

South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 10th May 2017

9.00 am

**Council Offices, Churchfield,
Wincanton BA9 9AG**

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



The following members are requested to attend this meeting:

Mike Beech
Tony Capozzoli
Nick Colbert
Sarah Dyke

Anna Groskop
Henry Hobhouse
Mike Lewis
David Norris

William Wallace
Nick Weeks
Colin Winder
1 Vacancy

Consideration of planning applications will commence no earlier than **10.30am**.

For further information on the items to be discussed, please contact the Democratic Services Officer on 01935 462038 or democracy@southsomerset.gov.uk

This Agenda was issued on Tuesday 2 May 2017.

Ian Clarke, *Director (Support Services)*

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



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 East Committee are held monthly, usually at 9.00am, on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (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 East Committee

Wednesday 10 May 2017

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 12th April 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 David Norris, Sarah Dyke, Tony Capozzoli and Nick Weeks.

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

Members are asked to note that the next scheduled meeting of the committee will be at the Council Offices, Churchfield, Wincanton on Wednesday 14th June at 9.00 am.

5. Public Question Time

6. Chairman Announcements

7. Reports from Members

Items for Discussion

- 8. Arts & Entertainment - Service Update** (Pages 6 - 15)
- 9. Area East Development Plan** (Pages 16 - 27)
- 10. Community Health and Leisure Service Update** (Pages 28 - 34)
- 11. Area East Committee Forward Plan** (Pages 35 - 36)
- 12. Planning Appeals (For information only)** (Pages 37 - 61)
- 13. Schedule of Planning Applications to be Determined by Committee** (Pages 62 - 64)
- 14. 16/02621/OUT - Land OS 8565 West Of Pilgrims Way Lovington** (Pages 65 - 77)
- 15. 16/05421/FUL - Manor Dairy Farm, Charn Hill, Charlton Horethorne** (Pages 78 - 83)
- 16. 17/00218/FUL - 55 High Street, Wincanton** (Pages 84 - 87)
- 17. 17/00667/LBC - The Old Farmhouse, Redlynch Park, Redlynch Road, Pitcombe**
(Pages 88 - 91)
- 18. 17/00561/COU - Warehouse and premises at High Winds, Higher Holton** (Pages 92 - 95)
- 19. 17/00225/S73A - Solar Site at Southfield Farm, Smithy Lane, Yeovilton** (Pages 96 - 102)

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

Arts & Entertainment – Service Update

Director: Clare Pestell, Commercial Services and Income Generation
Assistant Director: Steve Joel, Health and Well-Being
Service Manager: Adam Burgan, Arts & Entertainment Manager
Lead Officer: Adam Burgan, Arts & Entertainment Manager
Contact Details: adam.burgan@southsomerset.gov.uk or 01935 845911

Purpose of the Report

This report provides an update on the work of the Arts & Entertainment Service in Area East.

Public Interest

The Arts & Entertainment Service at South Somerset District Council (SSDC) works to provide access to high quality cultural events across South Somerset. Through Arts Development the Service supports and encourages various arts agencies and organisations to deliver arts activity across South Somerset. The Service operates The Octagon Theatre – Somerset’s premier theatre for arts and entertainment and Westlands Entertainment and Conference Centre – the newly refurbished venue for conferencing and entertainment. This report details arts activities taking place in Area East which is supported and initiated by the Service and the development of two venues which attract audiences from across South Somerset and beyond.

Recommendation

That the Area East Committee notes the report and identifies:-

- Suggestions to improve service delivery;
- Potential projects it wishes to see incorporated into the 2016-17 service planning process.

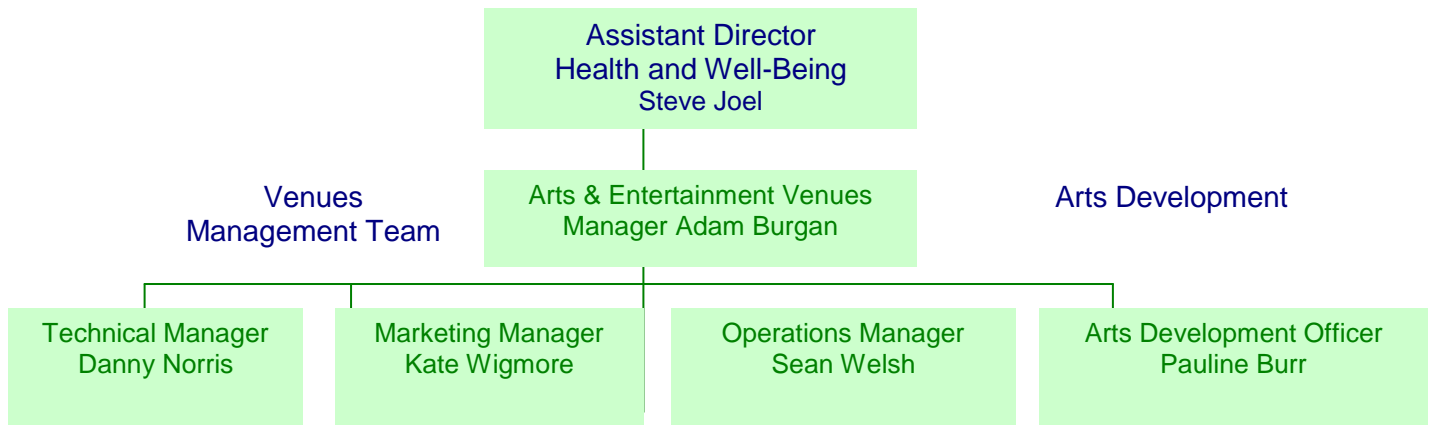
Background

The Arts & Entertainment Service aims to provide access to high quality cultural events across South Somerset. Using The Octagon Theatre as a hub of creativity we work with our partners to engage the residents of South Somerset in arts activities and encourage visitors to the region. The recently re-opened Westlands Entertainment and Conference Centre will complement the existing programme at The Octagon, broadening the programme of entertainment events on offer and striving to become the premier venue for conferencing, banqueting and meetings in the area. We aim to deliver a programme which inspires, educates and ultimately enriches the lives of those taking part, making South Somerset an ever improving place to live and work.

Report

The Arts & Entertainment Service consists of The Octagon Theatre, Westlands Entertainment and Conference Centre and Arts Development and is part of Health and Well-Being under Assistant Director, Steve Joel. We aim to offer a cohesive approach to developing and promoting the arts in South Somerset with venues being a ‘cultural and entertainment hub’ for the District.

Arts & Entertainment Structure



The Arts Development Service

The Octagon Theatre and Westlands Entertainment and Conference Centre

With the addition of Westlands Entertainment and Conference Centre and management for the Westlands Leisure Complex site, the Arts & Entertainment Venues Service has gone through a significant transformation with the team almost doubling in size via recruitment for specialist and dedicated staff team. The service has grown from 9.8 FTE staff to 22.2. The management team work across both venues ensuring that programming at the venues compliment each other with the ambition to develop audience and attendance across both venues. Sharing resources such as the Box Office, staff, marketing and customer database and making the most of the combined buying power means that both venues also benefit from the shared knowledge and skills of staff, the ability to develop staff skills across two venues and a more varied and diverse programme. The flexibility of the venues and increased capacity at Westlands is balanced by the stronger technical capability at The Octagon which will lead to a more diverse programme of events serving a wider range of tastes and customers.

The Octagon Theatre

Background

The Octagon Theatre is the council's flagship venue for high quality professional theatre, music, dance, comedy, entertainment, visual arts and literary events. The theatre is the keystone of our cultural provision across the district and provides:

- One of the largest theatres in Somerset with 626 seats.
- 260 events per annum (25% local organisations / 75% professional performance companies).
- The Octagon Academy – The Octagon's participatory programme.
- CRE8ive Writing – The Octagon's literary section.
- The Johnson Studio – The Octagon's rehearsal studio and home of The Octagon Academy that is also available for hire, functions and seminars.
- The Foyer Club – The Octagon's team of volunteers who greet our customers at performances and show them to their seats. The Foyer Club is a charity that also undertakes fundraising activity to support the development of The Octagon.

- The Footlights Club – The Octagon’s special service to support regular attendees of the theatre.

The theatre was completely refurbished in 2003, and has excellent facilities, not only for staging performances but also in providing a bar, café bar and restaurant as well as a rehearsal studio.

The Arts and Entertainment Service (Octagon Theatre and Arts Development) is subsidised by South Somerset District Council by £254,800 (budget 2016/17 and achieving efficiency savings of £90k in the last two years), that equates to £1.61 per year, per resident, or 3p per week. Official statistics published in 2014 show that the UK’s creative industries, which includes the film, television and music industries, are now worth £71.4 billion per year to the UK economy – generating just over a staggering £8 million pounds an hour. The UK creative industries are renowned across the globe for driving growth, investment and tourism. The creative industries consistently punch well above their weight and are a powerhouse within the UK economy.

Between 50-70% of the population of South Somerset use the theatre throughout the course of the year and satisfaction levels are consistently high (80-90%); the theatre has been rated as the top SSDC service (86%) used by residents in the 2005 BMG Research survey used to underpin the development of the corporate plan.

The mailing list contains 20,000 households and 35,000 Preview Brochures are distributed to drive ticket sales three times a year. Customers come predominantly from Somerset and Dorset. Ticket sales are supported by effective marketing through a well-maintained website, social media, posters, flyers, press and ad-hoc promotions through local radio.

Report

The Octagon Theatre has enjoyed another successful and busy year welcoming approximately 200,000 people throughout the year. Here are some of the key points:

- Continued development of programme. Highlights included Sir Willard White, Lesley Garrett, Des O’Connor, The Ukulele Orchestra of Great Britain, Joe McElderry, Bournemouth Symphony Orchestra, Blake, Dave Gorman, Blackeyed Theatre Company, Richard Alston Dance Company, Julian Lloyd Webber, Paul Merton, Al Murray, The Manfreds, Jack Dee, Reginald D Hunter, Pasha Kovalev, Rich Hall, The Pasadena Roof Orchestra, BalletBoyz, Tim Vine, Only Men Aloud, The Glenn Miller Orchestra, Pam Ayres, G4, Rhydian, Lee Mead, Josh Widdicombe, Adam Hills, Fisherman’s Friends, Northern Ballet, Bournemouth Symphony Orchestra, Grimethorpe Colliery Band, Seth Lakeman and The Chinese State Circus. We presented the national tour of ‘The Mousetrap’ in May 2016 for 8 performances selling out every performance and 4,954 tickets!
- The Octagon Theatre is proud to be at the ‘heart’ of the community in South Somerset. Many local groups and societies stage performances and events at the theatre including Yeovil Amateur Operatic Society, University College Yeovil (Graduation), Helen Laxton School of Dance, Razzamatazz, The Dance Factory, Motiv8 Productions, Castaways Theatre Group, Yeovil Amateur Pantomime Society, Yeovil Youth Theatre, Yeovil Floral Society, and many more.
- The fourth Yeovil Literary Festival in partnership with Waterstones, Yeovil Library and Yeovil Community Arts Association took place 20th – 23rd October. The line-up included Clare Balding, Sir Ranulph Fiennes, Alan Carr, Gok Wan, Kirsty Wark, Miles Jupp, Simon Weston, Peter Davison, Mark Watson and Ned Boulting to name but a few.
- We were delighted to receive a Certificate of Excellence from ‘Trip Advisor’. The Trip Advisor Certificate of Excellence is awarded to organisations that consistently achieve outstanding reviews on Trip Advisor. Businesses that are awarded the Certificate of Excellence demonstrate hospitality excellence and represent the upper echelon of businesses listed on Trip Advisor, the world’s largest travel site.

- Arts & Entertainment Manager, Adam Burgan, was presented with a ‘Western Gazette Pride Award’ for ‘Contribution to the Arts’ on Friday 4th December.
- Our new season has been well received with performances from Circo Cuba Libre, ‘America’s Got Talent’ Winner Paul Zerdin and Collabro all selling well.

	2010-11	2011-12	2012-13	2013-14	2014-15	2015-16	2016-17
Number of Events	239	244	235	242	260	264	288
Attendance	85,358	93,519	90,149	101,634	119,366	123,339	132,376
Capacity for SSDC Promoted Events	58%	60%	62%	68%	82%	83%	78%

- Ticket sales broke all records selling 132,376 tickets for the financial year 2015/16 (9,000 up on the previous year).
- Our pantomime production of ‘Peter Pan’ broke the record set by ‘Sleeping Beauty’ the previous year being seen by over 29,000 people. Ticket sales were up 7% on the previous year. For Christmas 2017 we are presenting ‘Cinderella’ and ticket sales are currently ahead of this point last year.
- Our ‘Strike A Chord!’ project, which brought in Arts Council England funding of £49K, has been successfully delivered bringing The Philharmonia Orchestra to Yeovil to work with nine local primary schools with musicians going into the schools to deliver workshops. Charles Hazlewood conducted the full orchestra at a special schools concert in June introducing children to a live orchestra with the story covered on BBC Points West.
- Continued developing our relationship with local media and with a weekly column with the Western Gazette and regular appearances on BBC Radio Somerset.
- We have continued to develop our Social Networking sites – over 8,910 Facebook users and 4,174 followers on Twitter with 584 subscribers on our YouTube Channel and over 1,000 followers on Instagram.
- The Octagon Academy was launched in 2010. We now have 17 weekly classes for all ages and abilities. Over 300 people aged from 15 months to 73 are taking part classes at The Octagon in singing, dancing and drama every week. The Octagon Choir now has around 70 members.
- Increasing daytime use of The Octagon with weekly hirers including Somerset Cancer Care Café, University of the 3rd Age, Castaways Theatre Group, Somerset Siders (retired Tesco employees) and Helen Laxton School of Dance.

Westlands Entertainment & Conference Centre

Background

Westlands Entertainment & Conference Centre is the council’s flagship venue for conferencing, meetings, banqueting and entertainment events. The venue significant in provision across the district and provides:

- One of the largest and most flexible venues in Somerset with 870 seats, 350 capacity for banqueting, standing capacity of 950 or festival capacity (using the whole building) at 1,500.
- The venue is also home to The Wheeldon Suite and The Parish Suite. meeting rooms available to hire with discounted rates for local charities and 'not-for-profit' groups.
- The Lounge Bar is open through the day for users of the site or visitors to the venue offering a café style menu and Box Office for events at both Westlands and The Octagon.
- The flexible venue is suitable for a wide range of events from large-scale conferencing, weddings, parties, balls, boxing and wrestling events, trade fairs and standing gigs to theatre style shows.
- The Foyer Club – the team of volunteers who have been volunteering at the Octagon for over thirty years have taken on FOH duties at Westlands. The Friends of Westlands have setup as a independent fundraising body to support the development of Westlands.
- The Footlights Club – rewarding regular customers with discounted tickets and priority booking now applies to both The Octagon and Westlands.

The refurbishment work is nearing completion but events have been taking place at the venue since the end of March.

We are taking a commercial approach to running Westlands. The venue is budgeted to be subsidised in the first year of operation by the following bodies

SSDC £269,598
Leonardos Helicopters
Yeovil Town Council
Yeovil Without Parish Council
Brympton Parish Council

Following the petition to save Westlands that was signed by over 8,000 people, officially the largest petition ever submitted to SSDC, a £2 million refurbishment has taken place to improve the facilities for guests and artists. The venue refurbishment follows the agreement between South Somerset District Council and Leonardo Finmeccanica, of a 30-year lease. The cost of refurbishment has been paid for via a loan that will be repaid over 30 years with the introduction of a £1 ticket levy.

Report

Westlands is enjoying a busy first year since reopening with staff working hard to ensure the venue was ready to welcome guests. Building work and 'snagging' is still being completed but events have been going very well with thousands of visitors already through the door. Here are some of the key points:

- Sold out events from 'Justin's Party' – which sold out two performances within an hour. Popular events from stand-up comedians Joel Dommett, Rich Hall with Henning When - already sold out for end of May. Themed party nights like 'Poptastic!' proving a success. There are many more events to look forward to including Brian Conley, Dr Hook and Nathan Carter to name a few.
- Local events like Yeovil Amateur Boxing and Yeovil Beer Festival have returned with over 3,000 people attending the Beer Festival alone. We have weekly hires from Westlands Ballroom and Latin Club and LeRoc modern jive.

- There is a subsidised rates for local 'not for profit' groups and it is good to see a number of local hirers returning to the venue.
- The Official Opening for the venue is planned for Tuesday 27th June when Darcey Bussell CBE will perform the opening in a special afternoon event for invited guests. In the evening a ticketed event open to the general public will see BBC Somerset's Claire Carter interview Darcey Bussell about her life and career with the opportunity for audiences to put forward their questions.
- Screenings from The Royal Opera House are proving popular and we plan to expand our screening programme to complement our programme and offer a different film experience with film festivals, independent and foreign language films and the best of mainstream cinema.
- Interest in the venue for events has been very high and it has been difficult to accommodate all the requests for tours and meetings. Prospects for developing usage of the venue and a busy and vibrant programme look promising.
- Social Networking pages are still in their infancy but the Facebook page already has 2,228 followers.
- We have an open day planned for Saturday 13th May when members of the public will be able to see the new facilities and tour the building. Events and activities throughout the day will showcase the different opportunities for people to join in working with the other facilities and groups on the site.

The Arts Development Service

The Arts Service works in partnership with a number of arts delivery agencies to bring a range of arts activities to the district, SSDC's on-going financial support ensures that this district maintains a good level of service for our communities. Our core funding helps the organisations to attract funding through grants, sponsorship and payment for services and gives a high level of return for the authority's investment.

These organisations include:

Take Art! This arts development agency is an Arts Council England National Portfolio Organisation and receives funding from them. Their activities in the last year include:

- **Rural Touring:** the Take Art Rural Touring programme will have brought 22 shows to 16 different village halls across South Somerset, including in Area East; Bruton, Charlton Horethorne, the Charltons, Kingsdon, North Cadbury and Rimpton.
- **Support to Performance Practitioners:** Take Art's Theatre Service continue to offer particular support to new emerging professional companies such as Wassail Theatre as well as established companies such as Boiling Kettle Theatre Company
- **Tangle:** Tangle, SW African Caribbean Theatre Company continues to have their administrative base at the Take Art office.
- **Diversity Forum:** Take Art launched this forum for Somerset based performing arts practitioners and administrators in Jan 2016
- **The Early Years' service** has focused its energy on fundraising for the new programme. The efforts have borne fruit and they have had major success with grants from the Paul Hamlyn Foundation, Youth Music and the Real Ideas Organisation.
- **Spring Forward Youth Dance Platform** takes place at the Octagon Theatre with over 200 dancers taking part from across the Somerset (including South Somerset Groups - groups from

Westfield School, Helen Laxton School of Dance, Dance Factory, Jump Start Boys group based at the Octagon, groups from Yeovil College).

- **Somerset Youth Dance Company** continues its long standing connection with the Octagon Theatre and as an extension to this we have developed an all-boys youth dance company **Jump Start** that runs from the venue. This has grown to have 10 boys aged between 8-14 years old.

Actiontrack: Actiontrack works collaboratively with individuals and groups to get involved with originally devised music, drama, dance and the visual arts. The organisation develops and delivers wholly accessible projects, predominantly with children and young people and often with marginalized groups. They continue to work with the pupil referral units in Chard and Yeovil providing music provision on behalf of Sound Foundation Somerset, the county's service for music in education. They are also a delivery partner in a variety of targeted youth support initiatives with the young offending team.

Well known for their "Showbuild" week-long activity programmes where young people devised and create a piece of musical theatre, they offered a master class at the Octagon for young people who are thinking of performing arts as a career option.

In partnership with Sound Foundation Somerset, Actiontrack brought Afriquoi to Somerset for another World Music Residency. Afriquoi is a London based group that fuse traditional African music with electronic dance music. The workshops in schools in the Wincanton area taught the students about traditional African music styles and offered a different cultural experience.

Afriquoi ended their week's residency with a dynamic public performance at Caryford Community Hall in Castle Cary.

Actiontrack was commissioned by Hauser and Wirth Somerset to work with children from two local primary schools in developing a performative response to Subodh Gupta's exhibition at the gallery.

Somerset Art Works:

- The SAW Open Studios Event took place between 17th September to 2nd October 2016, attracting visitors into the county and generating sales for small, independent businesses and additional custom for local services. Data collected for in-direct spend at local facilities indicates that visitors spent on average **£203**. SAW also offered associated training and bursary opportunities for Artists and Makers.
- Touring pop-up studio to schools and local venues in Somerton and Castle Cary.
- Herbarium a contemporary craft exhibition with the National Trust at Lytes Cary associated business development for local makers, schools and teachers' professional development training <http://somerseartworks.org.uk/what-we-do/projects/current-projects/herbarium/>
- Education offer InspirED subscribers in South Somerset; schools can subscribe to arts support from the partnership of SAW, Take Art, Somerset Film and SPAEDA. They provide inset training opportunities, priority access to arts residencies and a variety of resources to participating schools.
- In 2017 they will be working with local museums in Bruton and Chard in a partnership project with the South West Heritage Trust.

- The theme for this year's main project is **Prospect**. It will offer - training and bursary opportunities for artists and makers. And culminate with work being shown at Art Weeks: 23rd September – 8th October 2017. In South Somerset:
A Landscape of Objects
 - Forde Abbey residencies, exhibition, school and families workshops
 - Art Weeks Contemporary Craft Showcase weekend 23-24 Sept with the National Trust at Lytes Cary
 - 'Plein Air' painting project exchange Somerset/Russian artists, schools and families workshops hosted by the National Trust in South Somerset
- Funding from the Heritage Lottery and Arts Council England is in place for the **Muse, Makers in Museums**, project. Working with the South West Heritage Trust, the project will develop the cultural offer to schools/communities/local museums focussing on Chard and Bruton in South Somerset.

Somerset Film

Somerset Film provides support for local community groups and individuals, professional and amateur, in the use of digital media. Based in Bridgwater but serving the whole of Somerset they offer:

- Drop-in access to equipment, on line resources and training
- Production and training opportunities and facilities
- Advice, support and information to a wide range of film and digital media makers, from absolute beginners to high level professionals
- Project and outreach work – specialising in working with community groups and individuals who want to get started with film

Recent achievements in South Somerset include:

- Continuation of Ignite 2.0 – second year of a three year programme that supports professional artists in the use of digital media. 7 x SSDC based artists received one to one surgeries through year.
- BFI Film Academy - a programme of master-classes, screenings and film-making for 16- 19 year olds that offers bursary and travel support. 7 x SSDC residents have registered onto the programme.
- Launch of Polish Voice TV on 28 Feb 2017 in association with Phoenix School of Languages (Yeovil) and Yeovil Advice Centre. Polish Voice TV encourages understanding between Somerset communities, demystifies national stereotypes and provides a space to share ideas and to promote collective endeavour – training course supported by SSL to follow x 15 adults.

In addition to the work of these arts organisations, the Arts Development Officer continues to support voluntary and professional groups and individuals in South Somerset, in developing their own projects at a grass roots level.

We are working with Somerset Film in the development of the “Holman Hub” film resource in South Cadbury. Based at Chapel Cross Tea Rooms, in conjunction with Tea Room Arts, a video production and editing facility will be available for pre-booked community use. Some initial training will be available and we will work with Tea Room Arts and Somerset Film to develop future projects in response to local aspirations.

We supported a short holiday activity programme with Tea Room Arts in August 2016, where artist, Jo Cassidy worked with children and families to create wire sculptures for an exhibition in the tea room.

We helped to fund Somerset based Jackdaws Music Education Trust to bring their opera project to King Arthurs school. Feedback from the school indicated that the project had a very positive impact on the students and was inspirational.

In September 2016, we supported the first Wincanton Town Festival with a funding contribution towards artist workshops.

Renowned children's book illustrator, Paul Stickland, worked with children in Ilchester and Milborne Port Primary Schools in creating pop up creepy crawlies which were displayed in Yeovil Town Centre during the Super Saturday event.

The Arts Service has given support to Wassail Theatre Company, a local group that brings creative performance into non-traditional settings and specialises on themes that resonate with our communities. One of their latest shows, Rex the King, the story of a Somerset darts champion who ruled the world, but lost it all will be performed in some of our local pubs, including the Barton Inn, in Barton St David and in the Montague Inn, in Shepton Montague.

We are in the process of developing the third South Somerset Arts Directory, which publicises cultural activities across the district and encourages participation at a local level.

The Octagon Gallery

We continue to offer a varied programme of exhibitions in The Octagon Gallery. In addition to the ever popular Yeovil Arts Group and Yeovil Camera Club, we encourage local artists, photographers and printmakers to exhibit with us and celebrate our local talent.

The 'Strike a Chord' orchestral project and the Heritage Lottery funded 'Archive Project' both included exhibitions as part of their programmes of work. We commissioned an artist to work in the nine participating schools, creating an exciting variety of visual arts to complement the children's musical experiences. The work was displayed throughout the gallery for the month leading up to the performance. We supported Windrose Rural Media Trust in putting together an exhibition of the history of entertainment venues in Yeovil as a visual accompaniment to their work.

Financial Implications

No new financial implications stem from this report.

Corporate Priority Implications

The Arts & Entertainment Service is primarily linked to Theme 3: Improve the Housing, Health And Well-Being Of Our Citizens

"We consider that decent, affordable housing is vital to the overall health of our citizens. We want to ensure that all of the community have access to sport, leisure and arts and heritage opportunities"
Specific priorities associated to the service are 3.31 Increase engagement in the Arts.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

The Arts & Entertainment Service contributes to SSDC targets of Reducing Carbon Emissions by adopting a culture where this is considered in everyday decision-making. The service has appointed a Carbon Champion who encourages staff to save energy, recycle, and adopt more environmentally friendly ways of delivering our service. Audiences at The Octagon Theatre are benefiting from improved comfort cooling following a major upgrade of facilities that has seen Moducel's FAN WALL Technology™ units replace the air handling system. The new technology is also making significant energy cost savings for the Service.

Equality and Diversity Implications

The Arts & Entertainment Service strives to make the service and those offered by its partners accessible to everyone. We ensure that all our partners hold an Equality and Diversity Policy and that equality is one of the core principles of the organisation. Our programme of performances and projects aims to offer a diverse range of events which inspire, educate, enlighten and entertain whilst bringing the community together.

