

South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 28th June 2017

2.00 pm

**Edgar Hall, Cary Court,
Somerton Business Park,
Somerton TA11 6SB**

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



The following members are requested to attend this meeting:

Clare Aparicio Paul
Neil Bloomfield
Adam Dance
Graham Middleton
Tiffany Osborne

Stephen Page
Crispin Raikes
Jo Roundell Greene
Dean Ruddle
Sylvia Seal

Sue Steele
Gerard Tucker
Derek Yeomans

Consideration of planning applications will commence no earlier than **2.45pm**.

For further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462596 or democracy@southsomerset.gov.uk

This Agenda was issued on Monday 19 June 2017.

Ian Clarke, Director (Support Services)

This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app



INVESTORS IN PEOPLE

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”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which 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 three minutes on agenda items; and
- see agenda reports

Meetings of the Area North Committee are held monthly, usually at 2.00pm, on the fourth Wednesday of the month (except December) in village halls throughout Area North (unless specified otherwise).

Agendas and minutes of meetings are published on the council’s website
www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for ‘mod.gov’ in the app store for your device, install, and select ‘South Somerset’ from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

Public participation at committees

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

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and 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.

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 three 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.

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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Area North Committee

Wednesday 28 June 2017

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meetings held on 26 April 2017 and 18 May 2017.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), 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.

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. 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.

Planning Applications Referred to the Regulation Committee

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

Councillors Clare Aparicio Paul, Neil Bloomfield and Sylvia Seal.

Where planning applications are referred by this Committee to the Regulation Committee for determination, 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 of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 26 July 2017** at a venue to be confirmed.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. **County Highway Authority Report - Area North** (Pages 6 - 7)
9. **Performance of the Streetscene Service** (Pages 8 - 15)
10. **Area North Committee - Appointment of Members to Outside Organisations and Groups for 2017/18 (Executive Decision)** (Pages 16 - 19)
11. **Scheme of Delegation - Development Control - Nomination of Substitutes for Chairman and Vice Chairman for 2017/18 (Executive Decision)** (Pages 20 - 21)
12. **Area North Committee Forward Plan** (Pages 22 - 23)
13. **Planning Appeals** (Pages 24 - 33)
14. **Schedule of Planning Applications to be Determined By Committee** (Pages 34 - 35)
15. **Planning Application 17/01632/COL - West End Stores, West Street, Stoke Sub Hamdon.** (Pages 36 - 45)
16. **Planning Application - 17/00479/FUL - Wagg Meadow Farm, Wagg Drove, Langport.** (Pages 46 - 51)
17. **Planning Application 17/01157/S73A - Hurst Lea, Hurst Drove, Compton Dundon.** (Pages 52 - 57)
18. **Planning Application 17/01935/FUL - Land East of Ablake, A372, Pibsbury, Langport.** (Pages 58 - 63)
19. **Planning Application 15/05090/FUL - Land OS 5560, Crouds Lane, Long Sutton.** (Pages 64 - 84)
20. **Planning Application - 16/03673/OUT - Land Adjacent to Fouracres, Picts Hill, High Ham.** (Pages 85 - 93)
21. **Planning Application 17/01183/FUL - Orchard Land Adjoining Rowans, Stembridge, Martock.** (Pages 94 - 98)

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.

Agenda Item 8

County Highway Authority Report – Area North

Lead Officer: Chris Weeks, Assistant Highway Service Manager, SCC
Contact Details: countyroads-southsomerset@somerset.gov.uk or 0300 123 2224

Purpose of the Report

Being the first report for the 2017/18 financial year, I aim to give a brief report of the highway works carried out last financial year in Area North and our proposed works programme for 2017/2018.

Recommendation

That members note the report.

Schemes completed in 2016/17 (Area North)

Long Sutton	A372 Stephens Hill	Surfacing
Langport	The Avenue	Surfacing
Tintinhull/Chilthorne Domer	Yeovil Road	Drainage
Chilthorne Domer	Vagg Hollow	Drainage
Somerton	St Cleers	Drainage
Langport	A372/Meadow Close	Drainage
Kingsbury Episcopi	Deadlands Lane	Drainage
Compton Dundon	B3151 Littleton Hill	Drainage
Long Load	Martock Road	Drainage
Barrington	Ruskway/Shellway Lane	Drainage

Surface Dressing proposed for 2017/18

Surface Dressing is the practice of applying a bitumen tack coat to the existing road surface and then rolling in stone chippings. Whilst this practice is not the most PR friendly, it is highly effective in preserving the integrity of the road surface. This year we are Surface Dressing 19 sites across South Somerset, 10 of which are substantial lengths of A and B roads.

The Surface Dressing within South Somerset is due to start in June – locations within Area North are indicated in the table below:

Compton Dundon	B3151 Somerton Road	Marshalls Elm to B3153
Pitney	Woodbirds Hill lane	Church Hill to end
High Ham	Breach Furlong Lane	Stout Road to end

Schemes proposed for 2017/2018

This year's structural maintenance budget is slightly lower than last year. The table below identifies significant schemes planned to be implemented within Area North:

Martock	B3165 North St to Pinnacle	Surfacing
Somerton	Behind Berry	Surfacing
Langport	Newton Rd / Somerton Rd	Footways
Martock	Stapleton Close	Footways
South Petherton	West End View / Court	Footways
Fivehead	A378 Mile Hill	Drainage

Grass Cutting

Grass cutting is a difficult task to carry out to the satisfaction of all. The highway network exceeds 3500km in length; therefore the size of the task is significant. Verge cutting of main A and B roads are likely to start on 2nd May subject to growth rate. This will be followed by the C and D roads as below table and then a further cut of A and B roads.

Road Classification	Dates
A and B roads (including visibility splays)	2 nd or 9 th May dependant on rate of growth
C and unclassified roads	Start is usually 4 weeks later than A and B roads
A and B roads (including visibility splays)	Mid to late August dependant on rate of growth
Environmentally protected sites	Usually at the end of the growing season

Term Maintenance Contract

Contract for the maintenance of Highways for Somerset County Council has been awarded to Skanska. This is for a period of 7 years from 1st April 2017. Contract can be extended a further 3 years subject to key performance indicators being achieved.

Chris Weeks

Assistant Highway Service Manager
Somerset County Council
South Somerset Area Highway Office

Please note new call centre contact number

Tel: 0300 123 2224

Problems on the roads can also be reported via the website:

<http://www.somerset.gov.uk/roads-parking-and-transport/problems-on-the-road/>

Agenda Item 9

Performance of the Streetscene Service

Assistant Director: Laurence Willis, Environment
Lead Officer: Chris Cooper, Streetscene Manager
Contact Details: chris.cooper@southsomerset.gov.uk or 01935 462840

Purpose of the Report

To update and inform the Area North Committee on the performance of the Streetscene Service in the Area for the period May 2016 - May 2017.

Recommendation

Members are invited to comment on the report.

The major focuses for the service so far for this period that affect Area North, are listed below.

- Routine cleansing and grounds maintenance
- Christmas tree shredding
- Staff training
- Annual work schedule
- Health and Safety
- Annual budget

Operational Works

Since the last report, the service has delivered the annual work schedules and once again we are pleased to inform members that this was delivered to plan. We are now managing the 'spring rush' of work which is now the main focus of the teams.

The service is also pleased to report that it ended the last financial year within budget, reduced our staff sickness levels to 9.4 days per FTE from the previous year's level of 14 days per FTE. We aim to reduce this further to a target of 8 days per FTE.

In addition to these improvements, we have recently analysed the complaints that we handled and found that across all of the service that make up 'Streetscene', 52 complaints were reported and handled, but only 27 of these, were genuine service related complaints, whilst the others were passed to the relevant authority such as the Waste Partnership or County Highways. Appendix A shows a breakdown of the details.

In the last financial year we delivered two applications of herbicide as programmed through the highway weed killing operation. The quality of the control was excellent and we aim to maintain this level of service in the coming year and spraying is currently underway.

Last year we worked with Glastonbury Town Council to investigate non-chemical options of weed control using a hot water system and we carried out trials using a number of different methods. Unfortunately the hot water system was very costly to employ and gave limited weed control as it is only effective on annual species of plants, unless high frequencies of application are employed, we simply do not have the required resources available to operate in this manner. However, the system would be very useful in specific situations and we could draw on this if required.

Managing the Health & Safety of the workforce is a critical part of our work and having reviewed and reworked our 'working around water' safe systems of work, we have since carried out a review of working alongside the highway, using a health and safety specialist to offer advice and guidance to the team. The outcome of this approach has resulted in the development of flow-chart type guidance volunteers to enable them to make informed, consistent decisions regarding the safety measures needed in any relevant situation. We are currently finalising a similar format to provide guidance staff and volunteers who may find themselves working around water in both maintenance or flooding situations. A draft chart for information regarding working alongside the highway is attached as Appendix B.

We continue to invest-in and develop our team, last year undertook extensive training on a wide range of customer focussed, health and safety and service related aspects of work. The service also contains a number of apprentice positions, and once again a 'home grown' apprentice has been recruited into a permanent position within the unit having shown great potential and we are now interviewing to recruit our next apprentice in the horticultural service, with our operational staff carrying out the interviews, thus further developing their ownership of the service.

The Parish Ranger Scheme continues to flourish, with a number of parishes using the scheme to add an enhanced level of service to their parishioners. Should any members wish to find out more about the scheme or any other of the services that we offer, we will be delighted to discuss their needs with them.

This year we once again offered our 'Christmas Tree Shredding Service' which proved to be a great success with approximately 3,500 trees being recycled from 43 towns and parishes across the district. As a result of this, the tree chippings were re-used and a notable lack of 'dumped' Christmas trees in lay byes and hedges was seen. We received very little in the way of unwelcome items being left with the trees, nor did we experience much fly tipping in the areas designated for recycling, which was very welcome.

In addition to shredding trees, we also planted over 30 cherry trees at Minchington Recreation Ground in Norton to create an avenue of blossom in the springtime, which alongside the new tarmac footpath, has both enhanced this area and made it more accessible to users.

As always, we continue to focus on managing the number of flytips found in the district, the chart overleaf shows the numbers of fly tips collected from Area North since the last report.

AREA North	Apr	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	TOTALS
Aller		2	1			1		3	1				8
Ash						1	2	3	2		1		9
Barrington													0
Beercrocombe													0
Bower Hinton													0
Chilthorne Domer		1	1				1				1		4
Compton Dundon							2						2
Curry Mallet				1	1		1	2		1			6
Curry Rivel		1			1	1	2	4	2	1	3	2	17
Drayton							1	1					2
Fivehead			1	1		3	1	2		1		3	12
Hambridge & Westport											1		1
High Ham				1	1	2				2	3	1	10
Huish Episcopi				1						1			2
Ilton								1		1			2
Isle Abbotts													0
Isle Brewers													0
Kingsbury Episcopi		2		1		1		1	3	1	3	1	13
Langport						1		1	2	1		1	6
Long Load	1			1						2	2		6
Long Sutton							1				1		2
Lopen	2	1						1	1	2			7
Martock		2	1	2		1	3	1	3		1	1	15
Montacute	2	2	1		2	2	2	3	1			7	22
Muchelney				1		1					1		3
Norton Sub Hamdon		2				1				2			5
Pitney						1	1						2
Puckington										1			1
Seavington				1				1		2		1	5
Shepton Beauchamp							1				1	1	3
Somerton	4					2	1	1	2	1	2	3	16
South Petherton	2		1		1	2	3	3	2	2	6	2	24
Stocklinch		1											1
Stoke Sub Hamdon							1					1	2
Tintinhull	1	2		1	1	2	3	1	1	3		2	17
TOTAL AREA NORTH	12	16	6	11	7	22	26	29	20	24	26	26	225

Unfortunately we are seeing a notable increase in the numbers of incidents across the district as a whole. For example during the period 15/16 we cleared 951 flytips which compares to the same period in 2016/17 when we cleared 1108 tips at a cost of £62,541.

Having analysed the figures, we believe that the changes involved with the introduction of the SWP 'vehicle and trailer permit scheme' controlling access for small vans and trailers at HWRC's has led to the rise in figures. This conclusion has been reached after analysing the fly tipping data which shows the increase in fly tipping numbers being in the size of load of a small van.

Following the Clean for the Queen initiative was taken up by a number of parishes and towns last year, with Curry Rivel, South Petherton and Somerton in Area North, my thanks to those who took part in this initiative.

This year the team has also started working with the charity Key4life who arrange work placements for young men who have come out of prison and in order to help them integrate into society again, we are working with them to enable these individuals to gain experience and skills to help them in their futures. We believe that indications are that this is a very successful charity with excellent results from their approach and we are delighted to be working with them.

What's coming next?

- Summer delivery of the annual work programmes
- Continued development of the workshop as an MOT station

Financial Implications

All of the matters highlighted in the report have been achieved within service budgets.

Implications for Corporate Priorities

- Continue to deliver schemes with local communities that enhance the appearance of their local areas
- Continue to support communities to minimise floodwater risks.
- Maintain street cleaning high performance across the district.

Background Papers

Progress report to Area Committees on the Performance of the Streetscene service.

Appendix A
Complaints Monitoring 16/17

Not Streetscene Services Responsibility

Complaint Details		Type	Stage	Action by SSDC	Close?	Other comments
Description	General Location					
Overgrown grass bank, hedges and brambles infiltrating customers garden, over and under his fence causing damage. Later told by Highways that land is SSDC leading to a complaint.	Yeovil	Not SSDC Responsibility	Stage One SM	NO ACTION REQUIRED	Yes	Firstly passed to H/ways. Investigated land ownership and confirmed owned by H/ways so damage to property lies with them. SSDC cut brambles on public side of path.
Waiting to receive waste and recycling bins	Crewkerne	Not SSDC Responsibility	Stage One SM	NO ACTION REQUIRED	Yes	Passed to SWP
Unhappy with road closure	Shepton Montague	Not SSDC Responsibility	Stage One SM	NO ACTION REQUIRED	Yes	Passed to Highways
Overgrown hedge	Yeovil	Not SSDC Responsibility	Stage One SM	NO ACTION REQUIRED	Yes	Passed to Yarlingotn Housing Team
Street cleaners cleaning/emptying machines next to housing, causing disturbance	Yeovil	Not SSDC Responsibility	Stage One SM	NO ACTION REQUIRED	Yes	Not SSDC Vehicle
Hedgerows cut and cuttings left branches all over pavement	Crewkerne	Not SSDC Responsibility	Stage One SM	NO ACTION REQUIRED	Yes	Referred to highways
Recycling not being collected (cardboard)	Yeovil	Not SSDC Responsibility	Stage One SM	NO ACTION REQUIRED	Yes	Passed to SWP
Unhappy with hedge cutting as claims 20-30ft has been continually missed	Yeovil	Failure to deliver	Stage One SM	Problem Rectified	Yes	Path owned by several different people. SSDC cut our end of hedge, and notified H/Ways.
Customer would like shrub to side of property maintained after several requests for work	Ilminster	Not SSDC Responsibility	Stage One SM	NO ACTION REQUIRED	Yes	Not our responsibility
Leylandii trees overhanging footpath causing a dangerous f/path	Yetminster	Not SSDC Responsibility	Stage One SM	NO ACTION REQUIRED	Yes	Trees are responsibility of H/ways therefore passed to them for action
Unable to get Clinical Waste Collection sorted after 4 weeks of trying	Hadspen	Failure to deliver	Stage One SM	Problem Rectified	Yes	Service provided by SWP as clinical waste collection - eventually sorted & box removed
SSDC (non Streetscene) Officer rude to customer	Ilminster	Other	Stage One SM	NO ACTION REQUIRED	Yes	Passed to relevant department to deal with member of their team
Refuse/fly tipping problem with communal bin store	Yeovil	Other	Stage One SM	NO ACTION REQUIRED	Yes	Passed to SWP as refuse collection issue
Poplars Close no longer being maintained due to dog fouling issue - not dogs but cats. Customer wants it turned into parking	Yeovil Marsh	Issue with Policy/ Decision	Stage One SM	NO ACTION REQUIRED	Yes	Referred to Yarlington Housing
Recycling not being picked up & area needs litter picking & weeds dealt with	Merriott	Failure to deliver	Stage One SM	Problem Rectified	Yes	Litter picked area. Recycling issue referred to SWP
Recycling dumped in car park by SWP contractor	Crewkerne	Other	Stage One SM	NO ACTION REQUIRED	Yes	Passed to SWP to arrange removal
Refuse being dropped when refuse collection being made	Wincanton	Other	Stage One SM	NO ACTION REQUIRED	Yes	Passed to SWP to arrange removal
Recycling coming from lorries	Buckland St Mary	Not SSDC Responsibility	Stage One SM	NO ACTION REQUIRED	Yes	Passed to SWP to arrange removal
Whilst driving home from work at 2am customer hit a huge pot hole & had a blow out on his tyre	Merriott	Not SSDC Responsibility	Stage One SM	NO ACTION REQUIRED	Yes	Passed details immediately to Highways
Cutting down of old tree at Lyde Road due to road changes		Issue with Policy/ Decision	Stage One SM	NO ACTION REQUIRED	Yes	Passed to relevant department
Old contractor for council has left bin in her garden & nobody is contacting her	East Coker	Failure to deliver	Stage One SM	Problem Rectified	Yes	Bin collected & held at Lufton.

Customer angry that old gentleman had been charged £100 for special collection of furniture	Yeovil	Issue with Policy/ Decision	Stage One SM	NO ACTION REQUIRED	Yes	Telephoned customer to advise charge made by SWP for collection. Should have asked Yarrington to deal with furniture as one of their residents
No waste collection made last week for customer	Yeovil	Failure to deliver	Stage One SM	NO ACTION REQUIRED	Yes	Passed to SWP to investigate further
Litter picking required to A303 central reservation but being passed between SSDC /Highways England/SCC	Wincanton	Failure to deliver	Stage One SM	Changes in working practice/ procedure		Ongoing investigation as to who is responsible for this work
Tree needs cutting back on Junction of King Cuthred to King Alfred Drive Chard - no reply	Chard	Not SSDC Responsibility	Stage One SM	NO ACTION REQUIRED	Yes	Phoned customer to advise tree is on Highway land & request sent to them

Service: Streetscene Services - Horticulture

Complaint Details						
Description	General Location	Type	Stage	Action by SSDC	Close?	Other comments
Pathway and steps overgrown with weeds, nettles and brambles	Ilminster	Failure to deliver	Stage One SM	Problem Rectified	Yes	Steps cleaned
Aggressive behaviour from a council worker		Staff Handling	Stage One SM	Improved Communication	Yes	spoke to member of staff concerned about their approach
Unhappy with grass cutting by SSDC	Templecombe	Failure to deliver	Stage One SM	Problem Rectified	Yes	Team returned to blow grass away
Litter being cut up by mower drivers and nettles not being cut	not taken	Failure to deliver	Stage One SM	Staff Training	Yes	Supervisor to speak to crews. Nettles cut back from hand rails
We have sprayed weed killer over customer's grass	Yeovil	Failure to deliver	Stage One SM	Problem Rectified	Yes	?
Overgrown hedges on cycling path	Yeovil	Failure to deliver	Stage One SM	Problem Rectified	Yes	hedges trimmed back
Branches touching houses, obstructing light. Customer insists will contact her MP	Yeovil	Failure to deliver	Stage One SM	NO ACTION REQUIRED	Yes	Advised customer we will look at trees and provide reply
Grass not cut well and litter on side of road B3151	Ilchester	Failure to deliver	Stage One SM	Problem Rectified	Yes	Staff investigated. Grass short, no sign of litter
SSDC vehicle was driven onto customer's drive without his permission. When customer asked them to get off his property they left without doing any work.	Yeovil	Failure to deliver	Stage One SM	Changes in working practice/ procedure	Yes	Spoke to customer. Need to create new access to alleviate problem.
Requested tree work but not received a call to discuss action	Yeovil	Not SSDC Responsibility	Stage One SM	NO ACTION REQUIRED	Yes	Investigated trees but found to belong to H/ways therefore passed to them for action
New dog bin is unnecessary & wants it removing from outside customer's house	Norton Sub Hamdon	Issue with Policy/ Decision	Stage One SM	Problem Rectified	Yes	Customer contacted & bin moved to new location
1.Tree died and wants a replacement. 2. Nobody has contacted him	Martock	Poor Communication	Stage One SM	Improved Communication	Yes	Customer contacted
Customer has to pay for their development as not adopted by the Council	Stoke Sub Hamdon	Issue with Policy/ Decision	Stage One SM	NO ACTION REQUIRED	Yes	Duchy land therefore SSDC not involved in adoption automatically goes to Management company
Trees on Boundary of SSDC offices overhanging path & blocking light to neighbouring premises	Yeovil	Failure to deliver	Stage One SM	NO ACTION REQUIRED	Yes	email to customer outlining the overhang laws
Unkempt and unclean footpath in Brian Mooney Close, Chard	Chard	Failure to deliver	Stage One SM	Problem Rectified	Yes	Street Cleaners cut back & cleaned path

Service: Streetscene Services -

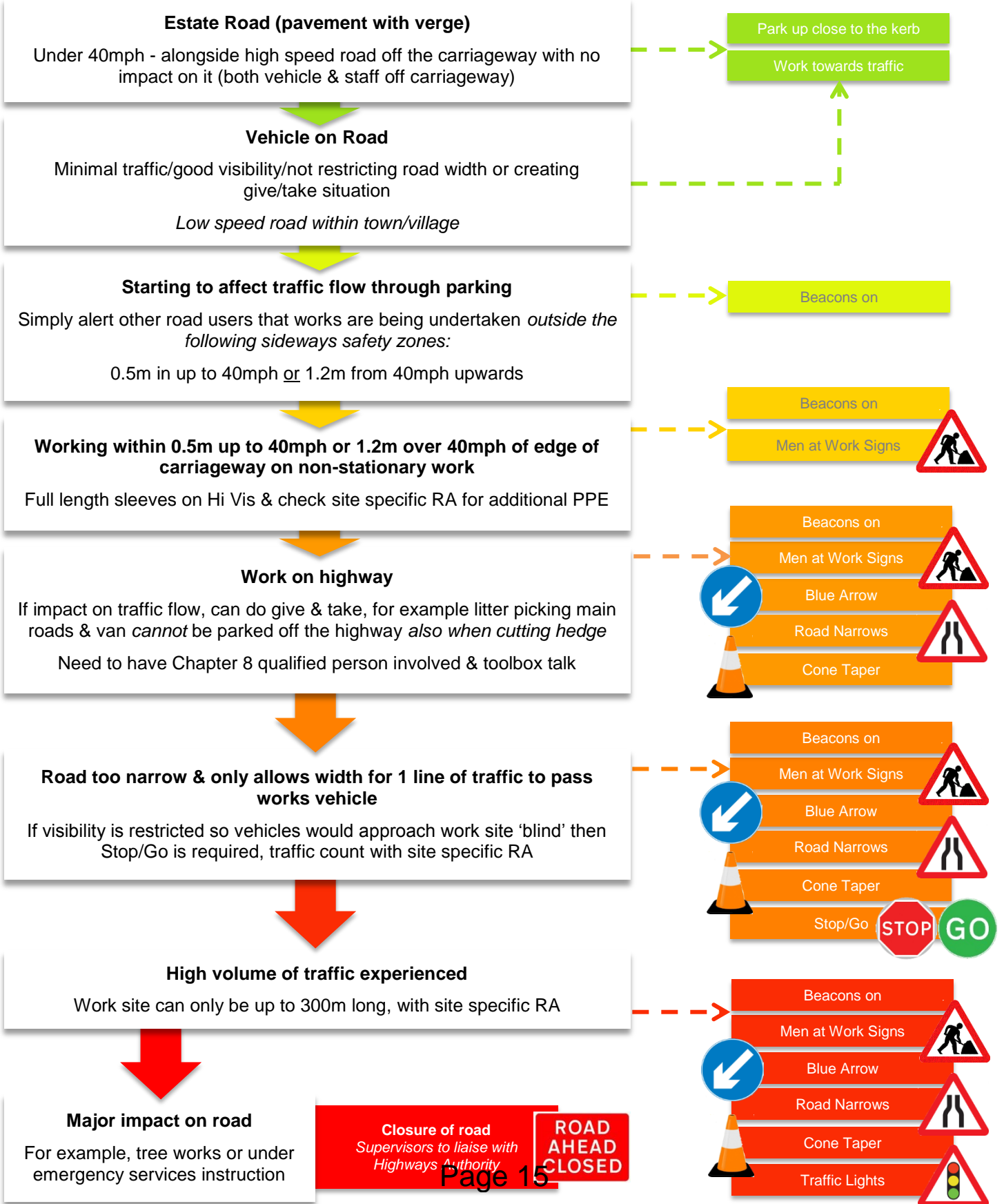
Complaint Details		Type	Stage	Action by SSDC	Close?	Other comments
Description	General Location					
Litter and glass	Yeovil	Failure to deliver	Stage One SM	Problem Rectified	Yes	Informed of our cleaning & given H/ways phone number
Rubbish left out by nearby resident	Yeovil	Failure to deliver	Stage One SM	Problem Rectified	Yes	Manager advised will speak to residents reg. rubbish. Flytip collected
Mudford Road needs more sweeping	Yeovil	Failure to deliver	Stage One SM	Problem Rectified	Yes	Mudford Rd swept regularly on planned maintenance
Broken Glass in Car Park caused damage to customers car	Shepton Beauchamp	Failure to deliver	Stage One SM	NO ACTION REQUIRED	Yes	Customer unable to obtain compensation as glass not put there by SSDC & c/park regularly cleaned
Leaves have accumulated on the paths & road side of Mudford Rd but havent been cleared. Customer wants to have double yellow lines put down the road and YDH workers to park in their own car park	Yeovil	Failure to deliver	Stage One SM	Problem Rectified	Yes	Road has already been cleaned by team but customer not satisfied. Nothing more we can achieve due to vehicles in the way. H/ways & YDH responsible for other issues.
Dog bin o/s Cheekie Monkeys' day Nursery to be emptied more often	Ilminster	Failure to deliver	Stage One SM	NO ACTION REQUIRED	Yes	Bin already on regular collection but is being filled with litter
Litter on roadside verges not being cleared		Failure to deliver	Stage One SM	Problem Rectified	Yes	Rural roads clean up done when resources available
Dog bin not available on housing estate	Yeovil	Issue with Policy/ Decision	Stage One SM	NO ACTION REQUIRED	Yes	We have dog bins available in parks/open spaces but cannot provide them everywhere & dog owners needs to take waste home
Customer requested path is cleared on 3 occasions & still nothing been done	Yeovil	Failure to deliver	Stage One SM	Problem Rectified	Yes	Customer visited & discussed, then team returned carried out clean then checked by supervisor
Mud has been left on garage/footpath linking Play Park at Monks Dale to Abbey Rd Yeovil	Yeovil	Failure to deliver	Stage One SM	Problem Rectified	Yes	Path cleaned after work in play park

WORKING ON THE HIGHWAY

Assess each situation as you arrive on site to decide what level of action is necessary following the rules below. For specific details see Risk Assessment & Safe System of Work

- Traffic Flow
- Weather Conditions
- Road Speed
- Visibility
- Signs Required

- Road Width
- PPE (standard long sleeved & any additional requirements)
- For specific details see Risk Assessment & Safe System of Work



Closure of road
Supervisors to liaise with Highways Authority

ROAD AHEAD CLOSED

Agenda Item 10

Area North Committee – Appointment of Members to Outside Organisations and Groups for 2017/18 (Executive Decision)

Director: Ian Clarke, Support Services
Service Manager: Angela Cox, Democratic Services Manager
Lead Officer: Becky Sanders, Democratic Services Officer
Contact Details: becky.sanders@southsomerset.gov.uk or 01935 462596

Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review its appointments to outside organisations and working groups within Area North, having regard to the policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies (adopted by District Executive on 1st May 2014).

