upper floor being used for 'general storage' was again brought into question and while the roof line has been lowered it was still deemed preferred that the buildings, if passed should be single storey.

The Parish is supportive of sustainable farming at Knight's House Farm, and from the minutes at the meeting to discuss the amendments on 23rd March, it was apparent there would be a more favourable view if the applicant considered re-developing the original farm site, with the correct permissions and consideration to the historic sites and listed buildings nearby.

This view was unanimous at the Parish meeting held on Wednesday 23rd March although no formal vote was recorded. It must also be recognised that the site of the original buildings is far more visible to many of the residents homes, but they would prefer any development and improvement to take place on what is, in effect, a brownfield site, rather than the proposed site, which would cause a huge and irrevocable change to a previously unspoilt and untouched landscape.

The original farm site has been the centre of a farming business for hundreds of years and we see no reason that this should not continue to be the case.

Highway Authority:

In response to amended site access:

The application is an amended plan for an application that my colleague Mr Malcolm Jones commented on previously where the Highway Authority raised no objection. This current application has the proposed access on to Knights Lane which is to the north. This proposal would mean that no agricultural access would need to be constructed as the red line adjoins Knights Lane in a location where traffic flow is likely to be extremely low as Knights Lane terminates next to the red line on the plan. Knights Lane leads on a rural road that does not have a high traffic flow and due to its agricultural surroundings, is likely to have an existing level of agricultural traffic.

Taking the above into account, the Highway Authority does not wish to raise an objection to the proposal, however, should the Local Planning Authority grant planning permission then I would recommend that the following conditions are attached:

1. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
2. The building hereby permitted shall only be used in connection with the working and management of the adjoining farmland. It shall not be used for any other purpose without the prior written consent of the Local Planning Authority.

Ecologist:

Most recent response in relation to submitted bat surveys: (The first and second responses are included as an appendix to this report).

I confirm I no longer maintain an objection to these applications following completion of bat activity surveys.

I agree with the 'Overview of the ecological survey results, mitigation and enhancements' (KP Ecology) and that the application site isn't particularly sensitive in terms of the bat species that forage and commute in and around the site, and that the proposed development is therefore unlikely to cause significant disturbance to any local bat populations.

Whilst it would still be preferable not to place such a development amongst features that are mapped as components of the local ecological network (as detailed in my original response of 12 January 2016), the proposed tree, hedge and orchard planting could be considered as appropriate mitigation. Provided this can be ensured (e.g. by condition) then I do not maintain an objection in this respect.

The only other matter I originally raised was that of the new entrance off New Lane and possible impacts of a visibility splay upon dormice. Due to the amended access arrangements this is no longer an issue.

Environment Agency:

We are not aware of any imminent plans to make everywhere under NZV designation. However, there is always the possibility that the NVZ designated areas will be altered or enlarged to encompass sites that haven't previously been with an NVZ area. We therefore always recommend that when farmers are considering constructing slurry/dirty water system they aim for the NVZ storage requirements.

Outside of NVZ areas there are not specific controls for solid manure storage, but drainage from solid manure heaps is considered to be 'slurry', so where this poses a risk to controlled water, it must be collected and contained. The code of good agricultural practice (CoGAP) recommends that stores should only be constructed with a sealed floor, and any containment tank used to collect drainage must meet SSAFO standards.

For field heaps follow the CoGAP advice, but where other storage is on permeable ground the risk to groundwater or other pollution pathways have to be considered to decide if it's acceptable. Normally such areas will be unacceptable as you can't collect and contain any drainage.

If field heaps are within an NVZ area then there are controls:

If you have poultry manure or other types of solid manure YOU MUST store them:

- In a vessel;
- On an impermeable base, with appropriate collection and containment of runoff;
- In a roofed building; or
- In an appropriately located temporary field heap. Field heaps must be of material that is stackable and doesn't give rise to free drainage.

Again, as good practice we would recommend that the NVZ guidance is followed even for those outside of current NVZ areas.

Environmental Monitoring Officer:

I've attached a map showing the location of the private water supplies within the vicinity of this planned development. The nearest one is approximately 600m to the north of the development so this is not of concern. All of the properties down in Cudworth are on private water supplies I believe, either spring chambers, wells or boreholes. Due to the location of the proposed development though being such a distance from the sources of these private water supplies it is unlikely to directly affect them. Associated activities with the new farm, such as location of manure heaps etc. may potentially cause issues if they are located close

to the private water supplies.

REPRESENTATIONS

Following consultation, letters have been received from 16 nearby properties, 11 objecting, 3 making representations and 2 in support of the proposals. Representations have been received from The Ramblers objecting to the application. The following comments are made objecting to the proposal:

Landscape considerations:

- The site is inappropriate from a landscape perspective and will have an adverse impact on the tranquil character of the hillside and will have an adverse impact on users of the public right of way.
- The proposed site is impractical for future occupants.
- There is an existing site at the bottom of the hill which is more appropriate.
- Weather conditions at the proposed site are harsher (cold, misty, north facing) than at the bottom of the hill and therefore inappropriate for young animals.

Justification:

- Knightshouse farmhouse was removed from the holding by the applicant when the site was purchased, contrary to Local Plan policy.

Highways:

- Concerns that the revised access will bring additional traffic through the village.
- The highway network surrounding the site is substandard.
- If permission is granted it should be on the condition that existing buildings at the bottom of the hill are removed to alleviate concerns of these being developed in the future.
- There is likely to be conflict between commercial vehicles and pedestrians on the public right of way.

Other comments:

- The proposed site would be isolated and not subject to surveillance from surrounding properties, hence more vulnerable to thefts.
- Concerns over effluent produced from the buildings. There is currently an issue with effluent discharge from the existing buildings.

The following comments are made in support of the proposal:

- The proposed buildings would be in a central position within the holding.
- The proposed buildings would provide protection from the weather and good security for livestock.
- Buildings will not affect anyone and will have minimal landscape impact.
- Application will benefit wildlife.
- People who want to get into farming should be supported.

CONSIDERATIONS

Principle of development:

The application site lies in open countryside. In terms of determining the application the key consideration relates to whether the proposal complies with the development plan and if not whether material considerations indicate that planning permission should be granted. In addition to this, the NPPF is a material consideration that is given enhanced weight where local policies are absent, out of date or silent on any given issue.

Overall the NPPF provides that there should be a presumption in favour of 'sustainable development'. Paragraph 7 sets out three dimensions to sustainability, economic, social and

environmental. More specifically, paragraph 55 of the NPPF relates to dwellings in rural areas and seeks to promote housing where it will enhance and maintain the vitality of rural communities. Of significance it states that Planning Authorities should avoid 'isolated' dwellings unless there are special circumstances of which the following is of relevance:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside;

Having regard to the above, it is considered that the site is isolated and therefore paragraph 55 would apply.

Policy HG9 relates to housing for agricultural and other related workers and is considered to be the basis for determining such applications. It states that housing in the countryside to meet the accommodation needs of a full time worker in agriculture or other businesses where a rural location is essential should demonstrate that:

- There is a clearly established existing functional need;
- The enterprise is economically viable;
- Provision on-site (or in the immediate vicinity) is necessary for the operation of the business;
- No suitable accommodation exists (or could be made available) in established buildings on the site or in the immediate vicinity;
- It does not involve replacing a dwelling disposed of recently as general market housing;
- The dwelling is no larger than that required to meet the operational needs of the business;
- The siting and landscaping of the new dwelling minimises the impact upon the local landscape character and visual amenity of the countryside and ensures no adverse impact upon the integrity of nationally and internationally designated sites, such as AONB.

The established methodology for assessing rural worker dwellings is contained within Annexe A to PPS 7. Whilst PPS7 is superseded by the NPPF, it remains the established methodology for assessing 'essential need' and this approach has been backed up many times at planning appeal.

The relevant criteria within Annexe A require the following:

- "(i) clear evidence of a firm intention and ability to develop the enterprise concerned (Significant investment in new farm buildings is often a good indication of intentions);
- (ii) Functional need (see paragraph 4 of this Annex);
- (iii) Clear evidence that the proposed enterprise has been planned on a sound financial basis;
- (iv) The functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- (v) Other normal planning requirements, e.g. on siting and access, are satisfied".

The above criteria are addressed as follows:

Functional need:

The Councils agricultural consultant suggests that some of the claims in relation to functional need for a continuous onsite presence are not proven, however it is accepted that the business plan would not come to fruition without an onsite presence. This conclusion is considered to comply with the requirement of Policy HG 9 which requires applicants to demonstrate that 'provision onsite is necessary for the operation of the business', although it is accepted that the need for onsite presence is unclear purely from a livestock perspective

has not been fully demonstrated.

Notwithstanding the above, regard is also given to paragraph 28 of the NPPF which advises (inter alia) that Local Planning Authorities should:

- promote the development and diversification of agricultural and other land-based rural businesses;

Additionally, the Agricultural Consultant also states:

"However, I have recently reported in West Dorset that "with 450-500 ewes lambing in two distinct periods I would support an application for a key worker to live on site to provide for the needs of the stock"; thus, the issues are not straight forward".

Taking the above statement into account, the scale of the business is such that with two lambing periods it would be possible to demonstrate an essential need. Weight is also given to the NPPF which is positive in its support for rural enterprises and this is an enterprise that would not be viable without the provision of a dwelling. There is also a degree of conflict with paragraph 55 of the NPPF which refers to the "essential need for a rural worker to live permanently at or near their place of work in the countryside".