Background Papers: *None*

Agenda Item 9

Area East Development Plan

<i>Portfolio Holder:</i>	<i>Cllr Nick Weeks</i>
<i>Assistant Director:</i>	<i>Helen Rutter, Communities</i>
<i>Service Manager:</i>	<i>Tim Cook, Area East Team Lead</i>
<i>Lead Officer:</i>	<i>Tim Cook, Area East Team Lead</i>
<i>Contact Details:</i>	<i>tim.cook@southsomerset.gov.uk or (01963) 435088</i>

Purpose of the Report

To approve the Area East Development Plan (ADP) for 2017/18.

Public Interest

The plan sets out the work being planned and undertaken locally by the Council to invest in communities across this Area, based on needs analysis, Councillor and community concerns and priorities.

Recommendation

To approve the Area East Development Plan 2017/18.

Background

The Area East Committee revises local priorities on an annual basis within the framework of the overall Council Plan. Through the ADP and other means, it seeks to make progress on these priorities by allocating resources and working with partners and other services within SSDC to achieve results. Area budgets enable the Committee to pump prime the work and projects it wishes to implement or support. The use of resources is also reviewed annually. Progress against the ADP is monitored monthly by staff and reported to Committee at 6 months and then at the year end.

Each Councillor will be issued with an updated Ward Profile by beginning June setting out key facts and contact details for their ward, along with a profile from 2011 Census and up to date S106 information. Members have identified particular problems and issues affecting their ward, which have been taken into account. The ADP captures the main projects and programmes that the ADT will work on over the year. This is in addition to the normal, day-to-day responsive work with Councillors to address problems and issues that arise throughout the year. It is important to set realistic expectations and prioritise, given the reduced capacity available due to budget pressures.

The action plan (Appendix 2) will be reviewed and a progress report will be presented to members in November.

Area East Priorities

The draft Plan is Appendix 2 to this report. It consists of core work such as the enquiry service and direct support to communities, existing projects that have been rolled forward for completion and new work strands developed in response to AEC priorities.

A range of projects and initiatives are underway to progress the 4 main priority themes which are:

- Town centre & neighbourhood management
- Economic development, job creation & regeneration schemes
- Community-led planning & development
- Improving access to services & facilities to reduce inequality

Members met in a special economic focused workshop in February 2017 to review progress and to discuss their local priorities.

In addition the Committee and ADT are continuously looking at ways to maintain effective links with parishes and community groups, improve the cost effectiveness of the ADT and increase income to offset costs.

Financial Implications

The Team consists of a full time Team Lead (Temp) & half-time PA/Projects Officer, 2 Neighbourhood Development Officers (1 FTE) and a 2 person Community Support Team (1.7 FTE) who provide a front office service in Wincanton along with administrative and project support.

Corporate Priority Implications

The priorities have been developed taking into account the overall focus of the current Council Plan see Appendix 1.

Carbon Emissions & Adapting to Climate Change Implications (NI188)

This is considered on an individual project and programme basis as appropriate. The overall priority is to seek to create more balanced communities where people can live, work and get access to the services and facilities they need on a daily basis

Equality and Diversity Implications

This is considered on an individual project and programme basis as appropriate. All Area Development teams have done an Equality Impact assessment and have an improvement plan in place.

Background Papers: *Area East Development Plan and notes of Members' priorities (ED) workshop February 2017*

'Tackling the Challenges': Council Plan on a Page 2016-21

Our Vision for South Somerset: a place where businesses flourish, communities are safe, vibrant and healthy; where residents enjoy good housing and cultural, leisure and sporting activities.

Our Aims:

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

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

Our Values:

- Putting the customer and community first when developing plans and services
- Supporting people and communities, enabling them to help themselves.
- Being open, transparent and with greater accessibility to those that need to use Council services.
- Working with partners to improve services, efficiencies, resilience and influence.
- Embracing innovation and improved technology to improve customer service and access.
- Empowering a confident, flexible workforce.

Our Focus – Making a Difference Where it Counts

High quality cost effective services

In order to protect front line services we will:

- Transform customer services through technology.
- Actively manage assets and resources to ensure the best financial or community return.
- Seek business opportunities for the council.
- Work with partners to achieve economies, resilience and influence.

Economy

To promote a strong economy with thriving urban and rural businesses we will:

- Work with businesses and use our assets to grow our economy.
- Advise and support initiatives that ensure worker skills meet the employers needs.
- Lobby for and support infra structure improvements to enable growth.
- Capitalise on our high quality culture, leisure and tourism opportunities to bring people to South Somerset.

Environment

To keep South Somerset clean, green and attractive we will:

- Increase recycling.
- Maintain Country Parks and open spaces to promote good mental and physical health.
- Keep streets and neighbour hoods clean and attractive.
- Continue to address the impact of flooding.
- Promote a high quality built environment in line with Local Plan
- Support communities to develop local, parish and neighbourhood plans.

Homes

To work with partners to enable the provision of housing that meets the future and existing needs of residents and employers we will:

- Minimise homelessness and rough sleeping.
- Work with the private rented sector to improve the standard and availability of rented accommodation.
- Tackle fuel poverty.
- Enable people to live independently for as long as they are able.

Health and Communities

To build healthy, self-reliant, active communities we will:

- Support communities so that they can identify their needs and develop local solutions.
- Target support to areas of need.
- Help people to live well by enabling quality cultural, leisure, play, sport & healthy lifestyle facilities & activities.
- Work with partners to tackle health issues such as diabetes and hypertension.
- Help keep our communities safe.

Area East Development Plan (2017-18) - Draft

Portfolio Holder – Councillor Nick Weeks

Team Lead – Tim Cook

This is what we do:

Work with communities, Councillors and service providers across our Area supporting the development of stronger communities, promoting economic vitality and helping to create better, more self-sustaining places to live and work



Who do we work with? *We work with the following services, agencies and organisations to achieve our priorities:*

1.	Somerset Skills & Learning, DWP, Job Centre Plus (local workforce training, job clubs and placements)
2.	SCC Youth & Community Service (funding source, DoE)
3.	SCC Adult Social Care
4.	SCC Highways (road safety improvement schemes and local highway maintenance)
5.	Fire Service (work with vulnerable people to prevent accidents)
6.	Avon & Somerset Constabulary (share base with neighbourhood policing team and work together to tackle antisocial behaviour)
7.	NHS Somerset (links to local doctors' surgeries)
8.	Environment Agency (flooding and Parish-led emergency planning)
9.	Community Council for Somerset (village hall and rural services advocacy and advice)
10.	Yarlington Housing Group / other housing providers in the area (neighbourhood management and funding support for community-led initiatives)
11.	Town & Parish Councils (joint work to deliver & fund local priority projects and plans)
12.	Parish & Community Plan Groups (joint work to deliver community priorities)
13.	Heart of Wessex Rail Partnership (support for station improvements in Castle Cary and Bruton)
14.	Local Chambers of Commerce/ business groups (joint work to promote local offer of market towns)
15.	Balsam Centre (Wincanton Community Venture) Healthy Living Centre, Conkers nursery (work together to support vulnerable local people)
16.	Somerset Rural Youth Project (support to address youth issues)
17.	CATbus (work together to develop local transport solutions)
18.	Schools in Wincanton, Bruton, Castle Cary and Milborne Port
19.	Heart of Wessex LEADER Programme (support for projects in Area East)
20.	Community Partnerships in Bruton & Wincanton

Our Priority Areas for 2017/18 are:

1.	Town centre & neighbourhood management
2.	Economic development, job creation & regeneration schemes
3.	Community-led planning & development
4.	Improving access to services & facilities to reduce inequality
5.	Effective democratic engagement

Service Standards for 2017/18 (our core work)

1.	<p>Community Grants</p> <p>SSDC is committed to supporting community development and projects, for which we offer a range of grants. The standards that we expect to fulfil are:</p> <ul style="list-style-type: none">• Grant application pack to be sent out within 48 hours of request• Acknowledgment letter to be sent out within 3 days of receipt of application form• Award letter and conditions to be sent out within 5 days of Scrutiny call in period
2.	<p>Front Office</p> <p>The Council have staff available in the Area Office providing advice & guidance on all Council services, in particular:</p> <ul style="list-style-type: none">• Verification and processing of housing benefit applications, including fast track applications• Planning applications and decision notices are available to view, as are minutes of Area Committee meetings, which include planning decisions• A Planning Duty Officer is available at Churchfield on Monday mornings
3.	<p>Community Development and Regeneration</p> <p>SSDC's Area Development Team aims to:</p> <ul style="list-style-type: none">• Answer all community development and regeneration queries and questions received within the timescales set by corporate service standards• Offer advice and support to any community group within Area East wishing to produce a Parish Plan or Neighbourhood Development Plan• Enable one business event and maintain regular contact with local business associations• Respond to Sole Traders' and Companies' enquiries within the timescales set by corporate service standards• Encourage participation and give at least 6 weeks' notice of workshops, meetings or consultations, which will always be held in accessible venues• Ensure that communities are consulted and engaged with all of our major physical improvement projects through a communications plan• Offer funding advice to local associations and voluntary groups and signpost to grant assistance for possible sources of funding• Coordinate & arrange meetings & workshops in response to demand from AEC, Parishes & community organisations, which bring together key partners and community representatives to jointly tackle issues relating to the well being of residents in the Area• Check our SSDC website pages once a month to make sure they are up-to-date and relevant• Actively market the Area as a place to live and work, promoting key towns through communications plan

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

Priority Area	Action	Who	Resource	When	Outcome	Performance Measure
1. Town centre & neighbourhood management	Support local Chambers of Commerce and business associations in market towns	PW CSAs	14 days 5 days	Ongoing	Businesses continue to work together to share information and develop projects.	Report to AEC on project performance
	Business network event arranged	PW CSAs	4 days 10 days	Summer 2017	A priority project agreed, resourced and ready to be delivered.	Report to AEC
	Tourist 'attractions' breakfast event arranged			by Autumn 2017		Positive response on feedback forms
	Support projects which promote High Streets and encourage footfall. Investigate the appetite/cost etc for a Wincanton Food Fair	PW CSAs	2 days	July 17		Report with proposal to AEC.
(a) Transfer of specific SSDC town centre assets to local Councils & support the disposal of unwanted assets	Complete the transfer of Castle Cary Market House	PW	6 days	July 2017		SSDC retains its most relevant assets & staff time is freed up for priority work
	Progress the discussions about the transfer of assets inc. Dovecot Building & Car Parks in Bruton	HR	1 day	Sept 17	Decision on the future of assets in Bruton.	Report to AEC
	Discuss transfer of village car parks with relevant Parish Councils	PW	8 days	Dec 2017	Towns & Parishes control locally important assets if they wish to	Position agreed with each Parish

2. Economic development, job creation & regeneration schemes	Progress local priority projects	PW/ Economic Dev Team	Est 10 days To be prioritised & agreed corporately in conjunction with Economic Dev Team	March 2018	Improved supply of office/ workspace to help businesses form and grow in the Area	Reports to AEC
	1) Assessment of options & feasibility of extensions to existing Business Parks or new site, as appropriate					
	2) Develop work space/hub - following Lime Room pilot assess suitability for corporate funding	PW	Corporate regeneration funds £7,000 ring fenced to support research & development of work hubs in AE			Receipt of the Workspace Demand Study report Funding proposal developed for Regeneration Board
	3) Respond to any renewed interest from owners of WSG – Business Unit feasibility. - 3 days	PW	Unknown at this stage.	Not Known	Proper understanding of likely development costs to inform viability + pre-application	Outline planning application submitted
	Enhanced Retail Support Initiative in Wincanton & general RSI elsewhere in Area	PW CSA	12 days allocated capital & revenue funding	Ongoing	Fuller support package offered to new retailers, reduction in empty shops. Improve attractiveness of principal retail areas	Number & leverage of investment reported to AEC. Analysis of car park usage & vacancies to assist with targeting
	Support towns to take a full part in MTIG. Respond to the outcome of the Digital High Street	PW/TC/JD	8 days	Ongoing June 17	Improved digital presence for our Market Towns.	Attendance at MTIG meetings.
	Encourage eligible projects to bid for Heart of Wessex LEADER funding	ADT	10 days £6,778 ring fenced to support project development/ implementation	Ongoing.	Early support for prospective projects results in investment	Report on performance of programme to AEC April 2017
Receipt of land & exercising option on car park at Waterside, Wincanton	PW	5 days Capital funding £30k	March 2018	Better maintenance of car parking and environment at Waterside	Post completion report	

	Work with others to establish viability and obtain accurate costing for the potential south access to Bruton Station & associated footpath.	JD	3 days	March 2018	Completed feasibility study	Partnership report.
3. Community-led planning & development						
(a) Support parishes to carry out quality community research to prioritise & achieve planned projects or influence growth	Support work to produce new plans in: Marston Magna The Charltons Sparkford	JD TC JD/TC	5 days 2 days Up to 5 days	Mar 18 Sept 17 Dec 17	Improved evidence of need which can be used to enable a wide range of projects. Help communities gather evidence to achieve optimum development via policy SS2 in Local Plan.	Published Plans
	Support work to update community plans in : Bruton Milborne Port North Cadbury Kingsdon	JD JD/CSAs TC JD	2 days 5 days 2 days 2 days	July 17 Oct 17 Sept 17 Mar 18	Improved, current evidence of need which can be used to enable a wide range of projects. Help communities gather evidence to achieve optimum development via policy SS2 in Local Plan.	Completed parish plans are endorsed at AEC Published plans
(b) Support Towns and Parishes to take more of a lead in growth plans	Support NP groups in: Castle Cary Queen Camel Wincanton	PW TC TC	10 days 10 days 2 days	Ongoing Sept 17 Sept 17 June 17	Towns and Parishes have greater influence over the scale of growth and type of development required to improve sustainability and to meet local need.	Plans 'made' and incorporated into the LDF.

through Neighbourhood planning	<p>Comment on impact of significant planning applications.</p> <p>Encourage parish engagement with applications and S106 negotiations.</p> <p>Link community projects with locally available S106</p>	ADT	Within existing resources	<p>March 2018</p> <p>Sept/ Oct 17</p>	<p>Community infrastructure improvements can be achieved more quickly with S106 adding value to wider investment.</p> <p>Clearer reporting of 106 investment projects to AEC.</p> <p>Ward Members & Parishes have better awareness of S106 monies</p>	Updated S106 annual statement sent to Towns/Parishes.
4. Improve access to services & facilities to reduce inequality	<p>Run a high quality access point & advice service for the public at Churchfield.</p> <p>Support development of Town/parish led LICs</p>	<p>HR/ LD CSAs</p> <p>TC/JD/CSAs 3days</p>	<p>(a) 149 days</p> <p>(b) £500/SLA</p>	Ongoing	<p>Improved customer experience & service.</p> <p>Integration of front desk services with other agencies.</p> <p>Improved access to local information and sign post advice</p>	<p>Annual report AEC</p> <p>To achieve 98% customer satisfaction rate.</p> <p>Reduce cost whilst improving service offered</p>
	Support Bruton & Wincanton Community Partnership to improve people's access to services & facilities	TC/JD	8 days	March 2018	<p>Improved communication amongst service providers and with local community.</p> <p>Coordinated approach to improving health and wellbeing.</p>	Projects supported. Progress report to AEC in March 2018
	Limington to Yeovil multi-user path - Assess local support for the scheme. Scope potential external funding opportunities. Reach conclusion about the feasibility and deliverability.	JD	5 days	Sept17	Conclusion on the future of the scheme.	Report to AEC on progress of scheme
	Support ongoing development of Wincanton Rec Trust and the Sports Ground/pavilion	TC	3 days	Oct 2018	Improved sustainability of the facility.	Report to AEC on progress

(a) Improved community buildings	Common Lane multi-user path	PW CSAs	12 days £5,500 SSDC budget 5 days	Oct 2017	Safe link established from Deanesly Way area to sports ground facilities. Planning submitted by June 2017	Route opened
	Respond to changes to rural transport provision. Support the SSCAT to develop new services and sources of income to secure the long term financial future of the scheme. Model a new approach to travel plans.	TC TC	5 days 2 days	March 2018	Long term sustainable rural transport provision to help a wide range of people access services and facilities.	Annual report to AEC.
	Create an area wide youth activity signposting tool to support parish information including websites.	JD/TC	5 days	June 17	Better promotion of existing resources, activities and facilities. Informed plans to address gaps identified.	Launch of the webpage.
	Support the delivery of the MUGA in Bruton	JD	3 days	Sept 2017	Improved access to youth facilities	Funding secured. MUGA completed.
	Support development of Balsam Centre services in response to local needs	TC	3 days	Ongoing	Delivery of high quality mental health programme to people in rural communities. Self-sustaining community-led healthy living services	Report to AEC
	New pavilion for Ilchester – Support the project to build stage.	JD	8 days Bid for external resources	March 2018	Full project plan and permissions to start the project.	Report.
	Sparkford Cricket Club – New pavilion – Support project to build stage	JD	5 days	March 2018	Full project plan and permissions to start the project.	

	Improvements to Milborne Port Town Hall to include access and potential for LIC service.	JD	5 days	Autumn 2017	Improved access and use of the facility.	
5. Effective democratic engagement	Arrange Annual Parish Meeting & workshops in response to demand from AEC, Parishes & community organisations	ADT Democratic Services Officer	Within existing staff resources	January 2018	A forum for debating important local issues & agreeing best solutions. Raise awareness of opportunities	Report to AEC

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

Agenda Item 10

Community Health and Leisure Service Update

Assistant Director: Steve Joel – Assistant Director – Health and Wellbeing
Service Manager: Lynda Pincombe – Community Health and Leisure Manager
Lead Officer: Lynda Pincombe – Community Health and Leisure Manager
Contact Details: Lynda.Pincombe@southsomerset.gov.uk
Telephone: 01945 462614

Purpose of the Report

This report provides an update on the work of the Community Health and Leisure Service in Area East.

Public Interest

This report seeks to provide Area East members with an annual progress report on the work undertaken by the Council's Community Health and Leisure Service in the last year.

This report highlights specific examples of work undertaken within the area so that members can gain an understanding of how the service is creating value and making a difference for residents in their respective communities.

Recommendation(s)

- 1) That the Area East Committee notes the content of this report.
- 2) That Members contact the Community Health and Leisure Manager, if they would like to discuss the current service delivery programme or recommend future priorities.

Background

The Community Health and Leisure team delivers across the district, often providing specific technical support or project support with a view to developing sustainable activity. The team frequently works with area development staff on local projects and in the assessment of leisure related Area grants where a strategic overview or technical input may be required.

Delivery of Community Health and Leisure initiatives can have the following benefits for residents:

- Improved mental and physical wellbeing amongst residents (through regular participation)
- A positive impact in reducing obesity
- A positive impact in reducing coronary heart disease, diabetes, hypertension and other chronic diseases
- Helps people to age well and be more active and maintain independent living for longer
- Reduction in health inequalities
- Improved life chances for children and young people
- Contributes towards strong, sustainable, cohesive communities
- Contributes to local pride and quality of life and can help to regenerate communities
- Attracts inwards investment in South Somerset
- Make a positive contribution to the local economy through reducing the burden on health services, improved productivity of staff, decreased sickness absence & staff turnover. In

2006/2007, £900 million was spent in the UK on ill health related to physical inactivity (Sport England commissioned data from the BHF 2009/10)

- Helps to make South Somerset a good place to live, work and visit

Report

The report is broken down into service delivery areas below, with a summary of **the key achievements** for each delivery area in the last 12 months.

Play and Youth Facilities

Core Work:

- To work in partnership with others to provide a range of challenging and exciting play spaces and youth facilities across the district.
- To offer annual, quarterly and routine play inspection service to not-for-profit organisations.

Area East Achievements/Delivery in the last 12 months

- Supported Wincanton Town Council with the funding and delivery of their new highly successful Cale Park Play Area.
- New Play Area at Cuckoo Hill, Bruton is being constructed following local consultation and input from Bruton Town Council.
- Supported Keinton Mandeville Parish Council with improvements to their play area using S106 funding.

Area East Priorities for 2017/18

- Support Bruton Town Council with their development of a Multi-Use Games Area at Jubilee Park, Bruton.
- Support Castle Cary with possible improvements to their play area using S106 funding.

Opportunities for Young People

Core Work:

- To support the development of stimulating things to do and places to go.
- To support the development of new and existing youth clubs.
- To develop opportunities for young people to volunteer and become involved in their communities.
- To support the development of playschemes and targeted holiday activity programmes.

Play Days – In addition to National Play Day, officers supported the delivery of Play Days in Charlton Adam, Keinton Mandeville, Castle Cary, Bruton, Wincanton and Sparkford, providing rural communities with free access to play opportunities.

Youth Days – As part of our Service Level Agreement with Somerset Rural Youth Project they organised Youth Days featuring music, skate competitions climbing wall, sports, refreshments and other activities at Henstridge, Wincanton and Ilchester.

Youth Club Support – Officers have continued to provide youth club support in Area East where required.

Youth Club Leader Training – Officers organised free Food Hygiene Level 2 and Introduction to Child Protection workshops for volunteers working in youth clubs in South Somerset.

Area East Priorities for 2016/17

Play Day Programme – Another year of Play Days is planned for 2017 and will include settlements in Area East. The planning of these days is in progress, and the communities to be included in the plan are yet to be finalised.

Play/Youth

- **Play area Management** - The team directly manages (or co-manages), inspects and maintains 56 play areas across the district.
- **National Playday** - On the 3rd August 2016 a National Play Day was held at Yeovil Country Park, which was attended by an estimated 6000 people. The day was part of a national event held each year to celebrate children's right to play. National Play Day will take place at Yeovil Country Park on 2nd August this year from 10am – 3pm.
- **Gold Star Awards** – were held at the Octagon Theatre Yeovil on 25th October 2016 with a full auditorium. The event recognises the achievement of volunteers and young people across the district. This year's event is scheduled for 23rd October 2017.

Healthy Lifestyles

Core Work:

- Priority Area 1: To increase the utilisation of the outdoors and green spaces for exercise and health related activity
- Priority Area 2: To decrease the number of adults and children in South Somerset who are currently inactive
- Priority Area 3: To reduce the number of overweight and obese adults and children in South Somerset

Key Area East Achievements/Delivery in the last 12 months:

- Walk figures for the annual year of 2016 is as follows; 9705 attendances, up 1820 on 2015 and 328 new walkers joined the scheme up 27 on the figures from 2015.
- 4 walk leader training days ran for volunteers, 47 leaders trained across the district.
- Bruton, Castle Cary, Milborne Port surgery, Queen Camel Surgery, Stoke Hill – Calm on the farm walk have all started. Area East now have 7 health walks: as well as the 5 new walks there are the Wincanton walks and Wincanton short walks; and 2 buggy walks: Balsam buggy walk, Ilchester buggy walk.
- 1 Flexercise workshop has been delivered in area East, with 8 new leaders trained.
- Golden Age Olympics (GAO) is a functional fitness program suitable for care and residential settings. 15 groups have taken part in GAO, with 2 from Area East; Common Road, Wincanton (10) and Cannington House, Wincanton (3)
- Active Somerset Classes run in Area East: Friday Fun, Marston Magna (10), Pilates, Charlton Horethorne (8, after 12 week course, session continuing due to popularity); Yogalates, West Camel (1 attended on 1st week but after 12 week course, session continuing due to popularity); Pilates in Mudford (7 on first week); Breathe Stretch and Relax (Yoga), Castle Cary – Age UK (15)

- Wincanton Stroke group: successful Sport50 session, so arranged long term loan of equipment. And Wincanton dementia group (12) – taster session and long term loan of kurling equipment.
- Wincanton Walking football (15) started with the session continuing.

Key Priorities for 2017/18:

- Set up some more walks in Area East
- Run the annual Area East Flexercise workshop
- Increase the number of sport50/pop up community activity sessions in the area
- Continue to set up exercise classes in the community where required.
- Continue to work in partnership and develop partnerships with surgeries

Sports Development

Core Work:

- To support the development of new and existing community sports clubs.
- To support the development of coaches, volunteers and officials.
- To seek to enhance school sport.

Key District/Area East Achievements/Delivery in the last 12 months:

- Delivered Schools Tennis Coaching and competition programme, schools from Area East that attended were Queen Camel, Keinton Mandeville, North Cadbury and Castle Cary.
- Working with Queen Camel Tennis Club we promoted a junior membership offer linked to Great British Tennis Weekend. 17 new juniors sign up for a free membership with the club.
- Continue to deliver a programme of winter and summer junior tennis competition for junior tennis players across the district. 469 junior players took part in the 2016/17 Winter and Summer Series. Queen Camel & Wincanton Tennis Clubs hosted tournaments as part of this programme.
- In partnership with Ansford Academy we ran a Futsal Festival for Keinton Mandeville, Castle Cary and Horsington primary schools. 30 children took part.
- Working with Yeovil and Sherborne Hockey Club we organised an area hockey festival final in Yeovil, which Queen Camel and Keinton Mandeville primary schools qualified for.
- Delivered five courses in Area East, as part of the In It Together women and girls programme. A Pilates, Netball Now, Beginners Badminton, Yogalates and daytime Beginners Running have been setup so far. An evening Beginner's running course starts on 19th April and has 22 women registered.
- Continue to deliver the Junior Athletics community programme which includes Fundamentals, Junior Athletics and the Academy. In 2016, 167 (7% increase on 2015) young people were registered on our Junior Athletics programme with between 20 and 48 athletes attending our weekly short courses.

Key Priorities for 2017/18:

- Continue to deliver a programme of sports specific development opportunities in partnership with key community sports clubs and NGB's to include: Tennis, Badminton, Hockey, Gymnastics, Athletics and Swimming.
- Continue to deliver the 'In It Together' within Area East, funded by Sport England Community Sport Activation, a project to increase the participation of women and girls across South Somerset. The total project cost was £258,844, with £163,294 from Sport England.

- Work with Queen Camel and Wincanton Tennis Clubs to support Great British Tennis Weekend 2017. People of all ages and abilities can just turn up with equipment provided for free.

Leisure Facility Development and Management

Core Work:

- To provide sports clubs and community organisations with specialist advice and support to develop their facility projects.
- To secure appropriate leisure contributions from housing development to enhance local and strategic sport and recreation provision.
- To maximise access to existing dual use school sports facilities.
- To effectively and efficiently manage the Council's Facilities at Yeovil Recreation Centre.

Key Area East Achievements/Delivery in the last 12 months:

- Swim Pilot – Working with LED (operator of Goldenstones), Sport England funded a project to look at the swimming experience based on local research. This has resulted in a further £193,085 from Sport England to be spent on improvements to swimming and changing rooms at Goldenstones and refreshment facilities and swimming programmes at Wincanton.
- Supported the delivery of a new outdoor cricket net facility at Castle Cary Cricket Club via S106 funding.
- S106 funding provided to improve access to 'The Hut' at Babcary Recreation Ground.
- Detailed advice given to Sparkford Cricket club in order to undertake a condition survey on their existing pavilion and consider options for new ancillary facilities.