Recommendation

The Committee is asked to:

- (1) Appoint a member to represent Area North Committee regarding Community Safety / Neighbourhood Policing Liaison.
- (2) Review and appoint members to the outside organisations and groups for 2017/18 as set out in Appendix A.

Area North – Neighbourhood Policing liaison

SSDC is a partner to the Safer Somerset Partnership, although there is no formal governance at a local level with each area supporting arrangements which best meet the needs and priorities of local communities.

Area North Committee appoints a councillor to be the committee's link with the Area Neighbourhood Policing team. Ward members are encouraged to link with the local beat managers and PCSOs and town/parish councillors to understand and address local issues. Last year the appointed member was Councillor Sue Steele.

Outside Organisations and Groups

The organisations and groups to which representatives are requested to be appointed by the Area North Committee for 2017/18 are indicated in Appendix A. The list of organisations was reviewed by Area North Committee in November 2013 and recommendations were made towards the final policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies, which was adopted by District Executive on 1st May 2014.

Members are now asked to review and appoint members to the outside organisations for 2017/18, having regard to the adopted policy.

Financial Implications

None for Area North Committee. Mileage claimed by councillors (across the district) attending meetings of outside bodies to which they are appointed is approximately £1,000 per annum and is within the existing budget for councillors travelling expenses held by Democratic Services. There may be a small saving resulting from any decision to reduce the number of SSDC appointed outside bodies, however, a number of councillors do not claim any mileage for their attendance at these meetings.

Council Plan Implications

There are several of the Council's Corporate Aims which encourage partnership working with local groups.

Carbon Emissions and Climate Change Implications

None

Equality and Diversity Implications

Full consideration to equalities was given in producing the Policy on the Roles and Responsibilities of Councillors appointed to Outside Bodies.

Background Papers

- Minute 184, District Executive, 1 May 2014
 - Minute 14, Area North Committee, 25 May 2016
-

Appendix A

Area North Outside Organisations and Groups – Appointments to be considered for 2017/18

Organisation / Group (Lead officer contact)	Number of Council Reps. & (Rep in 16/17).	Aims & Objectives	Frequency of Meetings	Existing status of representative
Somerset Levels and Moors Local Action Group Executive Board (Neighbourhood Development Officer - Pauline Burr)	1 (+ 1 officer) (Clare Aparicio Paul)	To support the delivery of a local economic development programme for the Somerset Levels and Moors. Currently in a transition year between the previous and next round of DEFRA funding. (See separate report June 2014). More info at: http://levelsandmoors.somersetleader.org.uk/	About 6 – 8 per year	Full Member
Langport Abattoir Liaison Group (Neighbourhood Development Officer – Chereen Scott)	2 (Clare Aparicio Paul & Derek Yeomans)	To provide a forum for liaison between the operating companies, the communities of Huish Episcopi and Langport and the local Authorities and other agencies responsible for the regulation of the site.	About 2 per year	Observer / consultative only
Martock Community Planning Partnership (Neighbourhood Development Officer – Sara Kelly)	1 (Neil Bloomfield / Graham Middleton)	To own the Martock Vision and monitor delivery of the Martock Local Community Plan.	Quarterly	Full Member
Strode College Community Education Advisory Committee (Neighbourhood Development Officer – Sara Kelly)	1 (Crispin Raikes)	Advisory Committee to Board of Governors. Committee reviews and promotes the development of the College's work with adult students and its role in supporting community work.	3 per year	Full member (advisory committee only)

Organisation / Group (Lead officer contact)	Number of Council Reps. & (Rep in 16/17).	Aims & Objectives	Frequency of Meetings	Existing status of representative
Huish Episcopi Leisure Centre Board (Lynda Pincombe – Community Health & Leisure Manager)	2 (Clare Aparicio Paul & Tiffany Osborne)	Management Company for Huish Episcopi Leisure Centre.	Approx. 3	Full member

Agenda Item 11

Scheme of Delegation – Development Control – Nomination of Substitutes for Chairman and Vice Chairman for 2017/18 (Executive Decision)

Director: Martin Woods, Service Delivery
Service Manager: David Norris, Development Manager
Lead Officer: As above
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

As the Council has entered a new municipal year, the Committee is asked to review the appointment of two members to act as substitutes for the Chairman and Vice Chairman in the exercising of the Scheme of Delegation for planning and related applications. The previous member substitutes were Councillors Derek Yeomans (first substitute) and Sylvia Seal (second substitute).

Recommendation

That, in line with the Development Control Revised Scheme of Delegation, two members be nominated to act as substitutes for the Chairman and Vice Chairman to make decisions in the Chairman's and Vice Chairman's absence on whether an application should be considered by the Area Committee as requested by the Ward Member(s).

Background

The Council's scheme of delegation for Development Control delegates the determination of all applications for planning permission, the approval of reserved matters, the display of advertisements, works to trees with Tree Preservation Orders, listed building and conservation area consents, to the Development Manager except in certain cases, one of which being the following:-

"A ward member makes a specific request for the application to be considered by the Area Committee and the request is agreed by the Area Chairman or, in their absence, the Vice Chairman in consultation with the Development Manager. (This request must be in writing and deal with the planning issues to ensure that the audit trail for making that decision is clear and unambiguous). In the absence of the Chairman and Vice Chairman there should be nominated substitutes to ensure that two other members would be available to make decisions. All assessments and decisions to be in writing."

Financial Implications

None from this report

Council Plan Implications

None from this report.

Carbon Emissions and Climate Change Implications

None from this report.

Equality and Diversity Implications

None from this report.

Background Papers: *Minute 36, Council meeting of 21 July 2005*
Minute 15, Area North Committee, 25 May 2016

Agenda Item 12

Area North Committee – Forward Plan

Assistant Director: Helen Rutter, Communities
Service Manager: Sara Kelly, Area Development Lead (North)
Lead Officer: Becky Sanders, Committee Administrator
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

This report informs Members of the Area North Committee Forward Plan.

Public Interest

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area North Committee agenda, where members of the committee may endorse or request amendments.

Recommendation

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached, and identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the Agenda Co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the 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 and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders.

Background Papers: None

Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders, becky.sanders@southsomerset.gov.uk

Items marked in italics are not yet confirmed, due to the attendance of additional representatives. Key: SCC = Somerset County Council

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
26 July '17	Area North Development Plan	Adoption of the 2017/18 Area North Development Plan	Sara Lead, Area Development Lead (North)
Aug/Sept '17	Community Offices Report	Annual update report.	Lisa Davis, Community Office Support Manager
27 Sept '17	Arts & Entertainment Service Update Report	Annual Update Report	Adam Burgan, Arts & Entertainments Manager
<i>TBC</i>	<i>Environmental Health</i>	<i>Service update report.</i>	<i>Alasdair Bell, Environmental Health Manager</i>
<i>TBC</i>	<i>Section 106 Monitoring Report</i>	<i>Annual monitoring report.</i>	<i>Neil Waddleton, Section Monitoring and Compliance Officer</i>
<i>TBC</i>	<i>Endorsement of Community Led Plans</i>	<i>South Petherton Parish Plan and Neighbourhood Plan</i>	<i>Sara Kelly, Area Development Lead (North)</i>

Agenda Item 13

Planning Appeals

Director: Martin Woods, Service Delivery
Service Manager: David Norris, Development Manager
Lead Officer: As above
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.

Public Interest

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.

Recommendation

That members comment upon and note the report.

Appeals Lodged

16/02975/FUL – Land adjacent Burgum, Westport, Langport.
Erection of a two bedroom, single storey dwelling with associated parking and landscaping.

16/02783/OUT – Land adjacent Triways, Foldhill Lane, Martock.
Residential development of up to 24 dwellings.

16/04427FUL – Land at Ducks Hill, Langport.
Proposed formation of vehicular access, erection of four private dwellings with associated parking and domestic curtilage, and landscaping works (resubmission of 16/01756/FUL).

16/04807/FUL – Land adjacent to 67 Garden City, Huish Episcopi.
The erection of 1 No. detached dwelling.

16/05371/OUT – Land opposite The Old Manse, Fivehead.
The erection of four detached bungalows.

16/03005/FUL – Land opposite Wearne Court, Main Road, Wearne, Langport.
Conversion of redundant barn to a dwelling and the formation of a new vehicular access for residential and agricultural use and closure of existing access for vehicles.

17/00454/COL – The Retreat, Windmill Lane, Pibsbury, Langport.
Application for a certificate of lawful existing use of land and building as a single dwelling.

17/00455/FUL – The Retreat, Windmill Lane, Pibsbury, Langport.
Erection of extensions to dwelling (Retrospective).

Appeals Dismissed

16/03175/FUL & 16/01376/OUT – Highfield Farm, Windmill Lane, Pibsbury, Langport.
Redevelopment of existing agricultural building to provide two 1.5 storey semi-detached dwellings.

16/00621/FUL – Long Orchard Farm, Pibsbury, Langport.
Conversion of a double garage into a one bedroom dwelling (retropective).

Appeals Allowed

16/04404/FUL – 12 Cottage Corner, Main Street, Ilton.
Erection of 12 metre shortwave amateur radio mast and antenna.

The Inspector's decision letters are shown on the following pages.

Appeal Decisions

Site visit made on 16 May 2017

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

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

Decision date: 26 May 2017

Appeal A Ref: APP/R3325/W/17/3167811

Highfield Farm, Windmill Lane, Pibsbury, Huish Episcopi, Langport, Somerset TA10 9EP

- 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 David against the decision of South Somerset District Council.
 - The application Ref 16/03175/FUL, dated 19 July 2016, was refused by notice dated 28 October 2016.
 - The development proposed is redevelopment of existing agricultural building to provide two 1½ storey semi-detached dwellings.
-

Appeal B Ref: APP/R3325/W/17/3167816

Highfield Farm, Windmill Lane, Pibsbury, Huish Episcopi, Langport, Somerset TA10 9EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs David against the decision of South Somerset District Council.
 - The application Ref 16/03176/OUT, dated 19 July 2016, was refused by notice dated 28 October 2016.
 - The development proposed is the erection of two detached bungalows (outline application with all matters reserved except access).
-

Decisions

1. Both appeals are dismissed.

Procedural Matter

2. The application form for Appeal B suggests that only layout and appearance are reserved matters but the submitted Planning Statement makes clear that all matters are reserved except access and I determine the appeal accordingly.

Main Issue

3. The main issue in both appeals is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal sites are two contiguous sites comprising the rear section of a farmyard situated on the corner of Windmill Lane and the A372, between the main part of Pibsbury to the south east and Huish Episcopi to the west. The

front part of the farmyard is occupied by the original farmhouse, on which an approved extension is under construction, two new detached houses one of which is still under construction and a converted barn. To the east of this another new house on an infill plot is nearing completion. Both appeals comprise new build dwellings behind that development.

5. The permitted development of the farmyard as indicated above involved the retention of the existing triple-span barn behind the farmhouse for agricultural storage excluding livestock and the planting of an orchard behind the two new dwellings and the converted barn. The appellants point out that it was always their wish to develop the whole of the farmyard, despite the Council's reservations. They cite two significant changes since the developments to the front of the farmyard were approved: first, the Council's acceptance of Pibsbury as a location for new residential development due to its proximity to the services and facilities in Huish Episcopi/Langport; and second, its admission that it does not have a 5 year supply of deliverable housing land (5YHLS).
6. The Council does not dispute these issues but argues that the development proposed by the appeals would result in an extension of built residential development into the countryside at odds with the distinct linear character of existing development that sticks closely to Windmill Lane.
7. In contrast the appellants argue that there are several local examples of such development in depth, as indicated on the Google Earth plan submitted at appeal. However, most of the examples set out on that plan are either not local (such as those to the west of Langport) or are functionally part of Huish Episcopi/Langport, such as Hamdown Court, Portland Road or the rear of Knapps Lane. The clusters of development at Wagg Drove and Highfield House, Pibsbury are historic and in any case are not within eyesight of the sites. Permission has been given for development opposite Highfield Farm for four single storey detached dwellings at Old Nursery Farm, but these houses would face the road, as do all the other existing dwellings in this cluster of built development on Windmill Lane. There is no 'development in depth' in the immediate locality.
8. There is no argument that this location is reasonably accessible to facilities nearby including Huish Episcopi Academy because there is a continuous footway along the A372. But that does not justify developing the whole of the farmyard at odds with the linear character of built form in the immediate locality, despite the presence of the existing structurally sound barn behind the farmhouse and another tumbledown barn with open sides behind the other frontage buildings. That is because agricultural buildings are excluded from the definition of previously developed land. Such buildings are a normal part of the rural scene and this site is physically and visually located in the open countryside. If the appellants have no need of the barn behind the farmhouse they are free to demolish it and restore the land to agriculture.
9. In summary, I acknowledge that the proposals would only involve building on the former farmyard and not the field behind it. But such land is excluded from the definition of previously developed land. More importantly, such development would be at odds with the character of linear development on Windmill Lane and would, I conclude, significantly harm the character and appearance of the immediate rural area.

10. The proposals would therefore fail to reinforce local distinctiveness and respect the local context, one of the requirements of Policy EQ2 (General Development) of the South Somerset Local Plan. Because they would fail to respond to local character as set out above they would also fail to comply with the requirement for good design in Section 7 of the National Planning Policy Framework.
11. I acknowledge that the proposals would deliver four additional dwellings which would help to reduce the shortfall of the 5YHLS as well as deliver proportionate economic benefits. But such benefits do not outweigh the significant harm to the character and appearance of the area.
12. For the reasons given above I conclude that the appeals should be dismissed.

Nick Fagan

INSPECTOR

Appeal Decision

Site visit made on 1 June 2017

by **Neil Pope BA (Hons) MRTPI**

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

Decision date: 5 June 2017

Appeal Ref: APP/R3325/W/17/3168105

Long Orchard Farm, Pibsbury, Langport, Somerset, TA10 9EJ.

- 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 John Crossman against the decision of South Somerset District Council (the LPA).
 - The application Ref.16/00621/FUL, dated 10/2/16, was refused by notice dated 1/8/16.
 - The development proposed is described as the *conversion of a double garage into a one bedroom dwelling (retrospective)*.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have determined the appeal on the basis of the 'red line' site location plan ref. F1310/LOC A.
3. The LPA accepts that it is unable to demonstrate five years housing land supply as required by the National Planning Policy Framework (the Framework). I understand that it can demonstrate about four years supply. As a consequence, the provisions of paragraph 49 of the Framework are engaged and the tilted balance contained within paragraph 14 of the Framework applies.
4. In 1998 outline permission was granted for the erection of an agricultural workers dwelling and garage on land at Orchard Farm (ref. 94/01798/OUT) with the reserved matters approved in 2000 (ref. 99/02303/REM). This dwelling (Long Orchard Farm) is located immediately to the south east of the appeal site and is the subject of an agricultural occupancy restriction.
5. The LPA has informed me that the building to which this appeal relates has not been built in accordance with the drawings/permission for the garage at Long Orchard Farm. I note from the application form that works on the appeal building started in April 2013 and were completed in March 2014. I understand that the building has been occupied as a separate dwelling since that time.

Main Issue

6. The main issue is whether the appeal scheme comprises sustainable development, having particular regard to local and national planning policies for safeguarding the character of the countryside and those aimed at making the fullest possible use of alternatives to the car.

Reasons

7. Policy SD1 of the development plan¹ reflects the presumption in favour of sustainable development as provided for within the Framework. LP policy SS1 sets out the settlement strategy and identifies a hierarchy of settlements and the scale of growth. Under LP policy SS2, development in Rural Settlements (not Market Towns or Rural Centres) is strictly controlled. Policies SS1 and SS2 reflect the strategic objectives of the LP which include meeting the required housing growth for the district and protecting the natural environment. These are consistent with core principles of the Framework.
8. The appeal site is located within the countryside and beyond a ribbon of development² on the opposite side of the A372. On behalf of the appellant, it has been calculated that the site is 140m east of another site where planning permission has recently been granted for two new dwellings³. As I saw during my visit, there is intervening countryside between these two sites and the latter is opposite the row of dwellings on the northern side of the main road.
9. The appeal site does not form part of the Local Market Town of Langport/Huish Episcopi, to which LP policy SS1 relates and is divorced from any Rural Settlement to which LP policy SS2 applies. Even if the site did form part of a Rural Settlement, the appellant's personal circumstances would not meet an identified housing need or result in a more balanced community as required by policy SS2. An additional dwelling in this location would intensify residential activity/use and erode the rural character of the area. This adverse impact would not be outweighed by the removal of some sheds within the site.
10. Pibsbury does not contain any of the key services identified in paragraph 5.41 of the LP. Nevertheless, when applying LP policy SS2 such services could be provided within a cluster of settlements. The Framework also recognises that the opportunities for maximising sustainable transport solutions vary from urban to rural areas. The appellant has drawn attention to services in Huish Episcopi and Langport and has informed me that he regularly walks to the pub.
11. As part of my visit, I walked from the site to the two nearest key services⁴. In all likelihood, due to distance and the lack of a footway along the A372 between the appeal site and the ribbon of housing to the north west, future occupiers of the appeal building would be deterred from walking to key services. This would be especially so during poor weather conditions and/or dark evenings. I have not been made aware of any convenient public transport services and it is unlikely that residents would chose to cycle along the A372 for work/shopping/healthcare appointments. The appeal site is poorly related to services/facilities and the proposal would increase the need to travel by car. The development is at odds with the LPA's adopted settlement strategy.
12. I note the situation the appellant finds himself in following a dispute with his daughter over the occupation of the farmhouse. I also note his argument that he and his wife support local services/facilities and both work part-time in local businesses⁵. However, circumstances could change and these matters do not

¹ This includes the South Somerset Local Plan 2006-2028 (LP).

² In essence, this ribbon of housing comprises Pibsbury.

³ This other site has a lengthy planning history which included a certificate of lawfulness for business use.

⁴ The Rose and Crown public house at Huish Episcopi and St. Mary's Church at Langport.

⁵ The appellant is semi-retired and assists his son who runs a farm business and his wife works in a neighbouring flower business.

justify permitting this additional dwelling outside the confines of a settlement and setting aside important planning policies for protecting the character of the countryside and guiding development to the most sustainable locations.

13. My attention has been drawn to some other sites within the area where the LPA has approved residential development. However, it appears that there are material differences with appeal scheme, including the proximity to Huish Episcopi and various enhancement works. Whatever the merits of these other developments they do not set a precedent that I must follow.
14. I have determined the appeal on its own merits. Nevertheless, if permission was granted it would be likely to make it very difficult for the LPA to resist any future applications to remove the agricultural occupancy condition on the neighbouring house or to control the spread of development between the appeal site and the permitted houses to the west. In this regard, the planning history suggests that an application to lift the occupancy tie could be forthcoming and it would be surprising if there was not pressure for further housing within this attractive rural area. The loss of this agriculturally tied dwelling could harm the efficient operation of the local agricultural industry and the erosion of the countryside to the west of the appeal site would result in further cumulative harm to the character of the area.
15. The appeal scheme increases the choice and supply of housing within the district and would help address the shortfall in supply. However, the adverse impacts (erosion of the rural character and conflict with the settlement strategy) would significantly and demonstrably outweigh these benefits when assessed against the policies in the Framework taken as a whole.
16. I conclude that the appeal scheme does not comprise sustainable development. The appeal should not therefore succeed.

Neil Pope

Inspector

Appeal Decision

Site visit made on 16 May 2017

by Nick Fagan BSc (Hons) DipTP MRTPI

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

Decision date: 25 May 2017

Appeal Ref: APP/R3325/W/17/3169477

12 Cottage Corner, Main Street, Ilton, Ilminster, Somerset TA19 9ER

- 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 Peter Evans against the decision of South Somerset District Council.
 - The application Ref 16/04404/FUL, dated 4 October 2016, was refused by notice dated 25 November 2016.
 - The development proposed is a shortwave amateur radio mast and antenna.
-

Decision

1. The appeal is allowed and planning permission is granted for a shortwave amateur radio mast and antenna at 12 Cottage Corner, Main Street, Ilton, Ilminster, Somerset TA19 9ER in accordance with the terms of the application, Ref 16/04404/FUL, dated 4 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings/photographs: 1:1250 Site Location Plan; 1:500 Block Plan – 10/PE/001; Detailed Plan & Elevation – 10/PE/002; Rear elevations – 10/PE/003; Photo of Mast to be used – Picture No 1; Photo of Antenna to be used – Picture No 2
 - 3) The mast shall be painted white/cream to match the colour of the rear of the house within 2 months of its installation.
 - 4) The existing 9m aerial in the rear garden shall be permanently removed prior to the installation of the new mast and antenna.
 - 5) The new rotary antenna shall be lowered when not in use to the height shown on approved drawing 10/PE/002.
 - 6) The mast and antenna hereby approved shall be dismantled and permanently removed from the site when it is redundant or has not been used for over one year.

Main Issues

2. The main issues are the effect of the proposed mast and antenna on the character and appearance of the area and on neighbours' living conditions, particularly in relation to outlook.

Reasons

3. The present 9m high aerial/antenna is a slim pole supported by thin guy wires situated in approximately the centre of the back garden of this terraced house. The proposed mast would be 12.3m high when fully extended with an 8m wide antenna atop it. It would be sited at the edge of the existing rear patio 3.5m from the rear of the house.
4. I acknowledge the Council's quoted comments from a previously dismissed appeal for a 15m high versatower antenna as set out in its officer report¹. However, I have seen no details of that proposal. The mast on this proposal would be lower. The antenna, which would not overhang neighbours' roofs contrary to the Council's assertions, would be retracted when not in use so the structure would be generally no higher than 7.2m from the ground, about the same height as the ridge of the dwelling's roof. The appellant is content for a condition to specify such a requirement – Condition 5 above.
5. Although the rotary antenna is fairly wide at 8m it would only have thin fibreglass spreaders and even thinner wire elements as shown on Picture No 2 and as such it would have little impact on the outlook from neighbours' windows when in use.
6. Additionally, any direct impact on adjoining neighbours at Nos 11 and 13 would be minimised by the mast and antenna being sited considerably nearer to the rear of No 12 than the existing aerial is.
7. The appellant is agreeable to painting the mast a specific colour and I have specified in Condition 3 above that the colour shall match that of the rear of the house.
8. For these reasons the proposed mast and antenna would not be an incongruous feature in this residential area and would not significantly harm neighbours' living conditions. In particular it would not seriously harm the outlook from their windows.
9. It would comply with Policy EQ2 of the South Somerset Local Plan 2006-2026 because it would respect the local context and would not significantly harm the residential amenity of neighbouring properties. As such it would also comply with LP Policy SD1, which requires development to be sustainable.
10. Additional conditions requested by the Council are also appropriate: Condition 2 listing the approved drawings and photos is necessary for reasons of precision; Condition 4 requiring the prior removal of the existing aerial in order to avoid undue proliferation of such structures in the interests of the appearance of the area; and Condition 6 requiring the removal of the equipment hereby granted once it becomes redundant or unused for the same reason.
11. Subject to the above conditions and for the reasons given above I conclude that the appeal should be allowed.