Having regard to the above, it is considered that a case could be made either way in relation to the requirement to reside on site. Whilst there is a degree of conflict with policy HG9 in this regard, on balance taking into account the combined needs of the livestock and business, it is considered that the applicant has sufficiently demonstrated a need to reside on site and therefore the proposal can be supported in this regard.

The enterprise is economically viable:

The Councils Agricultural Consultant concludes that the proposed business would be economically viable and therefore the proposal would comply with Policy HG9 in this regard.

No suitable accommodation exists (or could be made available) in established buildings on the site or in the immediate vicinity/disposal of existing farmhouse:

The applicant has not included detail of other potential available dwellings within the locality that would be suitable for an agricultural worker and therefore the availability of other dwellings is unknown but the number within a reasonable distance is likely to be very low or nil. Of note there was an existing dwelling located adjacent to the existing farm buildings which was for sale (under separate title) at the same time as the remainder of the holding. The existing dwelling is not subject to an agricultural tie and as such it does not have to be occupied by an agricultural worker and it is understood that it has been occupied independently from the functioning of the holding and agricultural buildings since the late 1980s.

The applicant did not to purchase the dwelling, rather it was purchased by a close family member and as such the applicant maintains that it is not available. Additional information submitted by the applicant indicates that the applicant could not afford to purchase the dwelling at the time and it states that the dwelling due to being on a separate title could not be purchased with the land. These veracity of the statement on affordability is difficult to prove.

The loss of opportunity to utilise the existing house with the farm holding is unfortunate and on the basis of the circumstances around the purchase of the holding a case can be made that the proposed new dwelling would be contrary to bullet point 5 of Policy HG9. In these circumstances however, on balance the degree of conflict is not sufficient to warrant refusal given that the dwelling has not been associated with the farming activities on the holding for a number of years and the son of the applicant is understood to be not involved in the

farming enterprise or the provision of labour for it. The situation is slightly distinct from a situation whereby a dwelling currently used in connection with a holding is sold on the open market. Accordingly the proposal is on balance acceptable in this regard.

Character and appearance:

The applicant has undertaken various alterations to the proposal in response to a strong objection by the Councils landscape officer. The Landscape Officer states that the original objection is still pertinent; however the weight of objection is reduced. The removal of the access track from the top of Windwhistle Hill represents the most substantial improvement in landscape terms and the applicant has proposed additional landscape mitigation which can be secured via a planning condition.

As stated by the Councils Landscape officer, the site is very isolated and an area of very distinct and special character, due to various characteristics such as surrounding topography and very isolated character. The landscape Officer states:

"the main Windwhistle scarp is characterised by a lack of development form, and it is notable that the local farms and hamlets all lay at a lower elevation, below the spring-line, and are located on the lower Windwhistle foothills to the north".

In the first response the Landscape Officer further stated:

The hillsides and woodland bring a strong sense of enclosure to the site, which with its lack of development presence, and separation from the characteristic pattern of local farm settlement, establishes a strong sense of remoteness by South Somerset standards, which is both distinctive, and becoming increasingly rare. The introduction of a group of farm buildings into this deeply rural landscape, will establish built elements where development form is far-removed, to erode the unspoilt and locally distinctive character of the area. The introduction of building, and vehicular, nightlight to both the farm site and its access across the face of the upper scarp, within what is a dark-sky location, similarly erodes the tranquil character of this part of the Windwhistle scarp. Additionally, visibility becomes an issue when a proposal is either incongruously scaled or located, and in being sited in a location that is served by, and thus visible from, the well-used local rights of way network, the building complex will be seen as visually intrusive. I would assess this aggregation of landscape impacts to be both significant and adverse, which in substantively eroding local landscape character and distinctiveness, does not meet the requirements of policy EQ2.

This response highlights the visual sensitivity of this particular site and on the basis of the original plans it was considered that the impact would be significantly adverse.

The applicant has since made amendments to the proposals including the removal of the access from the head of Windwhistle Hill (New Lane) and this was one of the most harmful aspects of the proposal. Alterations have also been made to the farm buildings including re-siting 20 metres to the south, reduction in scale and lowering in height of the two storey 'office' building and the introduction of additional planting to mitigate the visual impacts.

In the most recent response to these amendments, the Landscape Officer has since stated that the re-sited track would result in minor adverse impact, although it would be a significant improvement over the original proposal. In respect to the principle of siting buildings within the location proposed, the Landscape officer states:

In the 4th paragraph of my initial response, the landscape case against the siting of the farm buildings is set out, and it remains pertinent to provide a case for refusal, LP policy EQ2. However, I acknowledge that the weight of the landscape objection is now lessened by these latest changes, particularly to the site access, as (a) above.

The improvements to the scheme in landscape terms are fully acknowledged, in particular the improvements to the location of the vehicular access. The applicant has been willing to concede and make improvements in a number of areas including setting the building 20 metres southwards and the provision of additional soft landscaping. However, the fundamental case for objection remains in relation to the siting of the farmstead and the dwelling. In particular the aspects of harm identified above result from the location of the proposed dwelling and farmstead and as such the alterations to the configuration of the buildings and additional planting do not overcome such a fundamental and significant impact in landscape character terms. It is acknowledged that the dwelling would be temporary, however in granting permission in this locality at this stage, the Planning Authority would essentially be accepting this general vicinity for a permanent dwelling should the functional and financial tests be met in three years time. The acceptability of the location for a permanent dwelling therefore needs to be considered.

The applicant has made a case for the proposed site on several grounds and these are relevant in balancing the harm identified above. The proposed site is relatively central within the holding and is an improvement on the original farmstead in this regard. The applicant has also made a case that the proposed site is more sheltered than at the bottom of the hill due to the wind buffering provided by the woodland. A letter has been submitted by the applicant's vet who supports the proposed site on this basis. The applicant has also submitted a letter from the Local Police Liaison Officer supporting the proposed site on the basis of farm security.

These aspects of the application provide some weight in favour of the proposed site, although it would be overstating the case to say that farming at the bottom of the hill is not possible as the location for most farmsteads in the locality have historically evolved to be in such positions. Overall, whilst the scheme has been improved, it is considered that the uniquely tranquil environment and special landscape character of this site would be harmed by the provision of a dwelling and associated farmstead. The associated development such as hardstanding, domestic activity, lighting etc would exacerbate this harm. Additionally the development of the original farmstead at the bottom of the hill can be achieved in an acceptable manner taking into account the nearby heritage assets and landscape character. Given the fall back available to the applicant to farm the land it is considered that the landscape harm would not be justified. As such the proposal is contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028).

Ecology:

The Councils ecologist original objected to the application on the basis of the potential sensitivity of the location from an ecological perspective. Concern was raised over the proximity to ecological networks, lack of evidence in the form of bat surveys as to the level of activity in the locality and associated potential impacts such as impacts on bats from artificial lighting.

The applicant has since carried out a bat survey which demonstrated that the site is not particularly sensitive in terms of the bat species that forage and commute in and around the site, and that the proposed development is therefore unlikely to cause significant disturbance to any local bat populations. Conditions can be imposed to achieve ecological enhancements such as landscaping and the provision of bat boxes. Additionally it would be considered necessary to condition details of external lighting in the event of planning permission being granted. Having regard to the above it is considered that the proposal would comply with Policy EQ4 of the South Somerset Local Plan (2006-2028).

Residential amenity:

Having regard to the distance of the site from neighbouring properties it is considered that there would be no harm to the amenities of nearby occupiers as a result of the proposal in

relation to noise, odour and disturbance.

Highway safety:

The Highway Authority has commented that there is no objection to the proposed development. The rights of way department initially objected to the proposal as they thought the public right of way would be obstructed but on closer inspection they have withdrawn this objection.

The development would result in a section of the public right of way being surfaced. Given the relatively low level of traffic, good visibility along the right of way and ease for pedestrians and vehicles to pass one another, this aspect is considered to be acceptable. The rights of way department at the County Council would need to consider whether a temporary diversion is required during construction and would need to agree the finishing material of the vehicular access where it coincides with the public right of way. Having regard to the above it is considered that the proposal would comply with Policy TA6 of the South Somerset Local Plan (2006-2028).

Conclusion:

Having carefully assessed all of the relevant issues it is considered that the landscape harm outweighs the benefits of the proposal. The Councils landscape officer has considered that the area around the existing farm building group to the north of the site can be redeveloped whilst achieving an acceptable impact on landscape character and heritage assets. The proposal therefore does not justify the resulting landscape harm and as such the proposal is contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028).

RECOMMENDATION

Refuse permission

SUBJECT TO THE FOLLOWING:

01. The proposal would be located in a prominent position on an isolated hillside location that is characterised by a strong sense of remoteness. The proposed dwelling and associated development would detract from the existing landscape character and would be contrary to the established pattern of existing development within the locality. Additionally there are other locations within the holding that can be developed without landscape harm resulting. As such there would be harm local landscape character that is not sufficiently outweighed by the merits of the proposal contrary to Policy EQ2 of the South Somerset Local Plan (2006).
-

Appendix – Council’s Ecologist First and Second Responses

First response:

I've noted the application documents, including the Ecology Report by K.P. Ecology Ltd (19th November 2015), and I've recently visited the site.

My comments below relate to the combined development impacts of all four planning applications together. However, potentially the comments may also apply alone to any individual application.

I have three main concerns:

1. Inappropriate site location in relation to ecological networks.
2. Potential impact of lighting to cause disturbance to bat foraging and commuting.
3. Hedge removal for visibility splay impacting upon dormice.

