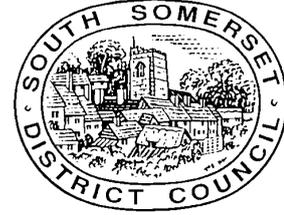


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 27th September 2017

2.00 pm

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

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



The following members are requested to attend this meeting:

Clare Aparicio Paul
Neil Bloomfield
Adam Dance
Graham Middleton
Tiffany Osborne

Stephen Page
Crispin Raikes
Jo Roundell Greene
Dean Ruddle
Sylvia Seal

Sue Steele
Gerard Tucker
Derek Yeomans

Consideration of planning applications will commence no earlier than 3.00pm.

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

This Agenda was issued on Tuesday 19 September 2017.

Ian Clarke, Director (Support Services)

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



INVESTORS IN PEOPLE

Information for the Public

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

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. The council’s Executive Forward Plan can be viewed online for details of executive/key decisions which are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

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

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

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

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

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

Public participation at committees

Public question time

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

Planning applications

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

Comments should be confined to additional information or issues, which have not been fully covered in the officer’s report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should

also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

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

The order of speaking on planning items will be:

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

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

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

Recording and photography at council meetings

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

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

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

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

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Area North Committee

Wednesday 27 September 2017

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 26 July 2017.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the Regulation Committee

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

Councillors Clare Aparicio Paul, Neil Bloomfield and Sylvia Seal.

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

4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 25 October 2017** at a venue to be confirmed.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

- 8. Grant to Compton Dundon Parish Council (Executive Decision)** (Pages 6 - 10)
- 9. Community Offices Update 2016/17** (Pages 11 - 19)
- 10. Environmental Health Service Update Report** (Pages 20 - 22)
- 11. Area North Committee Forward Plan** (Pages 23 - 24)
- 12. Planning Appeals** (Pages 25 - 70)
- 13. Schedule of Planning Applications to be Determined By Committee** (Pages 71 - 73)
- 14. Planning Application 17/00813/FUL - Oaklea, Tintinhull Road, Chilthorne Domer**
(Pages 74 - 82)
- 15. Planning Application 16/03728/FUL - Wayfarers, Long Load, Langport** (Pages 83 - 88)
- 16. Planning Application 17/01089/COU - Midelney Manor, Midelney Road, Drayton**
(Pages 89 - 94)
- 17. Planning Application 17/02732/DPO - Land West of Stanchester Academy, Montacutre Road, East Stoke** (Pages 95 - 99)
- 18. Planning Application 17/02737/OUT - Land Rear of Cobbetts, North Street, South Petherton** (Pages 100 - 111)
- 19. Planning Application 17/02890/OUT - Little Meadow, Love Lane, Shepton Beauchamp** (Pages 112 - 117)
- 20. Planning Application 17/02973/OUT - Land Adjoining Bramble End, Bakers Lane, Barrington** (Pages 118 - 125)

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

Grant to Compton Dundon Parish Council (Executive Decision)

Service Manager: *Helen Rutter, Communities
Sara Kelly, Area Lead (North)*
Lead Officer: *Chereen Scott, Neighbourhood Development Officer (North)*
Contact Details: *chereen.scott@southsomerset.gov.uk or (01935) 462123*

Purpose of the Report

Councillors are asked to consider the awarding of funding towards the costs of a bus shelter in Compton Dundon.

Public Interest

Community grants are available in each area to voluntary and charitable organisations, not-for-profit groups, Parish or Town councils and other organisations that benefit the wider community. Applications are encouraged that meet a clearly identified local need.

Compton Dundon Parish Council has applied for financial assistance from the Area North community grants programme. The application has been assessed by the Neighbourhood Development Officer who has submitted this report to allow the Area North Committee to make an informed decision on the application.

Recommendation

That Councillors consider this application for a grant of £3,941 to Compton Dundon Parish Council. The grant to be allocated from the Area North capital programme, subject to SSDC standard conditions for community grants (appendix A).