Nick Fagan

INSPECTOR

¹ LPA Ref 04/00696/FUL

Agenda Item 14

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
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 North Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 2.45pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.40pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
15	HAMDON	17/01632/COL	Certificate of lawfulness for existing use of site etc.	West End Stores, West Street, Stoke Sub Hamdon.	Mr M Legg
16	TURN HILL	17/00479/FUL	Erection of a brooder / duck house	Wagg Meadow Farm, Wagg Dove, Langport.	Mr S Davis
17	WESSEX	17/01157/S73A	Application to remove cond.7 of planning approval 820342.	Hurst Lea, Hurst Drove, Compton Dundon.	Mr & Mrs Bowles
18	LANGPORT & HUISH	17/01935/FUL	Erection of one dwelling and garaging (revised application).	Land East of ABlake, A372, Pibsbury, Langport.	Mr & Mrs Morris
19	TURN HILL	15/05090/FUL	Various changes of use and erection of 2 no. holiday cottages etc,	Land OS 5560, Crouds Lane, Long Sutton.	Mr N Gould
20	TURN HILL	16/03673/OUT	Alterations to existing accesses and erection of four detached dwellings.	Land adjacent to Fouracres, Picts Hill, High Ham.	D&S Root and A&E Molyneux
21	BURROW HILL	17/01183/FUL	Retention of timber pony shelter.	Orchard land adjoining Rowans, Stembridge, Martock.	Mrs C Aparicio Paul

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 has 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 15

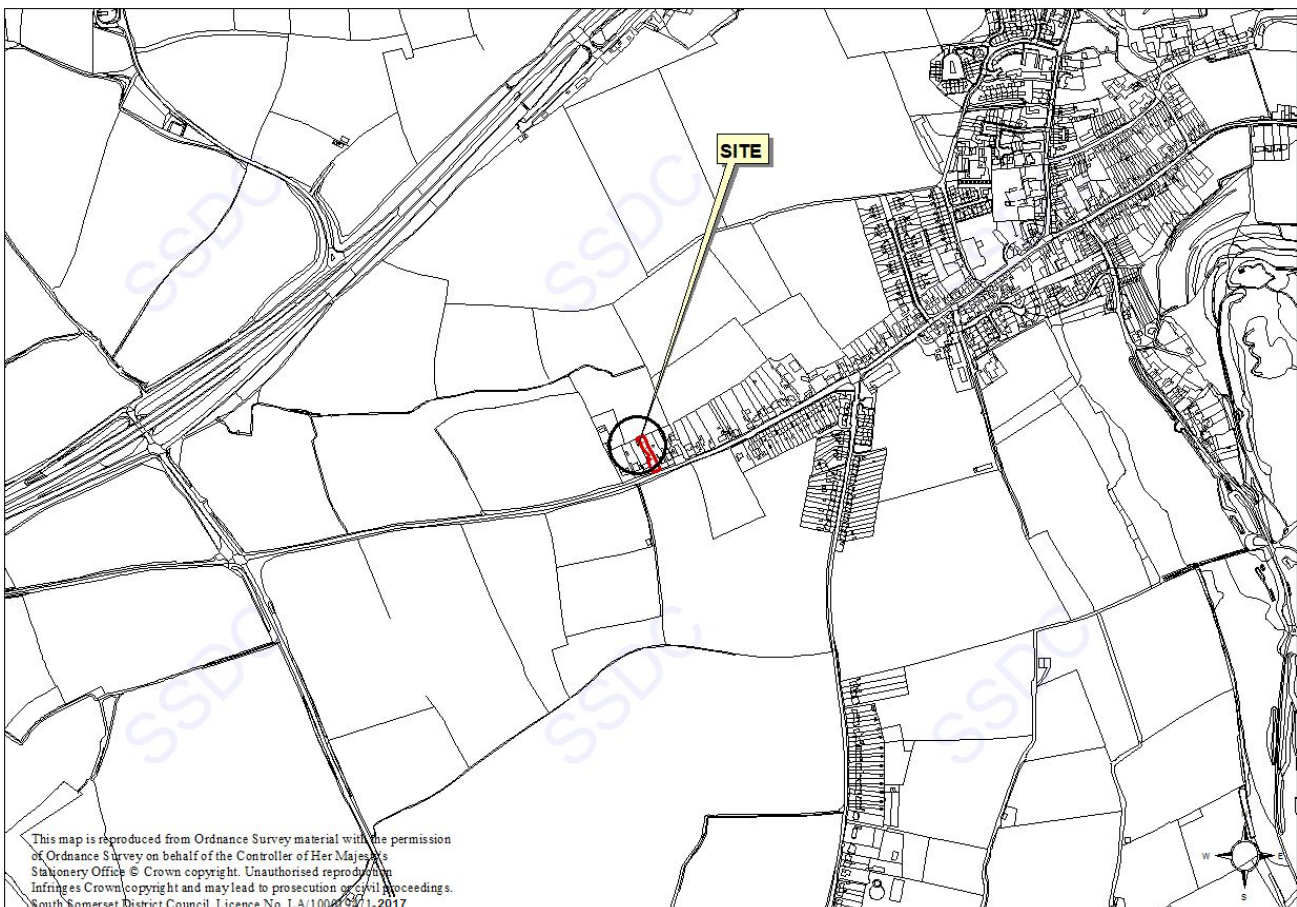
Officer Report On Planning Application: 17/01632/COL

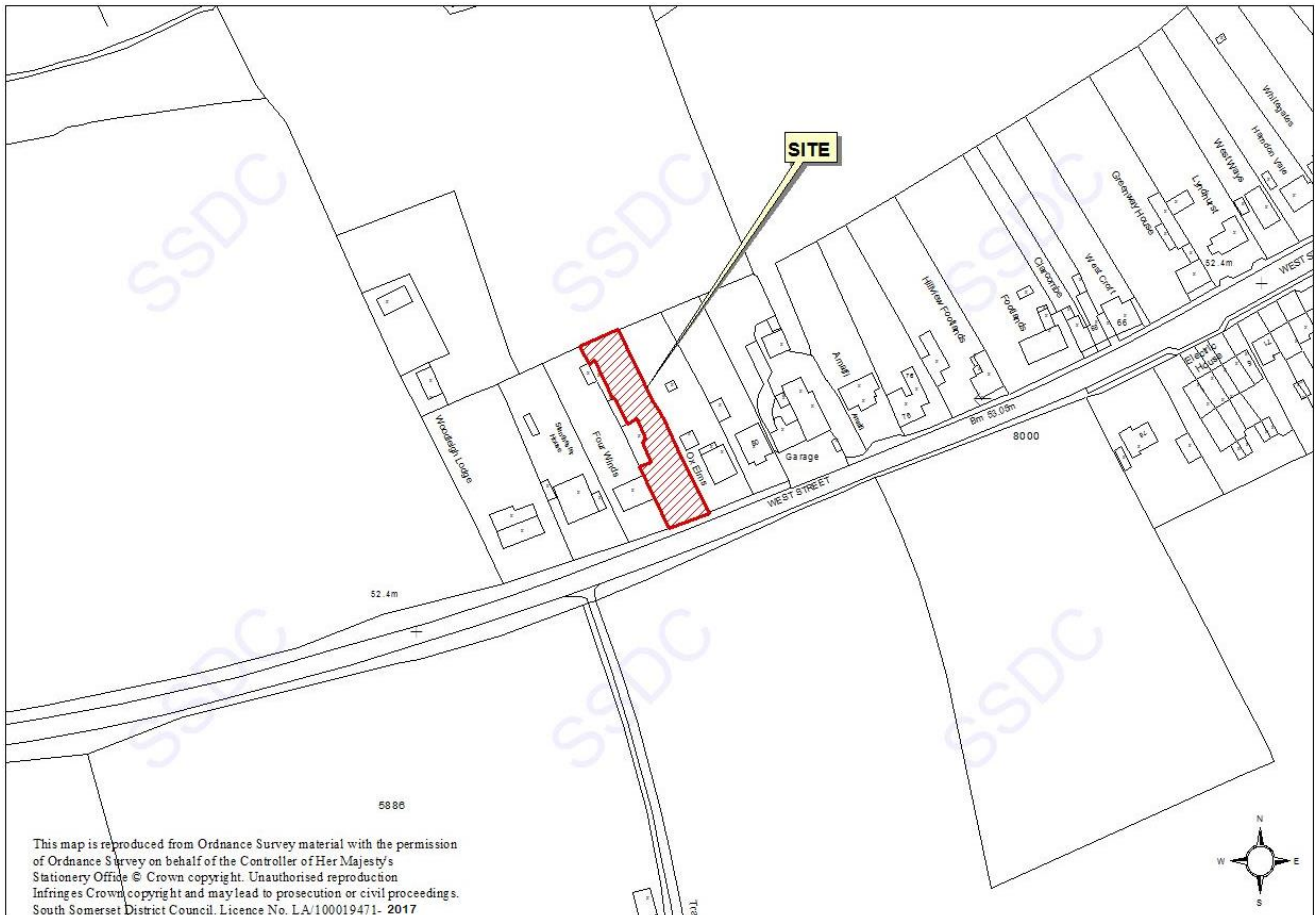
Proposal :	Certificate of lawfulness for the existing use of site as a mixed use of residential and retail with ancillary storage.
Site Address:	West End Stores, West Street, Stoke Sub Hamdon.
Parish:	Stoke Sub Hamdon
HAMDON Ward (SSDC Member)	Cllr Sylvia Seal
Recommending Case Officer:	Adrian Noon Tel: 01935 462370 Email: adrian.noon@southsomerset.gov.uk
Target date :	25th May 2017
Applicant :	Michael Legg
Agent: (no agent if blank)	Mrs D Stephens, Battens Solicitors Ltd, Mansion House, Princes Street, Yeovil BA20 1EP
Application Type :	Certificate of Lawful Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee by the Development Manager at the request of the ward member, in view of the history of the site and the concerns raised locally.

THE SITE AND SURROUNDINGS





The property site is located on the north side of West Street, on the western outskirts of the village of Stoke-sub-Hamdon and within the development area. The surrounding properties to the east and west are residential, with open land to the north and south. The only other commercial property in the vicinity is a garage, three properties to the east.

The site comprises of a detached 2 bedroom bungalow with garden area to the front and rear and a driveway along the western side of the plot. There is an outbuilding to the west side of the plot at the rear of the bungalow which has a historic permission (1954) for retail use and store. There are further structures in what used to be the rear garden, however these are difficult to discern given the amount of material (window and door units) stored to the rear.

THE PROPOSAL

The submitted site plan suggests that the lawful use comprises a dwelling plus:-

1. Retail use within out building as per 1954 permission)
2. Storage/display of stock (PVC/metal/wooden doors and windows) within the entire rear and side garden areas up to 2m in height in open areas.
3. Driveway – display of 2 doors and 2 windows bearing signage.
4. Pathway from drive to front door.
5. Storage/display of garden products/ornaments in middle part of front garden
6. Storage/display of stock in eastern part of garden, not to exceed 1.2m
7. 2m fence to be erected at rear of drive.

RELEVANT HISTORY

SE4844 – Erection of a sweet and cigarette shop – refused January 1954- appeal allowed. The Appeal decision indicated that there was an existing market garden use to the rear.

22186/B – Erection of extension to existing shop store at West End Stores – permitted with conditions – October 1966

4844/C – Erection of tomato store – Permitted with conditions – September 1970

800163 – The use of existing shop stores for the assembly and distribution of timber garden sheds and the manufacture and process of rabbit hutches at West End Stores – permitted with conditions – May 1980 – temporary permission which expired 31 May 1982

820736 – The continued use of existing shop stores for the assembly and distribution of timber garden sheds and manufacture and process of rabbit hutches at West End Stores – permitted with conditions – July 1982 – temporary permission which expired 30 June 1983

831153 – The continued use of existing shop stores for the assembly and distribution of timber garden sheds and manufacture and process of rabbit hutches at West End Stores – temporary permission which expired 31 July 1986

861969 – Continued use of shop stores for the assembly and distribution of timber garden sheds and manufacture of rabbit hutches – permitted with conditions November 1986 – temporary permission which expired 30 November 1989

89/01861/FUL – The continued use of shop stores for the assembly and distribution of timber garden sheds and manufacture and process of rabbit hutches – refused – March 1990

E94380/E94379 - Appeal against enforcement notice dated 22/01/91 served following refusal of planning application 89/01861/FUL (above) – split decision (24/01/92). This allowed the continued use of land for residential and retail purposes on a temporary basis (5 years) subject to conditions, but upheld the enforcement notice in respect of the dismantling of pallets/other timber articles/sheds/hutches/other wooden articles. This use has now ceased.

97/00079/COU – Use of land and buildings for residential and retail purposes permitted with conditions February 1997 – temporary permission which expired 01 March 2002. The “retail” element restricted the goods for sale to “garden sundries”, with other restrictions relating to the location, amount and height of goods displayed and that the permission was personal to the applicant.

02/00453/COU – Use of land and buildings for residential and retail purposes (renewal of temporary permission 97/00079/COU) permitted with conditions (April 2002) – temporary permission for 5 years, which lapsed on 01 March 2007. This permission was personal to the applicant, limited to ‘garden sundries’, required the drive way to be kept clear and limited storage in the front garden to 25% of its area with nothing to be stacked more than 1m high.

13/03341/COU – application for the continued use of land for a mixed use of residential and B8 storage of used windows and doors with ancillary sales refused (03/03/14) for the following reason:-

Notwithstanding the circumstances of the case the proposed continuation of the use of the site for the B8 storage of used doors and windows, even for a temporary period, would have unacceptable visual impacts in this residential area to the detriment of the amenities of the

locality. As such the proposal is contrary to saved policies ST5 and ST6 of the South Somerset Local Plan and the policies contained within the NPPF (2012).

13/00101/BRCOND – 1st enforcement notice issued (09/10/14) against the failure to restore the land in accordance with condition 3 of 02/00453/COU which stated:-

The use hereby permitted (other than that allowed on appeal on 6 October 1954) shall be for a limited period expiring on 1 March 2007 and by the end of such period the use shall cease and any buildings, works or structures comprised in the said development shall be removed and the land restored to its former condition.

Reason: To safeguard the amenities and character of the area.

It was contended that the condition had not been complied with because the retail use of the land has continued since 1st March 2007.

9th October 2014 – Section 215 notice served to require clearance of land.

The enforcement notice was successfully appealed (APP/R3325/C/14/3000142) with the Inspector deciding that the previous 'retail' use had ceased. In his view there has been "unauthorised development consisting of a material change of use to use for mixed storage and residential purposes." (Para. 3 of decision letter).

The Inspector identified further defects with the notice in relation to shaded areas of 'under-enforcement' and access to those areas. Consequently the notice was quashed on the grounds that it was flawed beyond correction.

13/00101/BRCOND – 2nd Enforcement and S.215 notices issued (29/10/15) against the change of use of the land from residential use to a mixed use for residential use and Class B8 use as a reclamation yard involving primarily the display and storage of building materials, including used windows, doors, garden sundries, fencing and other non-domestic items with a minor level of ancillary sales. Enforcement notice withdrawn 06/07/16 following appeal. S215 notice also appealed, case pending in magistrates court, likely to be heard 14/06/17.

15/04864/COL – 12 October 2015 application submitted for a Certificate of Lawfulness for the existing mixed storage and residential purposes with ancillary retail. This application is subject to an appeal against non-determination, lodged following the withdrawal of the second enforcement notice. The Council's Statement of Case sets out that:-

4.2 It will be explained that at the time of the submission the local planning authority was seeking to take enforcement action against what was regarded as the unauthorised storage of items at the premises. The context of this will be set out with regard to the previous enforcement notices.

4.3 The local planning authority's consideration of the activities at the appeal site following the quashing of the previous enforcement notice will be set out. It will be explained that the inspector's decision was not challenged at the time as the Council accepted that whatever use persists at the site it is not in breach of a condition of a previous permission.

4.4 In this respect it will be shown that the use of the site post-2007 is a new chapter in its planning history. Accordingly it will be argued that the storage of items across the site

needs to be looked at in terms of the purpose for which they are being stored at West End Stores.

- 4.5 *With reference to the planning history and information provided by the appellant in support of previous applications it will be demonstrated that the items stored at the premises are in fact 'stock' in connection with his business selling second hand doors and windows. In addition it will be argued that the keeping of such stock on this site is not a B8 storage activity and that its sole historic purpose for being on site is to be sold as part of the appellant's A1 retail activities. It will be shown that retailing remains the primary non-residential use of the site.*
- 4.6 *On this basis it will be argued that, notwithstanding the conclusions of the previous inspector (which were made in light of the only evidence available to him under the written representations procedure) any storage use is ancillary to this retail activity and is not therefore a use in its own right. In short it will be shown that the lawful use of the site is for mixed residential and retail purposes with ancillary storage, and thus a Certificate of Lawfulness for the use of the site for B8 storage should be declined.*

Part of the applicant's case is that the 1992 Inspector noted the presence of many doors and windows at the site at the time. Their argument is that a mixed residential/storage (C3/B8) started at this time and, despite the subsequent run of temporary permissions for residential/retail use the applicant was in fact operating the residential/storage use and continues to do so to this day. They point to the comments of the most recent enforcement appeal (APP/R3325/C/14/3000142) inspector's comments to the effect that a material change of use to use for mixed storage and residential purposes has occurred.

17/01632/COL – In light of the Council's statement of case (3.18 above) the applicant has submitted the current application inviting the Council to formally accept that the lawful use of the site is "mixed residential and retail with ancillary storage". Should this application be approved the appeal against the non-determination of 15/04864/COL would probably be withdrawn.

CONSULTATIONS

Stoke-sub-Hamdon PC –

The Parish Council continues to believe that the use of the site is unlawful; that the site's main use is not the ancillary retail and associated mixed storage applied for retrospectively, but is actually the hoarding of windows and doors. Councillors wish to observe that the piling up and hoarding windows and door materials to an unacceptable height and quantity in the front garden, round the sides and at the back continues to be an eyesore and a serious public health issue for the village. The stacking up of such materials is such that Mr Legg, who is an elderly man and who lives on his own, could quite easily have an accident by falling and being squashed under the weight of the doors, which are dangerously stacked. As a consequence of the use of the site, there is a continual rat problem causing public health and safety issues, and a very real fire risk, not only to the property and materials themselves, but also potentially to neighbouring properties and to commercial petrol pumps at a nearby garage. There is visible long term damage to neighbouring fences which is ongoing

SSDC Legal Services – notes that:-

"The nature of goods sold over the years has changed – market garden, cigarettes & sweets, sheds and rabbit hutches, garden sundries and now building materials, predominantly doors and windows,

but a mixed residential and retail use has remained a continuous thread throughout, and the accounts provided from 2004 evidence a fairly consistent level of retail activity.....

“The Council does not therefore have any evidence of its own to suggest that use of the various areas of the site as proposed in the application are not lawful.....

“Therefore..... a certificate should be issued in relation to the mixed residential and retail use, plus ancillary storage in relation to the retail use.”

REPRESENTATIONS

3 letters received raising concerns about the impact of the activities which are not material to this application for a certificate of lawfulness. One does not consider the level of storage to be ancillary to the low level of retail activity.

CONSIDERATIONS

The applicant has provided a statutory declaration in which he acknowledges that the Council considers the used to be mixed residential and retail with a large amount of ancillary storage. He considers that this use has existed, unchanged, throughout the last 20 years and more.

A review of the Council's enforcement files shows that following the 1992 split appeal decision the LPA actively considered prosecution in relation to the ongoing storage of timber items and the manufacture of hutches. Photographs from 1993/4 show there to be a lot of timber doors and windows stored at the site. These were being dismantled to provide the timber for the hutches as such there storage was where ancillary to the unauthorised manufacture of hutches that was subject to an upheld enforcement notice that presumably remains in force. The levels of storage are in no way comparable to the levels seen today.

By letter (06/09/93) the LPA accepted that any remaining items were for “purposes incidental and ancillary to the domestic and personal enjoyment of the occupiers of the dwelling”. Subsequently enforcement investigations focused on whether or not the manufacturing recommencement (it didn't) and possible breaches of the temporary retail permission granted by the Inspector. Following the various renewals these complaints fell away.

I consider therefore that the applicant could not rely on the observations of the 1992 Inspector as identifying the commencement of a storage use. I consider that he was viewing the site in the context of closing the previous ‘manufacturing’ chapter of the property's planning history (when the observed door and windows were on site simply as material for the outgoing use) and the opening of a new retail/residential chapter. This new use was then operated for some 15 years as per the scheme allowed at appeal and two subsequent renewals (97/00079/COU and 02/00453/COU) after which the retail element of the site should have reverted to its 1954 status.

I considered the 1954 permission allows an open retail use to operate from the outbuilding; it does not restrict the retail activities or range of goods to be sold in any way. The permission is silent on the matter of outside storage, although the site plan appears to identify just the building and a small area to the east side and rear as the “proposed site”. Subsequent permissions (1966 & 1970) extended this and I would consider it reasonable to now view these as stores for the retail use.

The ‘market garden’ use mentioned by the 1954 Inspector has long since ceased operation and I believe that the intent of the 1992 temporary permission, and subsequent permissions, was simply to

allow an expansion of the approved retail use subject to the restrictive conditions, after which the retail use should have reverted to the scope of the 1954 permission and the remainder of the site to residential (i.e. a house and garden).

Whilst this intent is understandable I have reservations about the validity and robustness of this approach for a number of reasons. Firstly none of the temporary retail/residential permissions are clear about what exactly the site is to revert to. The original 1992 appeal decision refers simply to “the use hereby permitted (other than that allowed on appeal on 6 October 1954)” ceasing 5 years after the decision (i.e. by 24/01/97). The requirement to revert to the 1954 permission ignores 1966 and 1970 permissions for extensions to the shop building. It also arguably has the effect of requiring the applicant to recommence the abandonment market garden use recorded by the 1954 Inspector.

The 1997 and 2002 renewals repeat this requirement although they both add a requirement that “any buildings, works or structures comprised in the said development shall be removed and the land restored to its former condition”. However no buildings were permitted by these permissions and it is unclear what was meant by the reference to ‘former condition’. On this basis I am of the opinion that drafting and requirements of the temporary time period conditions that have been imposed are so vague as to render them difficult to enforce.

Secondly if we were to take the temporary conditions at face value, what is the ‘1954 position’? Clearly this gives us a shop (and small storage area) and a house (with drive and front garden area). The problem is what was the use of the rear garden at that time? The 1954 Inspector states that the appellant (the current owner’s parents) “*bought the property in 1939 and had developed the garden space at the rear as a market garden and had retailed the produce from the premises. The market garden would not support him and his wife, but they thought that with the addition of a small general store as proposed, they would get a reasonable living.*”

The Land Use Gazetteer suggests that a market garden is a sui generis use. It is my experience that many such enterprises, though diversification, end up selling a wide variety of goods and eventually acquire the characteristics of a garden centre. i.e. an A1 retail use. It is unclear how the use of the site evolved immediately after the 1954 appeal decision, however it seems that a number of sheds were added and used in connection with the shop:-

- Hand written note on a letter dated 25/03/76 to Mr EG Legg from building control refers to numerous shed used in connection with the shop which appear to require planning permission
- File note 14/04/76 notes that timber sheds to rear of tomato store have been removed and a stone building erected;
- File noted dated 13/05/76 confirms stone building to rear of tomato store to be permitted development;
- File noted dated 03/06/76 confirms a greenhouse removed from the front garden had been erected to rear of tomato store;
- A complaint letter from Fourwinds dated 26/06/78 refers to “*yet another extension to the conglomeration of buildings*” appearing and states that “*when I purchased my property some 5 years ago it was adjacent to a small and contained village grocery shop*”.

A memo dated 23/08/78 from the Chief Planning Officer notes that the premises have been investigated on a number of occasions and observes:-

“the situation is that within the grounds of the bungalow owned by Mr Legg, there is a shop which has the benefit of planning permission. Also in 1970 planning permission was granted for the erection of a “tomato store” some 32 feet in length to the rear of said shop. From correspondence on the file it is clear that the tomato store was, to all intents and purposes, an extension to the shop.

“There is no planning control over the opening hours of the shop.....”

“.....Under the circumstances I do not consider that there are any breaches of the planning regulations relating to West End Stores and I do not propose to take any further action.”

It seems that by the time of the submission of the 1980 application the retail focus had changed from sweets and cigarettes to larger items i.e. garden sheds and rabbit hutches for which permission was sought, and given, to construct on site. This permission allowed for the fabrication of items that the applicant then sold via the existing retail.

From correspondence the 1980s planning files it is clear that sales further diversified into garden sundries. Evidence of the retail element is clear from ongoing problems over advertising signs and indicates that the non- residential component of the use of the site was for retail purposes with manufacturing, as allowed within the shop stores by the temporary permissions granted in 1980, '83 and '86. Any storage use outside the stores to the rear of bungalow, was simply ancillary to either the manufacturing or the retail use. A letter dated 31 July 1986 (on the file relating to the 1983 permission) from the case officer to the neighbour states:-

“the use of the front garden of the premises as a storage and display area in conjunction with the established use of part of the premises as a shop does not require planning permission.”

It is considered that at the time it would have been reasonable to draw a similar conclusion in relation to land to the rear.

By at the end of the 1980s it appears that any external storage use the site was ancillary the (lawful) retail (or residential) use of the site. Certainly this was the view expressed in the officer's report in relation to the refused 1989 application:-

“Site inspection shows that the entire garden, front and back, is used for commercial purposes- mainly for the storage of goods to be sold. The front garden is covered with the kind of do-it-yourself materials which a keen gardener would use, while the back gardens contains, in addition to the shop, about 9 buildings. One is used to garage the households two vehicles, four are used for storage in connection with the shed/rabbit hutch manufacturing. All open spaces are filled rabbit hutches, etc. ready for sale. A common theme throughout is the reclamation of materials, mainly timber, particularly from old pallets. Mr Legg works on his own, bringing into the site old doors, windows, and similar demolition or scrap material. The best quality items are simply stored for re-sale as they are, while the broken or low value items are broken down into individual timbers, which are stored, and then used to make pet cages and garden sheds.”

A representation relation to the 1989 application reinforces this view:-

“these premises were originally a village grocery/general store and over the years appear to have become basically a garden centre....”