1. Ecological networks

NPPF has introduced a requirement to 'establish coherent ecological networks' (para. 109) and advises that local planning authorities should plan positively for the protection and enhancement of networks of biodiversity (para. 114) by mapping components ('wildlife corridors and stepping stones') of the local ecological networks and promote their preservation (para. 117). Local Plan policy EQ4 states that development proposals will 'promote coherent ecological networks'.

Components of the local ecological network have been identified and mapped by a partnership of Somerset County Council, Somerset Wildlife Trust, and Somerset Environmental Records Centre. In respect of this application site, the mapping includes a main habitat group of broadleaved woodland and identifies 'core areas', 'dispersal areas', and 'stepping stones'. The plan on the next page shows these components in relation to the application site.

Dark green indicates a 'core area' of broadleaved woodland.

Mid green indicates a 'stepping stone' of broadleaved woodland.

Light green indicates 'dispersal areas' for broadleaved woodland.

Red indicates the approximate area of the proposed buildings.

that bats will be foraging and/or commuting (between roosting sites and foraging areas) in the vicinity of the application site.

Bat species can be broadly divided into two groups with some species showing some tolerance of artificial lighting whilst other species are quite sensitive to even low levels of artificial lighting. In a worst case scenario, it's possible for example that bats roosting in the smaller block of woodland to the west of the application site could be inhibited from commuting to feeding areas in the larger woodland blocks to the east if the development introduces an increase in light levels around their favoured or only commuting route.

Regular disruption to bat flight routes could be significant and contrary to the Habitats Regulations 2010 which affords protection to all species of bat. Local planning authorities are required to have regard to the provisions of the Habitats Regulations when determining planning applications. This is a strong requirement that has been supported by judicial review.

The likelihood of significant disturbance from the development depends very much on:

- a) The species of bat present in the area (and their sensitivity to artificial lighting).
- b) The foraging and commuting behaviour of bats and the sensitivity of the application site in relation to their use of the local landscape.
- c) The effectiveness of controlling artificial light levels through the planning system.

Addressing these points in turn:

- a) Bat species present in the area

A data search request to Somerset Environmental Records Centre has returned 113 records (over the last 25 years) for bats within 3km of the application site. Disregarding those species that are regarded to be more light tolerant, and records for small numbers of relatively common species more than 2km away, I can summarise 'significant' records as follows (NOTE: the following are all species considered to have some or significant sensitivity to artificial lighting):

800 metres from the site (survey date 2011):

Bechstein's Bat - 1 adult.

This is a very rare tree-dwelling bat (UK population estimate is around 1500), mostly associated with old growth broadleaved woodland. It is a 'priority species' (listed under Section 41 of the Natural Environment and Rural Communities Act 2006) and of very high conservation significance.

Whiskered/Brandt's Bat - 2 adults.

Woodland / woodland edge bats with widespread distribution.

Brown Long-eared Bat - 6 adults.

Although relatively common and widespread, this too is a 'priority species', probably due to its vulnerability to development of barns and consequent risk of wide-scale impacts to population numbers.

1500 metres from the site (various dates from 1990 to 2013):

Lesser Horseshoe Bat - max. count of 32.

Another 'priority species' with a localised distribution (predominantly the south west of the UK) that feeds in sheltered lowland valleys.

Natterer's Bat - max. count of 6.

Although a widespread distribution, it is a relatively scarce species that forages around trees.

b) Bat activity at the application site and sensitivity

The above data suggests there are five light-sensitive species of bat that could forage (or commute) in the vicinity of the application site. (From records, it's also likely that other species of bat such as serotine, noctule, and pipistrelle species will be active in the area).

The Ecological Report (K.P. Ecology Ltd, 19th November 2015), hasn't included any surveys of bat activity at the application site. (Nor did it include a data search). Instead, it assumes that the habitat will be used by foraging bats but notes that no bat roosts will be affected by the proposed development.

The likelihood of the application site being part of an important foraging or commuting route (and having the potential to cause significant disturbance) is low (due to the site's size relative to the woodland) and this has presumably influenced the consultant's recommendation that no further survey work is necessary. However, given the presence in the area of five light-sensitive species of bat, including 3 'priority species', and including the high conservation status of the very rare Bechstein's Bat, I suggest a more cautious approach and recommend bat activity surveys in the summer months should be conducted in order to properly assess the sensitivity of the site.

It could therefore be concluded that there is insufficient information (lack of bat activity surveys) to determine this application in compliance with our statutory obligations under the Habitats Regulations 2010.

c) Control of lighting through the planning system

Until the above recommended bat activity surveys have been completed, it isn't possible to properly assess the sensitivity of the site with regards to bats. However, should surveys reveal the application site is important for light-sensitive species of bats, a typical mitigation proposal might be to place controls over the type, locations, intensity or duration of artificial lighting.

Whilst this approach might be appropriate for larger residential developments for example, I question or have doubts about the effectiveness of such an approach in this sort of situation:

- o Would such conditions be time limited after which more intense lighting could be installed with possible harm to bats?

o In such a remote location, it's unlikely the site or any deviation from an approved lighting scheme would be subject to any public surveillance and reporting to the lpa for enforcement action.

Whilst I note that 'low level' lighting is proposed in order to minimise wildlife impacts, should the site prove to be sensitive for bats, I would argue that conditions to control light levels are effectively not enforceable, and that completely avoiding development of the application site (i.e. refusal) would be the appropriate outcome in accordance with NPPF (paragraph 118).

3. Hedge removal for visibility splay impacting upon dormice.

Whilst I note that the proposals don't include any hedge removal for access, should it be deemed necessary by Highways to remove any hedge for visibility splays (either at New Lane or on the A30) then I raise concern about impacts upon dormice, a species subject to the provisions of the Habitats Regulations 2010.

Dormice have been recorded in hedges in several locations to the east, west and north, and I therefore regard there to be a high likelihood of dormouse presence in the hedges local to this site.

I consider it unlikely that hedge removal for visibility, and dormouse presence, would constitute a reason for refusal. However, if hedge removal is required, then it may be appropriate to further assess the risk and/or apply a relevant planning condition. Please could you re-consult me in this event.

Second response:

Summary

In response to my original consultation response (dated 12 January 2016) further information has been received (letter from KP Ecology Ltd, February 12, 2016) that attempts to address the concerns that I raised.

On the issue of lighting causing disturbance to bats, bat surveys haven't been undertaken but the consultant assumes that bats will be active in the area, and she describes extensive mitigation measures that will be employed to minimise the level of light disturbance to bats.

The Habitats Regulations requires local planning authorities to consider potential impacts upon bats, and to specifically report on the derogation tests in the committee report, before any grant of planning permission is given. It is generally considered that this requirement can't be adequately fulfilled without proper bat surveys.

Failure of any planning decision to adhere to the provisions of the Habitats Regulations could result in judicial review and significant risks to the Council (several local authorities have been taken to court on this specific issue). If withdrawal (or extension of time) to allow for further bat surveys isn't agreed to then I strongly recommend refusal.

The lack of bat surveys is also contrary to Local Plan policy EQ4. Should subsequent bat surveys identify the site to be sensitive, and the development to present a significant risk of harm, I suggest the mitigation hierarchy required by NPPF may require an alternative location rather than mitigation to minimise light levels as proposed by the applicant.

Lack of bat surveys

Recognising this to be a potentially sensitive location for bats, pre-application advice was given that any development at this location would need to be supported by bat surveys. These haven't been included with the application (the Ecology Report submitted with the application considered bats but didn't include specific bat surveys).

Some species of bats, generally those of greater nature conservation importance, can be particularly sensitive to artificial lighting. Industry guidance for bat surveys¹ lists lighting as one of the impacts of development upon bats (Table 2.1). I doubt the other planning applications involving lighting that are referred to are sufficiently close to significantly raise ambient light levels at this application site.

Extensive mitigation measures to minimise lighting are offered by the applicant and described by the ecological consultant.

However, I remain concerned that:

1. Offering mitigation without properly assessing the impacts doesn't satisfy planning policy and legislation requirements.
2. Any planning conditions to control lighting at this location couldn't reasonably be monitored and enforced in the longer term (and perhaps fail the tests for conditions) with the risk that light levels could increase in the future (e.g. under different occupier) and result in harm to bats. This therefore brings in to dispute the principle of development at this location.

Policy EQ4 requires that applications should be informed and accompanied by a survey and impact assessment, and hence the application is contrary to this.

An adequate bat survey is likely to require monthly surveys from April to October in order to comply with industry guidance although I suggest the detailed specification for survey should be agreed between myself and the applicant's ecologist.

This will have implications for the timing of the application. It is not uncommon (both at SSDC and other authorities) for applications to be withdrawn (or an extension of time agreed) to allow bat surveys to be undertaken.

Local planning authority obligations under the Habitats Regulations

The Habitats Regulations 2010 provides protection for bats that makes it an offence to cause disturbance that would impair their ability to survive, breed or reproduce, or to rear or nurture their young. Artificial lighting could have this effect depending upon species present and patterns of activity around the application site.

A High Court judgement² made it clear that when determining a planning application which could harm a European Protected Species (which includes all species of bat) a local planning authority must be sure that the three derogation tests are satisfied:

1. the development must be for imperative reasons of overriding public interest or for public health and safety;

¹ Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn), J. Collins, 2016, The Bat Conservation Trust.

² Woolley v Cheshire East Borough Council, 2009.