Key Priorities for 2017/18:

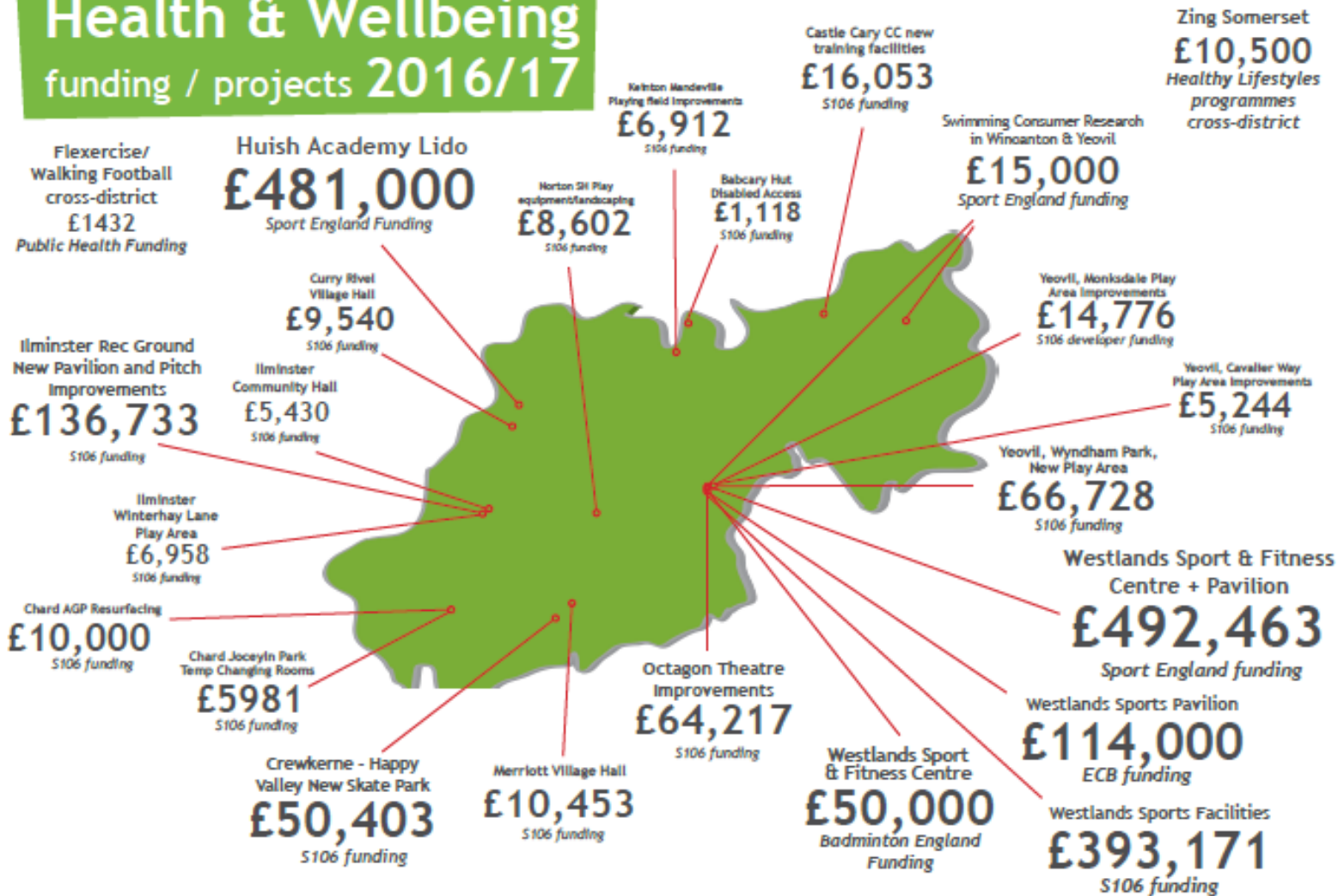
- Adoption of new playing pitch strategy
- Support Hestridge Parish Council in the delivery of their planned recreation ground improvements (with S106 money).
- Ongoing support for Sparkford Cricket Club as required.
- Implementation of improvements at Wincanton Sports Centre as a result of Sport England funding.

Communications

All of the above work is supported underpinned by the work of Leisure Projects Officer with the team. The role includes; website development, e-newsletters, publications, income through sponsorship and social media. Having this service in-house has saved on external design fees and allows the team to be very responsive to our customers and new initiatives.

District summary of projects that the Community Health and Leisure delivered/supported in the last financial year

Health & Wellbeing funding / projects 2016/17



Financial Implications

No new implications.

Corporate Priority Implications

The work of the Community Health and Leisure service contributes to the following aims and action within the Health and Communities Focus of the Council Plan:

Aims

- Support communities so that they can identify their needs and develop local solutions.
- Target support to areas of need.
- Help people to live well by enabling quality cultural leisure, play, sport and healthy lifestyle facilities and activities.
- Work with partners to tackle health issues such as diabetes and hypertension.
- Help keep our communities safe.

Actions

- Agree lease, refurbish and relaunch Westland Leisure Complex Sport, Conference and Entertainment Facilities (high priority).
- Deliver healthy lifestyles projects including year 1 of the CLICK project to those with diabetes and hypertension (High).
- Enable the enhancement of at least 8 play and youth facilities.
- Support Huish Episcopi Academy community swimming pool project (High).

Equality and Diversity Implications

Consideration is given by the service to ensure that all facilities and services are accessible.

Background Papers: none

Agenda Item 11

Area East Forward Plan

Assistant Directors: Helen Rutter, Communities
Service Manager: Tim Cook, Area Development Lead (East)
Lead Officer: Kelly Wheeler, Democratic Services Officer
Contact Details: Kelly.wheeler@southsomerset.gov.uk or 01935 462038

Purpose of the Report

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

Recommendation

Members are asked to:-

- (1) Comment upon and note the proposed Area East Forward Plan as attached;
- (2) Identify priorities for further reports to be added to the Area East Forward Plan, developed by the SSDC lead officers.

Area East Committee Forward Plan

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 Committee agenda, where members of the Area Committee may endorse or request amendments.

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

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

Background Papers: *None*

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
14 June 17	Licensing Service	Annual report	Nigel Marston
14 June 17	Highways	6- monthly update report	John Nicholson SCC
14 June 17	Community Grant Applications	To consider any SSDC community grant applications	Tim Cook
14 June 17	Annual Appointments	Annual Appointments report	Angela Cox
14 June 17	Development Control Scheme of Delegation - Nomination of substitutes for Area East Chairman & Vice Chairman - 2017/18	To nominate two members to act as substitutes for the Chairman and Vice-Chairman in their absence	Martin Woods
12 July 17	Retail Support Initiative	Annual update report	Pam Williams
12 July 17	Community Grant Programme Update	Summary report on grants approved 2016/17	Tim Cook
12 July 17	Community Offices	Annual report on trends, visitors etc	Lisa Davis
12 July 17	Transport Support for Community and Public Transport	Transport Support for Community and public transport and SSCAT Bus	Nigel Collins
12 July 17	Business Rates	Rates and rateable values of business premises	Sharon Jones
12 July 17	CIL – Rules of engagement	CIL update and Summary. Update on local accounts.	Tim Cook/Neil Waddleton
9 August 17	Heart of Wessex	Summary of the work undertaken by the Heart of Wessex Rail Partnership and to approve funding for 2017/18	Helen Rutter
9 August 17	<i>LEP Update Report</i>	<i>Update report</i>	<i>Pam Williams</i>
9 August 17	<i>Local Information Centre Review</i>	<i>Update/review</i>	<i>James Divall</i>
9 August 17	<i>A303 upgrade</i>	<i>To consider the proposed scheme</i>	<i>Tim Cook</i>

Agenda Item 12

Planning Appeals

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

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

16/04237/OUT – Land at Gainsborough, Milborne Port, Sherborne
Outline application for the development of up to 46 residential units (including 35% affordable housing), associated access, parking, landscaping and infrastructure.

Appeals Allowed

Appeals Dismissed

16/03426/OUT – Sundown, Sunny Hill, Bruton BA10 0NX
Outline application for the erection of single storey dwelling and formation of access

15/01697/COL – Land OS 1021 Jarman Hill, Barton St David, Somerton TA11 6DA
Application for a certificate of lawfulness for the existing use of agricultural building as a single dwelling house together with associated residential garden and parking areas

Appeal decisions attached.

Background Papers: None

Appeal Decision

Site visit made on 21 March 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 12th April 2017.

Appeal Ref: APP/R3325/W/16/3165154
Sundown, Sunny Hill, Cole, Bruton BA10 0NX

- 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 Ian Barrett against the decision of South Somerset District Council.
 - The application Ref 16/03426/OUT, dated 5 August 2016, was refused by notice dated 14 October 2016.
 - The development proposed is described as: "Erection of single storey dwelling and formation of access."
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with all matters reserved. Consequently, I have treated the proposed site plan and block plan, Ref 6574-10, as illustrative.

Main Issue

3. The main issue is whether the proposal would be a suitable form of development in this location, having regard to the character and appearance of the area.

Reasons

4. The site is outside of the development area as defined by the Local Plan¹. The settlement strategy for the district, as set out in Policies SS1 and SS2 of the Local Plan seeks to direct development to the most sustainable locations in the district, based on a settlement hierarchy and key sustainability criteria. The Council has acknowledged that it is unable to demonstrate a five-year supply of deliverable housing sites and consequently, the relevant housing supply policies SS1 and SS2 are not considered up-to-date. I have therefore determined the appeal in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework) and Policy SD1 of the Local Plan.
5. The site is within an area of residential development and is located towards the edge of the settlement. The surrounding development consists of predominantly detached and semi-detached houses set within relatively spacious plots. There are views across the gardens and along the roads to the

¹ South Somerset Local Plan 2006-2028 (adopted March 2015)

open countryside beyond the village. The landscaping within the gardens, combined with the hedgerows and banks adjoining the rural roads, makes a positive contribution to the appearance of the area. Overall, I disagree with the appellant's analysis that the area is suburban. I find it to be semi-rural in character and appearance.

6. The appeal site comprises part of the garden of a single storey detached house, located on the corner of Sunny Hill and Mill Lane. The illustrative site plan depicts a modest sized bungalow and a new vehicular access onto Mill Lane, which would be constructed by the partial removal of the boundary hedge and bank.
7. The existing garden of Sundown is relatively long, which reflects the spacious layout of the surrounding development. However, the plot narrows due to the curvature of the road. Consequently, the depth of the appeal site is restricted. The effect of this is that any new bungalow would be sited centrally within the plot and its outdoor amenity space, particularly at the rear, would be limited. A bungalow, even of modest proportions as illustrated, would dominate the plot resulting in a development with a cramped appearance.
8. Moreover, the bungalow would be prominent, due to the land levels. The alteration to the boundary hedge and bank would increase its prominence in the street scene. Although the development could be considered to be infill, the size of the plot would be small in comparison to other nearby plots. During my site visit I saw the more recent development, east of Mill Lane, which is less spacious in appearance. However, this does not reflect the predominant character of the area and does not justify further development of this type. Due to the size of the plot, the development would be smaller than the adjoining bungalows. It would not reflect the spacious and semi-rural character of the area, and would appear incongruous in this location.
9. I am aware that the decision to refuse the application was taken contrary to the advice of professional officers. However, I am satisfied that the Area Committee made its decision on the basis of the evidence available and the concerns expressed are valid.
10. Consequently, I find that the development would adversely affect the character and appearance of the area, contrary to Policy EQ2 of the Local Plan, which seeks to promote local distinctiveness and ensure that development preserves or enhances the character and appearance of the district.

Conclusion

11. The proposed development would be contrary to the specific terms of policies SS1 and SS2 of the Local Plan, including the fact that it would not meet an identified housing need as required by policy SS2. However, these policies are out-of-date and carry limited weight. Therefore, I am required to consider the proposal in the context of the presumption in favour of sustainable development.
12. I appreciate that the development would be well located in relation to access to services and the local transport network, and future occupants may make a positive contribution to the vitality of the settlement. The development would also make a minor contribution to the housing supply and there is likely to be some limited economic benefit during construction. However, I have found that

the development would have a harmful effect on the character and appearance of the area, as set out above.

13. I conclude that the harm would significantly and demonstrably outweigh the benefits of the proposal. It would therefore fail to meet the aims of Policy SD1 of the Local Plan and the principles of sustainable development as set out in the Framework. Consequently, the appeal is dismissed.

Debbie Moore

Inspector



Appeal Decision

Inquiry opened on 4 April 2017

Site visit made on 4 April 2017

by Pete Drew BSc (Hons), Dip TP (Dist) MRTPI

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

Decision date: 12 April 2017

Appeal A Ref: APP/R3325/C/16/3155519

Land on the south side of Jarmine Orchard, Jarmany Hill, Barton St David, Somerton, Somerset TA11 6DA [hereinafter "the Land"]

- The appeal is made under section 174 of the Town and Country Planning Act 1990 [hereinafter "the Act"] as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Christopher Black against an enforcement notice issued by South Somerset District Council.
- The notice was issued on 10 June 2016.
- The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of the Land from agricultural to a mixed use of agricultural, residential and communal use by means of: i) the siting of caravans, vehicles and mobile structures on the Land for residential purposes and human habitation including:
 - a. the siting of a pair of touring caravans for residential use and residential storage (identified in photograph A and B attached to [the] notice);
 - b. the siting of a traditional gypsy style touring caravan for residential use (identified in photograph C attached to [the] notice);
 - c. the siting of 2 railway carriages on trailers for residential use (identified in photograph D attached to [the] notice);ii) human habitation of the building identified on the plan marked with a red cross on the plan and photograph E attached to this notice (the "Building") for the purposes of residential occupation; and, iii) communal use of the Building and its facilities for non-agricultural purposes including but not limited to communal sharing of kitchen facilities for food preparation and cooking.
- The requirements of the notice are: (i) Cease all non-agricultural use of the Building and the Land; (ii) Permanently remove from the Building and the Land all items, fixtures and fittings and equipment used for non-agricultural purposes. This shall include but is not limited to beds and bedding, cooking equipment and cooker(s), heating and hot water supply for domestic purposes and all domestic paraphernalia; (iii) Permanently remove from the Land all caravans, mobile structures and vehicles used for residential purposes and human habitation including but not limited to: a) Removal from the Land the pair of touring caravans identified in photograph[s] A and B attached to [the] notice; b) Removal from the Land the traditional gypsy style touring caravan (identified in photograph C attached to [the] notice); c) Removal from the Land the 2 railway carriages on trailers (identified in photograph D attached to [the] notice); (iv) Restore the Land to its condition prior to the change of use from agriculture to mixed use of agriculture and residential. This notice does not prevent or restrict you from using the Land or the Building for the purposes of agriculture. You may keep any equipment, machinery or items that you use for the purposes of agriculture on the Land. You may keep on the Land for agricultural use purposes the touring caravan identified in photograph F attached to [the] notice which may have been on the Land for in excess of 10 years. The notice does not prevent the retention of the hardstanding in the location identified on the plan with a blue cross for agricultural use purposes.
- The period for compliance with these requirements is 6 calendar months.
- The appeal was lodged on the ground set out in section 174(2) (d) of the Act [but see below]. Since the prescribed fees have not been paid within the specified period ground (a), which comprises a deemed planning application, does not fall to be considered.
- The Inquiry sat for 2 days and evidence from all witnesses was taken on oath.

Appeal B Ref: APP/R3325/X/16/3155520

Land OS 1021, Jarman Hill, Barton St David, Somerton, TA11 6DA

- The appeal is made under section 195 of the Act against a refusal to grant a certificate of lawful use or development [LDC].
 - The appeal is made by Mr Christopher Black against the decision of South Somerset District Council.
 - The application (Ref. 15/04697/COL), dated 15 October 2015, was refused by notice dated 10 June 2016.
 - The application was made under section 191(1)(a) and (b) of the Act.
 - The development for which an LDC is sought is "*Use of agricultural building as a single dwelling dwelling house together with associated residential garden and parking areas*".
-

Appeal A: Decision

1. The appeal is dismissed and the enforcement notice is upheld.

Appeal B: Decision

2. The appeal is dismissed.

Both appeals: Procedural matters

3. In opening the Inquiry I ran through a number of procedural matters that had been flagged on my agenda, which was circulated to the main parties ahead of convening the event. The key issue arising is that whereas the Council has drafted the allegation in the notice by reference to, amongst other things, human habitation of a building and the 10-year immunity period¹, Appeal B claims that the building was erected more than 4-years previously² and is used as a dwelling, which is also the subject of a 4-year immunity period³. Whilst what was at that stage a draft Statement of Common Ground said⁴ that the parties did not consider it was necessary to introduce a ground (b), I disagree.
4. At the heart of the difference between the manner in which the notice and the LDC are expressed is a disagreement as to what has taken place as a matter of fact, i.e. whether the building is a single dwelling house or not. The Planning Practice Guidance [‘the Guidance’] makes clear that: "*in enforcement and lawful development certificate appeals, the onus of proof on matters of fact is on the appellant*"⁵. Whereas ground (d) relates to whether immunity has been demonstrated over the requisite time period[s], ground (b) relates to whether the alleged breach has occurred as a matter of fact. The absence of ground (b) could be seen as a way to get around applying the burden of proof and in any event I need to establish what has taken place as a matter of fact in order to know which immunity period to apply. Accordingly I ruled that if the Appellant wanted to dispute the Council’s allegation in Appeal A that a ground (b) should be introduced and, following confirmation from the Appellant, it was admitted.
5. In what follows [*numbers in square brackets*] refer to preceding paragraphs.

Both appeals: What weight should be attributed to the forms of evidence?

6. Paragraph 5.2 of Mr Miller’s proof of evidence sets out what he calls a hierarchy of evidence and in broad terms I agree. It is appropriate to attach the greatest weight to oral testimony, given by oath or affirmation, which has been subject

¹ Section 171B(3) of the Act.

² Section 171B(1) of the Act.

³ Section 171B(2) of the Act.

⁴ Retained in the signed and agreed version, Document 6.

⁵ Source of quote: paragraph ID: 16-053-20140306.

to cross-examination. Photographic evidence can be given substantial weight where its date of origin is clearly established. Other contemporary documents can be given significant weight. Sworn statements, where the witness did not attend and hence was not subject to cross-examination at the Inquiry, can be important. However the weight to be given to such evidence may be reduced where it is ambiguous, relies on hearsay evidence, or where it conflicts with testimony that has been cross-examined. Unsworn letters and emails can only be given limited weight as a form of evidence in these types of appeals.

7. The missing evidence⁶ that was before the Council when it considered the LDC application, now the subject of Appeal B, was given to me just prior to opening the Inquiry and I have taken all of it into account. This included a statutory declaration from Keith Dobson who did not give oral evidence at the Inquiry. I have no reason to doubt that Mr Dobson lives in the nearest dwelling and that he spends a great deal of time at home, including his garden, and that he can observe movements to and from the site. However, whilst Mr Dobson says that based on his daily observations he finds it impossible to believe that the site has been in continuous residential occupation, since he makes no claim to have clear views of the Land itself, distinct from the access and entrance, or to have been on the site, I can only attach moderate weight to his belief.
8. Although I have no reason to dispute that his conversation with the Appellant took place in September 2012, I cannot rule out the possibility that Mr Dobson might have misunderstood what was being said, might not have remembered it correctly or that the Appellant was not being completely open with Mr Dobson. Ultimately in this aspect of his statutory declaration, Mr Dobson is relying on something that he was told over 3-years before he made his statutory declaration, distinct from what he observed to be actually taking place on the Land and/or in the building. For all of these reasons I am only able to attach moderate weight to the contents of Mr Dobson's statutory declaration.
9. The other statutory declaration that is before the Inquiry from a witness who did not give oral evidence is that of Rohan Black, the Appellant's son. He would have been a key witness given that his statutory declaration says that he was instrumental in converting the barn into living accommodation. However given the dispute between his parents I can understand why he chose not to attend.
10. The Guidance makes clear an Applicant is responsible for providing sufficient information to support an application for a LDC. It states: "*In the case of applications for existing use, if a local planning authority has no evidence itself, nor any from others, to contradict or otherwise make the applicant's version of events less than probable, there is no good reason to refuse the application, provided the applicant's evidence alone is sufficiently precise and unambiguous to justify the grant of a certificate on the balance of probability*"⁷.
11. Rohan Black's statutory declaration says: "*I lived permanently in the building from then until November 2013 when I moved to a flat in Glastonbury. I moved back to Jarmany Hill in April 2014 with my girlfriend until September 2014...*". I can accept, by reference to the previous unnumbered paragraph, that the word "*then*" in the first sentence of this quote can reasonably be read to be September 2011. However I reject any claim that the second sentence can be interpreted in the context of the first to mean that Rohan Black moved back *into the building* at Jarmany Hill in April 2014. It appears to be common

⁶ As listed at point 1, procedural matters, on my agenda.

⁷ Source of quote: paragraph ID: 17c-006-20140306.

- ground between Miss Simpson and the Appellant that he lived on the Land during the period from April to September 2014, but this passage from Rohan Black's statutory declaration is imprecise and ambiguous as to whether he resided in the building during that period or simply on the Land. For these reasons I attach moderate weight to Rohan Black's statutory declaration.
12. I acknowledge that Rohan Black sought to clarify this aspect of his statutory declaration in an email dated 1 December 2015 [19:44 hours]. The relevant passage says: *"In regards to the points made by my Mother, Sarah Simpson, most of what she has said is absolutely correct, except that the shed has been unoccupied. As I have said, I was there from Autumn 2011 through until Winter 2013, and again in Summer 2014. My Dad was there the rest of the time"*. In line with Mr Miller's hierarchy of evidence I am only able to attribute limited weight to this passage and the email more generally. Moreover I again find a degree of ambiguity: saying *"I was there"* is not unambiguously saying *"I lived in the building"*. It would not be appropriate to attach greater weight to this passage as a potentially crucial piece of evidence, given the ambiguity and lack of precision in its drafting, and the form in which it was submitted.
 13. The other key area that I deal with at the outset is the dates of photographs. As I indicated in my agenda and at the Inquiry in my experience evidence can be obtained from the companies that take aerial photographs to confirm precisely when they were taken. This can be in the form of a certificate of authenticity or sometimes in a simple schedule or letter. The corollary is that the dates given on Google Earth images cannot be relied on to be accurate.
 14. In my view the point is plainly made by looking at the first 2 aerial photographs annotated *"Imagery Date: 1/1/2001"* and *"Imagery Date: 1/1/2005"*, which are the copyright of Infoterra Ltd & Bluesky, and Getmapping plc, respectively. The extent of leaf cover in the mainly deciduous trees in the vicinity of the site, evident in both images, is inconsistent with them having been taken in the middle of winter. The professional witnesses for both main parties agreed that the same 2005 aerial photograph is that which is labelled *"2006"* at Appendix D to Mr Noon's proof of evidence. That version of the image contains the date *"6/30/2006"* in the top left corner, which appears to be the American version of 30 June 2006. That might be said to be consistent with the extent of leaf cover. However it would only be appropriate to attach very limited weight to that date because it appears to be a consequence of the online tool for selecting images by date. Mr Miller's version of that same image contains a different date *"12/31/2005"*. For these reasons, and with particular reference to what the Appellant put forward as the Google Earth image from 2005⁸, I attach very limited weight to all of the dates given on all of the aerial photographs.
 15. In that context I turn briefly to the other photographs of the Land, i.e. not the aerial photographs but the ground level photos submitted by various parties. I am satisfied, on the balance of probability, that the 2 photographs that have been provided by Mr Paisley and are referred to in his proof of evidence were taken on 25 December 2011 at 12:33 and 12:34 hours respectively. I sought and obtained electronic versions of those photographs and was able to verify for myself the properties of those images. I did the same exercise for the 2 photographs that have been provided by Ms Durnan and are referred to in her evidence, including the statutory declaration. It appears to be self-evident the times of those photographs, after 2100 hours, cannot be right given that

⁸ See, amongst other things, paragraph 7.6 of Mr Miller's proof of evidence.

- sharp shadows from full sunlight are evident in the images, but in my view that does not invalidate their dates and I accept they were taken on 3 June 2011.
16. It follows from my acceptance of the dates of Mr Paisley's photographs, that the dates of the photographs taken by Miss Simpson, "19/10/2012", cannot be correct. She acknowledges that the meal was held on Christmas Day and so it would appear that the date/time function on her camera is significantly out or perhaps has never been set up properly. However this also undermines one aspect of her evidence, namely the entries in her diaries in 2011 and 2012. In the former it says "To Leics" on 23/12/11 and "Back to Somerset" on 26/12/11 which, Miss Simpson said, indicated to her she must have visited her parents for Christmas 2011. In the latter the entry for 25/12/2012 was "fields", which suggested to her that the Christmas meal at the Land was in 2012. Miss Simpson agreed in cross-examination that these diary entries are wrong and I am satisfied that they are. I consider any implications in due course but I am satisfied she made no similar claim, as to the date of the Christmas meal, in her statutory declarations and she did readily concede the entries were wrong.
17. I deal next with the photographs submitted by the Council of The Trading Post [Document 7]. Ms Durnan confirmed the contents of her proof of evidence to be the truth and I note paragraph 2.6 thereof says a caravan was moved from The Trading Post to the Land. It appears to be common ground that this is what I shall call the original caravan, shown in Photograph F attached to the enforcement notice. The Council's photographs show that caravan was at The Trading Post on 17 October 2006 but removed by 30 April 2008. There is clear evidence of the first, important, date and no issue was taken with the second. I am satisfied, on the balance of probability, that this demonstrates that the original caravan was brought onto the Land between these respective dates⁹.
18. In my view these photographs corroborate the oral evidence, which had at that stage already been given by Miss Simpson to the Inquiry. Her diary entry says that the caravan was first brought on to the Land on 26 March 2007 and applying the balance of probability I accept that date¹⁰. The Council's first photograph demonstrates that Ms Durnan's claim, at paragraph 2.6 of her proof, that the caravan was brought onto the Land at some point during 2005, to be wrong. Ms Durnan said in chief that the first time she went onto the Land was 2006 and also said in cross-examination that during the period up to 2009 she only visited the Land by invitation. It follows that Miss Simpson's recollection as to what took place during this period must be preferred.
19. Of even greater significance, this finding contradicts the Appellant's claim to have resided on the Land: "from at least 2005". The Appellant's statutory declaration says, in clear terms: "Initially I lived in a railway carriage..." but for the first time, when giving evidence in chief, the Appellant said this was wrong and that Miss Simpson lived in the caravan sometimes and he did sometimes. If that version of events is now correct then it follows that the Appellant did not start to live on the Land until after 26 March 2007.