The 1992 enforcement appeal opens a new chapter in that the manufacturing use ceased and the Inspector considered the scope of the 1954 retail permission. At that stage the LPA considered that only the shop and tomato store to the rear benefited from a lawful retail use. However whilst the inspector agreed with the Council on the harmful impact of allowing the manufacturing use to continue he accepted that the expanded retail sales area to the rear of the bungalow (i.e. beyond the 1954 permission) was, in principle, acceptable (para. 8). He went on to conclude (para. 10) that:-

“I have accepted that the use of the curtilage by your clients in connection with retailing can be acceptable.... I therefore propose to grant permission for the continued use of the land and

buildings for residential purposes and for the storage and display in connection with the permitted shop premises.”

Whilst is at odds with the advice offered in the letter of 31 July 1986, the letter remains evidence of the retail use that was occurring at that time.

At the end of the temporary period allowed by the inspector the situation should have reverted to the 1954 position however that ignores the situation that subsequently became established between 1954 and 1992. In effect the Inspector's requirement seeks to revoke the 1966 and 1970 permissions and remove the wider retail use that had developed.

It is accepted that the 1992 Inspector (and the 2015 Inspector) did not have the benefit of a full examination of the development of the use of the site; nor could he foresee the site's subsequent uses.

The evidence available does not in my opinion allow a clear decision to be made. The neighbour's photograph from 1989/90 simply shows garden sundries being displayed in the front garden area. The 2015 photographs taken by the Daily Telegraph show items, albeit different items, being similarly displayed in the front garden area, with other items placed one land to the rear. Nothing can be inferred about the why these items are on the land or the site's 'planning use' from these later photographs.

It is more useful to consider the intent behind the item's presence on the land. The appellant's supporting case for the current CLEUD makes it clear that for a considerable time he has acquired items, particularly door and window units. It is not considered that is conclusively indicative of a 'storage use' and there is no flaw in the 1992 Inspector's reasoning that "virtually all available space in pressed into use for displaying goods for sale".

The applicant continues sell items. Whilst this is not a particularly profitable business when judged against normal expectations, it is nevertheless a retail operation that happens to carry a large level of low value stock. This stock is not stored here to be sold elsewhere; it is not being dismantled for recycling or being stockpiled for mass disposal (such matters would require action by the relevant waste and minerals authority). These items, predominantly used doors and window are here because this is where the appellant operates his retail enterprise.

It is noted that the accounts show that the business has been operating at roughly the same level of profit since 2004 and that the use of the rear part of the site, which was not restricted by the run of temporary permissions from 1992-2007, has continued uninterrupted for some 25 years. Whilst the temporary permissions sought to control activities within the front garden, it appears that the restrictions were breached from an early date in terms of the material stored and the manner in which it was stored.

On this basis it is considered that, on the balance of probabilities, there has been no material change of use of the site in the requisite period (i.e. 10 years). Indeed it is apparent that the current use of the site stretches back to the 1990. Furthermore it is considered difficult to dispute that the current use is incompatible the 1954 position (as amended by the 1966 and 1970 permissions) to which the site could and should have reverted.

It is advised that the Council would be unlikely to succeed in defending a refusal of this application and it is suggested that the best option for the Council would be to grant the COL for retail with ancillary storage, as suggested.

Notwithstanding the local concerns it is considered that there are no reasonable grounds to disagree

with this advice. Furthermore the Council's proof of evidence submitted in relation to the appeal against the non-determination of the Certificate of Lawfulness for the mixed residential /B8 use (15/04864//COL) argues that the appeal should be dismissed because the lawful use is residential/retail with ancillary storage as proposed by this application.

RECOMMENDATION

That a Certificate of Lawfulness be issued in a form approved by the Council's solicitor.

Agenda Item 16

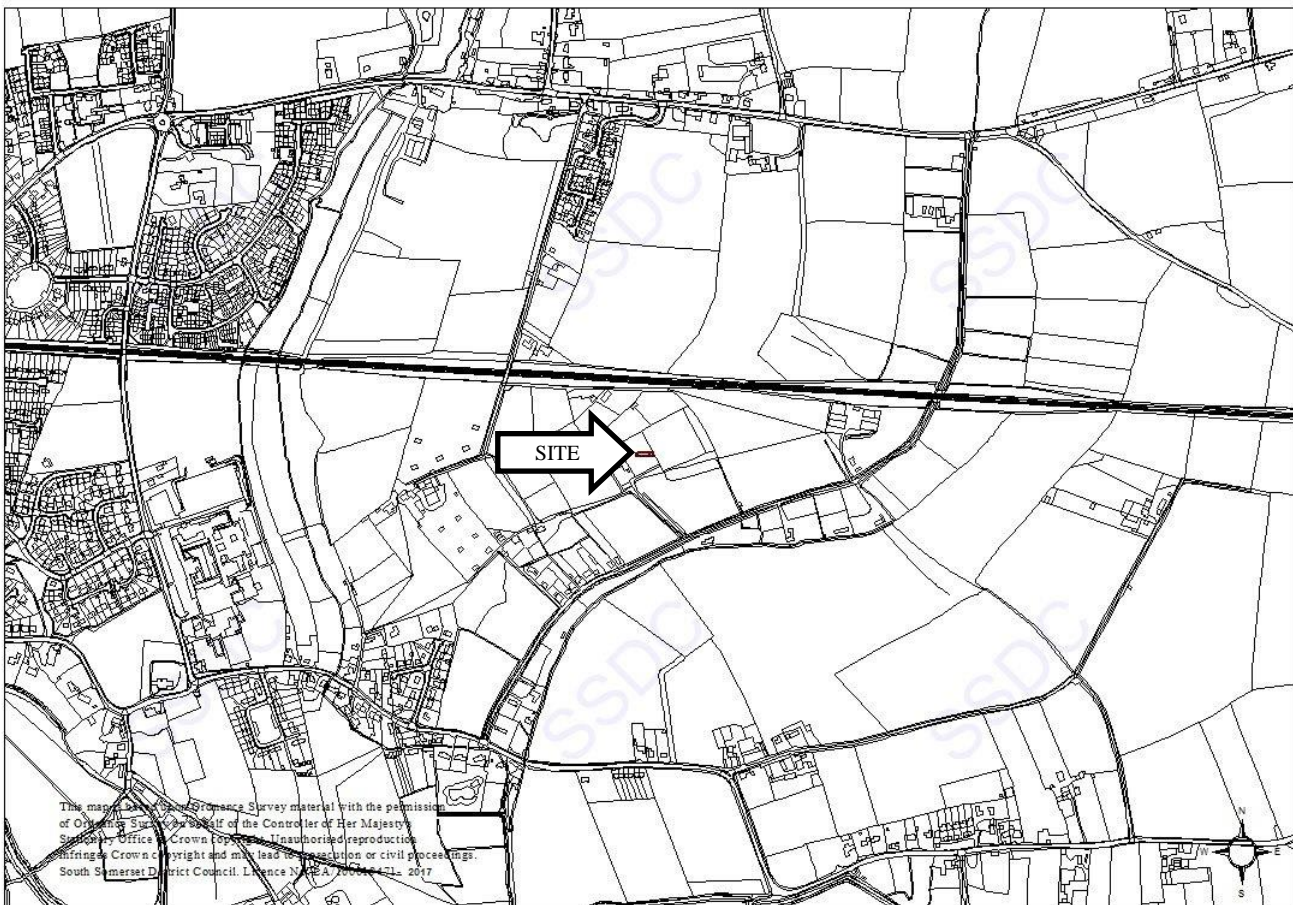
Officer Report On Planning Application: 17/00479/FUL

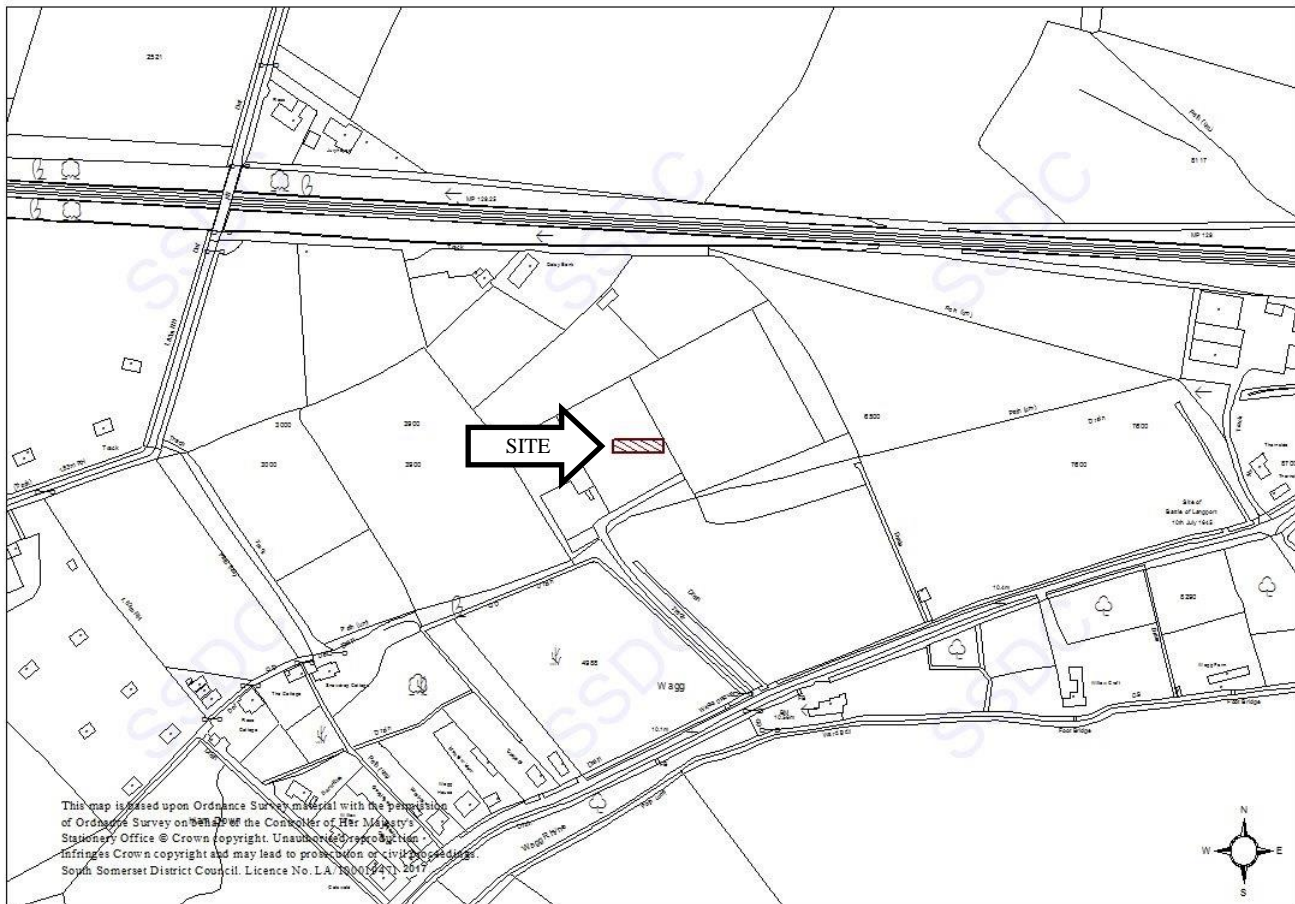
Proposal :	Erection of a brooder/duck house.
Site Address:	Wagg Meadow Farm, Wagg Drove, Langport.
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Cllr Gerard Tucker
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date :	23rd March 2017
Applicant :	Mr Simon Davis
Agent: (no agent if blank)	Paul Dance, Foxgloves, 11 North Street, Stoke Sub Hamdon TA14 6QR
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward member, and with the agreement of the area chair (at that time), in order to allow the economic viability of the business to be considered in detail by councillors.

SITE DESCRIPTION AND PROPOSAL





The proposal seeks permission for the erection of a brooder/duck house. The site consists of an area of agricultural land, containing a variety of buildings and structures and a large barn with a permitted use for the processing of poultry. The proposed will be finished in concrete blocks with a profiled sheet roof. The site is close to various residential properties and open countryside. The site is not located within a development area or direction of growth as defined by the local plan.

HISTORY

17/00413/FUL - Erection of temporary dwelling for agricultural worker - Application refused 14/03/2017

16/00434/FUL - Erection of a field shelter, erection of a grain silo, concrete screed surfacing of farm yard and erection of a water storage tank - Application permitted with conditions 19/04/2016

13/00012/REF - Retention and use of unauthorised structure for staff facilities, storage, packing and activities associated with the processing of poultry (B2 use), erection of an agricultural barn and siting of a temporary agricultural worker's dwelling - Appeal allowed subject to conditions 29/07/2013

12/04366/FUL - Retention and use of unauthorised structure for staff facilities, storage, packing and activities associated with the processing of poultry (B2 use), erection of an agricultural barn and siting of a temporary agricultural worker's dwelling - Application refused 05/02/2013

11/01567/COL - Application for a certificate of lawfulness for existing use of building and land as dwelling and residential curtilage - Application refused 11/07/2011

POLICY

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

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

The policies of most relevance to the proposal are:

Policies of the South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy EQ2 - General Development
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy EQ4 - Biodiversity

National Planning Policy Framework

Chapter 1 - Building a Strong, Competitive Economy
Chapter 7 - Requiring Good Design

Other Material Considerations

None

CONSULTATIONS

High Ham Parish Council - No objection providing existing buildings are removed.

County Highway Authority - Refers to standing advice

SSDC Highways Consultant - No significant issues particularly in the new building would be replacing existing structures.

SSDC Landscape Architect-

"I recollect the site to be characterised by intermittent linear development along the drove, as well as scattered smallholdings/buildings adjacent and above the drove, to thus create a landscape that is loosely populated by sporadic domestic and agricultural units, of which this farm is one of the latter. Within the site, the main building cluster lays to the southwest side of the proposed duck house, within an area that is primarily open, and adjacent smaller associated temporary structures. In such a context, the introduction of a new building to the east of the main farm building group will aggregate built form across the site, and the permanence of the proposed structure (fair face blockwork and timber windows) will markedly increase building mass within the site. The orientation of the duck house, which is sited east-west, and thus at variance with the grain of the adjacent units, also appears a little incongruous.

Providing there is an acceptance of the need for this building, then in landscape terms, it is capable of being accommodated. However, a building that is more agricultural in its expression, with a compatibility of finish with adjacent structures, and orientated to align with the adjacent farm buildings, will better correspond to context. If minded to approve, I would suggest that such fine-tuning of finish and siting is sought, along with the bulking-up and management of the existing woody surround as a condition of planning consent."

SSDC Economic Development - In reference to the submitted financial figures, he noted:

- Losses were made in 2014 and 2015, a small profit in 2016 and possibly a larger profit in 2017.
- As with most small holdings, income derived from a variety of sources. Eggs, asparagus etc. etc. Difficult to see what was "ducks" and what not.
- There was a large capital injection in 2016. This allowed significant "drawings" in that year, as opposed to minimal drawings in previous years.

- In reference to the submitted business plan he made the following observations:
 - Very basic plan. Not enough detail to really determine whether this is viable or not.
 - Much emphasis on the "new building". No indication of cost of construction. No repayment of building costs in financial plan.
 - Much emphasis on solar power and potential savings. Again no costs or comparison figures given.
 - No indication of where their market is. Local? Mail order? Local retailers?. They are looking to double sales each year with no explanation as to who is going to buy the ducks.
 - No slaughter/packaging costs included
 - Talk of a new "cold store" Again no details.
 - No indication of mortality rates amongst the ducks.
 - No indication how the initial production will be financed. (Cash Flow)
 - Selling price appears OK
 - Cannot comment on feed costs

He states that he thinks overall the "duck" business would not stack up on its own, and it is only when included with other activities that the business breaks even with a modest profit.

REPRESENTATIONS

Letters of objection have been received from the occupiers of four neighbouring properties. Objections have been raised in the following areas:

- Increase in traffic
- Exacerbating risk of flooding
- Existing buildings should be sufficient
- Location and orientation out of keeping with existing local character
- Lack of evidence of need

CONSIDERATIONS

History and Principle of Development

The site is outside of any defined development area or significant settlement, where local plan and national policy indicates development should be strictly controlled. An agricultural building reasonably necessary for the purposes of agriculture would normally be considered to be acceptable in this type of location. In this case, the proposed building is of a significant size and permanent construction and as such, a cautious approach should be taken to ensure that the proposal is properly justified. The overall size of the agricultural holding is small and already benefits from a significant amount of floor space within existing buildings. The applicant was therefore asked to put forwards a full case, explaining the need for this additional building in terms of the agricultural needs of the existing and proposed agricultural enterprise. The financial accounts put forwards are unaudited and, in any case, show that the business has made very little profit in the last three years. The submitted business plan is sketchy,

with several unexplained areas - as highlighted above by the SSDC Economic Development Officer. It has not been fully explained what the existing accommodation is being used for, and why this cannot be adapted to serve the needs of the enterprise.

As such, the applicant has failed to prove that the proposed building is reasonably necessary for the purposes of agriculture and that there would be benefit to economic activity which might form the basis for relaxing the strict control on such development that local plan and national policy imposes. The NPPF requires local plans to "...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". However as stated above the applicant has failed to demonstrate that the proposed building will benefit economic activity in the countryside.

Residential Amenity

It is not considered that the proposed works will have any significant adverse impact on the residential amenity of adjoining occupiers in accordance with policy EQ2 of the local plan and the aims and provisions of the NPPF.

Visual Amenity

The SSDC Landscape Architect was consulted as to the impact on the character of the wider landscape. He accepted that, in landscape terms, a building of the proposed size could be accommodated on site, if there is an acceptance of the need of the building. However, he raised concerns with the design and the proposed orientation of the building in its current form, suggesting that it would markedly increase building mass within the site and, by reason of its materials and orientation, would appear somewhat incongruous.

As such, it is considered that there will be an adverse impact on the character of the area, contrary to policy EQ2 of the South Somerset Local Plan. Furthermore, the proposal would represent an unjustified residential incursion into open countryside.

Highways

The county highway authority was consulted and referred to their standing advice. The SSDC Highways Consultant raised no objections to the scheme.

Therefore, notwithstanding local concern in regard potential increase in traffic, it is considered that there will be no severe adverse impact on highway safety in accordance with policies TA5 and TA6 of the local plan and the aims and provisions of the NPPF.

Other Matters

Concerns have been raised locally as to the possibility of the proposal increasing flood risk. However, the proposed building is not located within an Environment Agency flood zone and is largely surrounded by greenfield land. As such, it is not considered that the proposed building is likely to have any significant impact on flood risk.

Conclusion

It is considered that the applicant has failed to prove that the proposed building is reasonably necessary for the purposes of agriculture and that there would be benefit to economic activity which might form the basis for relaxing the strict control on such development that local plan and national policy indicates. Furthermore, the proposed building by reason of its design, size and position is not considered to satisfactorily respect the character of the landscape contrary to policy EQ2 of the South Somerset Local

Plan.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASONS:

01. The proposed building by reason of its design, size and position is not considered to satisfactorily respect the character of the landscape contrary to policy EQ2 of the South Somerset Local Plan.
02. The applicant has failed to prove that the proposed building is reasonably necessary for the purposes of agriculture and that there would be benefit to economic activity which might form the basis for relaxing the strict control on development in the open countryside. The proposal is therefore contrary to policies SD1 and EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of chapters 3, 7, 11 and the core planning principles of the National Planning Policy Framework.

Informatives:

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

In this case further information to demonstrate the economic viability of the proposed enterprise was requested from the applicant, but what was provided was not considered sufficient to overcome the significant objections to the proposal.

Agenda Item 17

Officer Report On Planning Application: 17/01157/S73A

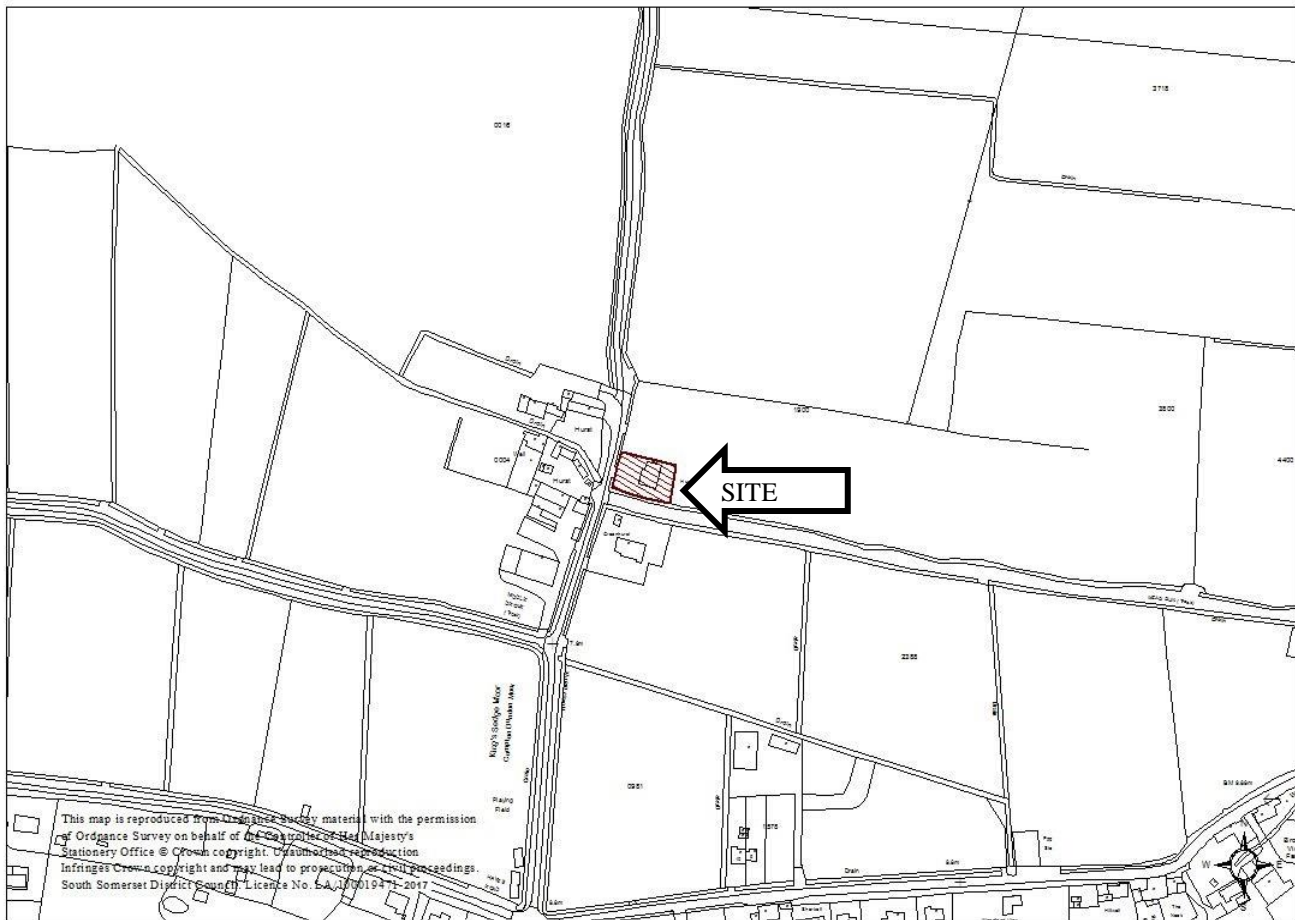
Proposal :	Section S73A application to remove condition 7 (agricultural occupancy) of planning approval application 820342
Site Address:	Hurst Lea, Hurst Drove, Compton Dundon.
Parish:	Compton Dundon
WESSEX Ward (SSDC Members)	Cllr Stephen Page Cllr Dean Ruddle
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	8th May 2017
Applicant :	Mr & Mrs Bowles
Agent: (no agent if blank)	Mr Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of a Ward Member, for a full discussion of the implications of a tie on the existing (listed) farmhouse and other relevant issues.

SITE DESCRIPTION AND PROPOSAL





The site is located on the east side of Hurst Drive. On the opposite side of the Drive is the farmyard of Hurst Farm, including its farmhouse which is a Grade 2 listed building. To the south of the site is a detached dwellinghouse. The property is a single storey dwelling, originally erected as a farm worker's dwelling for use by Hurst Farm.

Application is made for removal of condition 7 of the original planning permission (i.e. for the lifting of the agricultural tie). As compensation for this, the application proposes to 'transfer' the tie to the existing farmhouse, a Grade 2 listed building.

HISTORY

820342 - The erection of a bungalow - permitted with conditions, including an agricultural occupancy condition (number 7):

The occupation of the dwelling shall be limited to persons employed or last employed full-time locally in agriculture, as defined in Section 290 of the Town and Country Planning Act 1971, or in forestry, and to the dependants of such persons.

POLICY

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.

Policies of the South Somerset Local Plan (2006 - 2028)

SD1 Sustainable Development
HG10 Removal of Agricultural and Other Occupancy Conditions
EQ2 General Development
EQ3 Historic Environment

National Planning Policy Framework (March 2012):

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

Somerset County Council Parking Strategy, March 2012 and September 2013.
Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: No objection.

Highways Authority: Standing advice applies.

SSDC Environmental Protection: *In this instance due to the very close proximity of the property to the farm complex I would have to recommend refusal. The reason being due to odours, flies, etc., affecting the amenity of the property concerned from general farming practices*

REPRESENTATIONS

One letter of support has been received, expressing the view that there is no reason not to approve this change.