2. there must be no satisfactory alternative; and
3. the favourable conservation status of the species must be maintained.

Furthermore, the court ruling also made it clear that the committee report must specifically address and demonstrate how these derogation tests are satisfied before any grant of planning permission is made.

Without proper bat surveys and impact assessment, I don't consider test 3 (maintaining favourable conservation status) can be adequately demonstrated.

Should further bat surveys suggest the development could cause harm to bats, I have significant doubt that the meeting of tests 1 and 2 could be adequately demonstrated.

Avoiding harm takes precedence over providing mitigation - NPPF and appeal case

Whilst the sensitivity of the location in respect of bats is unknown, should bat surveys later identify the site as sensitive, there shouldn't be a presumption that mitigation is the automatic or only outcome (even though this is the most common scenario).

National Planning Policy Framework (paragraph 118) states that if significant harm resulting from development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This principle was supported in a recent appeal³ where the inspector concluded "*the proposal attempts to mitigate the development but the starting point should be to locate the proposal on another site causing less harm*". The appeal was dismissed solely on this principle.

Conclusions

I consider any grant of planning permission wouldn't be legally sound prior to further survey and assessment of impacts upon bats. If withdrawal (or extension of time) isn't agreed to then I strongly recommend refusal (see appendix).

I consider this could be a potentially sensitive site for bats, and unless surveys demonstrate otherwise, I consider legislation and planning policy might not support the usual scenario of providing mitigation and might only be satisfied by an alternative location for the development.

Appendix – suggested reason for refusal.

The proposal lacks any surveys for bats contrary to Local Plan policy EQ4 and fails to provide information to enable the local planning authority to demonstrate compliance with The Conservation of Habitats and Species Regulations 2010.

³ Appeal Ref: APP/R3325/A/12/2188253 - Puthill Wood, Cricket St Thomas Estate, 1 August 2013.

Agenda Item 17

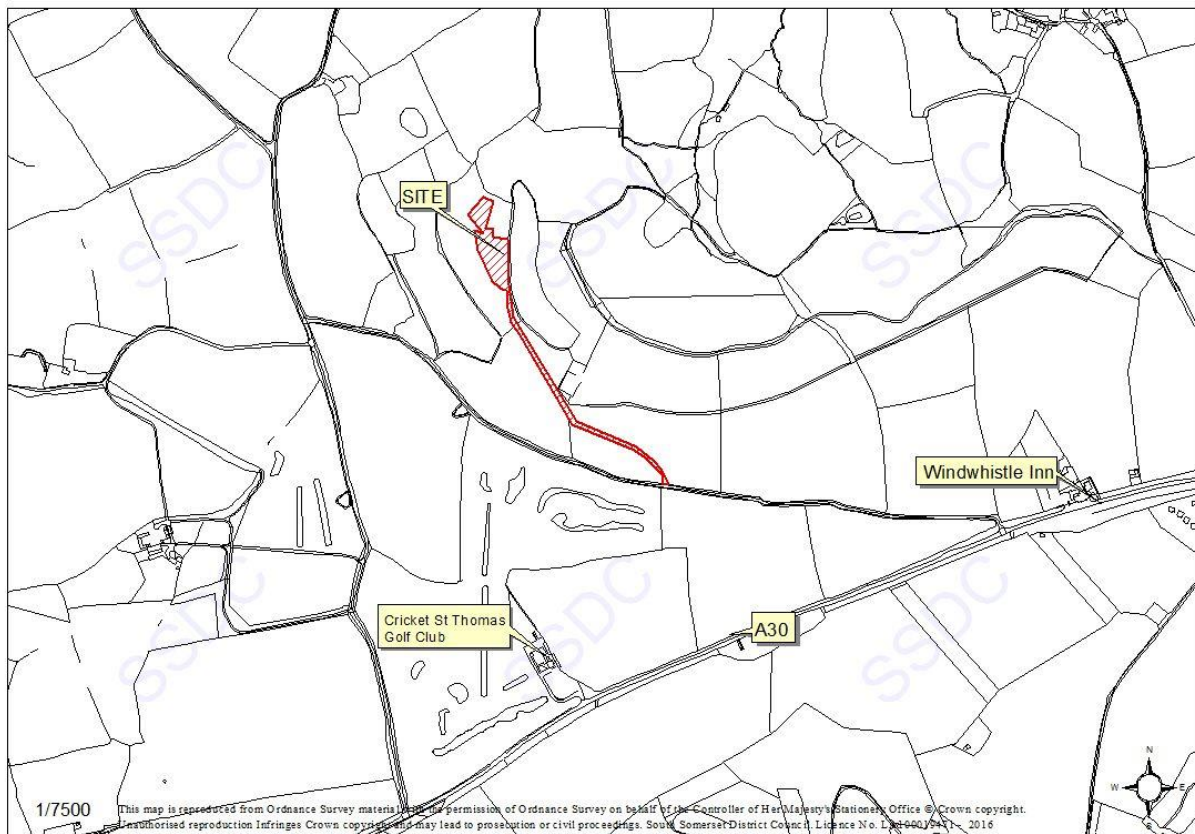
Officer Report On Planning Application: 15/05537/FUL

Proposal:	The erection of an agricultural store and animal care building and associated vehicular access track from New Lane. (GR 336994/110112)
Site Address:	Land OS 0005 At Knight House Farm New Lane Cudworth
Parish:	Cudworth
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date:	16th February 2016
Applicant:	Mr Simon Saunders
Agent: (no agent if blank)	
Application Type:	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

With the agreement of the Chair and Ward member to consider the relevant planning issues.

SITE DESCRIPTION AND PROPOSAL



The application is made for a two storey animal care building and associated hardstanding and means of access. The proposed building would be part of a new farmstead located on the northern slopes of the Windwhistle Plateau. The new farmstead would be in addition to the existing buildings at the northern end of the holding which are accessed via Cudworth as

the demolition of these is not formally part of the proposal. However the applicant has suggested that some reduction in the amount of existing buildings could be considered. It would be situated within the northern corner of a pasture field. The field is bound by woodland to the southern and northern edges which are connected by a hedgerow. The site is at an elevation of 165 metres and provides sweeping views across the district in a northerly direction. There is a public right of way (CH9/21) that runs through the site connecting the hamlet of Cudworth with the head of Windwhistle Hill.

The holding comprises approximately 101 hectares. Traditionally the holding has been managed from existing farm buildings and farmhouse at Knightshouse farm at the bottom of Windwhistle Hill. These are located approximately 550 metres to the north and are accessed from their northern side through the village of Cudworth. The existing buildings consist of a range of stone built and modern agricultural buildings.

There is a grade II* Listed Building (St Michaels Church) which borders the land holding and is approximately 140 metres to the north of the existing agricultural buildings. There are two Scheduled Ancient Monuments within this vicinity, fish ponds to the south of the church which border the existing agricultural buildings and a medieval village approximately 150 metres to the east.

The woodland adjacent to the proposed site is classified as an 'ecological network' and is also a County wildlife site.

The proposed farmstead comprises an animal care/storage building, 2 open fronted livestock buildings and a concrete yard. The three elements have been applied for under three applications as follows:

15/05534/FUL- The erection of a general purpose agricultural building and vehicular access

15/05535/FUL- The erection of a general purpose agricultural building/concrete yard and vehicular access

15/05537/FUL- Animal care building and vehicular access

There is a concurrent application for an agricultural workers dwelling under reference 15/05536/FUL.

The proposed animal care building would be 2 storeys in height. It would have a dual pitched roof with a maximum height of 6.8 metres. The building would have a maximum width and depth of 20 by 14 metres respectively.

External materials could consist of flint to the walls, timber boarding to the first floor and grey corrugated metal sheeting to the roof. The footprint of this building has increased in order to accommodate a reconfiguration in the other proposed buildings within the farmstead.

SITE HISTORY

90/00905/OUT (Outline Application)- The erection of a farmhouse- Permitted with conditions. There is a concurrent application for an agricultural workers dwelling under reference 15/05536/FUL.

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 the 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 South Somerset Local Plan 2015. The Local Plan was adopted by South Somerset District Council in March 2015.

The National Planning Policy Framework (NPPF) is a material consideration.

South Somerset Local Plan Policies

SD1- Sustainable development

EQ2- General Development

EQ4- Biodiversity

EQ5- green Infrastructure

EQ6- Woodland and Forests

EQ7- pollution Control

HG9- Agricultural workers dwellings

TA5- Transport impact of new development

TA6 Parking Standards

National Planning Policy Framework (March 2012)

Chapter 1- Building a strong, competitive economy

Chapter 3- Supporting a prosperous rural economy

Chapter 4- Promoting sustainable transport

Chapter 11- Conserving and enhancing the natural environment

National Planning Practice Guide (2013)

The following sections are of most relevance-

Determining a planning application

Rural housing

CONSULTATIONS

Landscape Officer:

Response to amended plans:

We now have a number of amendments before us, which from a landscape perspective, have made some useful changes to the proposal;

(a) Amended access drive.

My initial response identified the access proposal off New Road to be significantly adverse, both in the point of access, and its intrusion across undeveloped upper hillside. This is now removed from the scheme, with the new proposal intending an approach from the north, rising gradually from Knights House farm, to cross two fields to reach the application site. The access will be expressed as a stone track, which will have capacity to blend in to the agricultural landscape, with sections visible to local walkers, but otherwise relatively unobtrusive. Whilst there remains a negative impact, I consider it minor adverse, and this change to be a substantive improvement on the initial proposal.