Application Details

Name of applicant	Compton Dundon Parish Council
Project	Compton Dundon Bus shelter
Total project cost	£9,883
Amount requested from SSDC	£3,941
Recommended special conditions	The grant only to be awarded subject to all necessary statutory permissions and licences in place.
Application assessed by	Chereen Scott, Neighbourhood Development Officer

Community Grants Assessment Score

The table below shows the grant scoring for this application. In order to be considered for SSDC funding under the Community Grants policies, applications need to meet the minimum score of 22.

Category	Actual Score	Maximum score possible
A Eligibility	Y	Y
B Equalities Impact	5	7
C Need for project	3	5
D Capacity of Organisation	11	15
E Financial need	5	7
F Innovation	3	3
Grand Total	27	37

Background

The village of Compton Dundon is served by the bus 77 route, which is every hour. As the bus service is every hour, users have to be at the bus stop in good time. There are currently two bus stops but neither has a shelter.

The bus service is important to the village as it is a key connection to Wells and Yeovil and ultimately the buses to Bath, Bristol and the train service from Yeovil Junction. Without the shelter there is no protection from the elements for those waiting for a bus, particularly in times of heavy rain. A shelter may help to encourage more people to use public transport in adverse weather conditions.

The project is being run by Compton Dundon Parish Councillors and the Parish Clerk.

Parish Information

Parish*	Compton Dundon
Parish Population*	705
No. of dwellings*	315

*Taken from the 2011 census profile

The project

This project is to provide a bus shelter at the Cross, which is in the middle of Compton Dundon on the B3151. Currently there is no bus shelter for 2 bus stops. A shelter can only be provided at one of the bus stops, for buses travelling in the direction of Yeovil, as there is no available land on the opposite side of the road.

The shelter will be constructed of wood to match the surroundings and fit the narrow site. The existing Jubilee and Parish Council noticeboards will be relocated in the shelter to protect them from the weather. A light will be provided inside the shelter operated by a movement sensor. An electricity supply is currently provided within the redundant phone kiosk and the power will be transferred to the bus shelter. The Parish Council will acquire and pay for the electricity supply when it is installed in the shelter.

The shelter could also be used by schoolchildren and students travelling to school and college in Street. A number of rambler groups pass through the village so the shelter may offer them some protection.

Consultation

As the location for the bus shelter falls within Public Highway the project team has worked closely with the Somerset Highways area officer to discuss the scope of the works at various stages of the project. A legal licence is required and at the time of writing this report the Parish Council was making application to the County Council's Road Records team and is consulting with the nearby landowners / residents as part of the licence process.

The project team is to confirm with SSDC planning whether this work falls within permitted development.

The plans for the bus shelter have been on the Parish Council minutes for some months and was also mentioned at the Annual Parish Meeting in May.

Project Costs

Provision of shelter	£6,124
Ground work	£1,321
Relocation of electric supply to shelter	£438
Fee for disconnecting electric supply in redundant phone kiosk	£1,000
Refurbishment and relocation of 2 notice boards	£1,000
Total project cost	£9,883

Funding Plan

Funding Source	Funds secured
Parish Council	£4,942
Anonymous donation	£1,000
Total secured	£5,942
Amount requested from SSDC	£3,941

Consents and permissions

A licence with County Highways road record team is currently at application stage.

Awaiting confirmation from the project team whether the works fall within permitted development.

Conclusion and Recommendation

This application is for £3,941 representing 40% of the project cost. The Parish Council is yet to receive outcome of the formal licence application therefore a special condition should be attached to the award of any grant that it is subject to the necessary consents being in place.

It is recommended that this application for £3,941 is supported subject to all necessary statutory permissions and licences in place.

Financial Implications

The balance in the Local Priority Project – enhancing facilities and services budget is £21,720. If the recommended grant of £3,941 is awarded, £17,779 will remain. The Area North Capital Programme also has an uncommitted balance of £154,655.