CONSIDERATIONS

Background

Hurst Lea is a bungalow that was approved on the basis of a need for an agricultural worker to be present on the site, as assessed in 1982. The owners have now decided that they do not need the bungalow for this purpose, and wish to sell it on the open market. It is proposed to remove the tie, and place a new tie on the farmhouse (located centrally within the farmyard) which is a listed building.

Policy HG10 of the Local Plan

There is no provision within planning law to 'transfer' a tie. Under S73 of the Act, the applicant has applied to remove the relevant condition, and the intention is to replace this restriction on the farmhouse by way of a legal agreement.

Policy HG10 of the Local Plan sets out the necessary requirements for removal of an occupancy condition:

Planning permission for the removal of a restrictive occupancy condition for an agricultural, forestry or other similar worker on a dwelling will only be given where it can be evidentially shown:

- *That there is no longer a continued need for the property on the holding or for the business;*
- *There is no long term need for a dwelling with restricted occupancy to serve local need in the locality;*
- *The property has been marketed locally for an appropriate period (minimum 18 months) at an appropriate price and evidence of marketing is demonstrated.*

The applicant has not supplied a farm appraisal, and has not demonstrated that the functional need for an agricultural worker no longer exists; and it has also not been demonstrated that there is no local need for such a dwelling. The property has not been marketed. Consequently, the proposal does not comply with this policy.

Net Effect of Removing Tie

The applicant seeks to 'transfer' the tie to the farmhouse. The justification suggests that there would remain a single agricultural worker's dwelling available in the area - i.e. no change in the present level of supply.

However, this argument is flawed in various respects. First, the farmhouse is effectively only useful for that purpose, given its proximity to livestock and the farmyard, as well as its essential function within the business. The resulting standard of amenity would limit the general attractiveness of the house as an open-market dwelling. Most importantly, the farmhouse is integral to the operation of the farming business, and is unlikely to be put to any other use while the business is in operation.

Secondly, because there is no immediate question about the likely future use of the farmhouse, the removal of the tie from the bungalow does, effectively, remove one dwelling from the supply of agricultural worker's dwellings. This loss affects not only the potential of the farming business to grow and change in the future, but also reduces the availability of the accommodation to other possible workers in the area. This net loss is contrary to the aims of the Local Plan as set out in Policy HG10, which seeks to ensure that such dwellings remain available unless it can be demonstrated that they are not needed.

Listed Building

The Farmhouse is listed, Grade 2. It is a modest stone building under a thatched roof. An agricultural worker's dwelling is required to be commensurate with both the demonstrable needs of the holding and the affordability of such accommodation to an average agricultural worker. Although the submitted valuations are noted, it is common cause that a listed building is costly in the long-term to maintain, including specialist works (especially the thatching which is likely to have a lifespan of around 25 years) and higher insurance costs.

A further consideration relates to the ongoing ability of the holding to afford maintenance of the listed building, and secure its retention in good order as a heritage asset. Should the holding at any stage find itself unable to afford the maintenance, the tie would limit options, and restrict the pool of potential purchasers.

These concerns point to potential harm to the listed building in the long term, resulting from the possibility of inadequate maintenance. This in turn could create pressure to lift the tie. It is not considered appropriate to place an agricultural tie on a listed building for these reasons.

Impact on Residential Amenity

The bungalow is in relatively close proximity to a working farmyard. It is not therefore ideal as a dwellinghouse unrelated to farming activity. Perception of nuisance from flies, odour and noise could lead future owners to seek measures to restrict farming activity, as raised by the Council's Environmental Protection Officer.

Conclusion

The proposal would result in the loss of a unit of agricultural workers' accommodation in the area, as well as a loss to the farming unit. The building to which the tie is proposed to be 'transferred' is a farmhouse, closely associated with the working farmyard and a listed building. The proposal does not comply with the requirements of Policy HG10 of the Local Plan in that:

- the appropriate level of accommodation for the holding over time has not been adequately demonstrated;
- no marketing or other attempt has been made to assess the likely need for an agricultural worker's dwelling in the area.

The applicant's proposal to 'transfer' the tie is not considered to meet the requirements of the policy in this instance, as the building to which the tie is to be added is already, by its nature and location, an agricultural dwelling. Furthermore, it is a listed building, which brings various constraints inappropriate for a dwelling suitable for a farmworker on relatively low wages. Placing such a tie onto a listed building raises the further concern about the wellbeing of the heritage asset into the future, given the significantly higher maintenance costs associated with keeping such an asset in good order (e.g. re-roofing a thatched roof to acceptable standards). Furthermore, the standard of amenity for occupants not related to the farming enterprise could be poor, given the proximity to the farmyard.

The proposal is recommended for refusal.

S.106 AGREEMENT

The proposal is based on the signing of a supplemental legal agreement to amend the existing legal agreement (S52 Agreement) (dealt with separately under application 17/01288/DPO). In the event of an approval of this application, such a fresh agreement would have to be entered into between the applicant and the Council, to place a new tie on the farmhouse.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASONS:

01. The proposal would result in the unacceptable loss of a unit of residential accommodation serving the needs of an agricultural worker. The transfer of the tie to a building already in use for this purpose, and only suitable for that purpose by reason of its proximity to the farmyard, is not considered to compensate for that loss. The proposal is contrary to the requirements of Policy HG10 of the South Somerset Local Plan for the following reasons:

- the appropriate level of accommodation for the holding has not been adequately demonstrated by way of supporting evidence of the future plans for the farming business;
- no marketing or other attempt has been made to assess the likely need for an agricultural

worker's dwelling in the area.

02. The proposal seeks to place a tie on a listed building, restricting its future use to occupation by a farm worker. This is considered an unacceptable arrangement that would:
- fail to meet the requirements and level of affordability of a farm worker, given the special long-term maintenance requirements and costs of such maintenance; and
 - potentially prejudice the standard of maintenance and long-term protection of the listed building.

In these respects, the proposal is considered to be contrary to the aims of the NPPF and Policies HG9, HG10 and EQ3 of the South Somerset Local Plan.

03. The proposal would result in the creation of a unit of open market accommodation unsuitable for occupation by anyone other than an agricultural worker owing to the proximity to a working farmyard housing livestock. Such proximity to noise, odours and flies is prejudicial to the establishment of a good standard of residential amenity, contrary to the aims of the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan.

Agenda Item 18

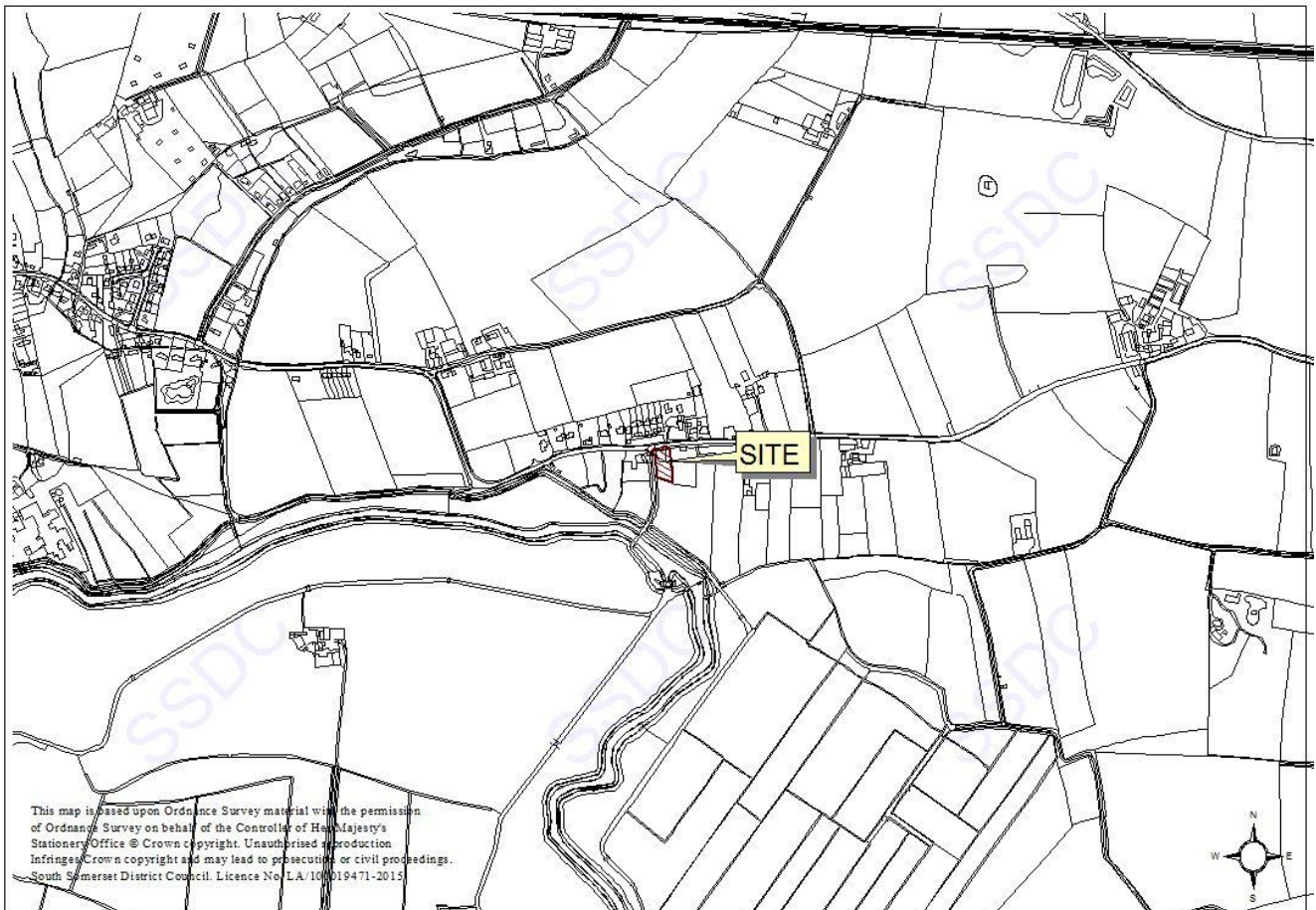
Officer Report On Planning Application: 17/01935/FUL

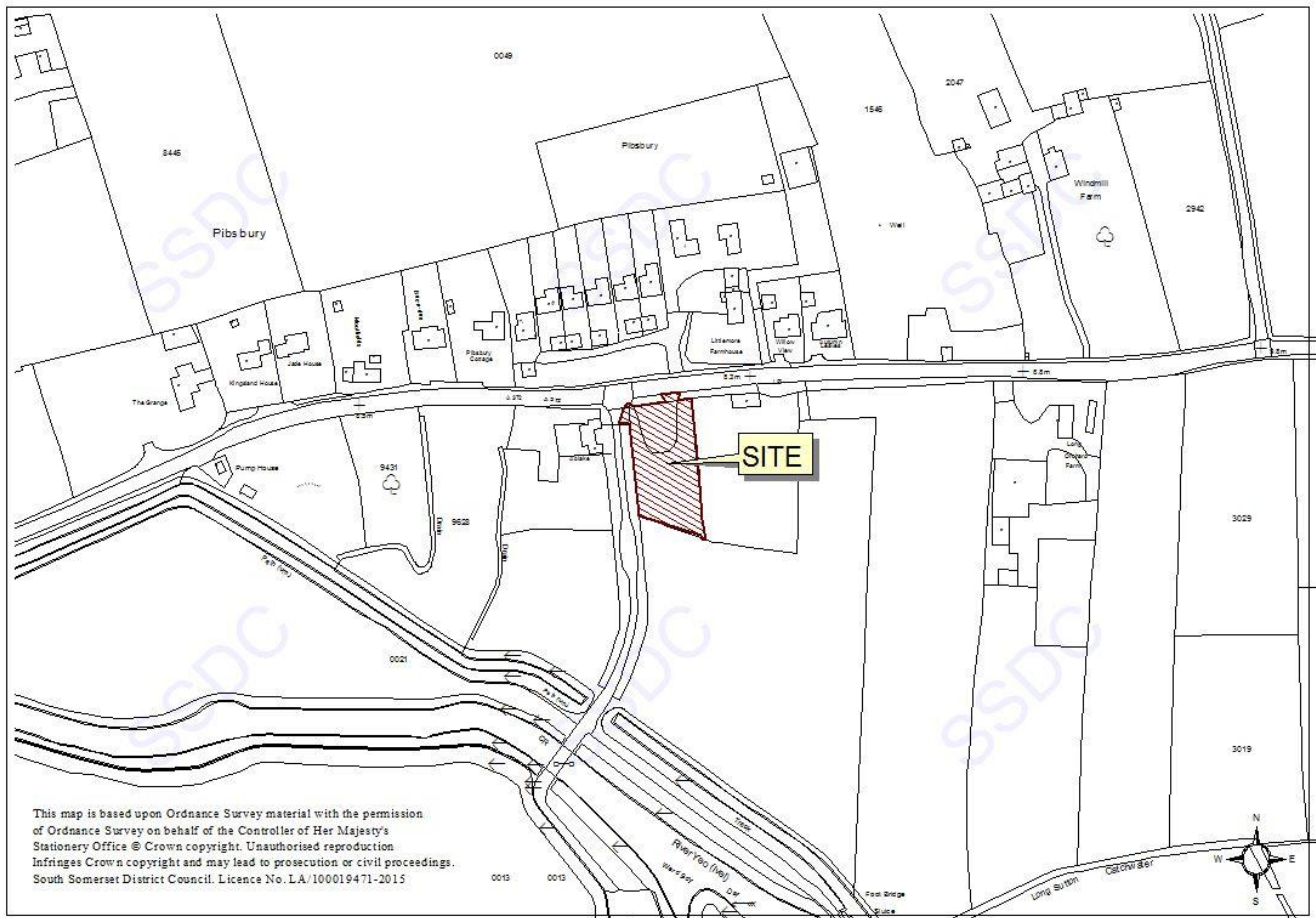
Proposal :	Erection of one dwelling and garaging (revised application)
Site Address:	Land East Of Ablake, A372, Pibsbury, Langport.
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Cllr Clare Aparicio Paul
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	22nd June 2017
Applicant :	Mr & Mrs Morris
Agent: (no agent if blank)	Michael Williams, Clive Miller & Associates Ltd, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of the Ward Member to enable a full discussion of the relevant issues affecting the site.

SITE DESCRIPTION AND PROPOSAL





The site is located on the south side of the A372, within the small settlement of Pibsbury, located between Long Sutton and Huish Episcopi/Langport. Pibsbury is a linear settlement of houses along the north side of the road, with few developments on the opposite side. The site itself is located between an existing dwellinghouse to the west (Ablake) and a site which currently had a single stone workshop building, but where permission was granted for the erection of 2 double storey houses, one of which has been completed. It formerly housed a service station. To the south of the site is open agricultural land and the Environment Agency's pumping station, with access via a track running along the western boundary of the site.

Two previous applications for single dwellinghouses, and a further application for two detached dwellings have been refused on the site.

The current application is for the erection of a detached 3-bed dwellinghouse and a garage.

HISTORY

16/03605/FUL - Erection of two dwellings and garage block - refused for the following reasons:

01. *The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local key services and as such will increase the need for journeys to be made by private vehicles. The proposal fails to enhance the sustainability of the settlement, and constitutes unsustainable development that is contrary to Policy SD1 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.*

02. *The proposal, by reason of its design, scale and massing, represents a dominant and visually intrusive development on the south side of the A372, that fails to respect the established character and appearance of the locality, or to reinforce local distinctiveness of the setting, contrary to the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan (2006 - 2028).*

15/05024/FUL - Construction of new dwelling house and garage. Resubmission of application

15/02517/FUL. The application was refused for the following reasons:

01. *The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local key services and as such will increase the need for journeys to be made by private vehicles. The proposal fails to enhance the sustainability of the settlement, and constitutes unsustainable development that is contrary to Policy SD1 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.*

02. *The proposal, by reason of its design, scale and massing, represents a dominant and visually intrusive development that fails to respect the established character and appearance of the locality, or to reinforce local distinctiveness of the setting, contrary to the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan (2006 - 2028).*

15/02517/FUL - Erection of a dwelling house and detached garage - refused

POLICY

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.

Policies of the South Somerset Local Plan (2006 - 2028)

SD1 Sustainable Development
SS1 Settlement Strategy
SS2 Development in Rural Settlements
TA5 Transport Impact of New Development
TA6 Parking Standards
EQ1 Addressing Climate Change
EQ2 General Development

National Planning Policy Framework (March 2012)

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

Somerset County Council Parking Strategy, March 2012 and September 2013.
Somerset County Council Highways Standing Advice, June 2013.

CONSULTATIONS

Parish Council: No objections.

Highways Authority: No objection, subject to conditions.

SSDC Landscape Officer: *This amended application before us now intends the construction of a single residential unit, sited between an existing modestly-scaled property to the west, and the site of two recently consented detached units (application 15/00514) to the east.*

In terms of context, Pibsbury lays in a countryside context outside the built-up areas of Langport and Huish Episcopi, and is characterised by a limited ribbon of development, which is primarily to the north side of the road (the A372) and residential in character, whilst to the south of the A372, the land is primarily a mix of small fields/paddocks, along with a couple of sporadic small building groups irregularly interspersed along the roadside amongst the field systems.

It is on this southern side of the road that the application site lays. I view this southern side of the road to be characterised less by residential form, more by the mix of fields and pastures that act as a buffer and transition from the wider open moor to the south, and as such this does not favour the prospect of further development. Conversely, the recent consent to the east now places this application site between two residential plots, to provide an immediate built context, whilst the plot in itself has no inherent landscape value, and the presence of the current hardstanding to the fore of the plot somewhat erodes its rural character. I also note the build proposal to be scaled down from earlier submissions, which is now more sympathetic in scale, hence on balance I no longer consider there to be a substantive landscape case against development of this site.

SSDC Environmental Protection: No comment received.

SSDC Ecologist: No objection.

County Minerals & Waste: No comment received.

Somerset Drainage Board: No comment received.

REPRESENTATIONS

Three letters supporting the proposal have been received. One correspondent raises concerns about overlooking from a bathroom window, suggesting that this should be required to be obscure glazed.

CONSIDERATIONS

Principle of Development

The site is effectively in open countryside, being on land peripheral to a small settlement with no services or facilities (Policy SS2 of the Local Plan is not applicable). The principle of development is therefore to be determined on the basis of whether the proposal represents sustainable development.

Three previous applications on the site have recently been refused (two for a single dwellinghouse, the third for a pair of detached houses) on the basis that the site is unsustainably located, and the development would foster growth in the need to travel by private vehicular transport.

In this respect, the principle of development for a single dwelling on the site has been clearly established. No appeal has been made to appeal to challenge this reason for refusal.

Five-year Supply of Housing Land

The Council cannot currently demonstrate an adequate 5-year housing land supply. In such cases, the NPPF advises that relevant policies for the supply of housing should be regarded as out-of-date. The NPPF notes (paragraph 49): Housing applications should be considered in the context of the presumption in favour of sustainable development.

As with the three previous applications on the site, the application falls to be determined on the basis of its sustainability, which, as noted has been clearly established.

Sustainability

The application site is located in a rural settlement with no local services. The nearest key services available are those in Huish Episcopi/ Langport, the developed edge of which is approximately 1km to the west. The nearest service, the public house at Huish Episcopi, is approximately 1.4km away, with Huish Episcopi Academy and the centre of Langport further away. In a recent appeal decision relating to Long Orchard Farm, 140m to the east of the site, the Inspector noted:

The appeal site is poorly related to services/facilities and the proposal would increase the need to travel by car. The development is at odds with the LPA's adopted settlement strategy.

It is not considered that there has been any change in policy since the determination of the previous applications. The proposal is considered to represent unsustainable development, notwithstanding the contribution of a single dwellinghouse to the overall supply of housing.

Visual and Landscape Impact

The current proposal is for the most modest scale of single dwelling thus far considered. As noted by the Landscape Officer, there is no landscape objection that could be sustained, although the site does offer an contribution towards the openness of the south side of the A372 leading towards to moors. The design of the house is not traditional in detail, but is of a scale and materials that would broadly complement local character. It is not considered that any visual of landscape objection to the proposal could be sustained.

Impact on Residential Amenity

The proposed dwelling falls within the building line established by the adjacent new house, and is positioned to avoid overlooking or overshadowing. The neighbour concern about the upper-storey bathroom window is noted, and a condition could ensure that the window is permanently obscure glazed.

It is not considered that the proposal would result in any harm to residential amenity.

Previously Developed Land

The applicant is of the view that this is a 'brownfield' site. This is not clearly established. The service

station which operated on the site appears, from the planning history, to have been abandoned as far back as 1994, when permission was granted (940912) to use the major portion of the site for domestic stabling and a paddock. The land under consideration is clearly described in an application in 2000 (00/00832/FUL) as a 'field'. The use at the time is described as 'Field vacant; previous let as grass keep 1999'.

It is not considered that the site has been demonstrated to represent anything other than agricultural land.

Highway Safety

The Highway Authority, raises no objections. It is considered that safe access can be provided, and adequate on-site parking can be provided.

Conclusion

The unsustainability of the site has been clearly established in three previous refusals of planning permission. The site is remote from services and facilities, in a rural settlement with no key services. Occupants of the proposed development would rely for day-to-day needs on private motor vehicle transport, and the dwelling would make no direct contribution to enhancement of the sustainability of the village.

This harmful impact of the development has been weighed against the benefits of contributing a new dwelling towards the overall supply of housing in the district, and the small economic benefit of some local construction work resulting from the development. It is not considered that these benefits demonstrably outweigh the harm. The proposal is considered, on weighing this balance, to represent unsustainable development, and is recommended for refusal.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASON

01. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local key services and as such will increase the need for journeys to be made by private vehicles. The proposal fails to enhance the sustainability of the settlement, and constitutes unsustainable development that is contrary to Policy SD1 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.

Agenda Item 19

Officer Report On Planning Application: 15/05090/FUL

Proposal :	Change of use of agricultural storage barns to domestic storage and workshop for Long Sutton House. Change of use of barn to holiday/ancillary cottage. Change of use of root cellar to Laundry, domestic store, home office and holiday/ancillary cottage with basement. Erection of 2 no. holiday let/ancillary cottages. Change of use of barn to holiday let/ancillary cottage with store and potting shed. Change of use of agricultural land to domestic use. (Part retrospective application) (GR 346561125675)
Site Address:	Land OS 5560, Crouds Lane, Long Sutton.
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr Gerard Tucker
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	26th January 2016
Applicant :	Mr N Gould
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

BACKGROUND AND REASON FOR REFERRAL To Committee

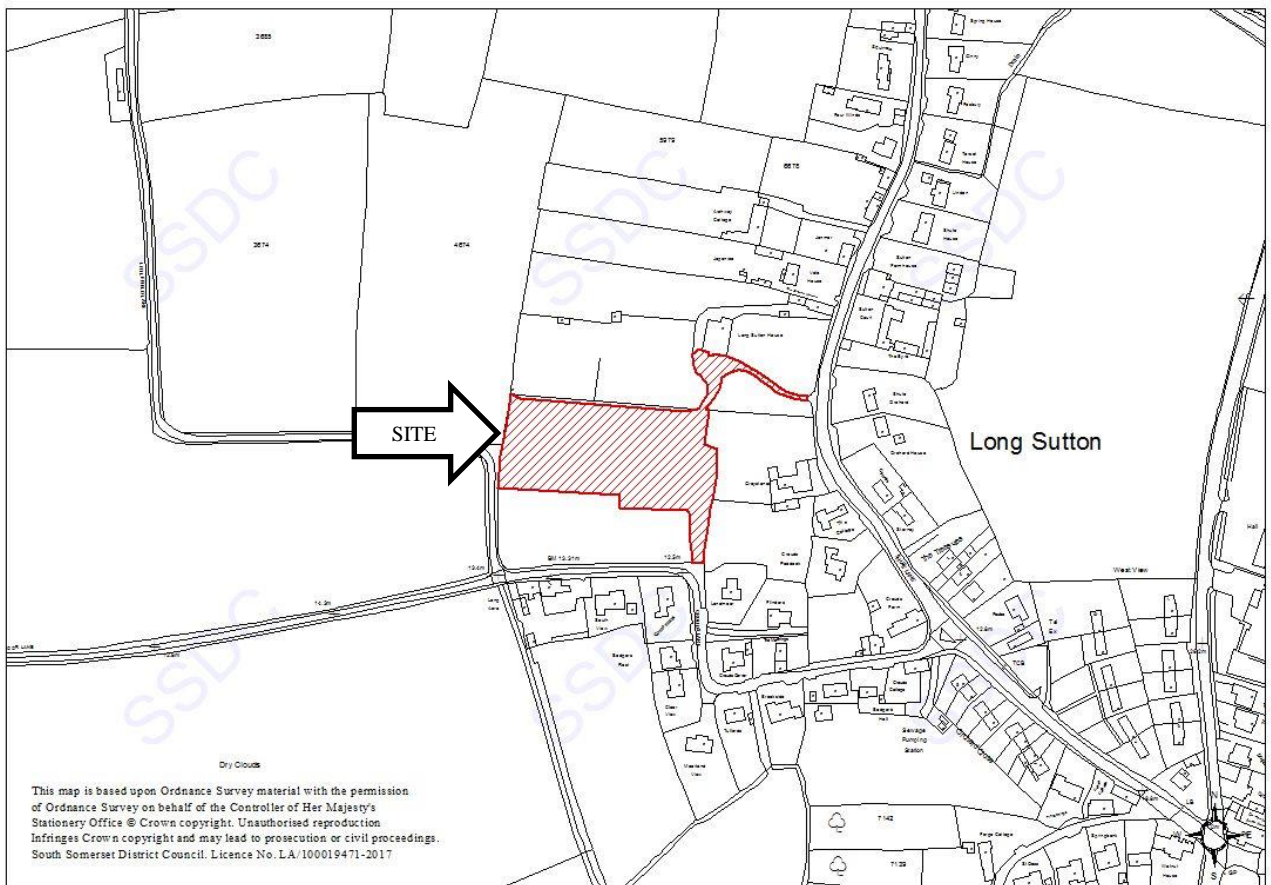
At its meeting of 27 April 2016, Area North Committee considered the original application:

That planning application 15/05090/FUL be DEFERRED to allow for a site visit and to clarify business plan, drainage and drawings to show artist's impressions.