(b) Re-sited farm building group.

The building group is relocated circa 20 metres to the south, and reconfigured to result in a slight reduction in both the building footprint, and in its profile, such that the office building no longer projects above the ridge elevation of the other buildings in the group. This shift will marginally reduce the visual profile of the buildings as viewed from the northern approaches, and allow space for greater substance to the landscape mitigation, which I view to be improvements over the initial site arrangement and building mass.

(c) Additional planting proposals.

Further planting is added to the plan, particularly in the vicinity of the new farmstead, to play down building presence, and I acknowledge this to be positive. I would recommend some changes to the proposed planting mixes, but this is not pertinent at this stage. I also acknowledge the positive intention of local-species orchard planting to the east of the site.

In the 4th paragraph of my initial response, the landscape case against the siting of the farm buildings is set out, and it remains pertinent to provide a case for refusal, LP policy EQ2. However, I acknowledge that the weight of the landscape objection is now lessened by these latest changes, particularly to the site access, as (a) above. I accept that the holding will benefit from fit-for-purpose buildings to assist farm management, and to that end, have suggested that a more landscape-sympathetic siting would be to build upon the established farm building group by Knights House Farm, in a manner that would not compromise the adjacent heritage assets. This solution remains the favoured landscape option, but I understand that it does not best capitalise on improvements that can be gained for improved management of the stock and the farm enterprise. Ultimately that is one for the planning balance, but if you are minded to support this revised application, then some reduction in the farm building form at Knights House Farm should be sought, to gain some balance from the overall proposal.

First response:

The above applications intend the potential relocation of the main farmstead from its current location to the south of Cudworth church (where the current farmhouse - not in the applicant's personal ownership - and building group are to remain) to a pasture field between the northern ends of Higher and Old Woods. It intends the construction of 3 agricultural buildings; a farm store/office; a temporary dwelling; and two hard-surfaced yards. It is sited adjacent the corner of a pasture field, contained on either side by woodland, on a relatively level platform circa 165m aod, where the steep scarp slopes of the north face of Windwhistle Hill merge into the rolling land of Windwhistle's foothills. The site is divorced from existing built form, the nearest being the host farmstead, 0.55km to the north. A new site access is proposed, coming off New Lane, at the head of Windwhistle Hill circa 205m aod, and descending northwest across the open upper escarpment.

The recently published PPG (Natural Environment) has re-iterated the necessary role of landscape character assessment in planning for change due to development without sacrifice of local character and distinctiveness. An understanding of landscape character is also utilised to help determine a view on what may - or may not - be acceptable in terms of development in any particular landscape. Characterisation is about what is distinctive and particular in a place, and these qualities of place are matters to which planning weight is given when assessing the potential impact of new development, along with the need for any proposal to conserve and enhance local landscape character, and reinforce local distinctiveness, to comply with local plan policy EQ2. This policy guidance provides the planning context for this landscape evaluation:

The landscape of the northern face of the Windwhistle plateau is characterised by a steep, folding scarp, with a landcover of pasture fields, and extensive woodland blocks - some of which are fragments of ancient semi-natural woodland - that cover much of the main, upper escarpment. From the toe of the escarpment, the gradient eases into a broader, undulating landform, formed by the incision of the River Isle's headwater streams, which create a series of north-south valleys separating mixed rolling agricultural land. Other than the singular hamlet of Higher Chillington, 2 km to the east, the main Windwhistle scarp is characterised by a lack of development form, and it is notable that the local farms and hamlets all lay at a lower elevation, below the spring-line, and are located on the lower Windwhistle foothills to

the north. This is the broad landscape context within which this proposal is located.

Turning to the application site, the development proposal lays within a landscape pattern that is long-established - indicated on the Somerset Historic Environment Record as anciently enclosed (pre-17th century) farmland. It is characterised by its meadow context; woodland setting; and the steep, sheltering hillsides to the south. The hillsides and woodland bring a strong sense of enclosure to the site, which with its lack of development presence, and separation from the characteristic pattern of local farm settlement, establishes a strong sense of remoteness by South Somerset standards, which is both distinctive, and becoming increasingly rare. The introduction of a group of farm buildings into this deeply rural landscape, will establish built elements where development form is far-removed, to erode the unspoilt and locally distinctive character of the area. The introduction of building, and vehicular, nightlight to both the farm site and its access across the face of the upper scarp, within what is a dark-sky location, similarly erodes the tranquil character of this part of the Windwhistle scarp. Additionally, visibility becomes an issue when a proposal is either incongruously scaled or located, and in being sited in a location that is served by, and thus visible from, the well-used local rights of way network, the building complex will be seen as visually intrusive. I would assess this aggregation of landscape impacts to be both significant and adverse, which in substantively eroding local landscape character and distinctiveness, does not meet the requirements of policy EQ2. The suggestion of a new access off a narrow rural lane, with its incongruous bellmouth access - 7x the width of New Lane; the loss of circa 30 metres of hedgerow; the obtrusive level of that access relative to the falling slope, which will be circa 600mm above the general ground level circa 12 metres into the field, to then cross steeply-falling, highly-visible, non-developed land, is also considered a significant adverse landscape impact, to similarly tell against this application.

I accept that the holding will benefit from the introduction of fit-for-purpose buildings to assist future farm management. In the face of this landscape objection, is raised the need to look for possible alternatives, by which the landowner's main objectives can still be achieved. I agree with the application D&A statement that there are few ready options, and having walked the site, the only alternative that works in landscape terms is the redevelopment of the current farm site; its extension south; and use of the current access. As built form is already established in this location, and the site characterised by the existing farm building forms, the landscape impact would not be so extensive as would result from this application proposal, providing building scale, form and finish is strictly controlled, and there is no footprint spread toward, or increased visual intrusion upon, the heritage assets to the north and east.

Should you consider there is a case for the proposal as submitted, that would over-ride the weight of the landscape objection, and then I consider it essential that a number of amendments to the proposal are sought, to lessen visual impact, and provide a level of enhancement, as is required by policy EQ2:

1) The grouping and varied heights of the proposed farm buildings is sensible, and potentially helps to play down massing impacts, yet having the tallest building - the store/office (ridge height almost 9.00 metres above lower yard level) - at the more visible edge of the complex, and at a raised elevation, will appear obtrusive, and potentially draw the eye. I would suggest either the height is reduced, or the building shifted south to the opposite corner of Building 1, to appear less obvious in the approach from the north. I would also suggest that the 1st floor windows are removed from the north elevation, for these are uncharacteristic of a traditionally-styled farm building range; and aligned along the most prominent part of the building group's elevation, will project both an incongruity; and nightlight.

2) I note from consultation responses that the suggestion of the complex being shifted further south, to a more visually contained location, has been mooted. Whilst this does not

deal with the major impacts I have outlined above, I do agree that in shifting the farmstead further south along the woodland's side, it would appear less imposing as viewed from the north as approached on the local rights of way, and this would be beneficial.

3) Whilst the proposal for screen planting to the south of the buildings is welcomed, I consider that a more comprehensive approach is needed to landscape mitigation. To that end, I would suggest further hedgerow enclosure of the upper yard, linking into other woody features, is essential to provide both visual and physical containment of the farmstead. Further planting to consolidate the existing landscape pattern, in relation to both the track, and the farmstead, should also be agreed pre-determination.

4) The access off New Lane appears over-scaled alongside the narrow, enclosed width of the lane itself, and there is little that can be done to modify the incongruous ground profile of the access track. There is similarly little scope for a reduction in the size of the access. It may be possible to counter the worst excesses of the track's visual impact, by use of dark mortar tones; and washed, larger dark aggregate finishes.

5) There is an acknowledgement in the D&A statement of the sensitivity of the northern end of the holding, relative to the scheduled monuments and listed buildings located to the north and northeast of the present farmstead. Noting that the current farm buildings are now deemed inadequate, and that there will be limited use of them, and to compensate for the adverse impact of the new site, I believe there is scope for environmental enhancement in the removal of these buildings, with any necessary replacement (for hay storage) being of more restrained footprint and form, with appropriate landscape treatment, to thus present a more balanced scheme overall.

6) Finally, I am advised that - in acknowledging the applicant's highly successful auto business - some local apprehension has been expressed that the challenging terrain of the farm holding would be suited for testing off-road vehicles. I had similarly expressed such a concern at an earlier stage, for the introduction of such a use within this landscape would be both significantly adverse and damaging. We were subsequently re-assured by the applicant and his positive plans for both the land and woodland, that such use is not intended. However, aware that in a challenging economic climate, business needs may generate change, then to placate local concern, is there the possibility of the removal of PD rights of such use of land, such that the only vehicular use of the land is for the purposes of agricultural management only? I would welcome your thoughts and further discussion on this.

Parish Council:

Third response (In response to most recent amended plans):

At the Parish Meeting on the 17th October, the amended plans were considered and discussed. Whilst some of the concerns of the parish have been addressed, there is still considerable concern that this development is proposed on an entirely greenfield site in a prominent position away from the main hub of the village and removed a considerable distance from the existing farm buildings. The impact on the beautiful hill that rises up to the iconic Windwhistle Ridge will be irreversible.

It was appreciated that changing the access to the proposed site by getting rid of the track from New Lane would be an improvement, along with the reconfiguration of the proposed buildings. However, the proposed two storey building still gives cause for concern as its use remains unclear and it is difficult to see how this suits a farming operation.