Council Plan Implications

The project supports:

Council Plan: Health & Communities: Support at least 50 community projects

Area North Development Plan priority: Self-help and community facilities

The views of the Transport Officer have been sought. Increasing accessibility for all residents through enhancements to public and community transport facilities reflects the Council Plan aims and priorities to improve the economy, the environment and build healthy communities.

Carbon Emissions & Adapting to Climate Change Implications

Encouraging people to use public transport, including installation of bus shelter and better access to information, offer the potential to reduce the number of car journeys and thereby reduce CO₂ emissions.

Equality and Diversity Implications

The views of the Third Sector and Equalities Co-ordinator have been sought and the project will have no negative impacts on any of the protected characteristics.

Background Papers: Grant file

Appendix A

Standard conditions applying to all Community Grants.

This grant offer is made based on the information provided in application form no. AN17/06 and represents 40% of the total project costs. The grant will be reduced if the costs of the total project are less than originally anticipated. Phased payments may be made in exceptional circumstances (e.g. to help with cash-flow for a larger building project) and are subject to agreement.

The applicant agrees to: -

- Notify SSDC if there is a material change to the information provided in the application.
- Start the project within six months of this grant offer and notify SSDC of any changes to the project or start date as soon as possible.
- Confirm that all other funding sources have been secured if this was not already in place at the time of the application and before starting the project.
- Acknowledge SSDC assistance towards the project in any relevant publicity about the project (e.g. leaflets, posters, websites, and promotional materials) and on any permanent acknowledgement (e.g. plaques, signs etc).
- Work in conjunction with SSDC officers to monitor and share the success of the project and the benefits to the community resulting from SSDC's contribution to the project.
- Provide a project update and/or supply before and after photos if requested.
- Supply receipted invoices or receipts which provide evidence of the **full** cost of the project so that the grant can be released.

Standard conditions applying to buildings, facilities and equipment

- Establish and maintain a "sinking fund" to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control service where buildings regulations are required.
- Incorporate disabled access and provide an access statement where relevant.

Agenda Item 9

Community Offices Update 2016/17

Director: Ian Clarke, Support Services
Assistant Director: Helen Rutter, Communities Lead
Lead Officer: Lisa Davis, Community Office Support Manager
Contact Details: lisa.davis@southsomerset.gov.uk 01935 462746

Purpose of the Report

- To update Area North Committee on the footfall/enquiry figures across the district for the period April 2016 through to the end of March 2017.
- To highlight the low and continuously declining, core service footfall in Langport and request approval to implement changes to the provision of face to face contact in this area with effect from 2 January 2018.

Recommendation

- Members are asked to note and comment on the contents of this report.
- To continue to provide face to face services in an alternative way to best suit customer demand and withdraw from Langport Community Office.

Background

The community offices are located in Petters House, Yeovil, Crewkerne, Chard, Ilminster, Langport and Wincanton and are managed by the Community Office Support Manager and Deputy Community Office Support Manager. There are 13 (9.5FTE) Community Support Assistants (CSA) across the team who provide customer access to services at the six Community offices. They also provide vital project and administrative support to the Area Development Teams.

The main SSDC services that customers visit our offices for are:

Housing and Council Tax Benefits	Receipt, verification and scanning of applications forms and evidence, general advice and guidance
Council Tax	Advice and guidance on moving in/out of area, discounts and exemptions and instalment plans, processing of payments (debit cards)
Homefinder (online social housing service)	Help with accessing the Homefinder service and weekly bidding process
Waste and Recycling	Advice on collection days, missed collection reports, ordering of new/replacement bins, garden waste payments
StreetScene	Report litter, fly tipping, dead animals, discarded needles, dangerous and stray dogs, dog fouling and graffiti
Community Protection	Report pest problems (rats, wasps, insects)
Horticulture	Report problems with shrub / tree / hedge maintenance
Planning/Building Control	Hand out application forms, view applications online
Community Safety	Recording incidents

Not all offices have exactly the same facilities either due to location or number of customers.