Both appeals: *What has taken place as a matter of fact?*

20. Under the ground (b) appeal the onus of proof falls on the Appellant to show on the balance of probability that the "breach of control alleged in the enforcement

⁹ I acknowledge that Mr Denning did not dispute the assertion that he helped the Appellant to lift the caravan out of the ditch in 2005. However this new evidence came to light after Mr Denning gave evidence and so I attach very little weight to Mr Denning's confirmation of this date during cross-examination because his agreement merely reflects the agreed position between the main parties at that stage.

¹⁰ This date is also given on page 3 of her first statutory declaration.

notice has not occurred as a matter of fact" [as per section E. (b) of the appeal form]. This question of fact equally arises in Appeal B because that appeal is predicated on there being a single dwelling house in existence on the Land. In this case, somewhat counter-intuitively, I am going to deal with this aspect of Appeal B first in an attempt to establish what building works were done when.

Appeal B: When was the building substantially completed?

21. The material date for this purpose is 4-years prior to the date of the LDC application, namely 15 October 2011. It is material to observe that the Council has not found it to be expedient to take enforcement action in respect of the building. The notice, subject of Appeal A, merely relates to the use of the building and does not require its demolition. Moreover the Council's position is expressly recorded in the first bullet in paragraph 5.1 "*Areas of Agreement*" in the Statement of Common Ground [Document 6]. It says: "*The building itself is lawful. It is agreed that the building has been erected and substantially complete for more than 4 years prior to all the relevant dates and on that basis a LDC can be issued for the building itself plus the compost toilet*".
22. Throughout the Inquiry I expressly reserved my position in the matter and, ahead of closing, read the salient passage from what is arguably the leading case in this area, namely *Sage v SSETR & Maidstone BC* [2003] UKHL 22. Paragraph 23 of the judgment says: "*When an application for planning consent is made for permission for a single operation, it is made in respect of the whole of the building operation...if a building operation is not carried out, both externally and internally, fully in accordance with the permission, the whole operation is unlawful*"¹¹. This is contrasted with a case where the building has been completed, but is then altered or improved. Paragraph 24 continues: "*The same holistic approach is implicit in the decisions on what an enforcement notice relating to a single operation may require*". As I have noted there is no enforcement notice in respect of the building, but the approach is applicable.
23. The first thing to say is that I expressly disagree with the Statement of Common Ground insofar as it refers to the compost toilet for 2 reasons. The first is that it is a physically separate structure from the building operation that was applied for in the LDC. The Appellant's statutory declaration says: "*I have attached a sketch showing the layout of the building*", and that layout plan does not show the compost toilet. In opening I specifically took issue with the manner in which what was then a draft Statement of Common Ground made reference to the compost toilet and said that the Appellant needed to deal with it in chief. My note of his evidence is that he said the compost toilet was built in Spring 2014 and so that is the second reason why I cannot issue an LDC for the compost toilet. It would appear to be vulnerable to enforcement action because 4-years have not elapsed from the date upon which it was erected.
24. The position in relation to the building is slightly more nuanced. Rohan Black's statutory declaration says that the works were complete by September 2011 but says: "*I later added insulation and a clay oven*". I am satisfied that there was a gas cooker in the building by December 2011 and so the addition of a clay oven can be considered to be an alteration, if indeed such works involve a building operation. For these reasons I can discount the relevance of the oven. However, in the context of *Sage*, the insulation is of relevance. The building is relatively insubstantial, with simple timber frame and external wood cladding,

¹¹ All quotes taken from [2003] J.P.L. 1306.

- and so the insulation is significant to the fabric of the building as well as its thermal properties. The position in respect of the insulation is ambiguous.
25. I accept, on the balance of probability, that there is evidence that it was fitted to parts of the building, such as the area in which the Christmas celebrations took place in 2011. The insulation was evident in Miss Simpson's photographs of that event, which I viewed at the Inquiry, and Mr Paisley remembers the building to be warm on that occasion. However paragraph 2.8 of his proof of evidence says: "*Subsequent to our visit...I can recall Rohan putting reclaimed polystyrene slab insulation into the building*". That suggests it was done after the material date. At the Inquiry he said it was done soon after the Christmas meal or that it could have been done before, but that it was done within a year of the Christmas meal. That might suggest that the building was not substantially completed until late 2012, significantly after the material date.
26. The Appellant's statutory declaration says: "*During the ensuing winter we insulated the building...*", which in its context must be read to be 2011/2012. In chief the Appellant addressed the insulation and said that cellotex sheets were used on the ceiling and walls. He said: "*ply or match boarding*" had been installed over the top of the insulation and this reinforces my view that the insulation cannot be said to be inconsequential to the overall building project. The Appellant said Rohan did most of the work after September 2011 but the Appellant said he "*can't help*" and was "*not clear about*" when it was done. In view of the onus of proof on the Appellant to establish matters of fact this does not show that the building was substantially completed by the material date.
27. I asked the Appellant about Mr Paisley's photographs¹² which, amongst other things, show a step ladder, a pile of wood and what the Appellant said was a door lying horizontally against the outside of the building. He did not dispute my suggestion that the photographs were indicative of works in progress. He said that the door ended up being used on another side of the building. With regard to the wood cladding he admitted that there may not have been 100 % cladding over the frame of the building at the time that the photographs were taken. He admitted that the pile of wood outside of the photographs might have been left overs. Since Mr Paisley's photographs are a record of the condition of the Land and building after the material date this again suggests that the building was not substantially completed prior to the material date.
28. Lucy Durnan's evidence supports such a finding. Paragraph 2.22 says: "*After the shed was erected Rohan spent a lot of time working on it with Chris and making it watertight and cosy. I remember this being after the Glastonbury festival 2011 during the Autumn...*". I asked her about this passage and she stated that the major building works had happened prior to the material date. There is no reason to doubt the superstructure of the building had been erected prior to the material date but, having regard to *Sage*, that is not enough.
29. Not only is the Appellant's case neither precise nor unambiguous to show when the building was substantially completed, but I consider that there is evidence before the Inquiry to cast doubt on the Appellant's claims in this respect. Miss Simpson said that the Christmas lunch was convened in what is labelled as the bedroom on the original layout plan¹³, which was what she called the "*insulated*"

¹² As noted previously these are agreed to date from 25 December 2011, which is after the material date.

¹³ There is a tension between her evidence to this effect and that of Mr Paisley, who says the meal was taken in the front part of the building which faced onto the field. However paragraph 2.25 of Ms Durnan's proof says the meal was cooked in another part of the shed and: "*...brought into Rohan's room where there was a wood burner*", which appears to support Miss Simpson's recollection. This simple example underlines the fallacy of the Appellant's

bit". Her evidence was that Rohan fitted most of the insulation in the Autumn of 2012 after he had been travelling and to support that she referred to her diary entries from 10 and 22 September, and 9 October, 2012, which recorded: "*Ro to France*", "*Ro back again*" and "*Ro back in GB*", respectively. I find this version of events not to be inconsistent with Mr Paisley's oral testimony.

30. Moreover Miss Simpson's evidence in chief, which was led by me because the Council did not call her as a witness, was that the middle kitchen, including the area next to the clay oven was "*open for ages*", which she indicated might have been as late as 2015¹⁴. She stated that there was no external face on this part of the structure, i.e. what is now the eastern perimeter wall, until 2015¹⁵. This version of events is not wholly inconsistent with the Appellant's concession that there might not have been external cladding around the whole of the building, albeit he did not give a date past Christmas 2011. I note, among other things, that the Appellant said in chief that the clay oven was removed and a partition wall was moved about 2 years ago. In the light of Miss Simpson's evidence there might actually be a correlation. It has not been demonstrated that the works to this part of the building, which are admitted to have taken place in 2015, comprised an alteration or improvement to an existing building rather than a continuation of a building operation prior to its substantial completion.
31. The Appellant said in chief that the workshop/store on the north side of the building was recent, which he quantified to be 2½ years ago. This is consistent with Miss Simpson's "*doc 1 floor plan*", which records that the workshop/store was constructed in 2014. It is significant, given that the base plan is that produced by the Appellant and referred to in his statutory declaration, that the "*lean to store*" [added to the plan at Document 4] was not on the Appellant's original plan. This might suggest it has been added at an even later date and I find the Appellant's explanation that it had been forgotten to be unconvincing. In view of the Appellant's concession with regard to the workshop/store this gives me a sound basis to find that the building shown on the layout plan, submitted with Appeal B, was not substantially completed by the material date.
32. As I indicated at the Inquiry I do not lightly disagree with a consensus between the main parties, but the Guidance requires me to ensure that the onus of proof is discharged in matters of fact. For the reasons I have given not only is the Appellant's evidence ambiguous and imprecise, there is evidence to contradict his version of events. I attach this aspect of Miss Simpson's evidence substantial weight because it is not inconsistent with certain aspects of the Appellant's version of events. Taking account of all of the evidence before me I therefore decline to confirm that the building is lawful for planning purposes.

Both appeals: *What has the Land been used for apart from residential?*

33. For reasons I have given [31] it appears to be common ground that the workshop/store was constructed in 2014 and so prior to this date it would appear that a part of the remainder of the building was used to store tools and machinery used on the land. Miss Simpson's first statutory declaration says: "*I have used this building from 2010-2015...as an agricultural store, a tool store and a shelter when working on the land*". The Appellant's statutory declaration admits that in 2011 it was: "*...used for storing my tools and*

opening submission that there is little disagreement as to fact in this case. To the contrary, the key to considering the requisite time periods is trying to establish what did take place as a matter of fact.

¹⁴ This is entirely consistent with her first statutory declaration and, in particular, the annotation on what she refers to as "*doc 1 floor plan*".

¹⁵ This is consistent with "*photo No 7*", which she dates "*04/06/15*", appended to her first statutory declaration.

equipment which are used on the holding and also in connection with forestry work...".

34. At no stage, when giving evidence, did the Appellant say that the use of the building for storing tools etc had ceased and this impression is corroborated by Rowan's email¹⁶. However the Appellant did say such storage had sometimes taken place in the "lean-to porch". Miss Simpson also said that she had used that area as a workspace, although she said under cross-examination that she had used the former lounge for that purpose too. The storage use in "Sarah's Space"¹⁷ is admitted to have been relatively recent, but started by June 2016¹⁸. That area is locked and appears to be exclusively what it says on the sign. That storage use appears to have been subsisting on the date the notice was issued and is unrelated to any residential use to which the rest of the Land is put.
35. The Appellant's statutory declaration says: "During this time, I have planted trees, mowed the grass and gardened the areas shown on the attached plan", which is the LDC red line area and not the whole of the Land. This statement is ambiguous as to the period being referred to, but I shall assume this should be read by reference to the end of the previous sentence, i.e. from September 2011. However Miss Simpson says that she has used the whole of the Land from 2001 for: "...agricultural, horticultural and conservation". She provides detailed invoices from 2005/2006 for trees and other plants she has bought as well as a schedule of dates as to when things were done on the Land.
36. In my view Miss Simpson's evidence as to this use should be preferred because it is far more precise. Amongst other things paragraphs 2.3-2.5 of Ms Durnan's proof of evidence supports Miss Simpson's evidence that the tree planting took place at an early stage. Ms Durnan makes no reference to tree planting after September 2011 and Miss Simpson's schedule cites the last explicit entry for tree planting to be 16 April 2011. The Appellant has provided no evidence to show that any trees have been planted on the Land after September 2011.
37. In terms of mowing the grass, the main evidence of such activity is in the aerial photograph that Google says has an image date of "8/10/2007", which shows a relatively small area in the north-west corner to be mown. Ms Durnan does not refer to mowing in her proof of evidence but says: "Sarah used to get the hay cut annually"¹⁹. Miss Simpson said that there were only one or 2 years in which a crop has not been taken from the Land and she said this was because there was no space to store it and as a result it had gone rotten under plastic. It is possible these incidents occurred after February 2014 when Ms Durnan admits she does not know what happened in detail on the Land. In contrast the Appellant indicated in answer to my question that a hay crop was only taken twice and one of those is evident in the aerial photograph that Google says has an image date of "8/15/2016". In the circumstances, applying the balance of probability, Miss Simpson's version of events is to be preferred. The evidence points to a crop of hay being regularly taken from the Land, which appears to be an agricultural activity, rather than mowing the Land.
38. Miss Simpson gives precise evidence about the polytunnel being installed on 24 August 2012 and she says planting started then. The year in which the

¹⁶ The email dated 1 December 2015 says: "...I can assure you that our shed has always been used for storing tools, scythe's and lawnmowers which are used on the land" [sic].

¹⁷ As per sign on door of former 'Lounge' [on layout plan] at the time of my site inspection.

¹⁸ Miss Simpson referred to an entry in her diary for "Bridget field" on 6 May 2016, which Miss Simpson said was when she had started to clear her attic and move things into the building in anticipation of selling her home.

¹⁹ Source of quote: paragraph 2.21 of Ms Durnan's proof of evidence.

polytunnel was erected is corroborated by paragraph 2.19 of Ms Durnan's proof of evidence. Ms Durnan confirms Miss Simpson then grew salad leaves in the polytunnel. There also appears to be commonality between Ms Durnan and Miss Simpson in respect of the use of the no-dig method of cultivating plants, although Ms Durnan dates it as 2011 and Miss Simpson says it was February 2012. Apart from growing pumpkins, which were harvested in Autumn 2011²⁰, I find no evidence of the Appellant being involved in the growing of vegetables on the Land. It is Miss Simpson that exhibits photographs of the polytunnel and produce. In the circumstances I find no evidence to support Mr Miller's contention that the polytunnel was used in association with the dwelling or the Appellant's claim that he has "gardened" the Land since September 2011.

39. For the above reasons I am satisfied that the Land has, at all material times, been used for agriculture as defined in section 336(1) of the Act. Nothing that I saw during my inspection would suggest that the agricultural use has ceased and, amongst other things, what Miss Simpson called the orchard strip, along the northern side of the Land, contains a number of fruit trees as well as trees like a walnut. The Appellant has not shown that the agricultural use has been confined to that part of the field outside the LDC red line plan, which is labelled "Retained as rough pasture" on that drawing. To the contrary the red line area on that plan appears to be completely arbitrary and to have no basis in fact.
40. Instead the agricultural use appears to be mixed in with the residential use. Amongst other things the access and parking area serves both uses: Miss Simpson said that when she goes to the Land she parks her van across the entrance and checks things over. She is a joint owner and the Land has not been subdivided²¹. Not only has the building been continuously used for the keeping of tools, equipment and/or machinery that is used on the Land, but other components of the agricultural use are mixed in with the residential use. To give a simple example, my site inspection revealed that the polytunnel is sited between the building and the area in which the Vickers Caravan²² and the Sprite Tourer are sited which, in turn, is next to the car park. The agricultural use is significant and material. It cannot be discounted as being de minimis.
41. The leading case of *Burdle v Secretary of State for the Environment* [1972] 1 WLR 1207 sets out 3 criteria for assessing the correct planning unit: (a) Whenever it is possible to recognise a single main purpose of the occupier's use of his land to which secondary activities are incidental or ancillary, the whole unit of occupation should be considered; (b) Even though the occupier carries on a variety of activities and it is not possible to say that one is incidental or ancillary to another, the entire unit of occupation should be considered; and (c) Where there are two or more physically separate and distinct uses, occupied as a single unit but for substantially different and unrelated purposes, each area used for a different main purpose (together with its incidental and ancillary activities) ought to be considered a separate planning unit.
42. Based on this analysis it would appear that the Land falls within the second example, (b), such that it remains a single planning unit. The agriculture and any storage use that existed on the date of issue of the notice is not incidental or ancillary to the residential use given that it appears to be primarily undertaken by a joint landowner who for much of the time at issue, including since September 2011, has not resided on the Land. The agricultural use does

²⁰ As described in paragraph 2.18 of Ms Durnan's proof of evidence.

²¹ See paragraph 2.3 of Ms Durnan's proof of evidence.

²² Which the Inquiry was told is occupied by Laura.

not take place in a physically separate area of the Land and so this aspect of the Council's allegation in the notice appears to be made out.

Both appeals: Was there a single dwelling house on the Land on or before the material date [21]?

43. The date of 1 September 2011 is noted in answer to question 10 of the LDC application form, now the subject of Appeal B, and so there is no dispute that prior to this date there was no single dwelling house on the Land. The inference from the application is that a single dwelling house did exist from this date.
44. In my agenda I noted that the LDC application, the subject of Appeal B, was accompanied by a building layout plan, but that the plan failed to identify a bathroom or toilet within the fabric of the building. This led me to question whether the building constituted a single dwelling house by reference to the case of *Gravesham BC v SSE & O'Brien* [1983] JPL 307. It held that the distinctive characteristic of a dwelling house is its ability to afford to those who use it the facilities required for day to day private domestic existence.
45. At the Inquiry the Appellant sought to address that concern by producing a revised layout plan [Document 4] which identified, for the first time, the position of what is labelled as a "compost toilet" and "shower" to the east of the building. I saw both structures during the course of my site inspection, as well as the old compost toilet, which is sited roughly in the north-west corner of the Land, i.e. the opposite side of the Land from the alleged dwelling house, in amongst the brambles/hedgerow. The Appellant's evidence in chief was that the new compost toilet, to the east of the building, was erected in Spring 2014 [23] and he said that the shower was erected sometime during 2012.
46. Mr Noon, for the Council, said the new compost toilet and shower would fall within the curtilage of the building, but he said that the compost toilet in the north-west corner would not be within its curtilage. At a distance of perhaps 80 m I cannot accept that the old compost toilet would have been within the curtilage of the building that has been erected. Given my finding that the Land is in a mixed use I see no need to review in detail the legal authorities to which I have been referred with regard to curtilage²³. The Land, as defined, has not served the purpose of the building: "in some necessary or reasonably useful way"²⁴. To the contrary I have given reasons why the Land has, at all material times, continued to function as part of an agricultural use²⁵. The Council has also drawn attention to the notion of smallness²⁶, which is not met here.
47. Moreover it must follow that any residents on the Land would not have been dependent on bathroom facilities in the main building because at all material times, at least prior to the erection of the new compost toilet in Spring 2014, there was no bathroom. Technically there still are no such facilities within the fabric of the building itself. This factor weighs against the Appellant's claim.
48. For completeness I asked the Appellant what he did for bathing prior to the shower and he said he would use a bath or trough. He described bathing as an

²³ See, amongst others, Documents 3.1-3.6. It is not immaterial that the fourth bullet-point in paragraph 5.1 of the Statement of Common Ground [Document 6] appears to suggest that if it was an agricultural building it would have no curtilage. Whilst that does not necessarily follow it does support a finding that any curtilage is not going to extend to the far side of the Land but is likely to be a small area that is intimately associated with the building.

²⁴ As per *Sinclair Lockhart's Trustees v Central Land Board* [1950] 1 P & CR 195, which is the Appellant's preferred test arising from the case law but is only one of multiple tests that it is appropriate to consider.

²⁵ One of 3 criteria for determining whether land is within the curtilage of a building identified in *Sutcliffe Rouse and Hughes v Calderdale BC* [1983] JPL 310 [Document 3.1].

²⁶ *Dyer v Dorset County Council* [1989] QB 346 [Document 3.2].

"*outdoor activity*". Ms Durnan said, perhaps understandably, that she would bathe at her home. It is ambiguous what Rohan did for bathing because neither his statutory declaration nor his email of 1 December 2015 addresses this issue. Whilst not conclusive this too weighs against the Appellant's claim.

49. For the above reasons the Appellant has not demonstrated there was a single dwelling house in existence on the Land on or before the material date.

Both appeals: What was the use of the building between September 2011- Autumn 2012?

50. The Appellant's statutory declaration says the works to the building were completed in September 2011: "*and Rohan moved in*". For reasons given [32] I consider it has not been shown that the building was substantially completed by this date, but it remains plausible that Rohan nevertheless occupied the building from this date. As I have noted, even on Rohan's version of events, as stated in his statutory declaration, the insulation was added at a later stage.
51. For completeness I address here the inference from Ms Durnan's statutory declaration that the building was in residential use by June 2011²⁷. Ms Durnan accepted in answer to my question that she was unsure about this date and that there was an element of doubt about her reference to this date. The fact is that nobody else has suggested that the building was being lived in as early as June 2011 and the photographs themselves are inconclusive. Miss Simpson has even speculated as to whether they are of the building at issue on the Land. I consider, on the balance of probability, that one photograph is taken in the vicinity of the lean to/porch area because one can see a building and what appears to be a vehicle in the background. However there appears to be no roof on that part of the building, so it was not substantially completed²⁸. Crucially it does not support any inference that a residential use had started.
52. I cannot be satisfied on the evidence before me that Rohan permanently lived in the building from September 2011. Sarah Simpson's oral evidence to the Inquiry was that Rohan had a musician's lifestyle and that whilst he relaxed in the building he did not sleep there until it was fully insulated in the Autumn of 2012. She said Rohan ate and slept in the VW camper but also stayed locally. Ms Durnan says Rohan fell out with Miss Simpson in 2011 and that he stayed regularly at the field, in "*his van*" and at Ms Durnan's property²⁹. The Appellant also still owned Nimmer Mill until October 2013. Rohan appears to have had a number of alternative accommodation options available to him and it has not been unambiguously shown that he resided continuously in the building.
53. Miss Simpson's evidence that the building was used as a band rehearsal place during 2011 and 2012 is consistent with paragraph 2.23 of Ms Durnan's proof, which recounts a neighbour's complaint about drums being played too loudly³⁰. Ms Durnan's evidence that Rohan '*entertained*' his new girlfriend in the building in early 2012 might suggest that there was a bed in the building, but does not unambiguously show that Rohan lived in the building continuously at that time.
54. The Appellant said that there was a gas cooker, in what is marked as a lounge on the layout plan, which he said Rohan used all the time. He might have used

²⁷ This appears to be the inference from that part of her statutory declaration that refers to the photographs of the rugs, which I have agreed date from June 2011.

²⁸ The Appellant said in chief that the "*southern third [of the building was] roofed later*" and this appears to be evidence of the same.

²⁹ Paragraph 2.21 of her proof says during 2011 and this term is imprecise.

³⁰ Consistent with Mr Dobson's reference to: "*...a noise complaint*", on page 2 of his statutory declaration.

it for cooking but Miss Simpson's evidence is that he ate in the camper and that contradicts the Appellant's version of events. It appears to be common ground that at all material times there were a number of cookers in other vessels such as caravans on the Land, with the exception of the small railway carriage. The Appellant otherwise told the Inquiry under cross-examination that residents used the big kitchen in the building. It appears to have been a shared facility. This would appear to inform the third component of the allegation in the notice.

55. I acknowledge that Miss Simpson accepted that she was wrong about the year in which the Christmas meal took place [16] and I have considered whether the evidence from the other witnesses outweighs her recollections for this period. Amongst other things Mr Paisley's statutory declaration says: "*Rohan occupied and lived in the building at that time*". However Ms Durnan's evidence is clear that: "*Rohan and his mother cooked a potato soup and a flan with veg that she had grown on the field*". If Miss Simpson and her son Rohan jointly cooked the meal in the building and then hosted the meal in what is labelled the bedroom on the layout plan, I find it more likely than not that she would have known what his living arrangements were at that time. In these circumstances I find it impossible to discount her personal testimony on this point. Ms Durnan says: "*It was a jolly occasion*"³¹. Any "*falling out*"³² between mother and son appears to have been put behind them by Christmas 2011. Even if Rohan might have slept in the building on some occasions it has not been shown that any residential use was continuous from September 2011 to Autumn 2012.

Both appeals: What was the use of the building between November 2013 and September 2014?

56. In the period between Autumn 2012 and November 2013 Miss Simpson does not appear to dispute that Rohan did sleep in the building, but it is common ground that he moved to a flat in Glastonbury in November 2013. In chief, Miss Simpson asserted that the Appellant only slept in the building in 2016 and so it follows that she disputes that he slept there in the period up to April 2014.
57. The Appellant said in chief that there were no long periods when the building was empty, but he admitted that there were periods when he was working on "*converting*"³³ it when he stayed in the small railway carriage. He points to the aerial photograph that Google says has an image date of "*3/14/2013*", as evidence that the small railway carriage was sited next to the building and he says that he slept in the small railway carriage, as necessary. During cross examination the Appellant was uncertain as to whether the aerial photograph that Google says has an image date of "*6/17/2014*" showed the small railway carriage next to the large railway carriage or next to the building. He said that the gypsy style touring caravan was brought onto the Land "*circa 2013*" and there has been no suggestion that it has been parked elsewhere on the Land.
58. If that date is right then I am unclear how the Appellant is certain that the earlier image, dated "*3/14/2013*", shows the small railway carriage rather than the gypsy style touring caravan next to the building. There appears to be nothing else to the south of the building that might be the gypsy style touring caravan. I have already given reasons why the dates of these images cannot be relied on [14] and I am far from satisfied that the Appellant can distinguish what the objects are to the south of the shed in either of these images with

³¹ Source of both this and the earlier quote: paragraph 2.25 of Ms Durnan's proof of evidence.

³² Source of quote: paragraph 2.21 of Ms Durnan's proof of evidence.

³³ The word the Appellant used in chief according to my contemporaneous note.

any certainty. It is material that the Appellant said the large white object in the aerial photograph that Google says has an image date of "1/1/2005" was a caravan. However, on the balance of probability, it cannot be the caravan [17] but is more likely to be the VW camper van³⁴. If the Appellant is wrong about the caravan his evidence with regard to other items on the aerial photographs must be treated with caution because it appears to involve some speculation.