The change of orientation of the temporary dwelling, whilst shown on the plans, is not mentioned, therefore we were unsure why this has changed. The concern still remains (see parish response of 26th January) that the temporary dwelling should only be built if the other applications are passed, and then to ensure it is built simultaneously with the other buildings. The intended use of the existing buildings seem very vague. Please refer to the Parish response of 26th January 2016, where the Parish Meeting asks the council to consider a condition whereby the existing buildings, which are dilapidated and contain asbestos, are removed if the planning for the new buildings should be approved.

The view of the majority of parishioners at the meeting is that the existing site remains more suitable for developing a more up to date and appropriate range of buildings, as it would be developing what is, in effect, a brown field site.

Whilst the existing site remains more visible to many of the homes in the village, we have a responsibility to maintain the peace, tranquillity and beauty of the landscape.

Most of the concerns of the first two Parish responses remain (26th January and 29th March), and we ask that these are taken into consideration along with this response, when examining the amendments to these applications.

First response:

The parish support the idea of sustainable farming at Knights House Farm but raised the following concerns at the Parish Meeting held on January 7th 2016.

The application is for General Purpose agricultural buildings whereas the business plan states that the buildings will be used for a livestock enterprise. There are concerns that the proposed buildings are not suitable for livestock re design & ventilation particularly roof ventilation.

Concern re slurry, dung storage, & run off re water supply to village properties & risk of contamination. There are no facilities for this in the plan.

The parishioners have concerns that farm traffic will not be reduced as stated in the plan, due to the existing buildings at Knights House Farm still being in use for storage of fodder & bedding etc. according to Mr Saunders at the said meeting. This will involve tractors travelling through the village to the proposed new buildings and thus negating the benefits as stated in business plan of farm traffic reduction through the village. While there is a known track across the farm it is unlikely that this would be passable during the winter months when the proposed buildings will need to be serviced with fodder and bedding.

The Parish Meeting would ask the council to consider a condition whereby the existing buildings; which are dilapidated and contain asbestos, are removed if the planning for the new buildings were approved. We would also like consideration to permissible rebuilding of the original barns to be restricted.

There is a statutory duty to consider the impact this development will have on listed buildings & heritage assets, in conserving the natural environment. The proposed buildings are in the sight of St Michaels Church, The Old Vicarage, & the ancient monument, which includes the moat, carp ponds & site of medieval village. The footpath from New Road runs past the proposed site close to the General Agricultural Buildings the visible impact of the proposed buildings on views from public vantage points should also be considered.

With regard to the 4 applications for this site, there is concern that application 15/05536/FUL (siting of temporary Agricultural Dwelling) should not be considered unless the other applications are successful. There is also concern that the application 15/05537/FUL that consists of a 2 storey animal care Centre with 'storage' above' would be too visible and consideration should be given to reducing the height to 1 storey. The Parish Meeting would prefer a larger footprint on the Southside of the plan to house the storage facility; this would have a lesser impact on the landscape and would allay concerns of the Parishioners.

The buildings, if set back south approx.140m would sit in a natural dip and therefore be less visible and have a lesser impact on the listed buildings in its sight line.

Second response (in response to first set of amended plans):

Following the first Parish Response to this application, all the original concerns contained in that response remain. The proposed amendments to the plans are minimal and do not

address the concerns of the Parish.

The visibility of & need for the two storey general purpose building/ animal care centre with the upper floor being used for 'general storage' was again brought into question and while the roof line has been lowered it was still deemed preferred that the buildings, if passed should be single storey.

The Parish is supportive of sustainable farming at Knight's House Farm, and from the minutes at the meeting to discuss the amendments on 23rd March, it was apparent there would be a more favourable view if the applicant considered re-developing the original farm site, with the correct permissions and consideration to the historic sites and listed buildings nearby.

This view was unanimous at the Parish meeting held on Wednesday 23rd March although no formal vote was recorded. It must also be recognised that the site of the original buildings is far more visible to many of the residents' homes, but they would prefer any development and improvement to take place on what is, in effect, a brownfield site, rather than the proposed site, which would cause a huge and irrevocable change to a previously unspoilt and untouched landscape.

The original farm site has been the centre of a farming business for hundreds of years and we see no reason that this should not continue to be the case.

Highway Authority:

In response to amended site access:

The application is an amended plan for an application that my colleague Mr Malcolm Jones commented on previously where the Highway Authority raised no objection. This current application has the proposed access on to Knights Lane which is to the north. This proposal would mean that no agricultural access would need to be constructed as the red line adjoins Knights Lane in a location where traffic flow is likely to be extremely low as Knights Lane terminates next to the red line on the plan. Knights Lane leads on a rural road that does not have a high traffic flow and due to its agricultural surroundings, is likely to have an existing level of agricultural traffic.

Taking the above into account, the Highway Authority does not wish to raise an objection to the proposal, however, should the Local Planning Authority grant planning permission then I would recommend that the following conditions are attached:

1. The area allocated for parking and turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.
2. The building hereby permitted shall only be used in connection with the working and management of the adjoining farmland. It shall not be used for any other purpose without the prior written consent of the Local Planning Authority.

Ecologist:

Most recent response in relation to submitted bat surveys: (The first and second responses are included as an appendix to this report).

I confirm I no longer maintain an objection to these applications following completion of bat activity surveys.

I agree with the 'Overview of the ecological survey results, mitigation and enhancements' (KP Ecology) and that the application site isn't particularly sensitive in terms of the bat species that forage and commute in and around the site, and that the proposed development is therefore unlikely to cause significant disturbance to any local bat populations.

Whilst it would still be preferable not to place such a development amongst features that are mapped as components of the local ecological network (as detailed in my original response of 12 January 2016), the proposed tree, hedge and orchard planting could be considered as appropriate mitigation. Provided this can be ensured (e.g. by condition) then I do not maintain an objection in this respect.

The only other matter I originally raised was that of the new entrance off New Lane and possible impacts of a visibility splay upon dormice. Due to the amended access arrangements this is no longer an issue.

Environment Agency:

We are not aware of any imminent plans to make everywhere under NZV designation. However, there is always the possibility that the NVZ designated areas will be altered or enlarged to encompass sites that haven't previously been with an NVZ area. We therefore always recommend that when farmers are considering constructing slurry/dirty water system they aim for the NVZ storage requirements.

Outside of NVZ areas there are not specific controls for solid manure storage, but drainage from solid manure heaps is considered to be 'slurry', so where this poses a risk to controlled water, it must be collected and contained. The code of good agricultural practice (CoGAP) recommends that stores should only be constructed with a sealed floor, and any containment tank used to collect drainage must meet SSAFO standards.

For field heaps follow the CoGAP advice, but where other storage is on permeable ground the risk to groundwater or other pollution pathways have to be considered to decide if it's acceptable. Normally such areas will be unacceptable as you can't collect and contain any drainage.

If field heaps are within an NVZ area then there are controls:

If you have poultry manure or other types of solid manure YOU MUST store them:

- In a vessel;
- On an impermeable base, with appropriate collection and containment of runoff;
- In a roofed building; or
- In an appropriately located temporary field heap. Field heaps must be of material that is stackable and doesn't give rise to free drainage.

Again, as good practice we would recommend that the NVZ guidance is followed even for those outside of current NVZ areas.

Environmental Monitoring Officer:

I've attached a map showing the location of the private water supplies within the vicinity of this planned development. The nearest one is approximately 600m to the north of the development so this is not of concern. All of the properties down in Cudworth are on private water supplies I believe, either spring chambers, wells or boreholes. Due to the location of the proposed development though being such a distance from the sources of these private water supplies it is unlikely to directly affect them. Associated activities with the new farm, such as location of manure heaps etc. may potentially cause issues if they are located close to the private water supplies.

REPRESENTATIONS

Following consultation, letters have been received from 16 nearby properties, 11 objecting, 3

making representations and 2 in support of the proposals. Representations have been received from The Ramblers objecting to the application. The following comments are made objecting to the proposal:

Landscape considerations:

- The site is inappropriate from a landscape perspective and will have an adverse impact on the tranquil character of the hillside and will have an adverse impact on users of the public right of way.
- The proposed site is impractical for future occupants.
- There is an existing site at the bottom of the hill which is more appropriate.
- Weather conditions at the proposed site are harsher (cold, misty, north facing) than at the bottom of the hill and therefore inappropriate for young animals.

Justification:

- Knightshouse farmhouse was removed from the holding by the applicant when the site was purchased, contrary to Local Plan policy.

Highways:

- Concerns that the revised access will bring additional traffic through the village.
- The highway network surrounding the site is substandard.
- If permission is granted it should be on the condition that existing buildings at the bottom of the hill are removed to alleviate concerns of these being developed in the future.
- There is likely to be conflict between commercial vehicles and pedestrians on the public right of way.

Other comments:

- The proposed site would be isolated and not subject to surveillance from surrounding properties, hence more vulnerable to thefts.
- Concerns over effluent produced from the buildings. There is currently an issue with effluent discharge from the existing buildings.

The following comments are made in support of the proposal:

- The proposed buildings would be in a central position within the holding.
- The proposed buildings would provide protection from the weather and good security for livestock.
- Buildings will not affect anyone and will have minimal landscape impact.
- Application will benefit wildlife.
- People who want to get into farming should be supported.

CONSIDERATIONS

Principle of development:

The applications have been substantially amended since the original submission. The amendments to the scheme are summarised as follows:

- Removal of vehicular access to the site from New Lane and installation of vehicular access from Knights House Farm.
- Re-siting of the new agricultural buildings approximately 20 metres to the south/amendments to design of agricultural building.
- Revised landscape mitigation in the form of additional planting.