A site visit was held on 25 July 2016. For that meeting, some additional drainage details were circulated, along with an amended business plan submitted by the applicant.

On 24 August 2016, Committee considered the further details (including a detailed drainage scheme and updated business plan) and agreed to approve the application, subject to the signing of a S106 Agreement to secure the non-fragmentation of the holiday units from the main dwellinghouse. That report is attached as Appendix B.

The applicant has been unable to sign the agreement for the reasons set out in the attached memorandum (Appendix A), and the application is now referred back to Committee.



Non-Fragmentation Agreement

The agreement was noted as being appropriate in the previous officer report:

The applicant has agreed to the signing of a S106 Agreement to ensure the non-fragmentation of the planning unit. This is considered necessary to ensure that the development retains its relevance to the overall property (which includes Long Sutton House) and operates within the context of the submitted business plan, which has justified the proposal.

Whilst the applicant's business plan remains the same, the realities of securing finance for it have made it impractical for the applicant to agree long-term non-fragmentation. The major asset – the house – cannot be tied to the buildings under construction without prejudice to financial arrangements which the applicant has been able to secure.

Business Plan

The business plan remains as previously agreed, and is still considered sound. As noted previously, it is considered that the applicant has provided a detailed, well-considered approach towards the creation of a tourist-based business on the site. It is supported as being a practical way of utilising this agricultural land for a profitable economic purpose, within the wider context of the village. The proposal remains broadly compliant with Policy EP8 of the Local Plan, and the proposed tourist accommodation would enhance economic activity locally and in the District.

Although the non-fragmentation aspect can no longer be provided, it remains evident that the business plan holds significant opportunity for economic development. The risk of the main house being divided from the overall scheme has to be weighed against the opportunity the scheme represents.

The economic potential represented by the scheme is considerable. On balance, it is not considered that the outright loss of the scheme would be sufficiently outweighed by the concern over separation of the elements within it (at some later date) to warrant a refusal of this request.

Access

Access to the holiday lets is secured by condition – via Shute Lane (and not making use of Crouds Lane). Such condition is enforceable regardless of ownership, and a S106 non-fragmentation agreement is not essential for this purpose.

Conclusion

The proposal for a tourist accommodation scheme remains as previously approved. It is not considered that the loss of the economic potential of the scheme would be outweighed by the risk of subdivision of the land at some future date. The request to waive the requirement for a S106 Agreement is supported. It is recommended that the application now be approved subject to the conditions agreed at the meeting on 24 August 2016.

RECOMMENDATION

That application reference 15/05090/FUL be approved subject the conditions below.

JUSTIFICATION

The proposal represents a well-detailed scheme for the creation of tourist accommodation within the

village, which, by reason of its siting, layout and design, respects the character and appearance of the setting (and the setting of the listed buildings), and causes no demonstrable harm to residential amenity, highway safety or the environment, in accordance with the aims of the NPPF and Policies SS2, EP8, TA5, TA6, EQ1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan.

CONDITIONS

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 28 October 2015.

Reason: To comply with Section 73A of the Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. P5427 numbers 001E, 100J, 101C, 102E, 103C, 106E and 107H.

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

03. The occupation of the units of holiday accommodation hereby approved (i.e. units numbered 3, 4, 6a, 6b and 7a as identified on the submitted plan ref. P5427/100E) shall be restricted to bona fide holidaymakers. None of the units shall at any time be occupied independently as any person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of occupiers of the units, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies SD1 and EP8 of the South Somerset Local Plan (2006 - 2028) and the aims and provisions of the National Planning Policy Framework.

04. No part of the development hereby approved, with the exception of the units referred to in Condition 3 above, shall be used other than as ancillary accommodation for use in association with the main dwellinghouse known as Long Sutton House.

Reason: In the interests of sustainable development and to ensure that the approved accommodation is not used for unauthorised permanent residential occupation in accordance with Policy SD1 of the South Somerset Local Plan (2006 - 2028) and the aims and provisions of the National Planning Policy Framework.

05. The area allocated for parking on the submitted plan ref. P5427/100E shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety and to accord with Policies TA5, TA6 and EQ2 of the South Somerset Local Plan.

06. Vehicular access to the units of holiday accommodation within the development hereby approved shall be via the site entrance onto Shute Lane. The operator of the approved scheme of tourist accommodation shall use this access point as the address for the development in any advertising, promotional and informational material issued (including any internet online advertising) to promote the scheme and arrange for customers to visit the site. Such material shall not make reference to the access on Crouds Lane.

Reason: In the interests of residential amenity and highway safety, in accordance with the aims of the NPPF and Policies TA5 and EQ2 of the South Somerset Local Plan.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings, garages or any other structures shall be erected other than those expressly authorised by this permission.

Reason: To safeguard the character and appearance of the area in accordance with the aims of the NPPF and Policies EQ2 and EQ3 of the South Somerset Local Plan.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions or other external alterations to these buildings without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the area, and to accord with the NPPF and Policies EQ2 and EQ3 of the South Somerset Local Plan.

09. No external lighting shall be installed on the site unless the details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to avoid light pollution, in accordance with the aims of the NPPF and Policies EQ2 and EQ7 of the South Somerset Local Plan.

10. Within three months of the date of this permission, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels, shall be submitted to the Local Planning Authority for approval. Such scheme shall be based on the layout shown on the submitted plan ref. P5427/100H. Once approved, all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the approval of the details, and 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. The scheme shall thereafter be retained and maintained.

Reason: To safeguard the character and appearance of the area and to accord with Policy EQ2 of the South Somerset Local Plan.

11. Within three months of the date of this permission, full details of the siting, design and layout of an area for the on-site storage of refuse and recycling bins shall be submitted for approval to the Local Planning Authority. Once approved, the details shall be fully implemented and thereafter retained and maintained. There shall be no storage of such bins outside of the site or in the public highway area.

Reason: In the interests of amenity, and to accord with Policy EQ2 of the South Somerset Local Plan.

12. The drainage scheme and programme of maintenance shown on the submitted plans ref. 201340_C01B and 201340_C02 and received by email on 8th and 10th August 2016, shall be fully implemented in accordance with a phasing plan which shall have been submitted to and approved in writing by the Local Planning Authority within 3 months of the date of this permission. The

phasing plan shall take into account the completion of the various elements of the development hereby approved, and shall ensure that adequate surface water drainage measures are available to serve the development at each stage in accordance with the agreed details in the submitted plans. Once implemented, the drainage measures shall be permanently retained and maintained.

Reason: In the interests of sustainable drainage and to accord with the NPPF and Policies SD1 and EQ1 of the South Somerset Local Plan.

2nd April 2017

Memo

To: N Head Esq

c.c. S Reading Esq-Collier Reading

From: NA Gould-Long Sutton House

**Planning Application: 15/05090/FUL
Proposal :**

Change of use of agricultural storage barns to domestic storage and workshop for Long Sutton House. Change of use of barn to holiday/ancillary cottage. Change of use of root cellar to Laundry, domestic store, home office and holiday/ancillary cottage with basement. Erection of 2 no. holiday let/ancillary cottages. Change of use of barn to holiday let/ancillary cottage with store and potting shed. Change of use of agricultural land to domestic use. (Part retrospective application) (GR 346561125675)

**Site Address:
Parish:
TURN HILL Ward
(SSDC Member)**

Land OS 5560 Crouds Lane, Long Sutton.
Long Sutton
Cllr G Tucker

**Applicant:
Agent:**

NA Gould Esq
Collier Reading

Application Type:

Minor Dwellings 1-9 site less than 1ha

Introduction:

The purpose of this short report is to identify why the applicant is unable to meet all the obligations of the draft conditions relating to the application, namely:-

S.106 AGREEMENT

The applicant has agreed to the signing of a S106 Agreement to ensure the non-fragmentation of the planning unit. This is considered necessary to ensure that the development retains its relevance to the overall property (which includes Long Sutton House) and operates within the context of the submitted business plan, which has justified the proposal.

a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that no part of the land edged blue on the submitted plan ref. P5427/001E is sold separately from the remainder of that land;

Background:

The applicant has sought to implement the section 106 agreement and has paid the legal costs of the Council. Delays have been caused by trying to find a workable solution with the applicants funders. The issue being that the section 106 agreement weakens the position of the lending / funding institutions. Possible alternative suggested wordings of the legal agreement were suggested to the Council but proved unsuccessful.

Considerations:

The applicant and officer originally agreed the non-fragmentation arrangements. The applicant supported this and paid the legal costs of the Council// Consideration has not been given to the likely impact on funding arrangements.

The issue being that the non-fragmentation elements prevents the following: -

Obtaining funding / lending for the project

Prevents the creation of operating leases to management companies / trading entities.

The link to Long Sutton House, its gardens and its overall relevance is important. However, this can be satisfactorily overcome with the creation of appropriate licences and other commercial arrangements which will allow the House, gardens, and other facilities to be utilised by the Tourism based units and associated business.

Viability of the Business and overall Business Plan:

The applicant intends to progress the Tourism Business and connect other rural businesses to the overall business plan. The applicant is already making substantial investment into the rural economy within South Somerset and continues to create local employment.

Comparable:

Little Upton Bridge Farm has had a series of consents for holiday/tourism accommodation and there has been no non-fragmentation clauses or section 106 agreements imposed. The applicant of Little Upton Bridge Farm stated that to the Parish Council, that this has to be the case in order to obtain funding. Therefore, the proposals for this amendment in terms of Long Sutton House is realistic and is a commercial decision to assist the viability of the business.

Summary:

To allow the scheme to progress and contribute to the rural economy, it is asked that the application is reviewed and that the requirement for the S106 non-fragmentation clause is removed.

NA Gould

Appendix B – Copy of report - Area North Committee 24/08/2016

Officer Report On Planning Application: 15/05090/FUL

Proposal :	Change of use of agricultural storage barns to domestic storage and workshop for Long Sutton House. Change of use of barn to holiday/ancillary cottage. Change of use of root cellar to Laundry, domestic store, home office and holiday/ancillary cottage with basement. Erection of 2 no. holiday let/ancillary cottages. Change of use of barn to holiday let/ancillary cottage with store and potting shed. Change of use of agricultural land to domestic use. (Part retrospective application) (GR 346561125675)
Site Address:	Land OS 5560, Crouds Lane, Long Sutton
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr Shane Pledger
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	26th January 2016
Applicant :	Mr N Gould
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

UPDATE

At its meeting of 27 April 2016, Area North Committee considered the report and resolved as follows:

That planning application 15/05090/FUL be DEFERRED to allow for a site visit and to clarify business plan, drainage and drawings to show artist's impressions.

A site visit was held on 25 July 2016. For that meeting, some additional drainage details were circulated, along with an amended business plan submitted by the applicant. No 'artist's impressions' of the buildings have been received.

Update: Business Plan

The amended business plan retains the same essential features as those originally considered and referred to in the attached report. Fuller detail of certain aspects has been supplied. It remains the officer view that the proposal is broadly compliant with Policy EP8 of the Local Plan, and that the proposed tourist accommodation would enhance economic activity locally and in the District.

Update: Drainage Plan

A detailed drainage scheme has now been received, and circulated to members. The Council's Engineer Comments as follows:

The plan and the calculations now offer a satisfactory surface water drainage solution with the principle of retaining all run off within the confines of the site.

This is achieved by soakaway design for the buildings and porous paving for the parking areas.

The only issue to be [covered] and partially identified in the submission and associated notes is

maintenance. There is a note that the infiltration factor of the base has been reduced by 50% to allow for siltation. It is also noted that this is not the detailed design layout and the position of silt traps, etc., are to be included once this detailed design layout is produced.

There needs to be acceptance of the requirement for maintenance of the soakaway features.

In my view all of the above could be determined by condition but as some of the building has already commenced it would seem necessary for this condition to be discharged immediately on any permission being given.

Update: Artist's Impressions of Development

These have been requested but not supplied by the applicant. However, the Committee has visited the site and the submitted elevations clearly indicate the appearance of the proposal.

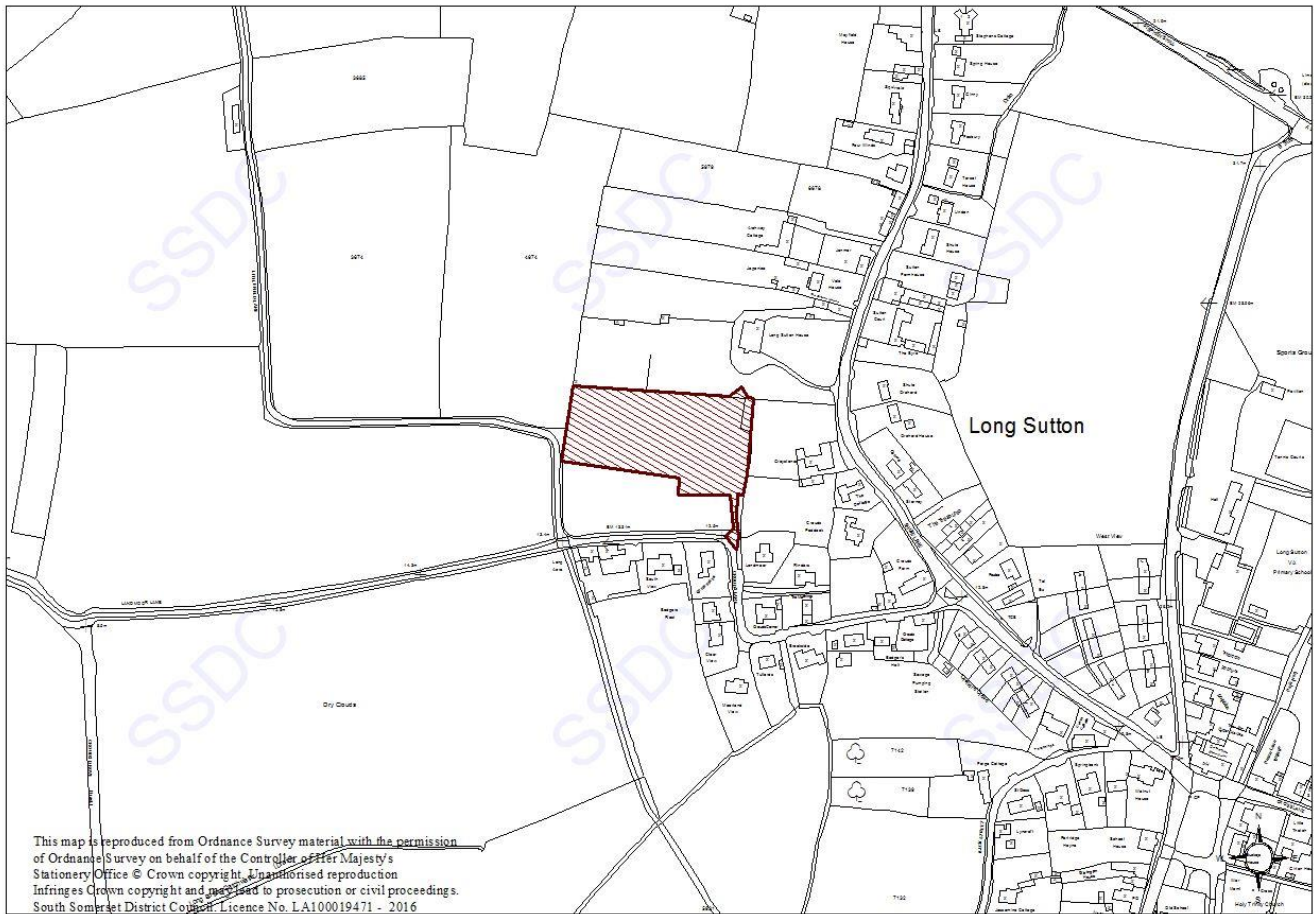
ORIGINAL OFFICER REPORT (AMENDED AS NECESSARY):

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee to enable a full discussion of concerns raised by local residents and the Parish Council

SITE DESCRIPTION AND PROPOSAL





The site is located immediately south of the main garden area of the Grade 2 listed Long Sutton House. It forms part of the greater land holding of the House, being bounded to the south by Crouds Lane, and to the west by open countryside. On its east side is a further parcel of land under the same ownership which in turn backs onto the gardens of houses fronting onto Crouds Lane to the south, and Shute Lane to the east. One of these buildings fronting onto Shute Lane, 'Greystones' is also a Grade 2 listed building, and its curtilage adjoins the eastern boundary of the site.

Application is made for the change of use of the land for a mixture of ancillary accommodation and holiday accommodation related to the main use of the site associated with Long Sutton House. The application includes:

- change of use of existing barn to domestic storage building;
- change of use of barn to domestic workshop;
- completion and change of use of partially built structures (retrospective) to create 5 holiday lets/ancillary cottages
- completion of structure to create laundry, domestic store and office with basement;
- creation/change of use to additional storage space and potting shed; and
- repairs and extension to summerhouse

HISTORY

The greater site, including Long Sutton House and land immediately to the east of this site, has a long and varied history. Particularly relevant to this application are the following:

15/00066/FUL- Erection of a gatehouse- withdrawn

14/01207/FUL- Amendment of materials arising from previous planning consent 11/02636/FUL and erection of agricultural storage barns and garage block - withdrawn

11/02636/FUL - Erection of agricultural buildings comprising two barns and root cellar with ancillary walls and composting enclosures including solar PV roof on barn and hard surfacing -permitted with conditions

09/01923/AGN - The erection of an agricultural storage building - permission not required.

Buildings have been erected under these permissions, including various changes to the approved details, as well as some additional unauthorised works. An application to amend (retrospectively) these works was withdrawn.

POLICY

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.

Policies of the South Somerset Local Plan (2006 - 2028)

- SD1 Sustainable Development
- SS1 Settlement Strategy
- SS2 Development in Rural Settlements
- EP8 New and Enhanced Tourist Facilities
- TA5 Transport Impact of New Development
- TA6 Parking Standards
- EQ1 Addressing Climate Change in South Somerset
- EQ2 General Development
- EQ3 Historic Environment
- EQ4 Biodiversity
- EQ7 Pollution Control

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
10. Meeting the challenge of climate change, flooding and coastal change
11. Conserving and enhancing the natural environment
12. Conserving and enhancing the historic environment

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

Somerset County Council Parking Strategy, March 2012 and September 2013.
Somerset County Council Highways Standing Advice, June 2013.

South Somerset Sustainable Community Strategy (2008-2026)

CONSULTATIONS

Parish Council: *Long Sutton Parish Council objects to the above application on the following grounds:-*

- 1. The development encroaches onto agricultural land.*
- 2. It would lead to an increase of traffic using Crouds Lane.*
- 3. The visual impact resulting from the size of the development.*
- 4. The combined issues of drainage and sewerage.*

The Parish Council requests that the application is deferred to Area North and if they are minded to support this, that the following conditions are made:-

- 1. That the cottages are occupied only by bona fide holiday tourists.*
- 2. All permitted development rights are removed.*
- 3. That other proposals within the Design & Access Statement, that do not appear in the application, should be included:*
 - Creation of a new formal garden.*
 - Construction of boundary wall.*
 - Planting Scheme.*
 - Use of Store to hold fire fighting equipment.*
 - Retention of compost bins, fire pit and compost storage areas.*
 - Communal aerials for satellite, TV and radio.*
- 4. No change of use from agricultural to gardens.*

Highways Authority: Standing Advice Applies.

SSDC Highways Consultant: *With regards to the part of the proposals for holiday let accommodation, consider the suitability of Crouds Lane to accommodate additional traffic, albeit sporadic. Support the highway conditions set out in the DAS although it would be advisable to widen the access to 5.0m.*

SSDC Conservation Officer: No objection.

SSDC Landscape Officer: *It is noted that the majority of these structures already have consent, but for an agricultural use, rather than a domestic/holiday function. I recollect that when the initial farm buildings were applied for, in their favour was (i) the close relationship with Long Sutton House, and (ii) the 'estate' character of the farm building group.*

From a landscape standpoint, the site is already characterised by building form, which has a unified expression in its general appearance, whilst its 'estate' character helpfully lends itself to conversion from agricultural to domestic uses. Hence the potential landscape impact of these proposals comes down to (a) the introduction of a domestic use, such as vehicular activity; nightlight etc. and (b) the incursion of built form toward open countryside. Looking first at domestic use, there will clearly be greater activity within the site, of both visitors and vehicles, but I note the site to be partially contained by stone walling, and for the structures to be primarily inward-looking, such that much of this additional activity will be contained. As for nightlight, again the current containment should limit this, and with external windows

limited in number and scale; and with the potential to condition the type and location of lighting, these impacts are likely to be low. Turning to the new build, it is clear that this structure would add to the intensification of the current building group, and will project building form toward the open countryside. However, whilst the subsequent arrangement does spread development form across the site, it remains contained within the site; is of the same design style; and has residential land to 3 sides. I also observe that (i) residential form extends further west of the village, to both north and south of this site, than this build proposal, and (ii) the paddock within which the site is located is bounded by an established hedgerow to the west, which is the landscape feature that separates residential land from farmland extending north, and this is a significant boundary containing the site, and relating it to village form. Hence on balance, I do not consider the landscape impacts to be of sufficient magnitude to warrant an objection.

SSDC Ecologist: Concerns raised initially about the possible impact on the natural environment from the on-site sewage treatment plant. These concerns have been addressed in consultation with Natural England.

SSDC Engineers: Discussions are on-going with the applicant to agree a scheme of surface water drainage and disposal. In principle, it is considered that an acceptable solution can be provided. To be updated at Committee.

SSDC Environmental Protection Officer: No observations.

SSDC Economic Development Officer: *This is a reasonably unusual application in so much the land is currently described as being agricultural, yet there is an insufficient amount to justify traditional agricultural activities. Equally, the location of both the land and the buildings are towards the village centre and therefore any reversion back to agriculture would quite probably cause difficulties to those living in proximity. Therefore, the applicant has little choice than to look for alternative uses for both the buildings and the adjacent land. He has brought forward an idea which will provide an income for himself and opportunities to enhance the incomes of many other local businesses through the provision of quality food and drink. In addition, numerous additional staff will be required when the growth of the business justifies their input. This will take the form of gardeners, drivers, waiting and catering personnel. The opportunity to encourage people to South Somerset is to be encouraged in anticipation that they will bring secondary spend to the area. There are no reasons why from an economic perspective this application should not be supported.*

Area Development Officer: *I have no particular comments from a community / local perspective. The application includes additional holiday accommodation, if planning policies require specific justification then ED would advise.*

However I can confirm that within the area in general there is a strong interest in promoting opportunities for extended stay and spend by visitors - hence we would support this application subject to the usual assessments including design in keeping and accessibility for users.

Environment Agency: No comments received

Natural England: No objection. Original concerns raised about the possibility of harm from phosphate and other pollution resulting from the on-site sewage treatment arrangements were addressed by the applicant to the satisfaction of NE.

Wessex Water: *The application made for development proposals at this location has indicated that no new connections to the public sewer system will be required to serve these new buildings.*

We advise that separate systems of drainage are utilised to form satisfactory means of disposal subject to Building Regulations. We request that South Somerset consult with Wessex Water if these details are

amended to require connections to the public sewer system.

This location suffers from groundwater induced sewer flooding during prolonged rainfall and mitigation measures are in place to maintain service levels under these conditions.

SSDC Tourism Officer: No comment received.

County Archaeologist: No objection.

REPRESENTATIONS

Five letters of objection have been received, making the following main points:

- the scale of development is inappropriate for the setting;
- Crouds Lane is narrow with awkward turns, and additional traffic would be harmful to highway safety; the Lane is not appropriate to carry the additional traffic;
- the proposal would exacerbate existing surface water and foul drainage problems in the village, by reason of additional persons on site and ; both systems operate at capacity and increases in run-off would compromise their use by existing residents;
- retrospective permission for this development sets an undesirable precedent;
- permission for this development on agricultural land will set a precedent for similar developments on agricultural land in future;
- there have been noise and traffic disturbances in Crouds Lane for a long period of time associated with this site;
- there has been little local consultation;
- the need for a stand-by generator is queried; it will create unacceptable noise;
- access for visitors via Shute Lane should be assured.

CONSIDERATIONS

Principle of Development: Tourist Accommodation

The NPPF states that policies should support sustainable economic growth in rural areas to help overcome the unfulfilled economic potential in rural communities, tackle an over-reliance on traditional low paid employment and under-employment, and help limit skilled workers having to move elsewhere for work.

As a consequence, the Local Plan considers various employment options, including the important contribution that can be made by the tourism sector.

Policy EP8 addresses this issue, and encourages the creation of new tourist facilities where:

- They are of a scale appropriate to the size and function of the settlement within which they are to be located;
- The proposal ensures that the district's tourist assets and facilities are accessible through sustainable modes of travel including cycling and walking;
- They do not harm the district's environmental, cultural or heritage assets;
- They ensure the continued protection and resilience of the district's designated nature conservation features;
- They benefit the local community through access to facilities and services; and
- There is no adverse impact on Natura 2000 and other internationally and nationally designated sites

Subject to compliance with these criteria, and the demonstration that a need is met, the principle of provision of the creation of tourist accommodation is accepted.