59. In closing the Appellant criticised Miss Simpson for exaggerating and there might be some truth in that. However the Appellant appears to be guilty of making statements that he does not know to be true. I do not suggest he has lied but his position has been proved to be wrong on a number of counts. Amongst other things he changed his position³⁵ and said he lived first in the caravan, which has been shown was not on the Land in 2005 [17]. He initially said the railway carriage was not brought onto the Land in 2005³⁶ but said it must have been 2006. There must be a suspicion that he changed his position in this matter because it was self-evident that the carriage was not evident in the aerial photograph that Google says has an image date of "1/1/2005".
60. Under cross-examination, when looking at the aerial photograph that Google says has an image date of "8/10/2007", he agreed that the railway carriage was not evident. This might suggest the carriage was not brought onto the Land until 2008 or 2009, which is at least 3-years after the date given in his statutory declaration. In short his evidence appears to be a movable feast. It does not inspire confidence that the Appellant knows what happened when. During cross-examination it was asserted that the Appellant had *patchy recall* and I find it hard to disagree. The Appellant was not a convincing witness.
61. The Council suggested in cross-examination that the Appellant's statutory declaration does not unambiguously state who was living in the building from November 2013. The Appellant's testimony does not satisfactorily resolve this potential omission because he cannot say with any precision when he lived in the building and when he slept in the small railway carriage. I cannot even be sure when the small railway carriage was brought across the field. As Mr Noon noted during cross-examination there is a well-used path or route across the field from the vicinity of the large railway carriage in the aerial photograph that Google says has an image date of "3/14/2013"³⁷. Someone was clearly going back and forth regularly and if the object to the south of the building in that image is the gypsy style touring caravan, and I cannot be sure that it is not, this might suggest the Appellant was living in the vicinity of the large railway carriage. The evidential matrix is far too vague to draw out clear conclusions.
62. Miss Simpson told the Inquiry that Rohan did not live in the building from April to September 2014 and I have already given reasons why I am only able to attach this aspect of Rohan's evidence limited weight [12]. Miss Simpson said that Rohan's girlfriend, Emily, could not bear to live in the building because of the presence of rats³⁸ and so the couple lived in the large railway carriage. Miss Simpson said there was nobody living in the building during this period and it would appear that the Appellant makes no claim for this period because he

³⁴ As per Miss Simpson's oral testimony to the Inquiry, which I accept because the caravan arrived much later.

³⁵ From that in his statutory declaration, which says he originally lived in a railway carriage: "from at least 2005".

³⁶ Which is the date given in his statutory declaration.

³⁷ In common with the other aerial photographs this date has not been proven and in the absence of a certificate of authenticity or similar the image could be any time in 2013, or possibly even another year.

³⁸ Page 3 of Miss Simpson's first statutory declaration says an EHO visited in 2014, partly because of rats.

says Rohan was living there. There is also a reference to a "rat infestation"³⁹, which might be said to corroborate Miss Simpson's claim to a limited extent.

63. Miss Simpson was cross-examined about this point with reference to the email dated 5 December 2015 from Tonga Schneider. In that email Tonga says she lived in what she calls the train wagon, but which appears to be the large railway carriage, for 4 months in 2014. The clear inference from that line of questions was that if Tonga was living in the railway carriage Rohan could not have been living there. However Miss Simpson referred to her diaries and said that Tonga had arrived on 23 July 2013, that Tonga had visited Stourhead on 3 August 2013 and had gone home on 26 September 2013. In short Tonga's claim that she stayed in 2014 was, on the balance of probability, shown to be wrong and this appeared to be conceded by the Appellant. Amongst other things paragraphs 2.27 and 2.28 of Ms Durnan's proof of evidence confirms that Tonga came in July 2013. Thus the cross-examination served to confirm the veracity of Miss Simpson's claim because she was able to effectively rebut it by reference to precise evidence in her diary; I attach it substantial weight.
64. In these circumstances the evidence of Miss Simpson for the period between April and September 2014 is to be preferred because it was tested by cross examination and found to be all the stronger as a result of that process. I did offer the Appellant the chance to be recalled to deal with any new evidence that might have arisen from Miss Simpson's testimony but the opportunity was not taken. Amongst other things Ms Durnan does not offer any evidence for this period⁴⁰ and Mr Paisley's evidence is essentially restricted to 2011⁴¹. Mr Miller agreed in cross-examination that he has no first-hand experience of the use of the Land that could assist the Inquiry.
65. This illustrates a wider point that Miss Simpson's testimony is generally to be preferred in my view because she has produced evidence, whether in the form of her diaries, photographs or invoices, to support the claims she has made. With the exception of the Christmas meal [16] I found her, in comparison to the Appellant, to be the more convincing witness despite the fact that she is a third party in these proceedings and has had little professional input, which has resulted in her statutory declarations being rather unfocussed⁴². However at its core her evidence is less ambiguous and more precise than that of the Appellant who chose not to elaborate on a statutory declaration that is set down on a single side of A4, from which he has nevertheless departed [19].
66. For these reasons, on the balance of probability, I conclude that nobody was residing or otherwise sleeping in the building during this period. In my view a gap of 5 months is significant and material in the planning context such that even if I might be wrong about the earlier period, from November 2013 to April 2014, the Appellant has not shown that any residential use of the building was continuous. Applying the test from *Swale Borough Council v First Secretary of State and another* [2005] EWCA Civ 1568 [Document 3.7] the Council could not have taken enforcement action against the use of the building as a single dwelling house during that 5 month period because it was not so used. To the extent that there may have been a breach of planning control during the period

³⁹ Source of quote: submission from Mr Denning to The Planning Inspectorate dated 23 August 2016.

⁴⁰ For reasons set out in paragraph 2.30 of her proof of evidence.

⁴¹ When giving evidence at the Inquiry he did not significantly elaborate on paragraph 2.9 of his proof of evidence.

⁴² I mean no disrespect in saying this, but if there had been legal input to the drafting of her statutory declarations then they might have been more focussed and not covered things like the access and splays, which relates more to the planning merits of the development undertaken and is not at issue in these appeals.

from April to September 2014⁴³, on the balance of probability it would have been part of the mixed use of the Land. This would have been subject to a 10-year period and the Council has taken such enforcement action [Appeal A].

67. In reaching this conclusion I appreciate that, on the balance of probability, the Appellant was sleeping in the small railway carriage next to the building in April 2014. In contrast to the Appellant's imprecise evidence as to when the small railway carriage was moved across, Miss Simpson has attached a photograph to her email dated 11 December 2015, which she says was taken on 7 May 2014⁴⁴, which shows the small railway carriage next to the building. Despite its close proximity to the building I consider that the manner in which the Appellant used it was no different to the way in which other persons who lived on the Land slept in other caravans and the large railway carriage but also utilised the building, whether for eating, communal meals or otherwise. It does not alter my view that the building was not in use as a single dwelling.
68. The Appellant was also asked about "Photo No 4"⁴⁵ and said it was a view from the lounge to the bedroom and that the bed was in the far corner; he apologised for the state of his housekeeping. Miss Simpson says this shows the area in an uninhabitable state. The first point is that if the date is correct then this appears to be outside the period that the Appellant claimed to live in the building. Rohan's statutory declaration talks about being on the Land from April until September 2014 and so it is ambiguous exactly when he moved to the flat. Even if it might be said this is a photograph of when the Appellant moved back into the rear bedroom, and in chief he made no explicit claim to this effect, I can understand why Miss Simpson says it shows an uninhabitable space. She called it a "dump store"⁴⁶, but the photograph is inconclusive.
69. In the context of my earlier finding I do not need to focus greatly on the use of the building for hosting World Wide Opportunities on Organic Farms [Wwoof]. It is common ground that such use took place over the summer of 2014. Miss Simpson's first statutory declaration says: "A field kitchen was made (doc 1 lounge), here we processed produce from the field", and in cross-examination she said she set up the kitchen in w/c 7 August 2014. It follows that there were 2 kitchens in the building during at least part of this period: one used by the Wwoofers and one by the Appellant and various guests. Although the absolute numbers of Wwoofers appears to have been relatively small⁴⁷ it has not been shown that this use was not material. The Council has submitted it was not ancillary to any residential use being made of the building but might have been ancillary to the subsisting agricultural use of the Land; I agree.

Both appeals: What was the use of the building from September 2014?

70. In the period from September 2014 it appears to be common ground that Rohan permanently vacated the Land, initially to a flat and then his present address. So for this period, for reasons set out above [64], what I essentially have is conflicting testimony from 2 individuals. Miss Simpson says that she

⁴³ To be clear I am referring here to the communal use of the kitchen by persons residing in vessels on the Land.

⁴⁴ I acknowledge that this date has not been verified but there is no reason to think that the Appellant would dispute that date because that is my understanding of his case at, or around, this period of time. The email was sent to the Council as part of the LDC and was submitted as part of the bundle on the morning of the Inquiry.

⁴⁵ Appended to Miss Simpson's first statutory declaration and said to date from 21 September 2014, although again there is nothing before me to verify its date.

⁴⁶ My contemporaneous note of her evidence in chief.

⁴⁷ See "Doc 2 b" attached to Miss Simpson's first statutory declaration; the Appellant said in chief that there were only "4 or 5 Wwoofers".

visited the property 3 or 4 times a week during this period when the Appellant was not there and would go in the building typically once a week⁴⁸. Conversely the Appellant's position is as set out [57] and he said there were no big gaps.

71. The other information for this period is found in Mr Noon's appendices. The Appellant was asked in cross-examination about the log on page 50 and appeared to say that he was sleeping in the building and the small railway carriage at the end of September 2014, but it cannot have been both. At best it was sleeping between them depending on the extent of disruption/works to the building. To further confuse the matter Mr Noon's note of Miss Simpson's telephone call at that time records: "*Chris Black doing up the railway carriage with a view to moving in*". The evidential position is extremely unclear and the Appellant's evidence as to what took place is neither precise nor unambiguous.
72. The Appellant was asked about Mr Noon's log entry following a site visit⁴⁹ on 14 January 2015, which records: "...4 residential units - his in the rail carriages, a woman + child in caravan, a lady in the gypsy caravan + his son (on p/t basis) in large building"⁵⁰. My note of the Appellant's response under cross-examination was that it was: "*Not so different. Fine to me*". He admitted he probably was in the carriage at that time. With respect I find this record is materially different because Rohan says he had moved to his flat well before 2015 and there is no other suggestion that he lived there on a part-time basis. It appears to follow that there was nobody residing in the building at that time.
73. Miss Simpson was asked, in the context of the "*Sarah's Space*" sign, about the use of the building. She said that the reality was that the building was owned by 2 people and there is a child who comes in and says he wants the space, such that the use of the building is not exclusive. Parents naturally want to help their children and if I take these statements together I consider this gives an insight into how the building has been used. It has not been shown that the building has been used as a dwelling house even in 2015. It might well have been used by both parents and Rohan as a place to resort to, somewhere to relax or store things, and there might even be some limited residential use. However it was not used as a single dwelling house in the *Gravesham* sense and given that other residents used it the analogy to a facilities block is apt.
74. My view in this matter is confirmed by the clear, dated photographic evidence before the Inquiry that shows that the small railway carriage had been moved back across the Land, adjacent to the other carriage, by 5 December 2014⁵¹. So on 14 January 2015, when the Appellant admitted in cross-examination that he was probably living in a railway carriage, it is clear that even if it was the small railway carriage it was not positioned next to the building. Mr Noon confirmed in answer to my question that unless the railway carriage was attached to the building in some way that if the Appellant was sleeping there, even if taking his meals in the building, that the use would be the subject of the 10-year rule; I agree. The building was not in use as a single dwelling as,

⁴⁸ My contemporary note of her evidence in chief is that she said that she visited 3 or 4 times a week "*after 2014*".

⁴⁹ Mr Noon agreed that his note was not passed to the Appellant to agree at the time, but the reality is that the Appellant did not seek to dispute its contents under cross-examination and so I attach the note moderate weight.

⁵⁰ Source of quote: page 50 of Mr Noon's proof of evidence.

⁵¹ See photographs on pages 26, 31 and 37 of Mr Noon's proof of evidence, all imprinted "05/12/2014". As Mr Noon said during cross-examination the second photograph attached to Miss Simpson's email dated 11 December 2015 might suggest that the small railway carriage was moved back to this position, adjacent to the large railway carriage, before 21 September 2014, but as I cannot be certain of this date I have relied on the Council's photos.

- on the Appellant's admission, he was probably sleeping some 50 m away in one of the railway carriages in the position that I saw at the time of my inspection.
75. The Appellant was also asked about Mr Noon's note⁵² of his site visit on 20 July 2015, which records that he, the Appellant, was living in the railway carriages. The Appellant did not accept that as an accurate record and said that he was living in his "primary residence"⁵³, the building, by that date. The photographs attached to Miss Simpson's first statutory declaration are said⁵⁴ to date from either side of this visit. Those from May/June 2015 show significant works [30] in progress, including in the vicinity of the bedroom. No personal possessions, such as bedding etc, are evident in these images⁵⁵. Later photographs dated 19 August 2015 are said to show: "*Problems with the whole roof leaking makes for an uninhabitable space*"⁵⁶. The Appellant admitted that he lived in the small railway carriage when he was doing works to the building. The most sustained and substantial period of works, notably to the bedroom area, appear to have been undertaken over the summer of 2015. Viewed in this light, whilst I again acknowledge that Mr Noon's note was not agreed with the Appellant at the time it was written, I am far from convinced that the Appellant has shown that he was residing in the building between May and August 2015. On the balance of probability Mr Noon's note is an accurate record at the time it was made and hence for at least some of the time over the summer of 2015 the Appellant was sleeping in a railway carriage approximately 50 m away from the building.
76. I acknowledge that Miss Simpson's visits actually into the building, as opposed to the Land, during this period might not have detected the Appellant sleeping in there on some occasions. However her photographs give an insight into the condition of the building in 2015 and, as she said during cross-examination, if the floor is up and the mattress is on its side it was not unreasonable for her to draw the conclusion she did from what she has seen during her regular visits. Moreover she said that she looked into the window of the small railway carriage every couple of weeks and saw the bed. Whilst this was not in her diary I find no reason to doubt this aspect of her relatively recent observations of the Land. It is not evidence I can discount when the Appellant's evidence is so imprecise.
77. It is common ground that at some point the Appellant did sleep in the bed in the building. Miss Simpson says it was in 2016, after the significant works to the building were complete and the leaks in the roof were plugged, without needing to collect the dripping water in containers. Since this is significantly after the material date in Appeal B, I am not convinced that it is necessary or possible for me to pinpoint the precise date. Even if the Appellant did reside in the building in the immediate period before the notice was issued, it has not been demonstrated that this constitutes use as a single dwelling because the agricultural use, including storage within the building, has continued at all material times and other residents appear to utilise the building to a greater or lesser extent. The Land still appears to be in a mixed use and so the reference to communal⁵⁷ use in the allegation is not inappropriate. Although the Council agreed there would be no injustice if I were to substitute the word shared for communal in the allegation I conclude that there is no need to do so.

⁵² Page 45 of Mr Noon's proof of evidence.

⁵³ My contemporary note of his evidence.

⁵⁴ As before, I have seen no verification of their date, but equally the dates were not challenged by the Appellant.

⁵⁵ "Photo No 6" and "Photo No 7" appended to Miss Simpson's first statutory declaration.

⁵⁶ Source of quote: Miss Simpson's first statutory declaration, with reference to "Photo No 5" [2 images].

⁵⁷ Defined as: shared or done by all members of a community or involving the sharing or work and property [Source: Concise Oxford English Dictionary]. It has a separate entry from a commune.

Both appeals: Conclusion as to what took place as a matter of fact

78. The key to these appeals has been to establish what has happened as a matter of fact. For the reasons outlined at length above I conclude that the allegation in the notice, i.e. the mixed use of the Land, has occurred as a matter of fact. The Appellant has not discharged the onus of proof that falls on him to show otherwise. Moreover the Appellant's submission is neither precise nor unambiguous; I have given numerous instances of such problems. It must follow that Appeal B must fail because it has not been shown that the building was substantially completed by the material date [32] or that it was used as a single dwelling house even on 15 October 2015, the date of the application.

Appeal A, Ground (d)

79. The enforcement notice was issued on 10 June 2016 and so the material date for this ground of appeal is 10-years prior to that date, namely 10 June 2006. On this basis the onus of proof falls on the Appellant to show that the mix of uses alleged in the notice began prior to the material date and has continued, such that: "*...at the time the enforcement notice was issued, it was too late to take enforcement action against the matters stated in the notice*" [as per section E. (d) of the appeal form].
80. I intend to deal with this very briefly. It has been shown, on the balance of probability, that the first caravan was not brought onto the Land until after the material date, as defined [17]. The Appellant's oral testimony to the Inquiry was clear that he lived initially in the caravan, as opposed to any other vessel, such as the VW camper van or a railway carriage [19]. It must follow that he cannot demonstrate he has lived on the Land since before the material date.
81. This finding is entirely consistent with his statement at the Inquiry that he did not sell Nimmer Mill until 2013 and that, at least during the period up to 2009, he lived there for approximately half of the time. He said he did most of the work of renovation to the Mill himself and, perhaps understandably, did stay in the building when working on it. That timescale appears to fit with moving the railway carriage onto the Land [60], which the Appellant appears to have used a fair amount of the time, despite saying he initially lived in the caravan.
82. For completeness I have reviewed what Miss Simpson said about her use of the caravan after it was brought to the Land on 26 March 2007. Her evidence was, in this respect, entirely convincing. On the first day she said that she initially stayed in the caravan on the Land in May 2007 and, amongst other things, referred to a friend, Mr Baggs, who stayed in a tent on the Land in July 2007 when he had to use a portaloos because the compost toilet had not been set up by that date. This recollection was broadly corroborated by her rent receipts for the period April to August 2007, which were produced on day 2, when she said she rented out her home as a holiday let, typically for a week at a time, and stayed in the caravan on the Land. As such the initial period of residential use of the Land appears to have commenced in April 2007. Even then the residential use was not continuous. Miss Simpson said that she stayed for one night in November 2007 and that there was a hard frost, which determined that she did not wish to stay another night on the Land over the winter. The Appellant has not shown that he occupied the caravan over the winter of 2007, but even if he had made such a claim that is well after the material date.
83. For the reasons identified I conclude that the Appellant has not discharged the onus of proof to show that the mixed use of the Land as alleged in the notice,

commenced prior to the material date and continued. In finding that ground (d) should fail I have taken account of all of the evidence that has been submitted.

Other matters

84. At the Inquiry the Council resiled from its earlier position that the first caravan [the "*Westmoreland Star*" in the north-west corner of the Land] was lawfully stationed on the Land by virtue of having been there for more than 10-years. With some irony this point does not appear to be in the agreed Statement of Common Ground [Document 6]. It is however reflected in the requirements of the notice because it is the caravan shown in "*Photograph F*".
85. In the light of the Council's change of position I have considered whether this should be reflected in what would arguably be a variation to the notice, but the test in section 176 of the Act is whether such a variation would cause injustice. In this case I am concerned that the Appellant would be in a worse position as a result of having lodged the appeal, if I were to require the caravan to be removed. Accordingly, for this reason, I decline to make such a variation.
86. Moreover my site inspection revealed that this caravan was not being used for residential purposes at that time but was being used generically for storage of what appeared to be items related to the agricultural use of the Land. Even if I am wrong I hope it is fair to say that the caravan has seen better days and, amongst other things, appears to have a plant, perhaps a bramble, growing in through the roof light. The requirement of the notice is clear that the caravan can only be used "*for agricultural use purposes*", which is appropriate.
87. There are a number of inconsequential changes I could make to the drafting of the notice, for example the requirements should arguably say "*Removal...of*" or "*Remove*". As the Appellant observed at the Inquiry, there is also no reference to "*Communal use*" in the requirements, but there is a reference to "*human habitation*" and the communal use appears to be a form of that. As such the notice is clear both in terms of the allegation and the requirements. It is not my role to improve the notice as it deals adequately with the identified breach that the Council has found it expedient to take enforcement action against. For these reasons I find no corrections or variations to the notice are necessary.

Conclusion

88. For reasons given above, and having regard to all other matters raised, I conclude that both appeals should be dismissed and I shall uphold the enforcement notice in Appeal A.

Pete Drew
INSPECTOR

APPEARANCES

FOR THE APPELLANT:

David Stephens

Chairman, Battens Solicitors Ltd.

He called:

Clive Miller BA (Hons), Dip
TP, MBA (Dist)

Managing Director, Clive Miller & Associates Ltd.

Christopher Black

Appellant.

Johnny Paisley

Appellant's friend.

Lucy Durnan

Appellant's friend.

FOR THE LOCAL PLANNING AUTHORITY:

Philip Robson

Counsel.

He called:

Adrian Noon BA (Hons),
Dip UP

Team Leader, South Somerset District Council.

INTERESTED PERSONS [THOSE WHO ADDRESSED THE INQUIRY]:

John Denning

Local resident.

Sarah Simpson

Joint landowner.

Documents submitted at the Inquiry

1. Letters of consultation, together with a list of persons consulted, and other steps taken by the Council to publicise the Inquiry, including the press advert and a copy and photographs of the site notice displayed at the site.
2. Opening statement on behalf of the Council,
3. Bundle of 7 legal authorities, which are cited in Mr Noon's proof of evidence, the last of which is *Swale* and hence unrelated to the issue of curtilage.
4. Revised layout plan, on which the Appellant made further annotations when giving evidence, which was submitted at the Inquiry by the Council.
5. A copy of the original statutory declaration that was submitted to the Council at application stage by Mr Paisley.
6. Signed Statement of Common Ground.
7. Email dated 5 April 2017 with regard to the caravan at the Trading Post, together with photographs of the same dated 17 October 2006, which were submitted at the Inquiry by the Council.
8. Closing submissions on behalf of the Council.
9. Closing submissions on behalf of the Appellant.

Agenda Item 13

Schedule of Planning Applications to be Determined by Committee

Strategic Director: Rina Singh, Place and Performance
 Assistant Director: Martin Woods, economy
 Service Manager: David Norris, Development 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 East Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 10.30am

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10.15am

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	CARY	16/02621/OUT	Outline application for six open market dwellings with land for up to two affordable dwellings and construction of new access and footway	Land OS 8565 West Of Pilgrims Way Lovington	Mr J Farthing
15	BLACKMOOR VALE	16/05421/FUL	Agricultural Building	Manor Dairy Farm, Charn Hill, Charlton Horethorne	Mr H C Archer
16	WINCANTON	17/00218/FUL	Erection of a tool shed and a summerhouse in the rear garden (Retrospective)	55 High Street, Wincanton	Mr J Conlan
17	BRUTON	17/00667/LBC	Replacement windows on the north elevation	The Old Farmhouse, Redlynch Park, Redlynch Road, Pitcombe	Mrs Jessica McIntosh
18	BLACKMOOR VALE	17/00561/COU	Change of use of redundant agricultural buildings to B1	Warehouse and premises at High Winds, Higher Holton	Mr Laurence Wadman

			(Business), B2 (General Industrial) and B8 (Storage and distribution)		
19	CAMELOT	17/00225/S73A	Application to vary planning condition 3 of approval 14/00215/FUL to allow the developer a 25 year period from the date of first generation of the solar park and not from the date of the planning application	Solar Site at Southfield Farm, Smithy Lane, Yeovilton	Southfield Farm Solar Park Ltd

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

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda 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 14

Officer Report On Planning Application: 16/02621/OUT

Proposal :	Outline application for six open market dwellings with land for up to two affordable dwellings and construction of new access and footway.
Site Address:	Land OS 8565 West Of Pilgrims Way Lovington
Parish:	Lovington
CARY Ward (SSDC Member)	Cllr Nick Weeks Cllr Henry Hobhouse
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	21st September 2016
Applicant :	Mr J Farthing
Agent: (no agent if blank)	Nigel Salmon 2 Priory Road Wells BA5 1SY
Application Type :	Major Dwlg's 10 or more or site 0.5ha+