The application site lies in open countryside. In terms of determining the application the key consideration relates to whether the proposal complies with the development plan and if not whether material considerations indicate that planning permission should be granted. In addition to this, the NPPF is a material consideration that is given enhanced weight where local policies are absent, out of date or silent on any given issue.

Landscape Impact:

The applicant has undertaken various alterations to the proposal in response to a strong objection by the Councils landscape officer. The removal of the access track from the top of Windwhistle Hill represents the most substantial improvement in landscape terms and the applicant has proposed additional landscape mitigation which can be secured via a planning condition.

As stated by the Councils Landscape officer, the site is very isolated and an area of very distinct and special character, due various characteristics such as the site topography and very isolated character. The landscape Officer states:

"the main Windwhistle scarp is characterised by a lack of development form, and it is notable that the local farms and hamlets all lay at a lower elevation, below the spring-line, and are located on the lower Windwhistle foothills to the north".

In the first response the Landscape officer further stated:

The hillsides and woodland bring a strong sense of enclosure to the site, which with its lack of development presence, and separation from the characteristic pattern of local farm settlement, establishes a strong sense of remoteness by South Somerset standards, which is both distinctive, and becoming increasingly rare. The introduction of a group of farm buildings into this deeply rural landscape, will establish built elements where development form is far-removed, to erode the unspoilt and locally distinctive character of the area. The introduction of building, and vehicular, nightlight to both the farm site and its access across the face of the upper scarp, within what is a dark-sky location, similarly erodes the tranquil character of this part of the Windwhistle scarp. Additionally, visibility becomes an issue when a proposal is either incongruously scaled or located, and in being sited in a location that is served by, and thus visible from, the well-used local rights of way network, the building complex will be seen as visually intrusive. I would assess this aggregation of landscape impacts to be both significant and adverse, which in substantively eroding local landscape character and distinctiveness, does not meet the requirements of policy EQ2.

This response highlights the visual sensitivity of this particular site and on the basis of the original plans it was considered that the impact would be significantly adverse.

The applicant has since made amendments to the proposals including the removal of the access from the head of Windwhistle Hill (New Lane) and this was one of the most harmful aspects of the proposal. Alterations have also been made to the farm buildings including re-siting 20 metres to the south, reduction in scale and lowering in height of the two storey 'office' building and the introduction of additional planting to mitigate the visual impacts.

The height of the animal care building has been reduced to be inline with the attached livestock buildings. Overall, the Councils landscape officer has stated that the combined effect of the alterations represent an improvement in the overall landscape impact of the proposals. The animal care building would provide office/storage space at first floor level. Whether the extent of this building and first floor space is absolutely justified is open to debate. There is an argument to say that some of the floor space proposed is not absolutely necessary at this early stage in the establishment of the business. The 'solid' nature of the construction would create a permanence to the building which may be more acceptable for a very established business and site rather than a proposed new site and business where the proposal is unique to the particular aspirations of the applicant. If the farming business were to cease in the future it could leave the building vulnerable to being used for other uses that are less compatible with this location.

The fundamental case for objection remains in relation to the siting of the farmstead and the

associated need for a dwelling that would result in this location. In particular the aspects of harm identified above result from the location of the proposed farmstead and as such the alterations to the configuration of the buildings and additional planting do not overcome such a fundamental and significant impact in landscape character terms. The amended scheme is an improvement over the original submission, however, it is considered that the uniquely tranquil environment would be adversely affected by the provision of a new farmstead by the physical presence of these buildings and associated activity, artificial lighting etc.

The applicant has made a case for the proposed site on several grounds and these are relevant in balancing the harm identified above. The proposed site is relatively central within the holding and is an improvement on the original farmstead in this regard. The applicant has also made a case that the proposed site is more sheltered than at the bottom of the hill due to the wind buffering provided by the woodland. A letter has been submitted by the applicants vet which supports the proposed site on this basis. The applicant has also submitted a letter from the Local Police Liaison Officer supporting the proposed site on the basis of farm security.

These aspects of the application provide some weight in favour of the proposed site, although it would be overstating the case to say that farming at the bottom of the hill is not possible as the location for most farmsteads in the locality have historically evolved to be in such positions. Overall, whilst the scheme has been improved, it is considered that the uniquely tranquil environment and special landscape character of this site would be harmed by the provision of a dwelling and associated farmstead. The associated development such as hardstanding, activity, lighting etc would exacerbate this harm. Additionally the development of the original farmstead at the bottom of the hill can be achieved in an acceptable manner taking into account the nearby heritage assets and landscape character. Given the fall back available to the applicant to farm the land it is considered that the landscape harm would not be justified. As such the proposal is contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028).

Ecology:

The Councils ecologist original objected to the application on the basis of the potential sensitivity of the location from an ecological perspective. Concern was raised over the proximity to ecological networks, lack of evidence in the form of bat surveys as to the level of activity in the locality and associated potential impacts such as impacts on bats from artificial lighting.

The applicant has since carried out a bat survey which demonstrated that the site is not particularly sensitive in terms of the bat species that forage and commute in and around the site, and that the proposed development is therefore unlikely to cause significant disturbance to any local bat populations. Conditions can be imposed to achieve ecological enhancements such as landscaping and the provision of bat boxes. Additionally it would be considered necessary to condition details of external lighting in the event of planning permission being granted. Having regard to the above it is considered that the proposal would comply with Policy EQ4 of the South Somerset Local Plan (2006-2028).

Residential Amenity:

Having regard to the distance of the site from neighbouring properties it is considered that there would be no harm to the amenities of nearby occupiers as a result of the proposal in relation to noise, odour and disturbance.

Highway Safety:

The Highway Authority have commented that there is no objection to the proposed development. The rights of way department initially objected to the proposal as they thought

the public right of way would be obstructed but on closer inspection they since withdrew this objection.

The development would result in a section of the public right of way being surfaced. Given the relatively low level of traffic, good visibility along the right of way and ease for pedestrians and vehicles to pass one another, this aspect is considered to be acceptable. The rights of way department at the County Council would need to consider whether a temporary diversion is required during construction and would need to agree the finishing material of the vehicular access where it coincides with the public right of way. Having regard to the above it is considered that the proposal would comply with Policy TA6 of the South Somerset Local Plan (2006-2028).

Conclusion:

Having carefully assessed all of the relevant issues it is considered that the landscape harm outweighs the benefits of the proposal. The Councils landscape officer has considered that the area around the existing farm building group to the north of the site can be redeveloped whilst achieving an acceptable impact on landscape character and heritage assets. The proposal therefore does not justify the resulting landscape harm and as such the proposal is contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028).

RECOMMENDATION

Refuse permission

SUBJECT TO THE FOLLOWING:

01. The proposal would be located in a prominent position on an isolated hillside location that is characterised by a strong sense of remoteness. The proposed dwelling and associated development would detract from the existing landscape character and would be contrary to the established pattern of existing development within the locality. Additionally there are other locations within the holding that can be developed without landscape harm resulting. As such there would be harm local landscape character that is not sufficiently outweighed by the merits of the proposal contrary to Policy EQ2 of the South Somerset Local Plan (2006).
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Appendix – Council’s Ecologist First and Second Responses

First response:

I've noted the application documents, including the Ecology Report by K.P. Ecology Ltd (19th November 2015), and I've recently visited the site.

My comments below relate to the combined development impacts of all four planning applications together. However, potentially the comments may also apply alone to any individual application.

I have three main concerns:

1. Inappropriate site location in relation to ecological networks.
2. Potential impact of lighting to cause disturbance to bat foraging and commuting.
3. Hedge removal for visibility splay impacting upon dormice.

1. Ecological networks

NPPF has introduced a requirement to 'establish coherent ecological networks' (para. 109) and advises that local planning authorities should plan positively for the protection and enhancement of networks of biodiversity (para. 114) by mapping components ('wildlife corridors and stepping stones') of the local ecological networks and promote their preservation (para. 117). Local Plan policy EQ4 states that development proposals will 'promote coherent ecological networks'.

Components of the local ecological network have been identified and mapped by a partnership of Somerset County Council, Somerset Wildlife Trust, and Somerset Environmental Records Centre. In respect of this application site, the mapping includes a main habitat group of broadleaved woodland and identifies 'core areas', 'dispersal areas', and 'stepping stones'. The plan on the next page shows these components in relation to the application site.

Dark green indicates a 'core area' of broadleaved woodland.

Mid green indicates a 'stepping stone' of broadleaved woodland.

Light green indicates 'dispersal areas' for broadleaved woodland.

Red indicates the approximate area of the proposed buildings.

that bats will be foraging and/or commuting (between roosting sites and foraging areas) in the vicinity of the application site.

Bat species can be broadly divided into two groups with some species showing some tolerance of artificial lighting whilst other species are quite sensitive to even low levels of artificial lighting. In a worst case scenario, it's possible for example that bats roosting in the smaller block of woodland to the west of the application site could be inhibited from commuting to feeding areas in the larger woodland blocks to the east if the development introduces an increase in light levels around their favoured or only commuting route.

Regular disruption to bat flight routes could be significant and contrary to the Habitats Regulations 2010 which affords protection to all species of bat. Local planning authorities are required to have regard to the provisions of the Habitats Regulations when determining planning applications. This is a strong requirement that has been supported by judicial review.