- Cash machines are available in Petters House and Chard.
- There is free public computer access in Petters House, Chard, Crewkerne & Wincanton allowing customers to access online services through self-service or assisted self-service.
- Free phone access to SSDC services in Petters House, Chard & Wincanton.

- All offices are co-located with other authorities/agencies.
- All front offices have a hearing loop.
- All offices are fully accessible, except for Ilminster where it hasn't been possible to fully adapt.

The community offices provide a face to face service and enables customers to receive advice and assistance to many SSDC services, as well as the ability to refer or signpost to other agencies where necessary. They ensure vulnerable members of the community and those who find it difficult or unable to contact the council by other means are able to fully access our services.

As well as the community offices, increasingly customers will access SSDC services over the phone and/or via the SSDC website. The number of services available online is increasing.

All Community Support Assistants are trained to deal with the wide range of front office enquiries and are able to cover any community office ensuring that full opening hours are maintained across the district. Generally there is only one member of staff on the front desk, but back up support is provided in the busier offices (Petters & Chard) to help reduce customer waiting time.

The Community Support team have access to the online referral system which enables them to refer customers as appropriate to the Welfare Benefits team and outside agencies such as CAB, SSVCA. There is a weekly surgery held by the Welfare Benefits team in the Crewkerne Community office and the Welfare Benefits Advisors provide support and advice to many of the visitors to the front office. They work closely with the Community Support team to raise awareness of the benefits that people may be entitled to. During 2016 - 17 the team made around 160 Welfare benefit referrals.

The team also have the ability to support the Contact Centre by answering calls from the area offices in order to help reduce call waiting times during busier periods.

Highlights

- The Langport front office saw a total of 1,591 customers and visitors in 2016 -17. There was a 1% reduction for core services compared to 2015-16 (Housing Benefit, Council Tax, Housing & Homelessness and Refuse & Recycling).
- Across the Community Offices the overall footfall has reduced by 11% with core service footfall reducing by 13% from the previous year.
- Web transactions have increased by 10% from the previous year. It should be noted that this is a lower increase compared to last year but during 2015-16 there was a large increase in the number of web services made available.
- It should be noted that the offices at Petters House, Chard & Wincanton have their own bookable meeting rooms and visitors for meetings are included as part of the reception duties footfall and therefore part of the overall footfall figures.
- During 2016 - 17 there were 3,018 benefit application forms received by SSDC, this is a reduction of 11.8% from 2015 – 16. Of this number 29% of applications were received online, compared to 20% in 2015 -16.
- The Benefits team have enhanced the on-line provision of their forms and receipt of evidence and customers are encouraged to apply for Housing Benefit online rather than being issued with a paper form.

- Universal Credit was fully rolled out across South Somerset in April 2017; this means that anyone of working age who has a rent liability no longer claims housing benefit from the Council. Instead they claim Universal Credit from DWP who from June 1st will notify us of anyone claiming that has a liability for Council Tax. The Community Support Assistants are assisting customers who are digitally challenged with online Universal Credit claims in the community offices at Petters House, Chard and Wincanton.
- Cash machine transactions have reduced in Petters (7,511 transactions – a decrease of around 1,400 from the previous year) in Chard (5,809 transactions – a decrease of around 700 from the previous year). Transactions at Brympton Way cash machine for 2016-17 were 2,879, which is an increase of around 400 from the previous year. The number of customers paying their Council Tax by Direct debit has increased with approximately 69% of bills now being paid by Direct Debit (this is a 4% increase from last year).

Customer satisfaction

Our annual customer satisfaction survey was completed in March 2017

Customer age group analysis

16-29	18%
30-44	26%
45-59	24%
60-74	24%
75+	7%

The team once again received a 99% satisfaction score of Good or Very Good relating to the overall service received

97% of customers rated the waiting time before being seen as Good or Very Good

99.6% rated the knowledge of the staff as Good or Very Good

98% of customers said that the CSA had been able to provide the information or help that was needed with the other 2% of customers being referred to another agency.