UPDATE

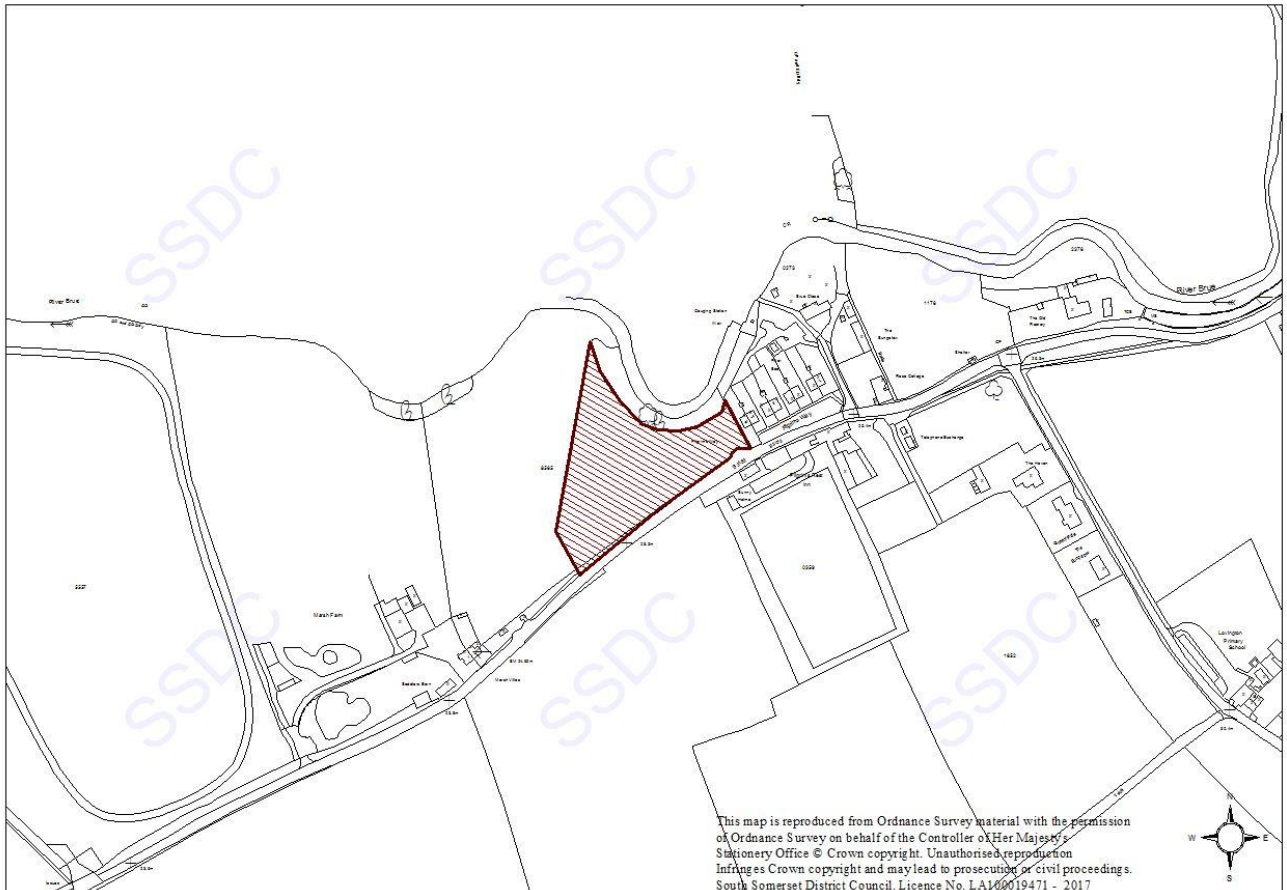
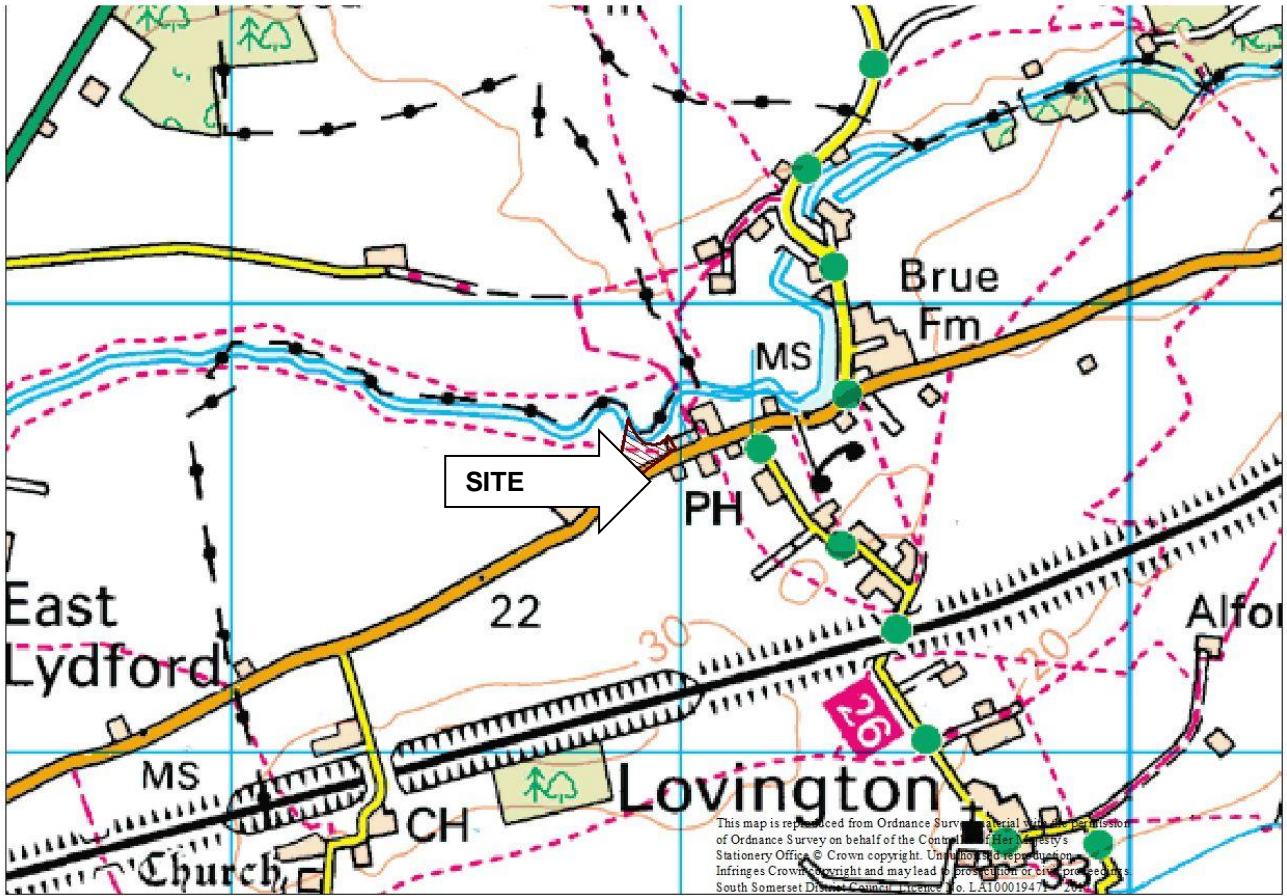
This application was referred to Area East Committee in February of this year at the request of the Ward Members and with the agreement of the Deputy Chair, where Committee decided to defer making a decision pending further clarification of the highway issues, in particular in respect of matters relating to the pavement and pedestrian crossing raised in the Highway Authority's comments.

Since the meeting the agent has been in direct negotiations with the Highway Authority and provided additional details including a written statement and additional plans to demonstrate how these features would be accommodated. In brief these details indicate the provision of a 1.5 - 2.0 metre wide footway with an unsignalled crossing point to the pavement on the opposite side of the road that runs past the Pilgrims Rest Inn and visibility splays for the pedestrian crossing on either side of the road of a minimum of 1.4 metres x 43 metres in either direction.

The agent has also provided a swept path analysis for the new access showing how a refuse lorry could negotiate the new vehicular access and turning head within the development.

ORIGINAL OFFICER REPORT (AMENDED AS NECESSARY):

SITE DESCRIPTION AND PROPOSAL



This application is seeking outline approval and the agreement of detailed matters relating to access, layout and scale for the erection of up to six open market dwellings with land for up to two affordable dwellings as well as the construction of the associated new access and footway.

The application site forms the eastern side of a larger agricultural field which is situated at the north western periphery of Lovington village and abuts the northern side of the B3153. The site is immediately adjacent to the residential development of Pilgrims Way and is in part opposite the residential property known as Sunny Holme. The River Brue runs along the rear boundary of the site and a public right of way (footpath WN 15/13) passes diagonally through the site from southeast to northwest. The northern part of the site that follows the river is technically within flood zones 2 and 3.

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 Settlements

SS6 - Infrastructure Delivery

HG4 - Provision of Affordable Housing - Sites of 1-5 Dwellings

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HW1 - Provision 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

Technical Guidance to the National Planning Policy Framework

CONSULTATIONS

Cary Moor Parish Council: Recommend approval. Full comments are included at the end of this report.

County Highways: Latest comments are awaited and will be reported verbally at Committee.

(Original comments) No objection subject to a number of conditions to secure the following matters:

- Details of the highway infrastructure works to accord with drawing number 1622/P/11E;
- Parking and turning to be kept clear of obstruction;
- Details to secure provision for the disposal of surface water within the site to prevent its discharge on to the highway;
- Secure the visibility splays set out on drawing number 1622/P/11E.

SSDC Highway Consultant: Refer to SCC comments.

County Rights of Way: No objections but requested improved surfacing of the public right of way through the development.

County Archaeology: No objections.

Environment Agency: No objection. We have recently received new detailed model for the River Brue and we can confirm that the proposed build development is located in flood zone 1. The only area that is near to the edge of the River Brue is the green / public open space to the north of the site, which wraps around the bend of the river. The applicant will need to take into account the 8 metre buffer from the river which would mean that a Flood Risk Activities Permit (FRAP) is likely to be required from the EA. Recommended a number of informatives.

Lead Local Flood Authority: No objection subject to a drainage condition.

Wessex Water: Raised no objections. Noted that a new water supply connection would be required.

Crime Prevention Design Advisor: No objection or comments.

Strategic Housing: We are happy with the proposal to gift land to Yarlinton Housing Association, the Section 106 agreement should tie the land to affordable housing as per the application. We are also mindful of our duty to promote starter homes. Should the floor area of the six dwellings be over 1000sq metres then we would expect 35% of the proposed properties to be affordable.

Sports, Arts and Leisure: There are no local facilities for play, youth, pitches, changing rooms or village halls in Lovington and no identified need at present to provide these, we will not be seeking contributions from this development.

Planning Policy: The adopted local plan defines Lovington as a Rural Settlement, Policy SS2. At the time of writing these comments our monitoring data showed that over the plan period up until 31/03/2016 there had been a net gain of 3 dwellings (completions) in Lovington Parish with a further 2 commitments. I understand that here are a number of other applications ongoing elsewhere in the Parish seeking a combined total of 22 dwellings (including this site). Of these applications the current application meets the housing need identified through the Draft Housing Needs Report, i.e. 10 new units, and it is the only application including an element of affordable housing.

The proposal has undergone community engagement and consultation and appears to have the general support of the local community. I would however suggest that the mix of dwelling types proposed does not reflect the findings of the Draft Housing Needs Report which identifies a need for predominantly smaller properties. Taken in isolation this proposal generally accords with policy SS2.

In terms of the possible cumulative impact of approving all of the current proposals, the 2011 census shows that there are 71 dwellings in Lovington Parish. If all of the current applications were approved

this could mean a 31% increase in the number of dwellings in the settlement. Overall policy SS5 sets out a requirement for 2,242 dwellings in Rural Settlements over the plan period, currently it appears that 1,301 dwellings have been built in such settlements. Given that Lovington has a range of services and a level of public transport commensurate with a Rural Settlement it is considered that 22 additional dwellings in the settlement would not threaten the overall local plan strategy set out in policy SS1.

In assessing each proposal the case officer will need to be satisfied that they accord with the policies of the local plan. The lack of a five year housing land supply is a significant material consideration.

Ecology: No objection subject to conditions.

I agree with the Preliminary Ecological Appraisal provided that the northern boundary alongside the river may provide a corridor used by legally protected species such as otters, bats and dormice. I note the proposed layout plan shows retention of this habitat, although the removal or works to semi-mature ash trees may be required to accommodate the development. Provided this habitat is retained and subject to conditions requiring further survey work relating to otters and badgers and a condition seeking biodiversity enhancement I have no objection.

Landscape Officer: Objects.

In terms of local character, Lovington is a dispersed village, with pockets of housing interspersed by paddocks and farmland, and no strong nucleus, other than the historic focus of the church. The farm and paddock spaces between the residential pockets of the village contribute to its dispersed character, and the wider context is emphatically rural. The application site is a corner of an agricultural field on the west side of the village, outside much of its residential form, that lays between the alignment of the B3153 Somerton - Castle Cary road, and the sinuous course of the River Brue to the immediate north. The Pilgrims Way development lays immediately to the east of the site, otherwise its context is farmland.

I note that the application site lays at the east end of an arable field which further reduces east to a narrow space between the bend in the Brue's corridor and the B-road adjacent the existing housing edge. At this narrow 'pinch-point', the trees demarcating the Brue's course, and the roadside hedgerow, provide a credible degree of physical and visual containment of the existing Pilgrims Way development, such that it does not intrude into the wider farmed landscape, but is coherently clustered with adjacent housing within the same bend of the river, and the Pilgrims Inn opposite.

Conversely, this residential proposal lays outside this pinch-point (which I view as providing a credible physical edge to this area of the village's development) such that the proposal opens to the wider agricultural landscape; does not enjoy the same degree of visual and physical containment; nor the same clustered arrangement as characterised by the building group to the east. As such, the relationship with existing built form is tenuous, nor does the development footprint have any natural containment to its northwest and southwest, to thus be open to wider view. I consider the aggregation of these impacts to adversely impact upon local character and distinctiveness, and thus offer landscape grounds for refusal, LP policy EQ2.

CPRE: Object for the following reasons:

- Impact on landscape - Lovington is a dispersed settlement with clusters of housing interspersed by paddocks and farmland with no clear village nucleus. This allows the village to sit comfortably within the surrounding landscape. We would like to support comments made by the Landscape Officer who argues that this proposal fails to respect local character and distinctiveness, contrary to policy SS2.
- Loss of agricultural land - The development would result in the loss of 0.85 hectares of good

quality agricultural land. Paragraph 12 of the NPPF states that such land should be conserved for agriculture.

- Policy SS2 - This policy requires community support for the development following robust community engagement and consultation by the applicant. We do not feel that this has been sufficiently demonstrated. A Court of Appeal ruling (Richborough judgement of last March) states that significant weight could still be given to such restrictive policies even if there is no 5 year housing land supply.
- Cumulative impact - If all the current planning applications are given the go ahead this will have a major impact on the character of this rural settlement and on the quality of life of the local community. Lovington is a scattered village with no historic nucleus. It has no village hall or community centre, no general store and public transport is minimal. To allow such a significant increase in housing numbers in such a short space of time cannot be described as sustainable.

REPRESENTATIONS

Written representations have been received from one local household expressing support for the proposal:

- A very sensible application which I think will bring new people into the village and because of its location will not upset local people.

Written representations have been received from six different local households raising the following concerns and objections:

- There is insufficient information to demonstrate that the development will be served by a suitable and safe means of access.
- Insufficient information has been submitted in order for the application to be properly considered and that commentary made on the application has not been adequately responded to.
- No audit has been carried out on this revised scheme and the audit carried out on the original submission raised a number of points and that these should be addressed during the application rather than later given the outline application is seeking to agree matters of access.
- The highway authority has based their comments on assumptions without any real assessment of actual traffic speeds and adequate sightlines based on these speeds. That the vehicular access lies close to a crest in the road and no assessment of vertical visibility has been carried out and no sightlines have been provided with regard the pedestrian crossing. They also question the ability to provide the footway at the proposed 2m width. They note that the existing hedge and fence erected when the road improvements / traffic lights were put in are required to be maintained by the highway authority who owns the land. They go on to say that the hedge along the frontage of 4-7 Pilgrims Way belongs to these properties and is not public highway.
- The B3153 is a highly dangerous road the proposed access for the houses would add greatly to the chaos and could well lead to fatalities.
- The main road is highly dangerous this is because of speeding lorries and tankers and because of the poor state of the road surface. The two junctions from the houses and industrial units proposed would greatly add to the chaos and could lead to fatalities.
- The access is on to a busy main road with heavy traffic and close to the brow of a hill.
- Pedestrians already feel vulnerable using the footway running alongside the Pilgrims Rest which can be subject to vehicles over running as it has a continuous kerb. There is also evidence on site of debris being dropped onto this footway from passing traffic. Hence any increased usage of this footway is of concern.
- Land required to widen the B3153 in front of 4-8 Pilgrims Way was acquired from SSDC, it is clear from this that SCC as the Highway Authority do not own and control the necessary land

to enable the 2m wide footway shown on the proposed plans. Such a footway would require the hedge planted fronting no's 4-8 Pilgrims Way pursuant to the 1995 conveyance to be grubbed out. This would have a severely negative impact on the residential amenities of these properties.

- The only way for this to go ahead is to take part of our gardens (Pilgrims Way).
- There have been many strong objections in the village to any concept of housing estates and especially on greenfield sites where they would exterminate wildlife. Lovington is over 1500 years old, has a distinct historic and traditional quality and great harm would be done to the village if an inappropriate project went ahead.
- The cumulative impact of this as well as the other proposed developments in the village must be considered.
- Even if the Carymoor Housing Needs Survey data (which is considered to be skewed) is accepted the number of houses suggested was 10. There are now approvals in place for 14 houses which exceeds the required quantity already and are on brownfield or infill sites. Local housing demand has therefore been more than satisfied.
- Over-development.
- An additional 19 dwellings cannot be allowed as they would be contrary to policy SS2.
- The status of Lovington under the local plan limits development here. There is no reasonable justification for these houses.
- The development will be located where there are inadequate services, employment or sufficient public transport, which would mean more traffic and increased in use of the sub-standard junction. The narrow country lanes off the main road are not fit for further increases in traffic.
- There is no public house (The Pilgrims is a restaurant), no shop, a very part time church, no good bus service (you can only get to Yeovil for a couple of hours, 1 day a week). Inadequate employment, no play area, no village hall .
- The six open market houses will be unlikely to be within the budget of local young people.
- The signing away of land through a S106 is a dubious method of getting an application accepted.
- Current approvals are already in place for 11 dwellings in Lovington, representing a 19% rate of growth. This is nearly double that required of the nearest local market town of Ansford / Castle Cary under the local plan. If all current applications were approved this would add up to an additional 40 dwellings in a village of 59, a 68% rate of growth.
- There is no benefit for the people of Lovington.
- The current applications in would be served by new estate roads, two sitting astride Pilgrims Rest, with footways and no doubt street lights, all being entirely alien features to the village and ones which would urbanise the feel of the village. Additionally there might be a need to install street lighting alongside this stretch of the B3153.
- The rural character of the village must be maintained.
- This would destroy the current nature and character of Lovington.
- The site is greenfield next to the river with a public footpath allowing access to this wildlife haven and is described by the council's landscape officer as contributing to the character of the village. Concerns are also raised by the environmental officer.
- The development is totally out of keeping with the character of our rural area.
- Potential harm to wildlife. This is an unnecessary development that will cause unnecessary harm to riverside wildlife.
- The loss of the trees must not be allowed.
- The bottom of the site is within a flood zone. Risks resulting in surface water flooding to surrounding houses.
- There are natural springs in the construction area.
- There has been no consultation, no archaeological survey and no contamination survey.

[N.B: Since the Committee meeting in February it has been brought to the Case Officer's attention that some concerns have been raised locally in relation to the nature and outcome of the Parish Council's comments. Whilst this is noted the Case Officer must accept the comments that have been provided from the Parish Council. There are appropriate channels / procedures by which such concerns should be addressed / dealt with, it is not for a Planning Officer to intervene in such matters.]

CONSIDERATIONS

This application is seeking outline approval and the agreement of detailed matters relating to access, layout and scale for residential development. The scheme as originally submitted sought the erection of 6 open market dwellings and the provision of land for up to four affordable dwellings along with the construction of the associated new access and footway. The application has since been revised reducing the number of affordable dwellings to two.

Principle

Lovington is a small rural village which benefits from a range of local facilities including a public house, church, primary school, children's nurse as well as employment sites (most notably Brue Farm). On the basis of this range of facilities it is accepted that Lovington should be treated as a Rural Settlement within the local plan hierarchy and therefore falls under the considerations of local plan policy SS2.

The proposed mix of market and affordable housing is considered to be a positive that weighs in favour of the proposal with regard to the requirements of policy SS2, however, the mixed views of the local community and concerns in respect of its harmful impact upon the character of Lovington means that it does not strictly comply with this policy.

At present SSDC is unable to demonstrate a five-year housing land supply. In such circumstances paragraph 49 of the NPPF states that relevant development plan policies for the supply of housing should not be considered up-to-date. Subsequent case law, High Court decision (Woodcock Holdings Ltd), concludes that appropriate weight can be attached to 'out-of-date' housing supply policies when considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

In this instance Lovington is considered to be an acceptable location for some growth and it is acknowledged that the location of the application site is close to a number of the services that can be found within the settlement. The Policy Planner considers in some detail the level of development currently under consideration at this time for Lovington. They note that although there is the potential that this proposal along with others pending / approved for the village could result in a 31% increase in households in the settlement they do not consider the principle of this level of growth to be unacceptable, bearing in mind the LPA's current lack of a 5-year housing supply.

The contribution that this scheme will make to the district housing supply is modest, nonetheless, it should still be considered a benefit to which considerable weight should be attributed and overall the principle of the proposed development is considered to be acceptable.

Character and appearance (access, layout and scale)

Lovington has a very loose, dispersed grain of development that has resulted in several loose and sporadic building groups without any part forming a clear village nucleus. As a result of this pattern of development the village has a very undeveloped and rural character that has a sense of being directly connected to the surrounding countryside.

The application site lays at the east end of an arable field which reduces in depth at this end of the field narrowing between the bend in the River Brue on the north side and the main road to the south. At this narrow pinch-point the trees growing along the River Brue and the roadside hedgerow provide a fairly robust level of visual and physical containment of the existing Pilgrims Way development to the

east in a manner that does not intrude into the wider farmed landscape and instead is coherently clustered with adjacent housing within the same bend of the river and the Pilgrims Inn opposite.

The proposed development however lays outside this pinch-point and intrudes into a wider agricultural landscape that does not benefit from the same sense of physical and visual containment. Its relationship with existing built form is weak and due to the lack of any natural containment to the west is open to wider view. The resulting extension, projection and consolidation of built form is considered to have an urbanising effect of this part of the settlement that is at odds with the dispersed pattern of development and rural nature that characterises the settlement of Lovington. For these reasons the development is contrary to the aims and objectives of LP policy EQ2.

Highway safety

Following local comments the scheme has been revised to omit the footpath element through Pilgrims Way to the east.

The proposed access to the site includes a new vehicular access towards the western end of the site and pedestrian access at the eastern end leading on to a signal controlled stretch of the B3153. There are local concerns in respect of both of these accesses.

In respect of the vehicle access, concerns have been raised with regard to the position of the access in relation to the brow of the hill to the west which they are concerned could restrict visibility in this direction for vehicles emerging from the new access. The Highway Authority however has considered this and confirmed that their Technical Audit team have scrutinised these details and do not consider that the topography of the road will adversely affect visibility for drivers' leaving the site, or for on-coming traffic approaching from the west to see emerging vehicles. In their latest submission the agent has also provided a swept path analysis for the access and turning head to demonstrate how a large refuse vehicle could access, leave and turn within the site.

A number of residents at Pilgrims Way have objected to the proposed footpath works alongside the B3153 which will intrude into the bank which they consider to be part of their gardens. One resident has gone further and stated that it is not possible as the highway authority does not own this land and provided details of the conveyance of the land in question.

In the agent's latest submission to the Highway Authority they have clarified that a 9.5m stretch of the new footway, where it passes in front of 8 Pilgrims Way, will be 1.5m wide with the remainder of the footway to either side of this area being a minimum width of 2.0m. A plan has been provided detailing this varying width and the position of the proposed crossing point, which is to be unsignalled, to the existing pavement on the opposite of the road to the west side of the Pilgrims Rest. The plan also details the visibility splays for pedestrians using this crossing point on either side of the road which indicates that such visibility would be a minimum of 43m in either direction (measured 1.4m back from the carriageway edge).

Having read through the conveyance for the affected land that runs along the front of Pilgrims Way and obtained a copy of the title documents from Land Registry it would appear that it should be possible to accommodate the new footway as proposed.

At the time of writing this report, however, formal comments from the Highway Authority had yet to be received in respect of the additional submitted information. The agent has provided informal comments that they received from the Highway Authority which appears to indicate that the Highway Authority is likely to find the principle of the uncontrolled pedestrian crossing acceptable, however, these comments lack clarity as to whether this information adequately addresses all concerns relating to this crossing and as such their further comments are awaited.

Residential amenity

The application site is relatively spacious in terms of accommodating a development of this scale and given its distance and juxtaposition with surrounding development there is no reason why a scheme of this nature could not be designed so as to avoid any demonstrable harm to neighbouring properties.

Other matters

- **Drainage / flooding** - At the time that the application was submitted the northern part of the site alongside the River Brue was defined as being within flood zone 3 and so at high risk of flooding. The Environment Agency however has confirmed that following recent modelling work for the River Brue they are satisfied that the area of built development is located in flood zone 1 and therefore at low risk of flooding. They have not raised any other drainage or contamination concerns.
- **Ecology** - Concerns have been raised in respect of the impact the development could have upon ecology / wildlife that utilise the riverbank. The Council's Ecologist has visited the site and satisfied himself that any concerns relating to ecology and specifically protected species can be adequately addressed by conditions. On this basis it would be unreasonable to object for this reason.
- **Archaeology** - Several residents have expressed concern with regard to the lack of consideration given to possible onsite archaeology. The County Archaeologist however has been consulted and raises no objection or comments in respect of the proposal.
- **Loss of best and most versatile agricultural land** - The CPRE has objected for this reason. Whilst there is a lack of assessment of the quality of this land, at the time of visiting wheat was growing on the land and so it might be reasonable to assume that it falls within the category of being the 'best and most versatile'. The total site area however is only 0.85 hectare and it is therefore accepted that the proposal does not represent a significant loss of such land (paragraph 112 of the NPPF).

CIL (Community Infrastructure Levy)

Since the beginning of April the Council has adopted CIL and as such this new build development will be CIL liable.

In May a Court of Appeal ruling (SoS CLG vs West Berks / Reading) determined that local authorities should not be seeking contributions from schemes of 10 units or less and less than 1000 square metres in floor area, unless they can be justified as being necessary to make this development acceptable. On this occasion the Leisure Policy team were consulted and confirmed that they do not wish to seek any contributions. In regard to affordable housing, the applicant is voluntarily offering to donate land for two affordable houses which is considered to be acceptable.

Planning Balance

The council's lack of a five year housing land supply is acknowledged and attracts great weight in the decision making process with policies for the supply of housing considered not to be up-to-date. The Local Plan reflects the presumption in favour of sustainable development set out in the Framework. The sustainability of development needs to be assessed against three elements: social; environmental; and economic.

It is acknowledged that the proposal would make a positive contribution towards meeting the housing shortfall in the District and widening the choice of homes. The scale of the scheme however is relatively modest and therefore the weight given to this benefit is only moderate. There will also be some economic benefit arising from employment during the construction phase of the development, however, as this will only last for a short period of time whilst the site is being developed only limited weight should be attributed to this benefit.

Conversely the impact of the development upon the character of the settlement and the local landscape are considered to be substantial. Lovington is a dispersed rural settlement that is characterised by small pockets of housing interspersed by paddocks and farmland with no strong

nucleus. The resulting extension, projection and consolidation of built form at this northwestern edge of the village where there is no natural containment is considered to have an urbanising effect that is at odds with the prevailing dispersed pattern of development and rural nature that characterises Lovington. These are strong character and appearance concerns that have the support of policy EQ2 and attract great weight in the decision making process.

Bearing in mind the permanence and irreversibility of the proposed built development, these factors are considered to weigh heavily against supporting the proposed development. The presumption in favour of sustainable development, as set out in paragraphs 14 and 49 of the NPPF is acknowledged, however, in this instance the adverse impacts identified above are considered to be severe and to demonstrably outweigh any benefits.

Conclusion

Final comments from the Highway Authority are awaited in respect of the proposed vehicular and pedestrian access arrangements and will be reported verbally to Committee at the meeting. Provided the Highway Authority raises no substantive highway safety concerns in respect of this scheme it would not be considered appropriate to refuse the application for highway safety reasons.

Notwithstanding the Highway Authority's final comments, the environmental harm that would arise from the development, specifically the harm identified above in respect of the local landscape and the character of Lovington is considered to be so great as to demonstrably outweigh the social benefits that the provision of the additional 8 houses would bring. On this basis the proposed development is considered to be an unsustainable form of development that is contrary to the aims and objectives of policies SD1 and EQ2 of the South Somerset Local Plan and for this reason is recommended for refusal.