The likelihood of significant disturbance from the development depends very much on:

- a) The species of bat present in the area (and their sensitivity to artificial lighting).
- b) The foraging and commuting behaviour of bats and the sensitivity of the application site in relation to their use of the local landscape.
- c) The effectiveness of controlling artificial light levels through the planning system.

Addressing these points in turn:

- a) Bat species present in the area

A data search request to Somerset Environmental Records Centre has returned 113 records (over the last 25 years) for bats within 3km of the application site. Disregarding those species that are regarded to be more light tolerant, and records for small numbers of relatively common species more than 2km away, I can summarise 'significant' records as follows (NOTE: the following are all species considered to have some or significant sensitivity to artificial lighting):

800 metres from the site (survey date 2011):

Bechstein's Bat - 1 adult.

This is a very rare tree-dwelling bat (UK population estimate is around 1500), mostly associated with old growth broadleaved woodland. It is a 'priority species' (listed under Section 41 of the Natural Environment and Rural Communities Act 2006) and of very high conservation significance.

Whiskered/Brandt's Bat - 2 adults.

Woodland / woodland edge bats with widespread distribution.

Brown Long-eared Bat - 6 adults.

Although relatively common and widespread, this too is a 'priority species', probably due to its vulnerability to development of barns and consequent risk of wide-scale impacts to population numbers.

1500 metres from the site (various dates from 1990 to 2013):

Lesser Horseshoe Bat - max. count of 32.

Another 'priority species' with a localised distribution (predominantly the south west of the UK) that feeds in sheltered lowland valleys.

Natterer's Bat - max. count of 6.

Although a widespread distribution, it is a relatively scarce species that forages around trees.

b) Bat activity at the application site and sensitivity

The above data suggests there are five light-sensitive species of bat that could forage (or commute) in the vicinity of the application site. (From records, it's also likely that other species of bat such as serotine, noctule, and pipistrelle species will be active in the area).

The Ecological Report (K.P. Ecology Ltd, 19th November 2015), hasn't included any surveys of bat activity at the application site. (Nor did it include a data search). Instead, it assumes that the habitat will be used by foraging bats but notes that no bat roosts will be affected by the proposed development.

The likelihood of the application site being part of an important foraging or commuting route (and having the potential to cause significant disturbance) is low (due to the site's size relative to the woodland) and this has presumably influenced the consultant's recommendation that no further survey work is necessary. However, given the presence in the area of five light-sensitive species of bat, including 3 'priority species', and including the high conservation status of the very rare Bechstein's Bat, I suggest a more cautious approach and recommend bat activity surveys in the summer months should be conducted in order to properly assess the sensitivity of the site.

It could therefore be concluded that there is insufficient information (lack of bat activity surveys) to determine this application in compliance with our statutory obligations under the Habitats Regulations 2010.

c) Control of lighting through the planning system

Until the above recommended bat activity surveys have been completed, it isn't possible to properly assess the sensitivity of the site with regards to bats. However, should surveys reveal the application site is important for light-sensitive species of bats, a typical mitigation proposal might be to place controls over the type, locations, intensity or duration of artificial lighting.

Whilst this approach might be appropriate for larger residential developments for example, I question or have doubts about the effectiveness of such an approach in this sort of situation:

- o Would such conditions be time limited after which more intense lighting could be installed with possible harm to bats?

o In such a remote location, it's unlikely the site or any deviation from an approved lighting scheme would be subject to any public surveillance and reporting to the lpa for enforcement action.

Whilst I note that 'low level' lighting is proposed in order to minimise wildlife impacts, should the site prove to be sensitive for bats, I would argue that conditions to control light levels are effectively not enforceable, and that completely avoiding development of the application site (i.e. refusal) would be the appropriate outcome in accordance with NPPF (paragraph 118).

3. Hedge removal for visibility splay impacting upon dormice.

Whilst I note that the proposals don't include any hedge removal for access, should it be deemed necessary by Highways to remove any hedge for visibility splays (either at New Lane or on the A30) then I raise concern about impacts upon dormice, a species subject to the provisions of the Habitats Regulations 2010.

Dormice have been recorded in hedges in several locations to the east, west and north, and I therefore regard there to be a high likelihood of dormouse presence in the hedges local to this site.

I consider it unlikely that hedge removal for visibility, and dormouse presence, would constitute a reason for refusal. However, if hedge removal is required, then it may be appropriate to further assess the risk and/or apply a relevant planning condition. Please could you re-consult me in this event.

Second response:

Summary

In response to my original consultation response (dated 12 January 2016) further information has been received (letter from KP Ecology Ltd, February 12, 2016) that attempts to address the concerns that I raised.

On the issue of lighting causing disturbance to bats, bat surveys haven't been undertaken but the consultant assumes that bats will be active in the area, and she describes extensive mitigation measures that will be employed to minimise the level of light disturbance to bats.

The Habitats Regulations requires local planning authorities to consider potential impacts upon bats, and to specifically report on the derogation tests in the committee report, before any grant of planning permission is given. It is generally considered that this requirement can't be adequately fulfilled without proper bat surveys.

Failure of any planning decision to adhere to the provisions of the Habitats Regulations could result in judicial review and significant risks to the Council (several local authorities have been taken to court on this specific issue). If withdrawal (or extension of time) to allow for further bat surveys isn't agreed to then I strongly recommend refusal.

The lack of bat surveys is also contrary to Local Plan policy EQ4. Should subsequent bat surveys identify the site to be sensitive, and the development to present a significant risk of harm, I suggest the mitigation hierarchy required by NPPF may require an alternative location rather than mitigation to minimise light levels as proposed by the applicant.

Lack of bat surveys

Recognising this to be a potentially sensitive location for bats, pre-application advice was given that any development at this location would need to be supported by bat surveys. These haven't been included with the application (the Ecology Report submitted with the application considered bats but didn't include specific bat surveys).

Some species of bats, generally those of greater nature conservation importance, can be particularly sensitive to artificial lighting. Industry guidance for bat surveys¹ lists lighting as one of the impacts of development upon bats (Table 2.1). I doubt the other planning applications involving lighting that are referred to are sufficiently close to significantly raise ambient light levels at this application site.

Extensive mitigation measures to minimise lighting are offered by the applicant and described by the ecological consultant.

However, I remain concerned that:

1. Offering mitigation without properly assessing the impacts doesn't satisfy planning policy and legislation requirements.
2. Any planning conditions to control lighting at this location couldn't reasonably be monitored and enforced in the longer term (and perhaps fail the tests for conditions) with the risk that light levels could increase in the future (e.g. under different occupier) and result in harm to bats. This therefore brings in to dispute the principle of development at this location.

Policy EQ4 requires that applications should be informed and accompanied by a survey and impact assessment, and hence the application is contrary to this.

An adequate bat survey is likely to require monthly surveys from April to October in order to comply with industry guidance although I suggest the detailed specification for survey should be agreed between myself and the applicant's ecologist.

This will have implications for the timing of the application. It is not uncommon (both at SSDC and other authorities) for applications to be withdrawn (or an extension of time agreed) to allow bat surveys to be undertaken.

Local planning authority obligations under the Habitats Regulations

The Habitats Regulations 2010 provides protection for bats that makes it an offence to cause disturbance that would impair their ability to survive, breed or reproduce, or to rear or nurture their young. Artificial lighting could have this effect depending upon species present and patterns of activity around the application site.

A High Court judgement² made it clear that when determining a planning application which could harm a European Protected Species (which includes all species of bat) a local planning authority must be sure that the three derogation tests are satisfied:

1. the development must be for imperative reasons of overriding public interest or for public health and safety;

¹ Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn), J. Collins, 2016, The Bat Conservation Trust.

² Woolley v Cheshire East Borough Council, 2009.

2. there must be no satisfactory alternative; and
3. the favourable conservation status of the species must be maintained.

Furthermore, the court ruling also made it clear that the committee report must specifically address and demonstrate how these derogation tests are satisfied before any grant of planning permission is made.

Without proper bat surveys and impact assessment, I don't consider test 3 (maintaining favourable conservation status) can be adequately demonstrated.

Should further bat surveys suggest the development could cause harm to bats, I have significant doubt that the meeting of tests 1 and 2 could be adequately demonstrated.

Avoiding harm takes precedence over providing mitigation - NPPF and appeal case

Whilst the sensitivity of the location in respect of bats is unknown, should bat surveys later identify the site as sensitive, there shouldn't be a presumption that mitigation is the automatic or only outcome (even though this is the most common scenario).

National Planning Policy Framework (paragraph 118) states that if significant harm resulting from development cannot be avoided through locating on an alternative site with less harmful impacts, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. This principle was supported in a recent appeal³ where the inspector concluded "*the proposal attempts to mitigate the development but the starting point should be to locate the proposal on another site causing less harm*". The appeal was dismissed solely on this principle.

Conclusions

I consider any grant of planning permission wouldn't be legally sound prior to further survey and assessment of impacts upon bats. If withdrawal (or extension of time) isn't agreed to then I strongly recommend refusal (see appendix).

I consider this could be a potentially sensitive site for bats, and unless surveys demonstrate otherwise, I consider legislation and planning policy might not support the usual scenario of providing mitigation and might only be satisfied by an alternative location for the development.

Appendix – suggested reason for refusal.

The proposal lacks any surveys for bats contrary to Local Plan policy EQ4 and fails to provide information to enable the local planning authority to demonstrate compliance with The Conservation of Habitats and Species Regulations 2010.

³ Appeal Ref: APP/R3325/A/12/2188253 - Puthill Wood, Cricket St Thomas Estate, 1 August 2013.