Ancillary Accommodation

The application partially also seeks the change of use of part of the site/buildings to ancillary accommodation - three buildings specifically for that purpose (storage, workshop and potting shed); and a combination of either tourist accommodation or ancillary residential accommodation for the main house. The intention of the applicant is to use the cottages created by this development either as holiday lets or in conjunction with the domestic accommodation requirements of the main house (Long Sutton House). This house is a large property, with a total internal floor area of around 650 sq m, additional outbuildings of an additional 250 sq m, situated on a site of 2.8 Hectares. It is considered reasonable within this context to include further floorspace as ancillary accommodation, subject to appropriate design, layout and other relevant considerations.

Of the buildings seeking planning permission, three are proposed to form dedicated ancillary accommodation for the main dwellinghouse: buildings numbered 1, 2 and 7c - a store; a workshop and a potting shed.

Applicant's Business Plan: Compliance with Policy EP8

The applicant has submitted a detailed, confidential business plan supporting the application. The plan has been scrutinised and assessed by the Economic Development Officer and the Area Development Manager (comments above). The following main points are dealt with:

- Detail of the proposed business, including the proposed core activity and related business opportunities locally;
- Possible customers - evidence of demand;
- Competitors;
- Overview of Tourist Industry;
- Policy background;
- Information from various data bases;
- Marketing;
- Capital Investment, Employment and partners;

The applicant currently employs five full-time and four part-time staff within this holding. The proposal would increase these numbers by a further four full-time and four part-time staff.

It is pointed out that the proposal would operate in tandem with other businesses existing or proposed in the village (including the village shop) under the same ownership, offering a co-ordinated business approach to providing tourist facilities. The business plan expects that the net employment resulting would be 29 staff employed locally.

The plan highlights linkages with other businesses locally and further afield

Assessing the proposal under the criteria set out in Policy EP8:

Scale: The proposal is of a scale that is considered to relate well to the size of the village, being 5 units of accommodation, and of a form that can be accommodated without visual harm in the space available.

Accessibility: The proposal is well located to tourist assets in the area, providing adequate opportunities for access by sustainable means of transport (cycling or walking).

Harm to Assets: The proposal does not demonstrably harm environmental, cultural or heritage assets (see comments of Conservation Officer and Natural England).

Nature Conservation: Natural England is satisfied that the development will cause no harm to nearby Wet Moor, part of the designated Somerset Levels and Moors. Particular attention has been paid by NE to possible phosphate pollution, which it is now satisfied will not result from the development.

Community Benefit: Whilst none of the facilities directly affect local residents, it is noted that numerous job opportunities could result from the proposal; and the proposal is part of a larger plan involving other community facilities (e.g. the local shop) which would have a local impact.

Natura 2000 and Designated Sites: Natural England has been consulted - there are no harmful impacts anticipated.

It is considered that the applicant has provided a detailed, well-considered approach towards the creation of a tourist-based business on the site. It is supported as being a practical way of utilising this agricultural land for a profitable economic purpose, given that the use of the land would be limited (owing to size, locality, etc.) for agricultural activity.

It is considered that the proposal is broadly compliant with Policy EP8 of the Local Plan, and that the proposed tourist accommodation would enhance economic activity locally and in the District. The proposal offers the opportunity of significant economic benefit, and is accordingly supported for this reason.

Visual and Landscape Impact: Impact on Listed Buildings

The built form proposed is largely in place, mostly to roof height. The potential visual impact can therefore be easily assessed. The structures are all grouped in a courtyard configuration, on a section of the site well away (more than 50m) from Crouds Lane and the dwellings to the south of the Lane. The development is single storey, using high quality material finishes (in particular, local stone), and is of a simple design that respects the general nature of development in the immediate area.

There are two listed buildings within the vicinity - the main dwellinghouse (Long Sutton House) towards the north; and Greystones to the east. The site is outside the curtilages of both buildings. The general layout of the site, with screen planting, limits any impact on the broader setting of these two buildings. For purposes of Policy EQ3 of the Local Plan (and the general aims in respect of heritage assets in the NPPF) it is not considered that there is demonstrable harm to the setting of these buildings that would suggest a refusal of the proposal.

The development is of a scale and design that is commensurate with the existing grain and form of the settlement. Additional planting is proposed. The Landscape Officer's detailed assessment is set out above, and raises no objection. For these reasons, it is not considered that there is any harmful visual impact on the setting or local landscape that would indicate a refusal of the application.

Impact on Residential Amenity

As mentioned, the nearest dwellinghouses are more than 50m from the development. The form is single storey. No amenity harm is therefore identified as regards overlooking or physical dominance of neighbouring amenity space.

The issue of amenity is also raised in relation to traffic using Crouds Lane. Given that new traffic accessing the holiday lets is to be accommodated via Shute Lane, it is not considered that there would be additional traffic generated by the scheme onto Crouds Lane that would constitute an amenity nuisance.

Highway Safety and Access

The site enjoys access from both Crouds Lane and from Shute Lane. It is noted that the intention is to use Shute Lane as the access, which enjoys good visibility, for the tourist accommodation purpose, and

it is proposed to secure this by condition. The access onto Crouds Lane also enjoys good visibility in both directions. Adequate on-site parking can be provided.

It is considered that the proposal generally accords with the requirements of the County's Standing Advice, although, as pointed out by the Highway Consultant, some aspects are not optimal. The concerns of the Highway Consultant have been discussed. They did not take into account the intention to use the Shute Lane access for the holiday lets, which overcomes concerns about scale of the existing access, and traffic generation onto Crouds Lane.

It is not considered that there is any highway safety concern that would indicate a refusal of permission.

Drainage

Local concerns have been raised about both surface water and foul drainage.

The proposal aims to make provision for attenuation of surface water on site, its treatment and use for irrigation and other purposes. As requested by Committee when the application was considered in April, a scheme of drainage has now been received, and is acceptable to the Council's Engineer.

As regards foul drainage, Wessex Water has assessed the proposal, and has noted that the site will be independent of mains drainage, and subject to the normal Building Regulations in this regard. As long as no mains drainage connection is sought, Wessex Water raises no objection.

It is not considered that foul or surface water drainage, in principle, would be a reason for refusal of the application. However, given the concerns about surface water disposal in the area, it is recommended that approval be subject to the prior submission and approval of a scheme acceptable to the Council's Engineer.

Concerns of Local Residents

The concerns of local residents have been considered and largely dealt with in the body of the report. The following additional comments can be made:

- Previous traffic concerns, and concerns related to construction traffic, are noted, but on the basis of the submitted information it is considered that the use of the two access points (Shute Lane and Crouds Lane) are more than adequate to meet the needs of the overall proposal without causing either highway safety harm or unacceptable reduction of residential amenity.
- As set out in the report, the concerns about the severe drainage issues have been carefully considered. On the basis of the submitted scheme, and with appropriate control by condition, it is the view of technical consultants that foul and surface water generated by the development can be accommodated without exacerbating existing conditions.
- Retrospective planning applications are not forbidden by the planning system; developers are entitled to seek regularisation of works undertaken without the necessary planning permission (as is partially the case with this application).
- Precedent carries little weight in planning decisions; planning applications are required to be assessed on their own individual merits, and it is not considered that approval of this scheme would bind the Council in any way to other future applications on this or other sites.
- Whilst it is noted that the developer is considered not to have engaged sufficiently with the local community, there is no requirement for a development of this scale to do so; the planning application process has offered the opportunity to anyone to make representations.
- An indoor stand-by generator is not considered to be an issue raising amenity concerns for purposes of this application. Any noise would have to comply with existing noise control legislation, failing which appropriate remedies are available under that legislation. However, the

generator is to be located in a basement, and unlikely to produce any significant noise that would cause amenity harm.

EIA Regulations

Not relevant.

Conclusion

The proposal represents a well-detailed scheme for the creation of tourist accommodation within the village. As such, it would enhance the sustainability and economic vitality of the local village and the District, in accordance with the aims of the NPPF and the Local Plan. The scale, layout and design of the development relates well to the detailed setting within the village. No demonstrable amenity harm is identified, and there are no highway safety, heritage or environmental impacts that would indicate a refusal of the proposal.

Members have had the opportunity to view the development on site, and the plans and elevations are considered adequate to determine the full nature of the proposal. A sustainable drainage scheme for the site is possible, as demonstrated by the additional information from the applicant. It is now considered appropriate to give final consideration to the application, which is recommended for approval.

S.106 AGREEMENT

The applicant has agreed to the signing of a S106 Agreement to ensure the non-fragmentation of the planning unit. This is considered necessary to ensure that the development retains its relevance to the overall property (which includes Long Sutton House) and operates within the context of the submitted business plan, which has justified the proposal.

RECOMMENDATION

That application reference 15/05090/FUL be approved subject to:-

- a) The prior completion of a section 106 agreement (in a form acceptable to the Council's solicitor(s)) before the decision notice granting planning permission is issued to ensure that no part of the land edged blue on the submitted plan ref. P5427/001E is sold separately from the remainder of that land;
- b) the following conditions:

01. The proposal represents a well-detailed scheme for the creation of tourist accommodation within the village, which, by reason of its siting, layout and design, respects the character and appearance of the setting (and the setting of the listed buildings), and causes no demonstrable harm to residential amenity, highway safety or the environment, in accordance with the aims of the NPPF and Policies SS2, EP8, TA5, TA6, EQ1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 28 October 2015.

Reason: To comply with Section 73A of the Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. P5427 numbers 001C, 100E, 100H, 101b, 102d, 103b, 106d and 107e.

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

03. The occupation of the units of holiday accommodation hereby approved (i.e. units numbered 3, 4, 6a, 6b and 7a as identified on the submitted plan ref. P5427/100E) shall be restricted to bona fide holidaymakers unless the accommodation is to be used as ancillary accommodation for purposes of the occupants of the main dwellinghouse ('Long Sutton House'). None of the units shall at any time be occupied independently as any person's sole or main place of residence. The owners/operators shall maintain an up-to-date register of the names of occupiers of the units, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority.

Reason: To ensure that the approved holiday accommodation is not used for unauthorised permanent residential occupation in accordance with Policies SD1 and EP8 of the South Somerset Local Plan (2006 - 2028) and the aims and provisions of the National Planning Policy Framework.

04. No part of the development hereby approved, with the exception of the units referred to in Condition 3 above, shall be used other than as ancillary accommodation for use in association with the main dwellinghouse known as Long Sutton House.

Reason: In the interests of sustainable development and to ensure that the approved accommodation is not used for unauthorised permanent residential occupation in accordance with Policy SD1 of the South Somerset Local Plan (2006 - 2028) and the aims and provisions of the National Planning Policy Framework.

05. The area allocated for parking on the submitted plan ref. P5427/100E shall be kept clear of obstruction at all times and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.

Reason: In the interests of amenity and highway safety and to accord with Policies TA5, TA6 and EQ2 of the South Somerset Local Plan.

06. Vehicular access to the units of holiday accommodation within the development hereby approved shall be via the site entrance onto Shute Lane. The operator of the approved scheme of tourist accommodation shall use this access point as the address for the development in any advertising, promotional and informational material issued (including any internet online advertising) to promote the scheme and arrange for customers to visit the site. Such material shall not make reference to the access on Clouds Lane.

Reason: In the interests of residential amenity and highway safety, in accordance with the aims of the NPPF and Policies TA5 and EQ2 of the South Somerset Local Plan,

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings, garages or any other structures shall be erected other than those expressly authorised by this permission.

Reason: To safeguard the character and appearance of the area in accordance with the aims of the NPPF and Policies EQ2 and EQ3 of the South Somerset Local Plan.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions or other external alterations to these buildings without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the area, and to accord with the NPPF and Policies EQ2 and EQ3 of the South Somerset Local Plan.

09. No external lighting shall be installed on the site unless the details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of residential amenity and to avoid light pollution, in accordance with the aims of the NPPF and Policies EQ2 and EQ7 of the South Somerset Local Plan.

10. Within three months of the date of this permission, a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels, shall be submitted to the Local Planning Authority for approval. Such scheme shall be based on the layout shown on the submitted plan ref. P5427/100H. Once approved, all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the approval of the details, and 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. The scheme shall thereafter be retained and maintained.

Reason: To safeguard the character and appearance of the area and to accord with Policy EQ2 of the South Somerset Local Plan.

11. Within three months of the date of this permission, full details of the siting, design and layout of an area for the on-site storage of refuse and recycling bins shall be submitted for approval to the Local Planning Authority. Once approved, the details shall be fully implemented and thereafter retained and maintained. There shall be no storage of such bins outside of the site or in the public highway area.

Reason: In the interests of amenity, and to accord with Policy EQ2 of the South Somerset Local Plan.

12. Within 3 months of the date of this permission the remaining detail of the surface water design in the form of a detailed drainage design layout shall be submitted for approval to the Local Planning Authority. The layout shall be generally in accordance with the submitted plan ref. 201340_C01B received by email on 8 August 2016. The details shall include:

- design and type of soakaway units and connections;
- maintenance schedule(s) for the system; and
- details of silt traps to be incorporated within the system.

Once approved, the drainage layout shall be fully implemented, and thereafter retained and maintained in accordance with the agreed details.

Reason: In the interests of sustainable drainage and to accord with the NPPF and Policies SD1 and EQ1 of the South Somerset Local Plan.

Agenda Item 20

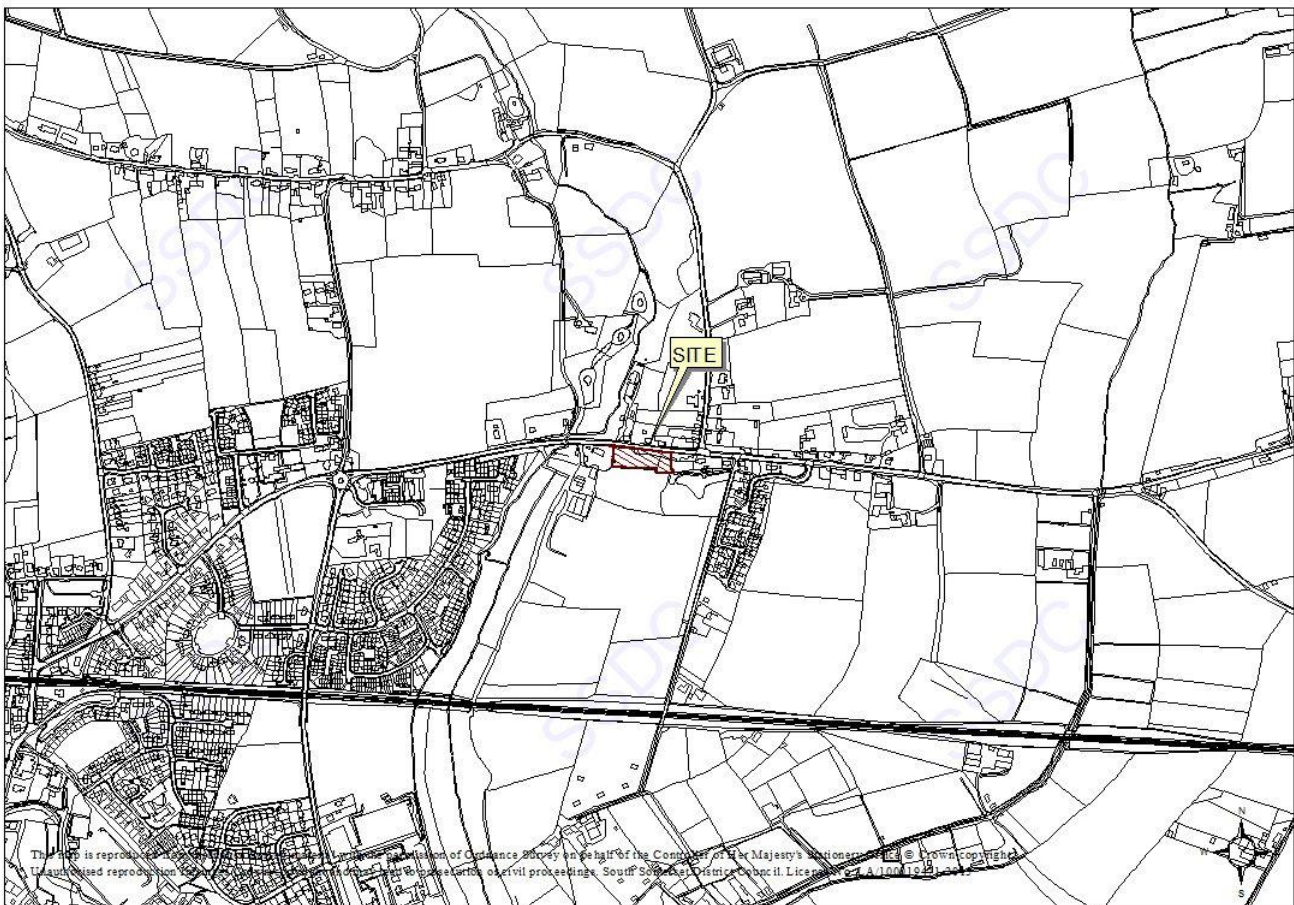
Officer Report On Planning Application: 16/03673/OUT

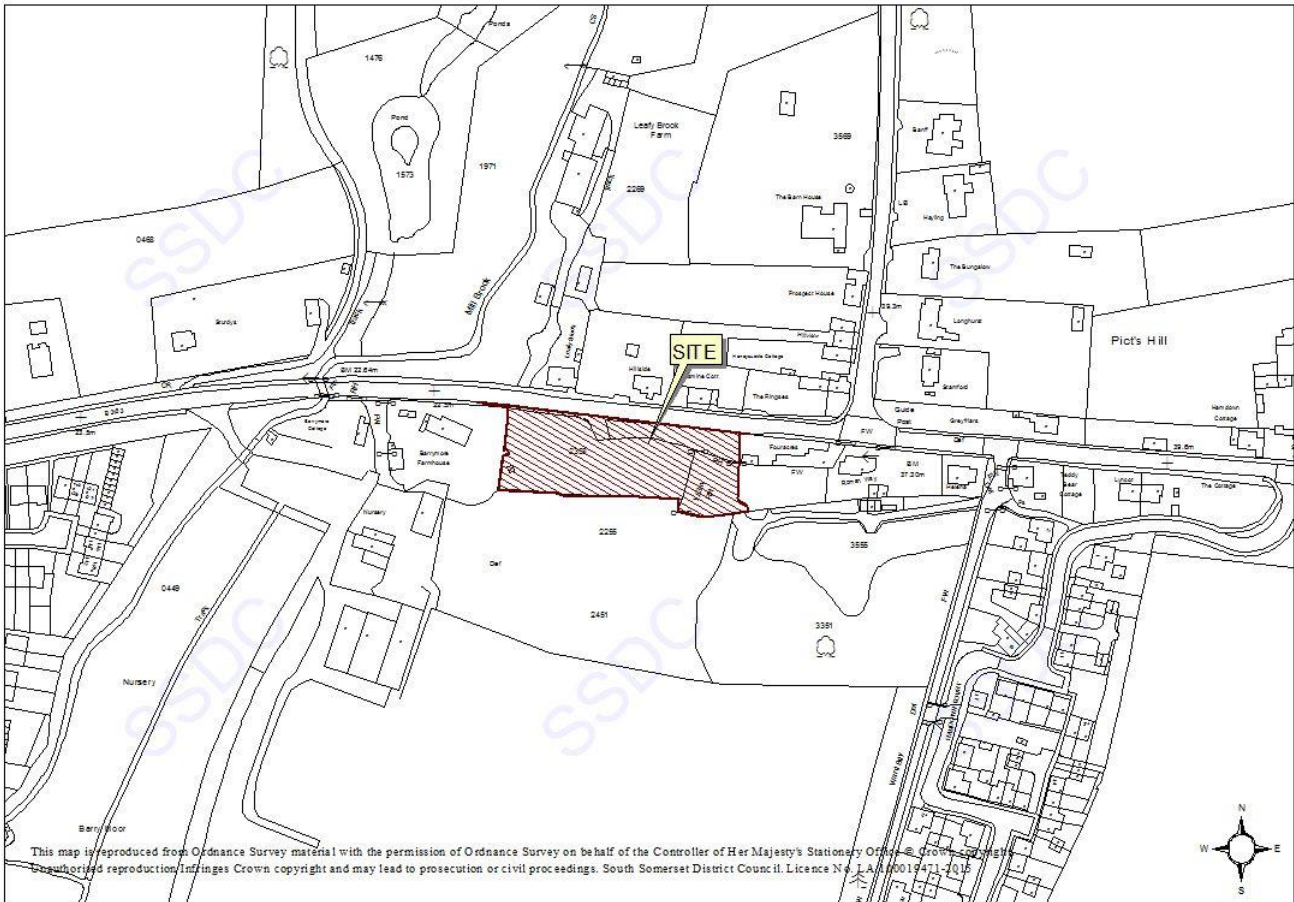
Proposal :	Outline application for alterations to existing accesses and erection of four detached dwellings.
Site Address:	Land Adjacent To Fouracres, Picts Hill, High Ham.
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Cllr Gerard Tucker
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	2nd November 2016
Applicant :	D & S Root and A & E Molyneux
Agent: (no agent if blank)	Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee at the request of the ward member, and with the agreement of the area chair, in order to allow members to consider the benefits of the scheme.

SITE DESCRIPTION AND PROPOSAL





This application is seeking outline planning consent and to agree detailed matters of access and scale for the erection of four detached dwellings and alterations to existing accesses.

The application site is approximately 0.37 hectares in area and comprises part of the applicant's existing garden area and a small grassy paddock that is in a relatively unmanaged condition with a number of mature trees and unmaintained hedgerows growing along the north and south boundaries. There is a hedge that separates the applicant's garden from the paddock.

The site sits opposite a row of residential properties, with residential properties to the west and Kelways Nursery and associated residential property to the east. The land to the rear is an agricultural field. The site is uneven sloping ground that is raised up above the adjacent road and falls away from east to west. The 'existing' access, which is proposed to be altered to provide access to the proposed development, and which is referred to on the submitted plans was not visible at the time of the site visit due to the over-grown state of the land. The proposed access will lead on to Picts Hill (B3153) which is subject to a 30mph speed restriction at this point. There is a signal controlled pedestrian crossing a short distance to the east of the proposed access. The roadside bank and vegetation extends to the edge of the carriageway. There is a footway on the opposite side of the road that runs from the pedestrian crossing into Huish Episcopi / Langport.

RELEVANT HISTORY:

None

POLICY

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

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS2 - Rural Settlement

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

LMT2 - Langport / Huish Episcopi Direction of Growth

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution Control

National Planning Policy Framework

Part 4 - Promoting sustainable transport

Part 6 - Delivering a wide choice of high quality homes

Part 7 - Requiring good design

Part 8 - Promoting healthy communities

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

CONSULTATIONS

High Ham Parish Council: Support the proposal in principle subject to the following provisions being agreed as an integral part of any future approval of the proposal:

- A legal undertaking to introduce additional community benefit in the form of securing a range of improvements to the road safety in the vicinity of the site. These improvements must include:
 - Cutting back to an appropriate level of the thick hedge that runs parallel to the main road from the pedestrian crossing down to the proposed new access position to improve visibility up the hill when egressing the site.
 - A pavement provided in front of the hedge to allow safe pedestrian access to the traffic light controlled pedestrian crossing.
 - A permanent 'Matrix' traffic pole (or two) provided in a suitable location that indicates the speed that passing vehicles are travelling. Traffic speeds continually exceed the 30mph speed restriction that is in force.
- Notwithstanding the objections raised by the Landscape Officer and Tree Officer, the Parish Council believes that the community benefit this proposal would introduce into the area in terms of additional road safety provision warrants being considered by the Area North Committee.

Huish Episcopi Parish Council (neighbouring parish): No objections.

County Highways: No objection subject to conditions relating to:

- Surface water drainage details to prevent discharge into the highway;
- Secure parking and turning areas;
- Proposed access to be available for use before the site is first brought into use;
- The first five metres of the access to be properly consolidated.

Strategic Housing: If the gross floor area is 1000 square metres or more then policy HG4 applies and we would expect that 35% of this site should be provided as affordable housing, we would deal with this on reserved matters when the property details are known.

Ecology: No objections subject to a condition requiring the provision of dormice and reptile mitigation measures.

Landscape Officer: Objects.

Latest comments (responding to amended plans and additional tree protection details): My comments remain as previously submitted, although I accept that the extent of potential impact of groundworks upon the existing trees recommended for retention could be limited.

Should this application be approved however then in addition to tree retention and protection I would advise the planting proposal that has been offered is conditioned for implementation but with the hedging proposal amended such that the native hedge mix is applied through the frontage and alongside the site access rather than the beech to ensure a consistency of species composition facing the road.

Initial comments: The site is currently an unmanaged paddock that is partially scrub-covered, with an unmanaged hedgerow frontage, and individual trees within the site. It lays to the west of the junction of the B3153 with the road to High Ham. The settlement associated with Picts Hill (within High Ham parish) is in-part concentrated around this road junction, extending east alongside the B3153, with a more concentrated development presence laying to the east of Union Drove. Huish Episcopi lays to the west, from which Picts Hill is separated by a mix of small fields and loose grain housing, along with the nursery buildings and associated horticultural ground associated with Kelways Nursery. This indistinct separation is substantiated by a strong presence of tree growth in the vicinity, and the hedged enclosure of the B3153.

The proposal intends the clearance of much of the site other than the established trees, and the manipulation of ground levels, to facilitate the construction of 4 new dwellings. I consider the development of the site would have an adverse impact upon local character and distinctiveness, due to the following operations;

1. removal and reduction of a substantive proportion of the roadside hedge, to achieve access splays and visibility lines to SCC Highways standards;
2. general reduction of woody cover on site;
3. the large extent of level manipulation necessary to create level platforms for development;
4. the likely impact upon the existing trees of the necessary groundworks, and;
5. the erosion of open space and woody cover that currently contributes to the separation of the two settlements.