RECOMMENDATION

Refuse consent for the following reason:

The proposed development, by reason of its location and scale, will result in the extension, projection and consolidation of built form that is both intrusive within the local landscape and contrary to the dispersed pattern of development and rural nature that characterises the settlement of Lovington and which fails to reinforce local distinctiveness, respect local context or to conserve or enhance the landscape character of the area. Such harms are considered to be substantial and to outweigh the positive contribution the scheme would make towards meeting the district's five-year land supply and to therefore be contrary to the aims and objectives of policies SS2 and EQ2 of the South Somerset Local Plan as well as 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, the applicant/agent did not take the opportunity to enter into pre-application discussions and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

Cary Moor Parish Council comments as minuted at their meeting on 16/08/2016:

16/02621/OUT. Amended. Outline application for six open market dwellings with land for up to two affordable dwellings and construction of new access and footway.
Land West of Pilgrims Way, Lovington

Mr Roberts outlined amendments made to the application. These included removal of the footpath to the rear of Pilgrims Way, reduction in length of the 2 metre wide footpath to the front of Pilgrims Way avoiding third party land and creating an open space between the development and existing properties at Pilgrims Way. The size of the open market dwellings had been reduced to two 2 bed, two 3 bed and two 4 bed dwellings, with land for two 2 bed affordable dwellings. This was an outline application with approval being sought for access, layout and scale; appearance and landscaping being reserved for later approval.

Comments were invited from the public and included:

Lucy Swanton (Lovington) said this application should be considered in context. 30 dwellings were being proposed in this one small part of the village, this was too much. She commented on the Housing Needs Survey which she felt was skewed with anomalies but still only showed a need for between 6 and 10 new dwellings. Permission had already been granted for 5 at the Pilgrims Rest and 2 at The Haven. The need for further housing had not been established. She felt it would change the appearance of the village.

The issue of flooding was raised but the proposed site has no history of flooding. The issue of disturbance of wildlife was also raised.

Ben Carlisle (Agent for the applicant) responded that an ecological survey had been done and that 3 metre and 6 metre protection zones had been incorporated to the design to protect tree roots and wildlife.

Debbie Candy (Lovington) commented that Lovington was a rural settlement, the proposal would change the character of the village and residents didn't want to see the area over-developed. She was in favour of limited in filling but not housing estates which would change the character of the village.

Chris Hoare (Lovington) stated that he felt the housing needs survey was irrelevant but that Lovington would benefit from a central hub.

Martin Jacobs (Lovington) said that the proposal was a money making exercise which would provide no benefit to the village.

Andrew Wasenczuk (Lovington) said that he was the most affected by the proposal (living at 8 Pilgrims Way) and that residents would gain from the footpath and the open space between Pilgrims Way and the development. He also felt that the number of houses proposed was proportionately small to the size of the field.

Fetcher Robinson (Lovington) stated that Lovington already had permissions for a 20% increase in housing, twice that required in Ansford/Castle Cary and that further development was not necessary to accommodate local needs.

Vivian Stanley (Lovington) stated that Highways have said that the road was not suitable and already has a sub-standard junction.

Mr Hutchings raised concerns about various highway safety issues.

Mrs Carbin regularly rode her horse on this stretch of road and had similar concerns.

Ben Carlisle (Agent for the applicant) responded that a respected highway consultant had been employed and concluded the design would not lead to any highway safety issues arising.

Mr Bayley raised concerns about the village being faced with 10 years' worth of housing applications all at once.

Mr Roberts said that Lovington is a small rural village with very few facilities. He said there is a highway safety issue to consider and felt vulnerable when using the footway alongside the Pilgrims Rest which could be subject to vehicles over running as it had a continuous dropped kerb. He said a safety audit of the proposed roadside footpath is awaited from the Highway Authority as well as their comments on the proposed access. Whilst the latter provided required sight lines, he had concerns about its location on the brow of the hill on a bend in the road. He proposed that observations on this application be deferred until the Highway Authority's comments are available, particularly as there is another application with a proposed access directly opposite the point where pedestrians would need to cross the road from the new footpath serving the site (16/03367/OUT, minute P16/24 refers). Two applications with access on opposite sides of the B3153 would need careful consideration of all aspects of vehicular and pedestrian safety.

It was agreed unanimously to defer observations on this application until the September meeting.

Agenda Item 15

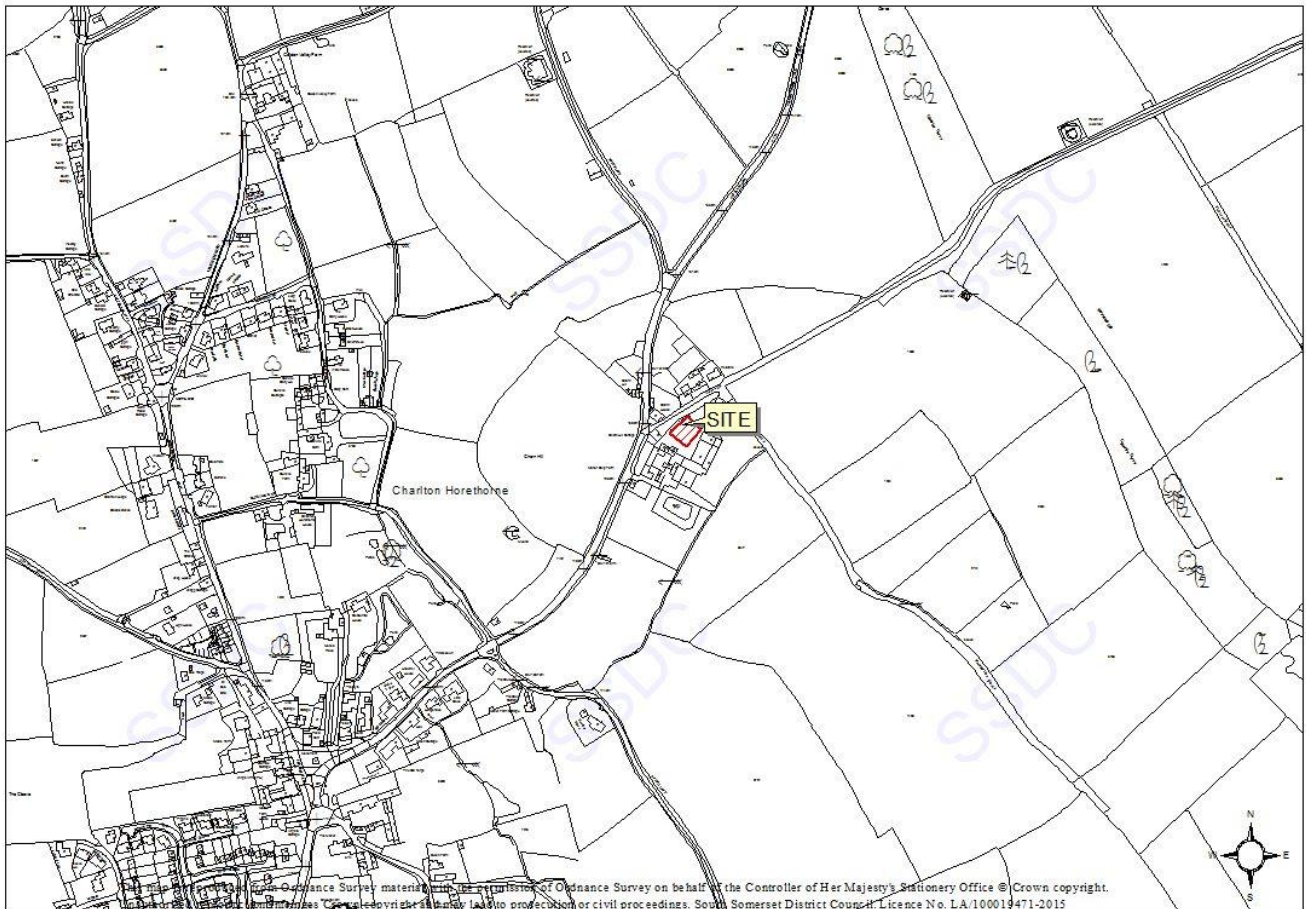
Officer Report On Planning Application: 16/05421/FUL

Proposal:	Agricultural Building
Site Address:	Manor Dairy Farm Charn Hill Charlton Horethorne
Parish:	Charlton Horethorne
BLACKMOOR VALE Ward (SSDC Member)	Cllr William Wallace
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date:	7th February 2017
Applicant:	Mr H C Archer
Agent: (no agent if blank)	Mr N Griffin 4 Vallis Road Frome Somerset BA11 3EA
Application Type:	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman to enable the comments of the Parish Council to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is located in the countryside to the North-East of Charlton Horethorne. The site is part of an agricultural yard and buildings. A residential dwelling (Charn House, Grade II Listed Building) is located across the road from the existing structure that comprises a series of lean-to extensions attached to the original Dutch barn. The whole effect forms an 'L' shaped footprint (measured 23.2m by 14.5m that incorporates the Dutch barn with lean-to on south-east and north east elevations, with reduced length lean-to on north-west elevation being 9.5 wide and 12.5m length) with a separate lock-up garage within the 'wings' of the adjacent building.

The proposal seeks a replacement agricultural building measuring 21m wide and 23.2m deep. This shows a ridge height of 6.5m and eaves at 4.8m above ground level. Exterior materials include the use of polyester coated steel box profile vertical cladding (country green) with sealed roof lights within composite panel roof cladding (goosewing grey). The front and rear elevations each have three doors.

While there are no existing drawings the existing structure is considered stands at an overall height that is similar to that proposed, although the eaves are much higher and more continuous making up the elevation nearest Charn House that contrasts with the existing arrangement that shows the lock-up garage whose eaves are no greater in height than 2.4m (in contrast to 4.8m) and whose ridge stands not much higher than 3.5m at ridge level, with the bulk of the existing structure kept further away from the neighbouring property.

Background

At the time the application was submitted matters were complicated by an open enforcement investigation covering the wider site that included reference to a commercial use within the subject building. The use has since been removed.

The situation evidently gave rise to local concerns about the replacement building being used other

than for agricultural purposes and in response the description of the proposal was simplified to reflect an 'agricultural building' that avoids any ambiguity as to what would be permitted. Specifically, the workshop element involving storage and repair of machinery should be viewed as an ancillary presence on any farm and need not be mentioned in the description.

RELEVANT HISTORY

01/02846/COU - The change of use of redundant agricultural buildings to stables and provision of a mobile home, Approved (OFFICER Note: Barn to the WSW of current barn)

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.

Sections 16 and 66 of the Planning (Listed Building and Conservation Areas) Act 1990 require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building.

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

EQ2 - General development

EQ3 - Historic Environment

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Policy Guidance

Other Relevant Documents

Somerset Highways Standing Advice - June 2015.

CONSULTATIONS

Charlton Horethorne Parish Council - supports the application.

County Highway Authority - standing advice applies.

SSDC Highway Consultant - No significant highways issues provided the proposed development is for the applicant's own personal use rather than a commercial use.

SSDC Conservation Officer - The site is close to a Grade II listed building to the northwest, called Charn House. I suggest that the site is also relevant to the wider setting of the village, as there are significant views over the building group to the southwest to the centre of the village, when the site is viewed from higher ground to the northeast. This includes the village core which is covered by a conservation area. The current building has a fairly modest agricultural scale and a more traditional

form, comprising a Dutch Barn, with lean-to elements to each side. It is a building form that has formed part of our agricultural landscape for a century. I suggest that the wide singular form of the replacement building is very different, and will be inappropriately prominent in terms of the immediate setting of Charn House and the wider setting of the village.

The application therefore fails to accord with policy 132 of the NPPF as the new building will cause harm to the setting of heritage assets. As such I recommend refusal.

SSDC Landscape Architect - whilst the proposed building appears to be a replacement structure, and is well-related to the existing farm form, the proposal will result in an increased development mass, and is designed in a manner that appears more industrial than agricultural, and thus a little more imposing in relation to properties to the northwest. If you are satisfied of the need for the building, then some moderation of the scale and finish would better assimilate it into context.

REPRESENTATIONS

There have been three neighbour notification responses received. One supports the proposal and says 'I can see no problem with this proposal'.

The objections include:

- The industrial style and increased scale of the replacement building would have significant visual impact and adversely affect the historic setting of Charn House, a Grade 2 listed building,
- A workshop in the building, positioned in close proximity to Charn House and other tenanted properties, would impede residents' rights to enjoyment of their property. Noise would be amplified by the planned building materials and industrial style doors at either end of the structure.
- Hull Lane is a narrow country lane
- We are concerned at the potential commercial use of the building. There are already non-agricultural businesses operating at the premises.

CONSIDERATIONS

Principle of Development

There is support 'in principle' for a replacement agricultural building. Accordingly the main considerations include character and appearance, the setting of the listed building, highway safety and neighbour amenity.

Character and Appearance

The Conservation Officer and Landscape Architect both refer to the increased scale and resulting building mass. The site is variously described including 'the current building has a fairly modest scale' and that 'the proposal will result in an increased development mass... whose design... appears more industrial ... and this a little more imposing'. The resulting singular mass is considered has a greater impact on the immediate locality, although as an agricultural structure its character and appearance is considered acceptable to its location.

Setting of Listed Building

As is noted the existing building is in fact a composite building made up of a collection of lean-to structures incorporating what was originally a Dutch barn. A separate lock up garage stands within the proposed floor area of the replacement building. The scale and massing of the proposed replacement building is considered adversely impacts the historic setting of Charn House, given its relationship and proximity to Charn House. The conservation officer is not supportive of the replacement building.

Highway Safety

The proposal seeks a replacement agricultural building. It is variously described as an implement store and workshop although the latter in connection with the agricultural use would be ancillary to the applicant's farming operations and as easily could be undertaken anywhere within the site and is not viewed to generate any more traffic than is already capable of making use of the site. The council's highway consultant has raised no issue with the proposal from a highways perspective on the basis that the use is purely related to the agricultural use of the site. To avoid any ambiguity as to its use the description is changed to the erection of an agricultural building.

Neighbour Amenity

The existing building is less obvious than would be the new that is a much enlarged industrial style building on an expanded footprint. The resulting enlargement nearest the neighbouring property (Charn House) stands separated by the highway and a thin strip of third party land, although the relationship and proximity means that in coming closer to the most affected neighbour, the resulting overall height and increased mass at this point results in a much more pronounced and dominant north-east elevation that should be a matter of concern.

The current arrangement identifies within the immediate location an open structure on three sides and occupied by the lock-up garage whose ridge as noted above is considered stands not much higher than 3.5m, with eaves little more than 2.4m above ground level in contrast to the proposed eaves at 4.8m. The fact that the 4.8m eaves would be continuous at this point with no break and with a rising roof pitch provides an 'immediacy' of scale, to the detriment of neighbour amenity. The current interplay of roof pitches apart from the cut away within which stands the lock-up garage is seen helps reduce the overall bulkiness that is otherwise that much more pronounced in the singular replacement structure.

Concluding Remarks

Pertinent to the planning considerations that are engaged include the impact on the setting of the adjacent listed building, and closely connected to this the resulting scale, massing and proximity of the replacement building in relation to the neighbour's amenity. While an agricultural building, the industrial nature of much modern agricultural development results in an increased scale that is seen with this proposal, that in close proximity to neighbouring occupants is considered to have a detrimental impact.

There is the added significance of the listed building setting that results and the concerns raised by the significantly larger singular building replacing the existing amalgam of structures that subtly are of a different scale and further removed from the immediate neighbours is viewed to have less impact. The proposal expands the existing footprint. The replacement building is also that much larger in terms of the overall height of the eaves that replaces the existing that presents a much reduced presence at this point.

Neighbour concerns have raised the potential commercial use that reflects the recent enforcement investigation. There is no ambiguity in that the planning permission is for an agricultural building that is capable of legitimate use as an agricultural workshop by the applicant. Given the enforcement matter, and presence of the commercial use that is now removed, it is considered that there are legitimate local concerns about future commercial use. However, this is not what is applied for, and would be subject to a further application at which time wider planning considerations would be engaged, notably amenity and highway concerns, as is, perhaps, suggested by the council's Highway consultant's response who otherwise is supportive on the basis of a continuing agricultural use.

RECOMMENDATION

Refuse permission for the following reason

01. The proposed development by reason of its scale, massing, height and its location and proximity would result in a detrimental impact on the setting of the listed building (Charn House, grade II) and the residential amenity of adjacent occupants. As such the proposal is contrary to Policy EQ2 and EQ3 of the South Somerset Local Plan 2006- 2028.

Informative:

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, the applicant/agent did not take the opportunity to enter into pre-application discussions.
-



The site is located on the High Street within the conservation area.

The property is a terraced, three-storey Grade II listed building comprising a commercial premises on the ground floor, currently a laundrette, and two residential units above. The surrounding properties are a mix of commercial and residential premises.

This application seeks retrospective permission for the erection of a tool shed and a summerhouse in the rear garden.

HISTORY

None relevant

POLICY

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

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

On this basis the following policies are considered relevant:-

- Policies of the South Somerset Local Plan (2006-2028)
- SD1 - Sustainable Development
- SS1 - Settlement Strategy

Policy EQ2 - General Development
Policy EQ3 - Historic Environment

National Planning Policy Framework
7 - Requiring good design
12 - Enhancing the historic environment

CONSULTATIONS

Parish/Town Council - No objection

County Highway Authority - No observations

Conservation Officer - No objection

REPRESENTATIONS

Two letters of representation have been received raising the following issues:

- Summerhouse 6" from my fence and now houses very noisy woodwork machinery.
- Machines used until 9 at night.
- Total of 4 buildings and 2 tin roof extensions, this is a large part of the garden covered in a conservation area.
- Very upset to see tree cut down, gave my garden shelter and privacy from noise and pedestrians.
- Unable to enjoy garden due to constant noise from power tools late into evening.

CONSIDERATIONS

Visual amenity

The proposed buildings are of timber construction and small in scale. They are considered to be of an appropriate size, scale, design and. The conservation officer has raised no objection to the proposal as the site is well contained. On this basis it is not considered that it would harm the character of the property or have a detrimental impact on the visual amenity of the area.

Residential amenity

It is not considered that the window layout and general bulk of the proposed buildings are such that they would give rise to undue overlooking / loss of privacy or an overbearing relationship with neighbouring properties. Therefore the proposal would not harm local residential amenity.

Neighbour comments

The comments of the neighbours have been noted. The main objection would appear to be not planning related but an environmental health issue in terms of noise. Regarding the loss of the tree, whilst the applicant has significantly cut back a fruit tree in his garden the loss of the tree in terms of its impact on the neighbour 3 doors away is not considered to be of any significant harm.

Conclusion

The proposal is considered to be acceptable in terms of visual and residential amenity. Accordingly the proposal is considered to comply with policies EQ2 and EQ3.

RECOMMENDATION

Permission be granted subject to the following conditions:-

01. The retention of these structures, by reason of their size, scale and materials, would have no undue impact on the character of the conservation area or the setting of the listed building, or give rise to demonstrable harm to residential amenity. As such the proposal complies with the aims and objectives of policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028).

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 30 July 2016.

Reason: To accord with the provisions of section 73A of the Town and Country Planning Act 1990.

Agenda Item 17

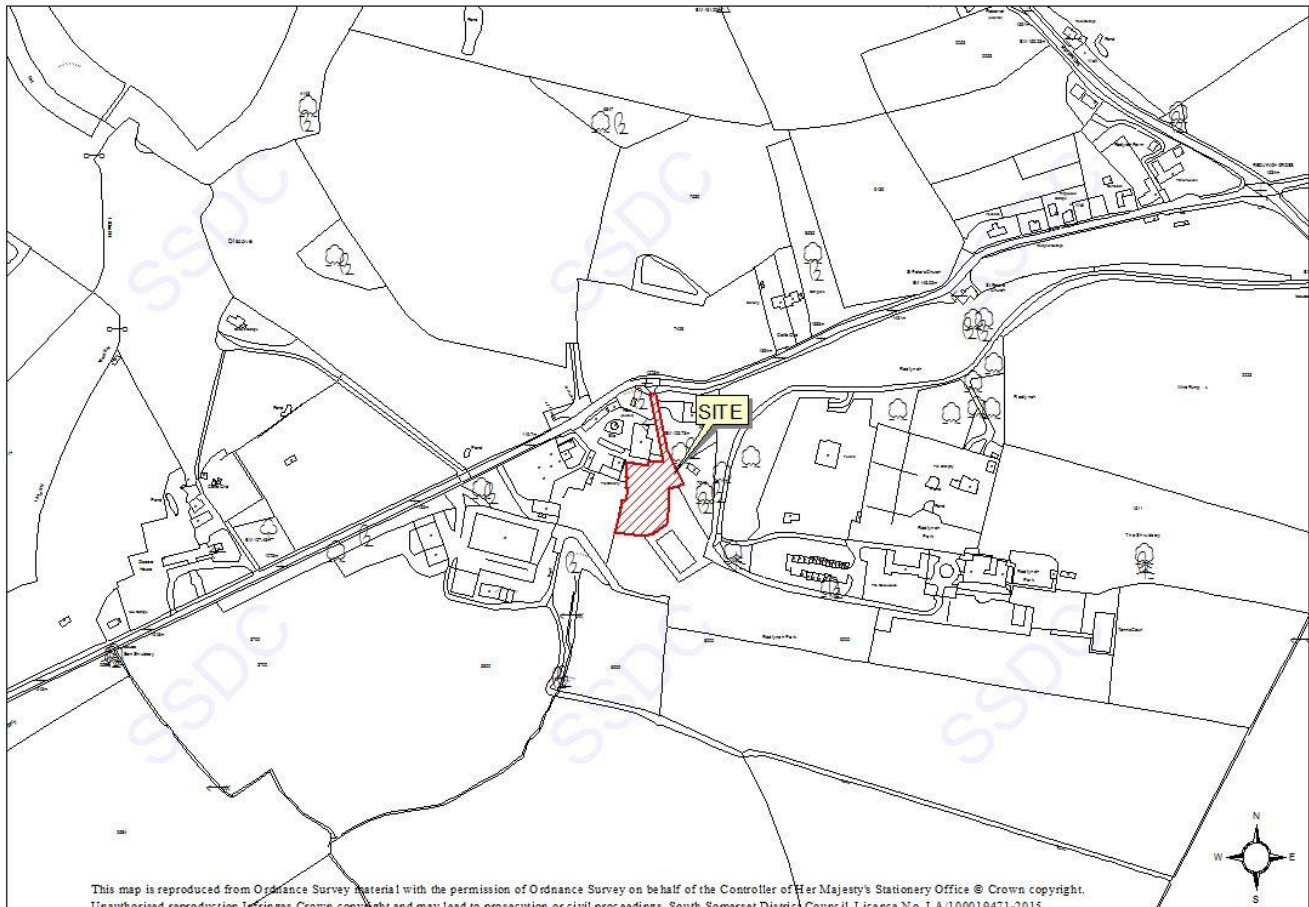
Officer Report On Planning Application: 17/00667/LBC

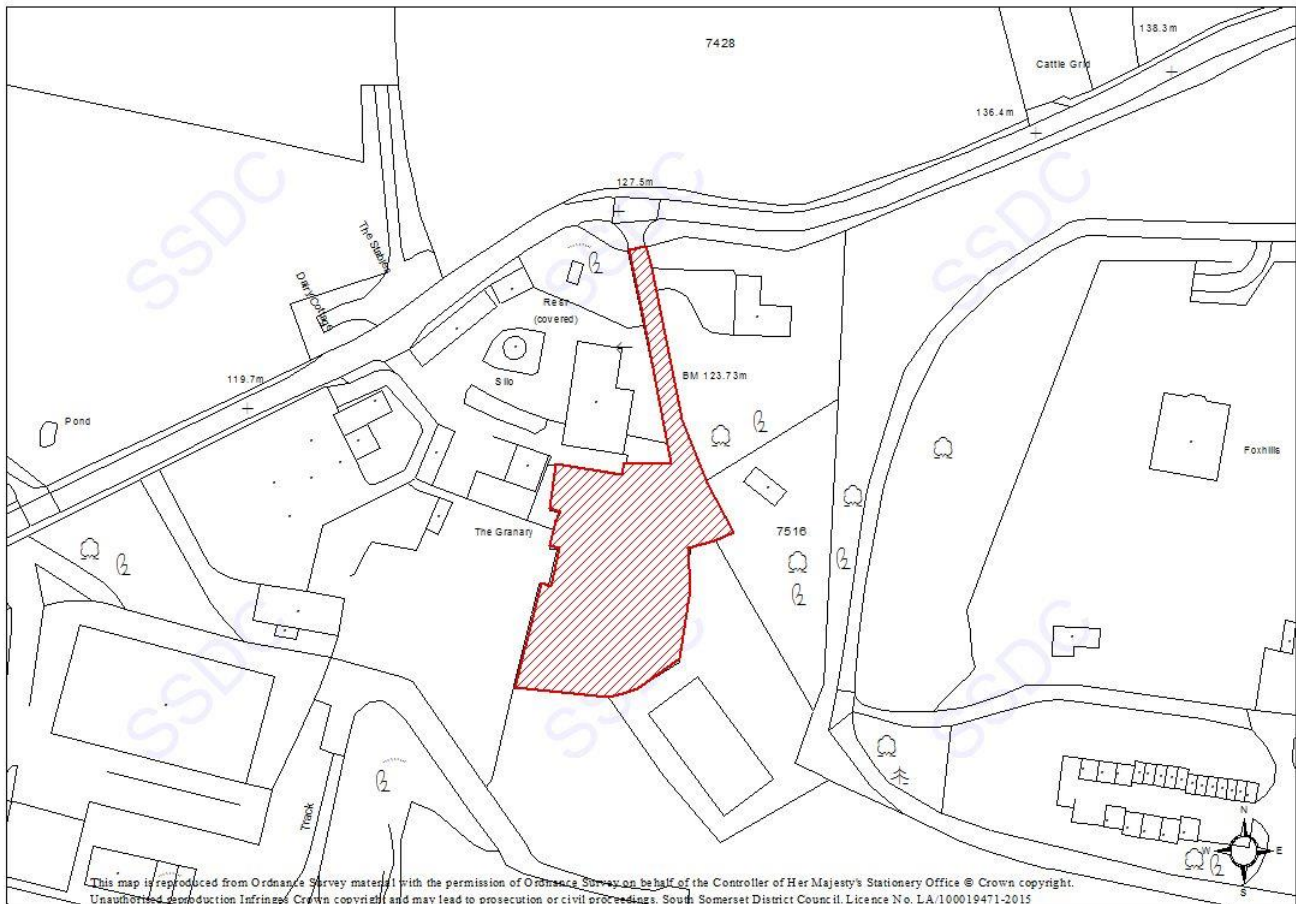
Proposal:	Application for listed buildings consent for the replacement of the windows on the north elevation of the Old Farmhouse, Redlynch, Bruton, BA10 0NH
Site Address:	The Old Farmhouse Redlynch Park Redlynch Road Pitcombe
Parish:	Bruton
BRUTON Ward (SSDC Member)	Cllr Anna M Groskop
Recommending Case Officer:	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
Target date:	10th April 2017
Applicant:	Mrs Jessica McIntosh
Agent: (no agent if blank)	
Application Type:	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman as the comments of the Town Council are contrary to the officer's recommendation.