Comments received from customers on help provided and the service office included:

“Service was excellent”

“Very helpful people”

“Could open on Saturday mornings”

“I think on the budget SSDC have it is as good as it gets”

“Customer service was great”

“I think the service is as good as it gets and always a pleasure visiting the office”

“Longer opening hours”

Customers were also asked why they had chosen to call at the office rather than using another office, phone us or use our website

64% of customers said the office was near to their home, 3% did not have access to a computer or website access on their phone and 8% said they found it easier to communicate face to face due to speech, hearing or language problems.

33% of customers have used the SSDC website in the past and 23% said they have not used the website because they have no internet access

73% prefer to visit the community office

Comments received from customers on why they use the offices:

"I prefer to come to the office, despite not having any of the access difficulties"

"Easier face to face as they can tell you what's what and help"

"I like contact in person"

"Required to provide documents"

"Had to bring in proof"

Key facts relating to Langport

- Langport Community office is open 15 hours per week (9am – 2pm Monday, Tuesday and Thursday).
- The total footfall at Langport during 2016-17 was 1,591, only 4.6% of the overall footfall into the community offices. 683 of these customers accessed a core service.
- Around 10,000 (33%) customers visiting the Community Offices came in for benefits help, queries, or to provide additional information/evidence in support of their benefit applications. Only 3.7% of the total benefits queries were dealt with at Langport.
- 295 (18%) of the enquiries dealt with at Langport during 2016-17 related to the receipt of benefits evidence, an additional 35 (2%) customers were assisted with benefits claims/evidence.
- The full rollout of Universal Credit in April 2017 has resulted in a reduction in receipt of benefits evidence. During the period April – July 2017 there has been a 41% reduction in the receipt of benefits evidence at Langport compared with the same period last year.
- It should be noted that although there was only an increase in footfall last year there are many repeat visitors to the community offices, although we do not have detailed information of these we are aware that many customers visit Langport to access repeat transactions ie. monthly payment of Council Tax.
- During 2016-17 595 customers received non SSDC advice/signposting, the main reason for this was due to the reduction in LIC opening hours which meant that the Community Support Assistant dealt with an increase in LIC enquiries outside of their opening hours.
- During a three week period in July/August 2017 additional information was recorded relating to the visitors to the Langport Community office, in particular relating to where they live and service required.

Total no. of visitors over the three week period

Number of SSDC related visitors	25
Average per day	1.8

Visitor information requesting SSDC services only

Location	Regular user	New user	Service required	Priority Group - Older People, Carers, the Disabled and people from different racial/ethnic backgrounds
Barton St. David	1	0	Benefit	None
Curry Rivel	1	0	Housing	None
Martock	1	0	Homefinder	None
Pitney	1	0	Benefit	None
Somerton	2	2	1 Benefit, 1 Council Tax, 1 Waste, 1 Careline	2 older
Westport	0	1	Benefit	None
Langport & Huish	10	6	5 x Benefit, 1 x Waste, 4 x Council Tax, 4 x Homefinder, 1 x Careline, 1 x general	3 older 2 disabled 1 English not there first language

1 out of the 25 visitors during the three week period said that they would be unable to access the service via another method and fell into the above Priority Group.

Proposal for customer service delivery in Langport

In the coming months the Council's Transformation programme will focus on the needs and preferences of customers that use the network of community offices. In the meantime we will continue to work with other SSDC services to ensure that we are fully aware of any changes and that the Community Support Assistants have the knowledge and access to the systems to provide the most efficient and effective front facing service.

With an increase in digital access there is a continuing need to support customers to access services online and raise awareness of alternative methods to access information and services to ensure that service provided best meets the needs of the customer.

The continuing low footfall at Langport Community office means that it would seem an appropriate time to look at the face to face provision in this area. The current business model is no longer feasible and this is an opportunity to continue to provide a service by alternative methods and ascertain valuable information to inform the transformation programme going forward.