Consequently I do not see LP policy EQ2 being satisfied, to provide landscape grounds for refusal.

Arborist: Latest comments (responding to amended plans and additional tree protection details): The amended site layout appears to have benefited from the more recent arboricultural input by avoiding well-intentioned tree retention in close proximity to houses. The proposed planting scheme is welcome however I would ask that for a couple of amendments be made regarding the protection and maintenance of the proposed tree planting and that the new trees be container grown. I also recommend a tree protection condition.

Initial comments - Whilst I appreciate the outline nature of the proposal, I have concerns that the visibility splay requirements for the proposed site entrance would result in the loss of the significant linear group of roadside trees. The roadside trees are prominent to Public view and appear to be located much closer to the road than the Site Plan might suggest (Ref: 510 [00] 02 F). They currently have significant visual amenity value and if they were sustainably retained, could perhaps provide screening of built-form.

The largest individual tree shown to be retained in the centre of the site appears too close to the internal road layout and second dwelling from the East. It seems likely that such a layout would lead to resentment towards the trees by future residents, particularly in regards to perceptions of over-domination, shading, the shedding of dead twigs and other associated nuisances. Hardly a sustainable state of affairs, which seems likely to result in excessive pruning and/or demands for felling. The changes to gradient levels also appear likely to cause significant damage to the health of the tree root systems. There appears to have been little or no appropriate arboricultural input into this design.

I am afraid that I object to the current proposal on the basis that I believe it to be contrary to the Council's aims to preserve existing landscape features (trees and hedgerows) in accordance with the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

Latest comments following the receipt of further comments from the applicant's arborist - I am afraid the information relating to crown radius measurements and internal site layout do not appear to conform to the methodology or recommendations within BS 5837:2012 - Trees in relation to design, demolition and construction. The related concerns have not been satisfactorily addressed. The concerns I raised regarding the likely requirements of SCC Highways for an extensive visibility splay, possibly affecting the earthen bank upon which many of the roadside trees are located, also remains a cause for concern. I am not aware of any beech trees in the vicinity that the arborist refers to.

REPRESENTATIONS

Written representations have been received from one local household raising the following concerns and comments:

- We are opposed to any further development along this stretch of the B3153 until concerns relating to traffic speeds, inadequate pavement provision (too narrow and poorly surfaced), the treatment of the bank along the application site including the poor maintenance of the roadside hedgerow and the ash trees growing on site which have been allowed to grow too tall, not only blocking light to the houses opposite but also their stability in high winds and rain.
- Often larger vehicles have to drive into the middle of the road due to the trees and hedge growing along the road frontage. Due to this and the width of the road it often leads to larger vehicles having to drive up on to the pavement in order to pass other oncoming HGV's.
- There is a build-up of rubbish on either side of the road resulting from branches and vegetation being knocked off the overhanging trees from the site that then blocks the drains.
- Welcome the cutting back of the bank and construction of the footpath. The extra pedestrian crossing is a good idea so long as it is sited away from existing properties. I am concerned however that it will be uncontrolled given the speeding problems.

- With the increase in pedestrian traffic more needs to be done to maintain the existing pavement. More control of heavy traffic needs to be put in place.
- Why is an access to the field behind being made, are there plans for another development?
- More pressure needs to be put on the owners to cut back the overhanging vegetation now. We cannot wait until the building commences, as you have observed lorries are being pushed further into the road.
- We have no objection to the erection of the four houses proposed and welcome the proposed new footway but do have concerns over the field access on the south boundary.
- Although the application states there was an access to this field from the B3153, this access has not been used for at least 10 years or even longer. We were not even aware of it as it is so overgrown and we live almost opposite it. To date access to the field has been from Union Drove or the applicant's property.

CONSIDERATIONS

This application is seeking outline planning permission with reserved matters of scale and access for the erection of four detached dwellings and associated access works.

Principle

The application site is located within the parish of High Ham however is geographically on the periphery of Langport & Huish and approximately 150m to the east of the defined development area. The principle facilities found in these settlements are in excess of 1km from the site, however, the site is on a good access route with a footpath on the opposite side of the road that leads into the town centre. In recent years a number of new build houses have been built in the locality, one on the opposite side of the road from the site and two on the road to High Ham to the northeast which are further away from town than the current site. Bearing these factors in mind it is accepted that the distance of the site to local services does not raise any significant concerns.

The site however is on the opposite side of the road from the existing pavement. The B3153, whilst subject to a 30mph speed restriction, is a very busy road and the installation of a signalled pedestrian crossing a short distance to the south highlights the difficulties for pedestrians wishing to cross this road. It is therefore considered that in order to achieve a safe means of access for pedestrians that it is necessary for the development to be served by a footpath that connects the site to the pedestrian crossing to the south. The application has now been amended to incorporate a 1.8m wide footpath along the frontage to connect to the existing pavement and signalled crossing to the east. This is to be achieved by cutting back the vegetation and raised bank that abuts the carriageway and the erection of a retaining wall.

Therefore, on the basis of these amended details it is accepted that a safe and suitable means of pedestrian access can be achieved and it is considered that the proposed development will therefore constitute sustainable development in terms of its accessibility to local facilities and services.

Pattern of development / visual amenity

The site is located in the area of Picts Hill which is located on the eastern approach to Huish and Langport. Picts Hill is separated from Huish Episcopi to the west by a mix of small fields and loose grain housing and the buildings at Kelways Nursery. The existing development along Picts Hill itself has a semi-rural character with irregular ribbon development and a strong presence of tree growth and hedging alongside the road to which the application site makes a valuable contribution.

The proposal intends the clearance of much of the site, other than the established trees, and due to the sloping nature of the site will necessitate manipulation of the ground levels in order to create the access and the bases for the new dwellings. The agent has argued that there would be little need for much

alteration to the levels and that there will be little need to dig into the roadside bank to achieve a suitable access. The fact that there will need to be a significant widening of the existing access (which at the time of visiting the site was clearly not in use given that it was completely obscured by vegetation), that the access will need to be of a suitably shallow gradient and that a new 1.8m wide pavement is essential and now therefore forms part of the scheme suggests this will not be the case.

As stated earlier in this report there is a raised bank along the roadside frontage of the site which will clearly need to be cut back to facilitate the new pavement and most likely the visibility splays and will require the provision of retaining walls, the appearance of which have not been provided. The existing roadside planting will also be lost, although it is acknowledged that the applicant is proposing some new hedgerow planting (beech hedge as opposed to a native hedge) set further back into the site. Such works however are likely to have a highly engineered appearance with the new planting having no meaningful mitigating effect upon such works.

The character of Picts Hill is typical of the edge of many settlement localities across the district, with irregular built development interspersed by green gaps and mature planting, which helps to lend a semi-rural character and which acts as a soft transitional buffer between town and countryside. The application site forms part of the only meaningful green gap on the south side of the B3153 on this eastern approach into Huish Episcopi. The proposed development will result in the loss of much of this green gap leading to the consolidation of built form and the appearance and impression of unbroken built development along this side of the road into the town, and significantly erode the semi-rural characteristics of Picts Hill.

Following concerns raised by the Council's Tree Officer, the applicant has provided additional tree protection details and which indicate the retention of a number of mature trees growing towards the front of the site which the Tree Officer welcomes. The Tree Officer has requested a couple of small amendments to the tree planting and protection measures which the applicant has agreed to. Whilst these amendments are noted, it is not considered that such measures, along with a general planting scheme, would mitigate the effect that the building four houses would have upon this site and the local character issues identified above.

It is noted that the applicant has submitted a Unilateral Undertaking which proposes to undertake the maintenance of a group of trees located a short distance to the southeast of the site. In the accompanying Planning Statement it states that there is a lime kiln in amongst these trees and that there may be added benefit by preserving this industrial archaeological feature and tree group. Whilst the long-term retention / maintenance of these trees may be desirable their protection does not relate to the proposed development in any way. As such, if the landowner sought to discharge / remove this obligation in the future it would very difficult to justify resisting such a request. Such a gesture in any case does not over-ride the specific amenity concerns resulting from this development that are raised above.

It is therefore considered that the proposed development would significantly erode the semi-rural characteristics of the locality and as such fails to respect the local context or to preserve or enhance local distinctiveness, contrary to the aims and objectives of policy EQ2.

Residential amenity

The juxtaposition of the site with surrounding properties and scale and nature of the proposed development is such that there is no reason why a layout and design could not be achieved that would ensure neighbour amenity was suitably safeguarded.

Highway safety

The development will be served by a single access leading on to the B3153 to the east. It was initially proposed that this access would also serve the applicant's house, however, this element of the scheme has been omitted.

The Highway Authority has raised no objection to the proposed development subject to a number of conditions and it is considered that with the provision of a pavement along the site frontage to connect to the existing pavement and crossing that the development would be served by a safe and suitable means of access.

It is noted that the Parish Council are in support of this proposal and appear to be of the view that it represents an opportunity to improve highway safety along this stretch of the main road. As such their support is subject to a legal undertaking to secure various improvements including the cutting back of the roadside hedgerow to an appropriate level from the pedestrian crossing to the new access, the provision of a pavement to connect the site to the crossing and the provision of a permanent 'Matrix' traffic pole to indicate the speed of passing traffic.

The applicant has already amended their scheme to incorporate a pavement along much of the site frontage which will also have the effect of removing the overhanging vegetation. The applicant has also indicated that they would be willing to provide a matrix traffic pole, however, they have rightly pointed out that this could only be done with the agreement of the Highway Authority.

Other matters

- Ecology - The application was accompanied by an ecology survey. The Council's Ecologist has considered these details and concluded that subject to conditions requiring the provision of dormice and reptile mitigation measures raises no objection to the proposal.
- Drainage / flooding - The site is located within flood zone 1 and as such is not within an area identified as being at risk of flooding. No site specific or local drainage or flooding issues have been identified and as such the proposed development does not raise any significant drainage or flooding concerns and is not considered to increase the risk of flooding elsewhere.
- Access to adjacent land - a neighbour has objected to the access that leads to adjacent land behind the site, stating that this is unnecessary and raises the question of whether there are aspirations of seeking additional development on this adjacent land. Whilst these concerns are noted, the Highway Authority has not raised any highway safety concerns with regard to this field access. Furthermore, if there are aspirations of additional development on this adjacent land this is not a matter for consideration as part of the current application but would have to be considered under its own application and based on its own merits.

Planning balance

The impact that the development will have upon the character and appearance of the locality is likely to be considerable. The proposal will lead to the consolidation of built development and substantial erosion of what is considered to be an important green gap and to result in the appearance and impression of unbroken built development along this side of the main road into town. Such development will significantly erode the semi-rural nature of Picts Hill and be contrary to the existing irregular pattern of development that helps to characterise its edge of settlement locality and the gentle buffering effect it currently offers between town and countryside. Such harm, which will be permanent and irreversible, is considered to be substantial and to weigh heavily against the proposed development.

It is acknowledged that SSDC cannot currently demonstrate a five-year housing land supply and that the proposed development will make a small but positive contribution towards trying to meet this supply. The Parish Council's support for the scheme and their view that the proposal offers an opportunity to improve the existing highway situation such as through the cutting back of the bank and vegetation is also noted. However, it would appear that the current issues have arisen through a lack of maintenance of the roadside frontage resulting in the roadside vegetation now growing right up to the edge of the carriageway which the Parish Council states pushes traffic, in particular HGV's, across the central reservation causing safety concerns. It is considered that such matters should have been taken up directly with the Highway Authority and that improvements to the maintenance of the road frontage does not necessitate the development of this land.

For these reasons the harm identified above is considered to outweigh the modest benefits that the proposal will bring and as such fails to constitute sustainable development as required by the adopted local plan and as set out within the NPPF.

Conclusion

Therefore, for the reasons set out above it is considered that the proposed development would significantly erode the semi-rural characteristics of the locality and as such fail to respect the local context or to preserve or enhance local distinctiveness contrary to the aims and objectives of local plan policy EQ2. Furthermore, the proposal is considered to offer only limited benefits which are outweighed by this identified harm and that the proposal therefore fails to accord with the principles of sustainable development contrary to local plan policy SD1 and provisions of the NPPF. As such the application is recommended for refusal.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. The proposed development will lead to the consolidation of built development and the substantial erosion of an important green gap. Such development will significantly erode the semi-rural nature of Picts Hill and be contrary to the existing irregular pattern of development that helps to characterise its edge of settlement locality and the gentle buffering effect it currently offers between town and countryside. The proposal therefore fails to respect local context or to preserve or enhance local distinctiveness contrary to the aims and objectives of policies SD1 and EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

Informatives:

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

In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

Agenda Item 21

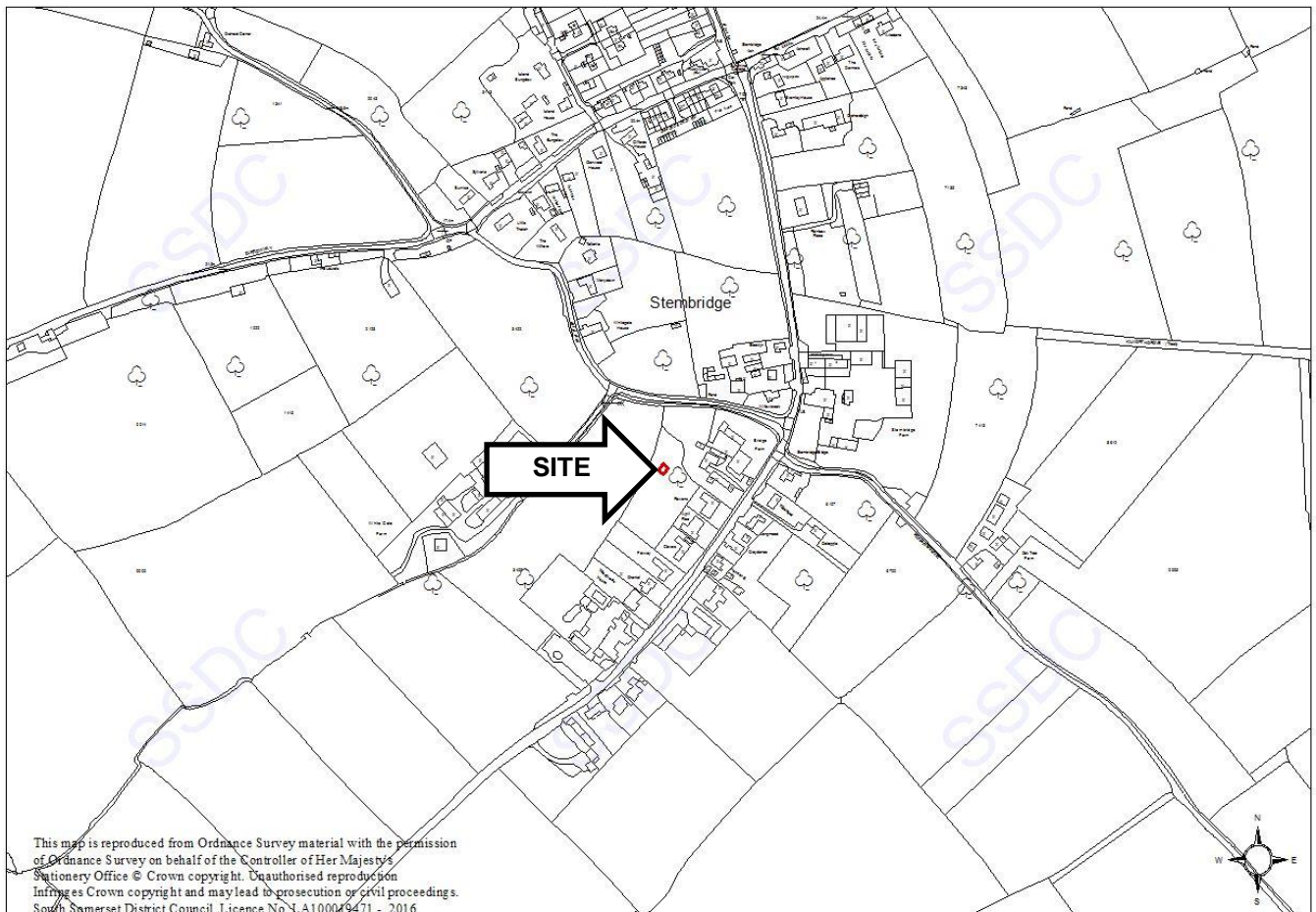
Officer Report On Planning Application: 17/01183/FUL

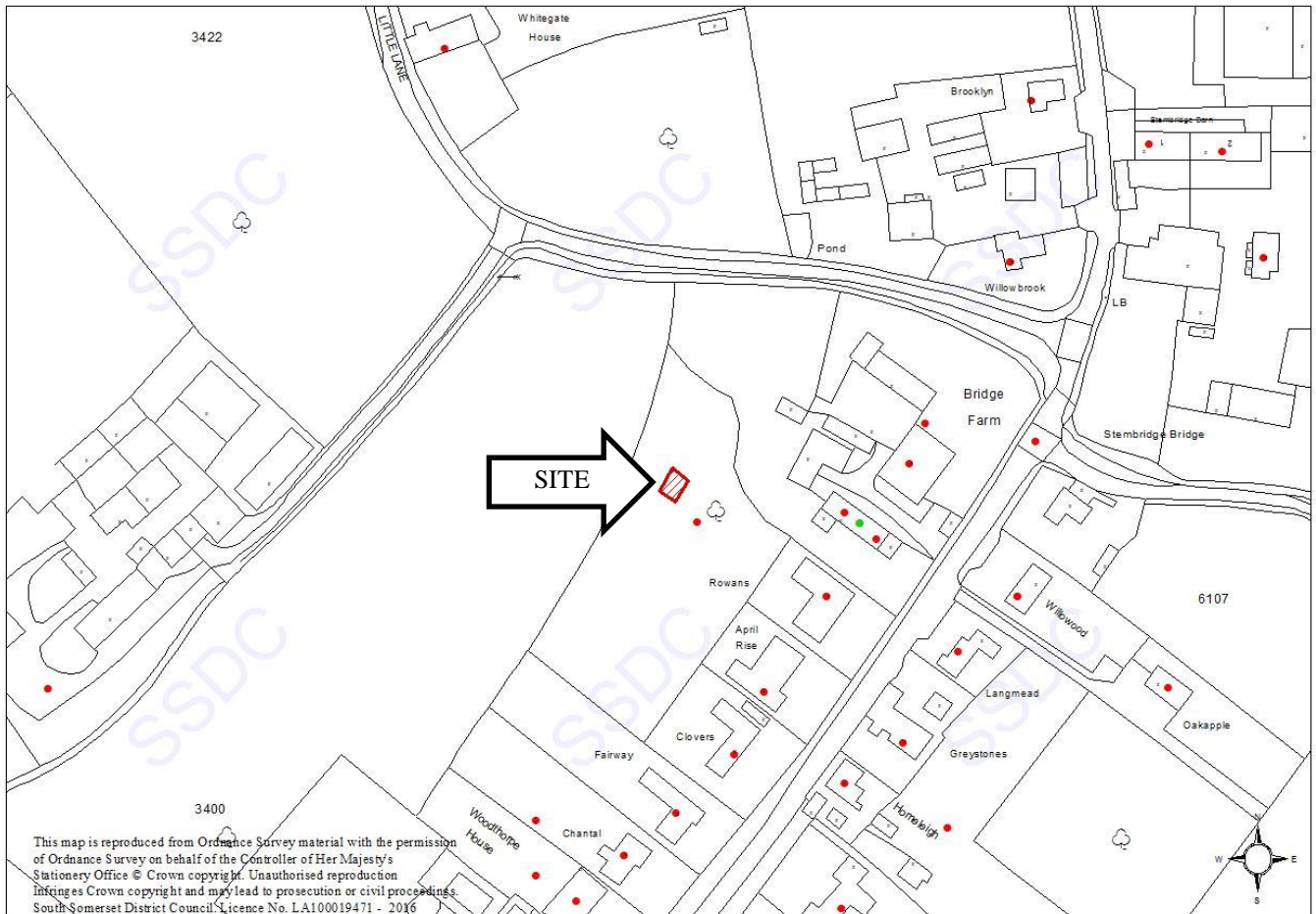
Proposal :	Retention of timber pony shelter.
Site Address:	Orchard Land Adjoining Rowans, Stembridge, Martock.
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	27th April 2017
Applicant :	Mrs Clare Aparicio Paul
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL

The application is referred to Area North Committee under the Scheme of Delegation due to the applicant being an elected member.

SITE DESCRIPTION AND PROPOSAL





This application follows the granting of planning permission for the change of use of land from agricultural use to equestrian use as well as the laying of a concrete base for the siting of a pony stable/shelter for part of the year. The current application is seeking to retain a stable on this concrete base permanently. The proposed stable is of timber construction and measures 3.6m wide by 4.8m deep (including an overhang) and 4.1m high.

The application site forms part of a larger parcel of agricultural land that once formed an orchard and sits to the rear of a line of residential properties. The site is level with the surrounding land and sits on a narrow section of the field that is enclosed by a post and rail fence and a high timber boarded fence behind this to the southeast side and a hedge to the northwest, which contains and limits views of the site from any public vantage point.

RELEVANT HISTORY:

16/04421/FUL: Change of use and laying of concrete base for temporary siting of pony shelter. Permitted.

POLICY

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

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS2 - Development in Rural Settlements

EQ2 - General Development

EQ8 - Equine Development

National Planning Policy Framework

Part 7 - Requiring good design

Part 8 - Promoting healthy communities

Part 11 - Conserving and enhancing the natural environment

CONSULTATIONS

Kingsbury Episcopi Parish Council: No objection.

County Highways: No observations

SSDC Highway Consultant: No objections

REPRESENTATIONS

Written representations have been received from an adjacent neighbour (Rowans) who raised the following concerns and objections:

- A commitment was given to the parish council that the siting of the pony shelter would be temporary. I believe the intention was never to move it.
- The construction of the shelter is too flimsy to be moved.
- My land registry documents indicate that part of the site belongs to myself (occupier of the Rowans). They also state that I have a right of access over the land for the purpose of repairing, maintaining and renewing the boundary.
- The applicant stated at the Parish Council meeting that I would still be able to maintain my fence. If permission is given to retain the structure permanently this will not be possible as it is only 15 inches from my fence.
- The concrete base was laid before permission was granted for it.
- The shelter is so close to the neighbours boundary fence they are unable to maintain it.
- Concerned that there is no guttering, where will the excess water be directed?
- During September - November last year the applicant was using her Harry Hebditch stable for her horse. Why is the proposed new shelter needed?
- The position of the stable next to the neighbour's fence obstructs the neighbours view over farmland.
- The pony is approximately 17.2 hands, the description of the stable being for a pony is therefore misleading.

CONSIDERATIONS

The principle of use of this site to accommodate a pony shelter / stable has already been established through the permission granted late last year for the change of use of this land and the laying of a

concrete base on which the applicant originally intended to keep the shelter here for the winter months and to move it around the rest of their land during the remainder of the year.

The appropriateness of this location for the proposed shelter has therefore already been fully considered including matters of land ownership, visual amenity and neighbour amenity. .

Firstly, the issues relating to the neighbour's ownership / right of access are noted, however, such concerns are civil matters that can only be resolved by the relevant parties and must not form part of the considerations of this planning application. It is important to note that the granting of any planning approval does not supersede any such outstanding legal concerns which would still have to be addressed separately. To this end it would be unreasonable to refuse the application for this reason.

The position of the proposed shelter is more than 30m from the rear boundary of the nearest neighbour's (Rowans) garden and approximately 40m from the neighbour's house. Due to the distances involved and the modest scale of the development and that it is only sought for the applicant's own private recreational purposes it is considered that the proposal should not give rise to any significant residential amenity concerns. It is noted that concerns have been raised that the stable would obstruct the neighbours views over adjoining farmland, however, such a consideration carries very limited weight and again is not a substantive reason on which to base a refusal. Furthermore, it is noted that there is a high close board fence along the intervening boundary which already limits views beyond the neighbour's own property, given the scale and position of the shelter its intrusion into any such views is not great.

From a wider visual perspective the modest scale of the building, its position close to other built form and the existing hedge and planting to one side and the fence to the other provides containment to this site and is such that the structure will have an unobtrusive presence within the local landscape.

In respect of the concerns relating to surface water drainage the applicant has agreed to this being dealt with either through a soakaway or to collect rainwater in water butts, a matter that can be conditioned, and which is considered to satisfactorily address such concerns.

For the reasons set out above the permanent retention of the pony shelter in this position is not considered to give rise to any substantive visual amenity, residential amenity or other environmental concerns and to therefore accord with local plan policies SD1, EQ2 and EQ8 and the provisions of the NPPF, and is therefore recommended for approval.

RECOMMENDATION

Grant consent for the following reasons:

The proposed development, by reasons of its nature, siting, scale and materials, is not considered to cause any demonstrable harm to visual amenity, residential amenity or highway safety and as such is in accordance with the aims and objectives of policies SD1, EQ2 and EQ8 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the location plan received 02/03/2017 and email from the applicant (Clare Paul) dated 03/03/2017 and accompanying photograph.

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

03. The development hereby permitted shall be used for private and domestic equestrian purposes only and shall not be used for any business or commercial use.

Reason: In the interests of local amenities to accord with policyies EQ2 and EQ8 of the South Somerset Local Plan.

04. Any surface water run-off generated by the development hereby permitted shall be disposed of either by water butts or soakaways, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise any increased surface water runoff in the interest of the environment to accord with policy EQ7 of the South Somerset Local Plan and the provisions of the NPPF.

Informatives:

01. The applicant is advised that the granting of planning consent does not supersede any land ownership or rights of access queries that may be ongoing and that such matters must be dealt with separately between the relevant interested parties.
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