SITE DESCRIPTION AND PROPOSAL





The site is located on the Redlynch Park estate, to the south east of Bruton.

The property is a large detached, two-storey Grade II listed dwelling constructed of stone. The property sits in a large plot with gardens immediately around the main dwelling and land also within the applicant's ownership extending to the south/southeast.

This application seeks consent for the replacement of the windows on the north elevation of the Old Farmhouse.

HISTORY

None relevant

POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

NPPF: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed

building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Saved policies of the South Somerset Local Plan (Adopted April 2006):
Policy EQ3 - Historic Environment

National Guidance
National Planning Policy Framework
7 - Requiring good design
12 - Conserving and enhancing the historic environment

South Somerset Sustainable Community Strategy
Goal 3 - Healthy Environments
Goal 4 - Services and Facilities
Goal 8 - High Quality Homes
Goal 9 - A Balanced housing Market

Other Relevant Considerations

CONSULTATIONS

Town Council - Bruton Town Council has considered the above application for Mrs. Jessica McIntosh, The Old Farmhouse, Redlynch Park, Redlynch Road, Pitcombe, Bruton BA10 0NH. Having undertaken a site visit, listened to the applicant and taking into consideration the current condition of the windows, Council wish to recommend approval of this application.

Conservation Officer - I have reviewed the application, which is well documented. A detailed analysis of the current windows has been carried out and a good level of information in an attempt to justify the work.

Although much of the glass has been replaced and the windows are in some cases in a fairly poor state of repair I am of the view that a scheme of like for like repair (including replacement where necessary), utilising single glazing, is the most appropriate solution. The historic glazing pattern is still very evident across this elevation. This contributes to the significance of this elevation and gives it a sense of historic integrity and authenticity. I suggest that the significance of this elevation is heightened by the fact it is the face of the building that is first seen when the property is approached from its access to the north.

Were it the case that the windows had been replaced with, say, mid C20th storm casement windows or crittalls there would be a strong case for introducing double glazing as the original glazing pattern would be clearly lost; however in this case the elevation retains a glazing pattern that is most likely original to this phase of the building, which is worthy of retention. This approach is in accordance with an informal policy that we have prepared at South Somerset, to ensure we have a consistent approach across the district. Numerous appeal decisions support this view.

Although information has been submitted to suggest that it would not be possible to insert double glazing into the existing frames the application does not address the potential for the existing windows to be repaired. Some of the existing joinery looks to be original so is worthy of retention.

Inserting new double glazed windows here will cause harm to the significance of the building and as such the application should be refused in accordance with paragraphs 132 and 134 of the NPPF.

REPRESENTATIONS

None received

CONSIDERATIONS

As this is an application for listed building consent the main considerations are what impact the proposal will have on the character and setting of the listed building.

Advice from the conservation officer regarding this application was sought and received. The conservation officer has raised an objection to the proposal stating "Inserting new double glazed windows here will cause harm to the significance of the building".

The opinion of the conservation officer is considered to hold considerable weight in applications of this nature. It is therefore considered that the application will adversely affect the setting of this listed building contrary to the National Planning Policy Framework and policy EQ3 of the South Somerset Local Plan (2006-2028).

RECOMMENDATION

Consent be refused for the following reason:-

01. The installation of uPVC windows by reason of their material and design, would cause harm to the significance of the listed building including the setting contrary to Policies EQ2 and EQ3 of the South Somerset Local Plan (2006-2028) and Chapter 12 of the National Planning Policy Framework (2012).

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, the applicant/agent did not take the opportunity to enter into pre-application discussions.
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Agenda Item 18

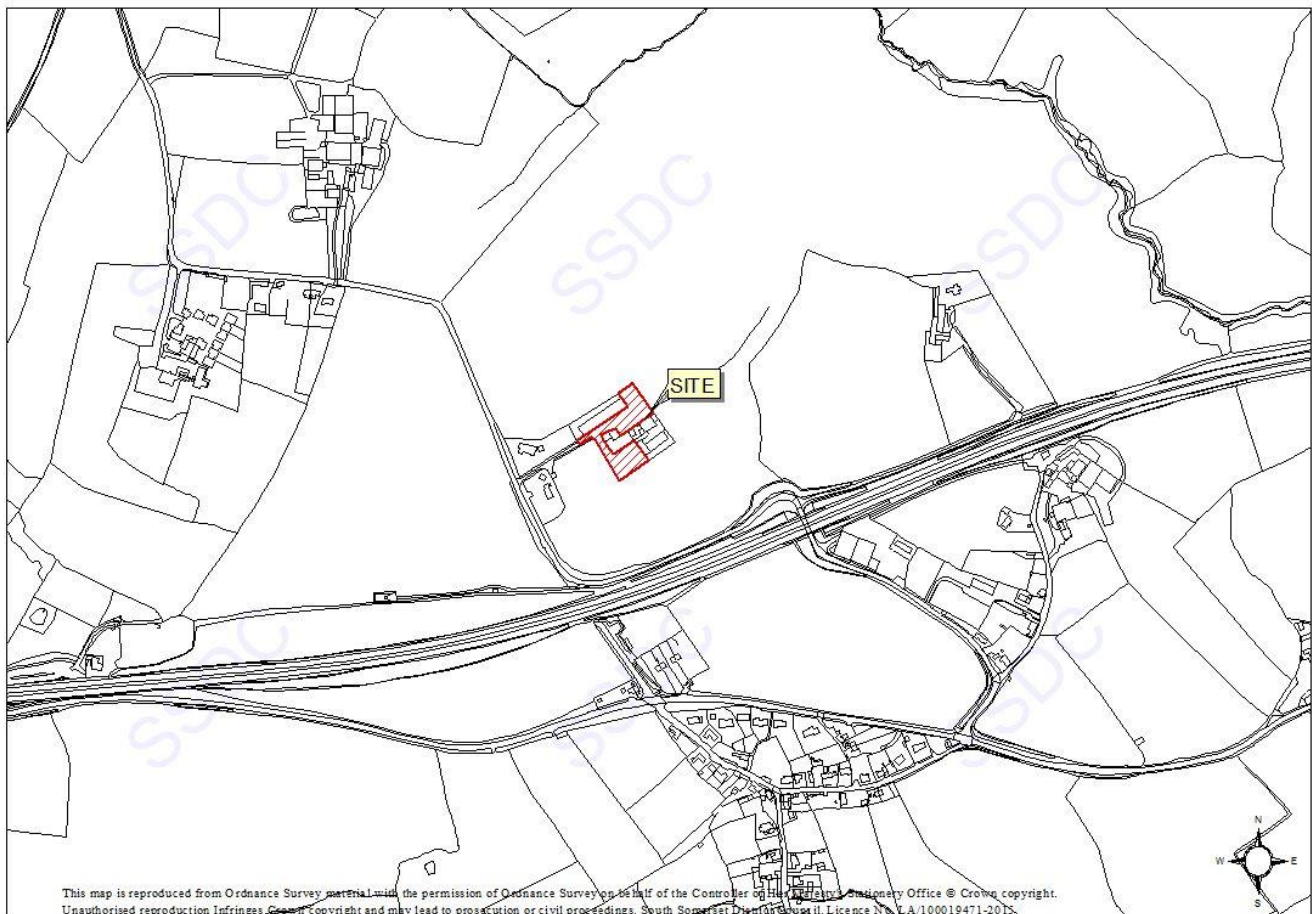
Officer Report On Planning Application: 17/00561/COU

Proposal:	Change of use of redundant agricultural buildings to B1 (Business), B2 (General industrial) and B8 (Storage or distribution).
Site Address:	Warehouse And Premises High Winds Higher Holton
Parish:	Holton
BLACKMOOR VALE Ward (SSDC Member)	Cllr William Wallace
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date:	13th April 2017
Applicant:	Mr Laurence Wadman
Agent: (no agent if blank)	Mr John Shaw 8 Alexanders Close Meare Glastonbury BA6 9HP
Application Type:	Other Change Of Use

REASON FOR REFERRAL

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman to enable the local concerns to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The site is located in the countryside off Elliscombe Lane, Holton. The site forms agricultural buildings and yards. Several units have previously (15/03372/COU) had change of use to B1, B2 and B8 use. Mature trees at the southwest and southeast boundaries help screen the buildings. On either side of the entrance to the site that is outside the applicant's ownership are 2 single storey dwellings.

The proposal seeks permission for a change of use to B1 (business), B2 (General Industrial) and B8 (storage and distribution) that extends the mixed agricultural/ business. The buildings on site extend to 3895 square metres of floor space. 1395 square metres was permitted as business (B1, B2 and B8 Use Class) in 2015 (15/03372/COU). The proposal seeks a further 1133 square metres.

HISTORY

15/03372/COU - Change of use of redundant buildings to B1, B2 and B8, Approved.

11/03255/FUL - Installation of a range of 200 photo-voltaic cells on roof of barn for provision of electricity to farm, Approved.

98/00069/FUL - The erection of a barn for the storage of hay and straw - Approved.

932413 - Erection of an agricultural building comprising corn drying barn and cattle shed, Approved

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).

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

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS2 - Development in Rural Settlements
EP2 - Office Development
EP4 - Expansion of existing businesses in the countryside
EP5 - Farm Diversification
TA5 - Transport Impact of New Development
TA6 - Parking Standards
EQ2 - General development
EQ4 - Biodiversity

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 1 - Building a strong competitive economy
Chapter 3 - Supporting a Prosperous Rural Economy
Chapter 4 - Promoting sustainable transport
Chapter 7 - Requiring Good Design
Chapter 8 - Promoting Healthy Communities
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment

National Planning Policy Guidance

Other Relevant Documents

Somerset County Council Parking Strategy, adopted March 2012 and re-adopted September 2012 following corrections made.

CONSULTATIONS

North Vale Parish Council - has no objections to this planning application.

County Highway Authority - (verbal) indicates following receipt of the additional information submitted by the applicant that they do not consider this represents a significant increase and on this basis would not object to the proposal.

County Rights Of Way - previously recorded the public right of way that runs along the access with no objection subject to the general comments that are made in that officer's response.

REPRESENTATIONS

None

CONSIDERATIONS

The main considerations include the principle of development, character and appearance, highway safety and neighbour amenity.

Principle of Development

Paragraph 28 of the National Planning Policy Framework (NPPF) expects local and neighbourhood

plans to support 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 and promote the diversification of agricultural and other land-based rural businesses, encouraging rural enterprise, although the NPPF should be read as a whole with sustainable development at its core so that in relation to this countryside location there are further considerations that can limit opportunities for such conversion.

As noted, the site has had recent change of use of part of its site. At the time the scale of intervention was balanced against the site's agricultural use. The current application is not supported by a farm diversification plan (EP5) nor is there an expansion of an existing business in the countryside involved (Policy EP4). Policy EP2 deals with office (B1 Use Class) based development that requires a sequential approach, although, again, is not followed by the applicant. Office buildings tend to be used more intensively than other forms of employment use. The policy supporting texts continues (para.9.22) 'The displacement of office workers out of town centres needs to be limited in the future.' In considering the enlargement of business floor space without the necessary policy supports is considered establishes no 'in principle' support. Accordingly the main considerations include character and appearance, highway safety and neighbour amenity.

Character and Appearance

The application involves a change of use rather than physical external alterations and while these may well be introduced at a later stage, requiring permission, the location is considered relatively well screened while the presence of activities within the site and of vehicles being parked would not necessarily have any adverse harm in terms of the site's character and appearance.

Highway Safety

The County Highway Authority has not raised any objection to the change of use.

Neighbour Amenity

The nearest neighbours are on either side of the access. The level of proposed use is not considered would give rise to any potential greater use made of the access than might be envisaged by the site's continued agricultural use.

RECOMMENDATION

Refuse permission for the following reason

01. The proposal is located in the countryside, removed from nearby sustainable locations and involves a significant cumulative increase, without any special circumstance that would result in an undesirable intensification in an unsustainable location that fosters the need to travel. As such the proposal is contrary to Policy SD1, SS1, SS2, SS3, TA1, EP2, EP4, EP5 and EQ2 of the South Somerset Local Plan 2006-2028 and the policies, as a whole, 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, the applicant/agent did not take the opportunity to enter into pre-application discussions following their previous permission.

Agenda Item 19

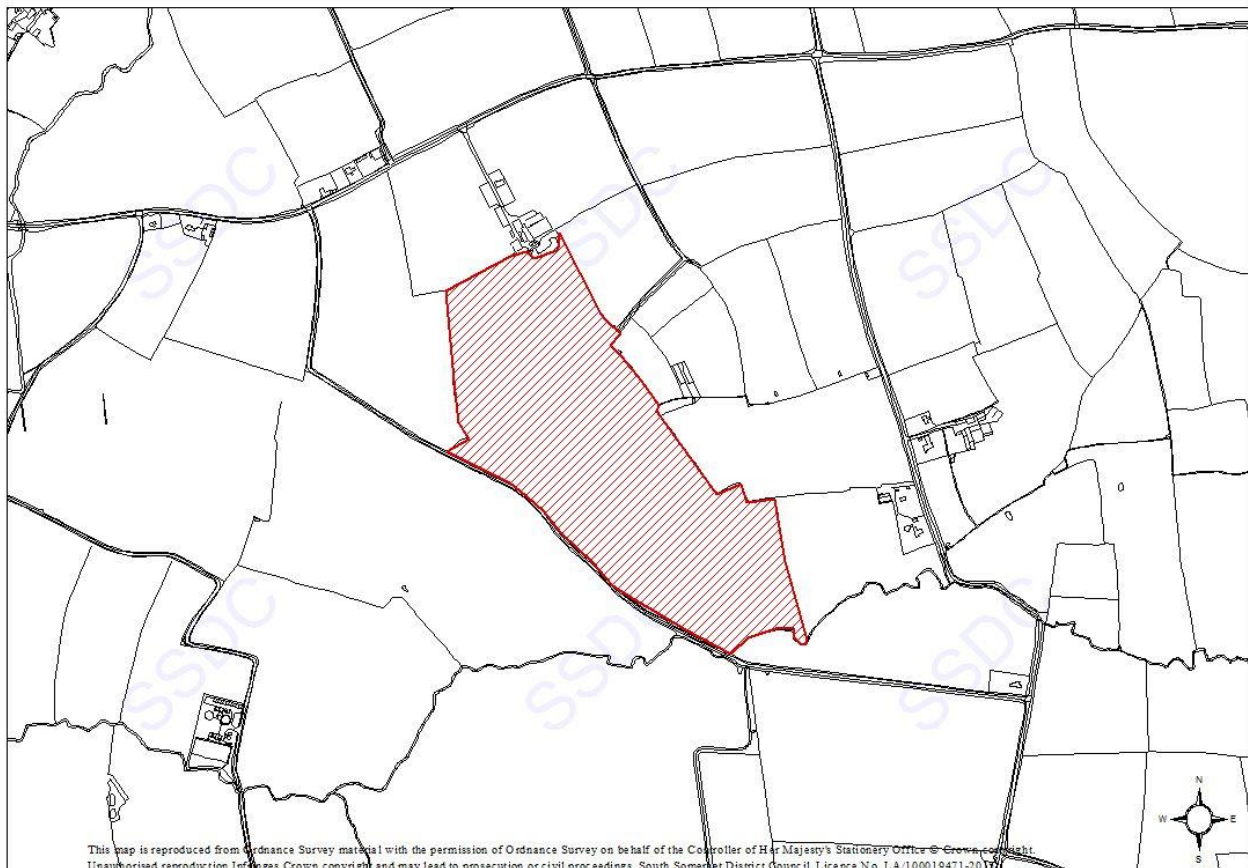
Officer Report On Planning Application: 17/00225/S73A

Proposal:	Application to vary planning condition 3 of approval 14/00215/FUL to allow the developer a 25 year period from the date of first generation of the solar park and not from the date of the planning permission.
Site Address:	Solar Site At Southfield Farm Smithy Lane Yeovilton
Parish:	West Camel
CAMELOT Ward (SSDC Member)	Cllr Mike Lewis
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date:	18th April 2017
Applicant:	Southfield Farm Solar Park Ltd
Agent: (no agent if blank)	
Application Type:	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

The application relates to a 'large scale' major development which, due to its size, must be referred to Committee for determination if the case officer is recommending approval of the application, which is the case in this instance. The original permission was granted by Area East Committee at its meeting on 8th July 2015.

SITE DESCRIPTION AND PROPOSAL



Permission was granted (14/00215/FUL) for an 11.47 MW solar array on this site to be connected to the general electricity grid, together with associated inverter stations, switch housing, access track, security fencing and cameras. The permission was for a temporary period of 25 years from the date of approval, 9 July 2015.

The current application is seeking to amend condition 3 of the original permission which is a time-limited condition has now been made to extend the period of temporary operation to cover a period of 25 years from the date of first generation of electricity from the site, i.e. from 31st March 2016.

The application site covers three agricultural fields (grades 3) 23 hectares in area and is in an isolated open countryside location away from any built up areas. The site sits low in the landscape within a wide vale and is enclosed by native hedgerows and surrounded by agricultural land with the associated farmstead immediately to the north. Access is via the farm track to the north via Southfields Farm.

The closest residential properties to the site lie approximately 180m to the east and 260m to the north. The site is located approximately 1.6km to the east of the landing runway at RNAS Yeovilton and is within the safeguarding zone for the Yeovilton air base. There are a number of public footpaths in the area but none that either cross or abut the site. A regional footpath, the Leland Trail, passes east to west approximately 550m to the north.

HISTORY

14/00215/FUL: Proposed solar park comprising the erection of solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks and ancillary equipment (revised scheme). Permitted.

13/01192/FUL: Proposed solar park comprising solar arrays, inverters, transformers, equipment housing, security fencing, internal tracks and ancillary equipment. Refused for the following reason:

- *The benefits of the proposed solar park in terms of its contribution to renewable energy generation would not outweigh the substantial harm that it is likely to have upon aviation safety. It has not been demonstrated that the adverse impacts could be mitigated and as such the proposal is contrary to the aims and objectives of the NPPF.*

12/04714/EIASS: Environmental Impact Assessment (EIA) screening request. EIA not required.

12/04244/EIASS: EIA screening request. EIA not required.

821058: Erection of a farmhouse. Permitted subject to an agricultural tie and non-fragmentation legal agreement.

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

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):

Part 1 - Building a strong, competitive economy
Part 2 - Ensuring the vitality of town centres
Part 3 - Supporting a prosperous rural economy
Part 4 - Promoting sustainable transport
Part 5 - Supporting high quality communications infrastructure
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
Part 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.

CONSULTATIONS

West Camel Parish Council: No objection.

Highways Authority: No observations.

SSDC Highway Consultant: No objection

REPRESENTATIONS

None received.

CONSIDERATIONS

Permission exists for the establishment of a solar array on the site, which has been implemented. The permission was granted for a temporary period of 25 years, which has been the general practice with solar farms in the District, and generally throughout the country.

It is understood that the solar farm commenced operating - i.e. generating electricity for feeding into the grid - on 31 March 2016, a period of 9 months into the 25-year permission. The applicant has requested that the period for operating the solar farm be extended to accommodate the delay between obtaining the permission and commencement of generation.

It has to be assumed that the installation will operate for 25 years, and it is not unreasonable to extend the formal permission accordingly.

The permission for a temporary period of 25 years, extended to allow for the construction and installation

period, is considered acceptable, and has no material impact on the temporary nature of the permission, or the likely impact on the setting and local environment. The application is accordingly recommended for approval.

RECOMMENDATION

Grant consent for the following reason:

01. The benefits in terms of the provision of a renewable source of energy, which will make a valuable contribution towards cutting greenhouse gas emissions, are considered to outweigh the limited impact the proposal will have on the local landscape character. As such the proposal accords with the aims and objectives of Policies SD1, TA5, TA6, EQ1, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

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 31 March 2006.

Reason: To accord with the provisions of section 73A of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans drawings numbered:
 - 2466_201_Rev E, 1095-0201-01 (issue 12), 2466_200_Rev G received 11/06/2015; and
 - Site location, block plan, 001 (issue 01), 004 (issue 01), 9999-0208-71, XXXX-0206-00, 34523-01-00 (issue B) and 002 (01) received 20/01/2014.

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

03. The development hereby permitted shall be removed and the land restored to its former condition before 31 March 2041, or within six months of the cessation of the use of the solar farm for the generation of electricity, whichever is the sooner, in accordance with a restoration plan to be submitted to and approved in writing by the local planning authority. The restoration plan will need to include all the works necessary to revert the site to open agricultural land including the removal of all structures, materials and any associated goods and chattels from the site.

Reason: In the interest of landscape character and visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

04. The position and heights of the panels and bund structure (across its entire length) shall accord with the details set out on drawings numbered 1095-0201-01 (issue 12), 2466- 200 (Rev. G) and 2466 - 201 (Rev. E) and the associated schedule of the coordinates received 11 June 2015. The position and height of the bund and panels shall thereafter be permanently maintained.

Reason: In the interest of aviation safety.

05. The bund structure shall be installed in full accordance with approved drawings numbered 1095-0201-01 (issue 12), 2466- 200 (Rev. H) and 2466 - 201 (Rev. H) and the associated schedule of the coordinates received 11 June 2015 prior to the commencement of any works

relating to the solar park element of the permission hereby granted, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of aviation safety.

06. Any further works carried out on site shall be carried out in full accordance with the plant equipment, crane and other temporary structure and air navigation warning lighting details agreed by the Local Planning Authority under application 15/03429/DOC (Discharge of Conditions for application 14/00215/FUL), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of aviation safety and to ensure that any plant equipment and temporary structures will not impede the operation of the transmitter / receiver installation at RNAS Yeovilton or otherwise obstruct the movements of air traffic to and from the aerodrome.

07. The scheme of monitoring and maintenance of the earth bund (to ensure that it continues to be an effective screen to the solar farm from the PAR at RNAS Yeovilton over the lifetime of the development) agreed by the Local Planning Authority under application 15/03429/DOC (Discharge of Conditions for application 14/00215/FUL) shall be fully implemented and maintained for the lifetime of the solar park.

Reason: In the interest of aviation safety.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) there shall be no alterations to the approved design or layout of the solar park and bund without the prior express grant of planning permission from the local planning authority.

Reason: In the interest of aviation safety.

09. The programme of archaeological work agreed by the Local Planning Authority under application 15/03429/DOC (Discharge of Conditions for application 14/00215/FUL) shall be fully carried out.

Reason: To safeguard the archaeological interest of the site in accordance with policy EQ3 of the South Somerset Local Plan.

10. The development hereby permitted by this planning application shall only be undertaken in accordance with the approved Flood Risk Assessment (Ref: J-4119.12-FM dated March 2013 and prepared by H20K) specifically including the following measures detailed within the FRA:

1. All access routes to have permeable surfaces constructed of either mown grass or unbound stones.
2. Swale features are installed prior to any other construction works associated with the proposed development.
3. All surface water drainage features are maintained appropriately, over the lifetime of the development.
4. No culverting of the drainage ditch.

Reason: To prevent any increased risk of flooding associated with installation of the solar park development.

11. The surface water run-off limitation scheme for the site, as shown in the Flood Risk Assessment (Ref: J-4119.12-FM dated March 2013 and prepared by H20K), shall be implemented and maintained in accordance with the ownership and management plan agreed by the Local Planning Authority under application 15/03429/DOC (Discharge of Condition for application 14/00215/FUL).

Reason: To prevent any increased risk of surface water flooding associated with installation of the solar park development.

12. All site works shall comply with the Construction Traffic Management Plan agreed by the Local Planning Authority under application 15/03514/DOC (Discharge of Condition for application 14/00215/FUL), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of highway safety to accord with TA5 of the South Somerset Local Plan.

13. The applicant shall ensure that all vehicles leaving the site are in such condition as not to emit dust or deposit mud, slurry or other debris on the highway. In particular (but without prejudice to the foregoing), efficient means shall be installed, maintained and employed for cleaning the wheels of all lorries leaving the site, in accordance with details approved by the Local Planning Authority under application 15/03514/DOC (Discharge of Condition of application 14/00215/FUL).

Reason: In the interest of highway safety to accord with TA5 of the South Somerset Local Plan.

14. The development shall be carried out in accordance with the proposed recommendations and actions set out within the Badger Licence Method Statement by Tyler Grange dated 20 July 2015.

Reason: For the conservation and protection of legally protected species in accordance with Policy EQ4 of the South Somerset Local Plan, and to ensure compliance with the Wildlife and Countryside Act 1981, and The Protection of Badgers Act 1992.

15. The development hereby permitted shall be carried out in accordance with the ecological enhancements set out within section 8.2 of the Ecological Appraisal dated November 2012, unless otherwise agreed in writing by the local planning authority.

Reason: In the interest of conservation and to accord with policy EQ4 of the South Somerset Local Plan and paragraph 188 of the National Planning Policy Framework.

16. The scheme of landscaping and planting approved by the Local Planning Authority under application 16/02959/DOC (Discharge of Condition for application 14/00215/FUL), shall be completely carried out within the first available planting season from the date of commencement of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interest of landscape character and visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

17. The finished colour of the security fencing and the finished colour and position of the CCTV equipment shall accord with the details agreed by the Local Planning Authority under application 15/03429/DOC (Discharge of Condition for application 14/00215/FUL), unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interest of landscape character and visual amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

18. No means of audible alarm shall be installed on the site without the prior written consent of the local planning authority.

Reason: In the interest of residential amenity and the rural amenities of the area to accord with Policy EQ2 of the South Somerset Local Plan.

19. No means of external illumination / lighting shall be installed without the prior written consent of the local planning authority.

Reason: In the interest of visual amenity and to safeguard the rural character of the area to accord with Policies EQ2 and EQ7 of the South Somerset Local Plan.

20. The supporting posts to the solar array shall not be concreted into the ground.

Reason: In the interest of sustainable construction and to accord with part 10 of the National Planning Policy Framework.