Recommendation:

- Over a three month lead in period withdraw from Langport Community Office focus on encouraging and supporting customers to access services online and raise awareness of alternative methods to access information and services to ensure that the service provided best meets the needs of the customer
- During the three month period liaise with other SSDC departments and the Transformation team to flag up and resolve customer issues raised and review outcomes

- During the three month period review alternative suitable venues to meet with customers within Langport for example Library, Doctors surgeries. This also gives us an opportunity to forge working relationships with other authorities/organisations.
- Following the three month period we would offer appointment based surgeries/visits as appropriate for those customers requiring further assistance – i.e. customers who are unable to conduct SSDC business by any other means or access another office.

This proposal has been endorsed by Senior Leadership Team as a good way of testing various aspects of service delivery through transformation.

Community Support staff who continue to:

- assist and encourage customers to move over to digital services where possible
- assist and run an appointment based service for vulnerable customers who are unable to access SSDC services by any other means
- promote digital by default campaigns – ie uploading benefit/Council Tax evidence, online benefit/Council Tax applications, paying Council Tax by direct debit
- provide additional project support to the Area Development teams

To enable the appointment based surgeries to take place one off costs of up to £75 (for a wi-fi enabled tablet) or up to £500 (for a 3G enabled tablet) would be incurred. If 3G enabled tablets were purchased there would be an additional monthly cost of up to £15 per month for each device.

Financial Implications

There would be no new budgetary implications. Costs will be covered within the existing budget.

Council Plan Implications

Focus on Health and Communities. Continue to provide Welfare Benefits support and advice to tackle poverty for our vulnerable residents.

Carbon Emissions & Climate Change Implications

Reduce carbon emissions by increasing awareness of local offices and use of alternative methods of contact i.e. online transactions

Equality and Diversity Implications

All front desk services are accessible, except our Ilminster office, which can only be improved if alternative suitable premises can be found.

Equality Analysis Assessment have been completed for Langport Community Office – please see Appendix A.

Background Papers: *Community Office Update 2016*

Appendix A – Equality Analysis Assessment

SSDC Equality Analysis Template (2017)

Page 1: What is Equality Analysis?

Q1. Q1.1 Please describe the change that is the subject of this EqA i.e. the introduction of a new, or significant change to an existing, policy strategy, service or function .

Cease customer face to face services through the current Community Office in Langport.

Page 2: EQUALITY ANALYSIS (EA)

Q2. Q2.1 What information have you used to analyse the effects on equality, particularly in relation to protected groups?

Recorded footfall for previous years shows continual decrease in footfall across all Community offices. The footfall in Langport remains the same as the previous year, however, this is low compared to other Community Offices. Day & times are recorded.
Customer Satisfaction detailed analysis for offices concerned (March 17).
Local availability of public pc's
Other methods of customers being able to contact the council to conduct business - ie phone, website online services
Information detailing trend and increase/shift to online transactions
Local bus routes
Availability of staff to provide bookable surgeries on an as needed basis for residents unable to travel to another location
Local knowledge
Design of building/access
Universal Credit

Q3. Q2.2 What has this information told you about the potential effect on equality, particularly in relation to the protected groups?

Langport total service footfall showed the same footfall as the previous year.

None of the customers surveyed in Langport or Ilminster considered themselves as having a disability.

Everyone who visited the office lived locally - therefore closure the office would mean travel to another office or accessing services in a different format - ie phones or website. To access the next nearest face to face office would mean travel to Petters Way (29 mile return trip). There is a daily bus service from Langport to Yeovil.

Langport has a local Library where there is free access to the website and wifi. The Library is about 200 metres from the current office. Free car parking is available for both the Library and Community Office.

The majority of customers visiting Langport were split between 16-29 & 60- 74 age groups with most being of English/Welsh/Scottish/Northern Irish origin. 4 out of 12 Langport customers stated that they did not have internet access with 11 out of 14 stating they would not use the Council website in the future. 12 of the 14 responses also stated that they do not contact SSDC by phone with 2 stating that their English was not good and they don't always understand when on the phone.

Caring responsibilities related to either none or for children under 18.

Q4. Q2.3 The Equality Act Aims to: Eliminate unlawful discrimination, harassment and victimisation Advance equality of opportunity Foster good relations With these three aims in mind, what is your assessment of the likely impact of the policy, strategy, service or function on the following?:

	Likely to benefit (Positive Impact)	Likely to disadvantage (Negative Impact)	No specific impact
People from different age groups		X	
Men or women			X
Women who are pregnant or have recently given birth			X
People who have undergone, are proposing or are undergoing gender reassignment			X
People with disabilities or carers		X	
People from different religions, belief or faith (including those with no belief)			X
People of different race or ethnicity		X	
People who are lesbian, gay or bisexual			X
Marriage/Civil Partnership			X
People who are serving or have served in the armed forces and their families* (* this group is not protected by the Equality Act but are still potentially vulnerable or at risk of exclusion)			X

Q5. Q2.4 Where you have indicated a Positive or Negative Impact in Q2.3, please describe in more detail what the specific Impacts are.

Visitors to Langport fall into the older people, carers, young parents category and therefore may be vulnerable to changes
 Not all of the older population have access to ICT or are comfortable using ICT with many not having their own transport.
 Closure of Langport will mean a round trip of 29 miles by bus or lift basis to another office.
 Customers prefer face-to-face services with some finding it difficult to use the phone service due to language issues.

Q6. Q2.5 What actions will be, or have been taken to either mitigate any negative impacts or create a positive impact as identified in Q4?

Access to SSDC services are available via the phone or online through self service forms
 Housing & Benefit evidence can also be uploaded via the website/smartphones/tablet devices
 Long lead in time for closure to allow assistance and awareness of digital services - aim to encourage more customers to use online services in line with Digital by Default / transformation.
 Dedicated member of staff to assist customers to self serve
 Bookable surgeries at convenient location with access point
 Identifying local computer/digital training opportunities for customers
 Monitor impact and access / revisit
 Older People, Carers, the Disabled and people from different racial/ethnic backgrounds might be impacted negatively, therefore some specific consultation with these groups to establish if in fact it is an issue and if so, what possible solutions there might be. This could be through groups representing those users or you could use our Corporate Equality Steering Group to give feedback.

Q7. Q2.6 If there is a need to review the EqA, when do you propose to do this?

* 02/04/2018

Q8. Q2.7 How will you monitor the impact that the decision or policy has had on protected groups?

Number of appointments required
Customer satisfaction survey - looking for reasons they are visiting the offices
Footfall increase in other Community Offices
Complaints
Information relating to online transactions

Page 3: Quality Check / Approval Log

Q9. Q3.1 Date and name of Officer Completing the EqA

* 06/06/2017

Name of Officer Completing the EqA and Date Completed
Lisa Davis/ Debbie Haines

Q10. Q3.2 Date and name of the Line Manager/Senior Manager approving the EqA

* 19/09/2017

Name of the Line Manager approving the EqA
Helen Rutter

Q11. Q3.3 Date and Name of the Equality Coordinator signing off the EA

* 19/09/2017

Name of the Equality Coordinator
David Crisfield

Q12. Q3.4 Any Comments

No Response

Agenda Item 10

Environmental Health Service Update Report

Director: Martin Woods, Service Delivery
Service Manager: Alasdair Bell, Environmental Health Manager
Contact Details: alsadair.bell@southsomerset.gov.uk or 01935 462056

Purpose of the Report

To provide members with a brief update of the work of the Environmental Health Service in the last twelve months and to look forward to future challenges. Alasdair Bell, Environmental Health Manager will attend the meeting to answer any questions.

Recommendation

That Members note the report.

Public Interest

The Environmental Health Service is a frontline service committed to protecting public health and safeguarding the environment. The majority of work undertaken by the service is required by law with very little discretionary work. The Environmental Health Service Plan that outlines the work of the service along with key service standards and the service action plan can be found on the council website at: http://www.southsomerset.gov.uk/media/569271/service_plan_eh_15-16.pdf

Report

The work of the service continues to go well with staff dealing with a wide variety of matters including routine inspections and enforcement activity. Discussion of the up and coming Transformation programme is dominating our thinking at the moment and staff resources are being allocated to help plan the future arrangements.

Food and Safety Team

The Food & Safety Team both enforces legislation and provides advice and assistance to food and other businesses. The main emphasis of the team is to contribute to the success of the local economy by helping food businesses avoid problems of food poisoning etc. and the severe economic consequences that can result. The team is also involved in tackling food fraud, which can be very harmful to public safety, economic development and fair business competition. The food safety element of the work of the team includes the approval and audit of food manufacturers, food sampling, premises inspections which includes local delivery of the Food Hygiene Rating Scheme , the investigation of food complaints and food poisoning as well as responding to national food safety alerts. The health and safety element includes inspection, advice, complaint and accident investigation. In Area North in the last 12 months 316 food inspections have been carried out, 57 cases of suspected food poisoning have been investigated and 3 accidents reported/investigated. Much of the work carried out is routine 'behind the scenes' and the public is generally unaware of what is going on until something significant happens such as a major food poisoning outbreak. Key achievements to note;

- All planned interventions/inspections and complaints successfully dealt with
- National food safety Week 2017 supported. The theme being Food Waste Reduction
- Development of the Better Business for All (BBfA) project.
- Working with South West Illegal Meat Group

- Ongoing management of 'Flexible Warranting' scheme to allow cross boundary working throughout Somerset
- Food Hygiene Rating System –anticipated introduction of charges for rescoreing.
- Supporting a multi-agency investigation into wild game poaching with local Police, RSPCA and Trading Standards
- Maintaining a multi-agency Safety Advisory Group(SAG) for events being held in South Somerset
- Working with FSA on 'Regulating Our Future' programme.
- Working with Public Health England on new Gastrointestinal Disease Policy.

The Food safety Team is obliged by the FSA to produce it's own service plan that can be found following the attached link;

https://www.southsomerset.gov.uk/media/570103/fs_service_plan_2016-17.pdf

Environmental Protection Team

The EP Team deals with pollution control and environmental monitoring as well as the enforcement of environmental legislation. The Team checks local air quality and investigates a range of complaints about nuisance, in particular noise and smoke. The Team issues permits and inspects premises under the Pollution Prevention and Control regime (PPC). The Team also undertakes private water supply sampling and risk assessments, contaminated land assessment and the investigation of rural drainage complaints as well as acting as a statutory consultee on planning and licensing applications. The delivery of the Pest Control service and public health burials are also part of the service provided. The Streetscene enforcement team is now part of the EP Team and deals with a range of issues including dog control, abandoned vehicles and fly tipping. During the past 12 months 66 noise complaints have been investigated and 511 calls were taken regarding pest control in Area North. Significant points to note;

- The Private Water supply sampling and risk assessment programme has been successfully completed although there has been a lot of work going on regarding the village supply at Allowenshay. Ombudsman complaint not substantiated.
- The Permitted installation inspection programme(PPC) has been fully completed
- New contaminated Land Inspection Strategy adopted
- New Enforcement policy adopted
- Four Public Health funerals dealt with
- Last year 28 abandoned vehicles were investigated in Area North resulting in 12 being removed and destroyed. The team have seen a marked increase in the number of abandoned vehicles across the district since the start of the year.

.Housing Standards Team

The Housing Standards Team deal with private sector housing advice and enforcement. This includes investigating complaints about sub-standard rented housing, the inspection and licensing of houses in multiple occupation (HMOs) and the licensing of caravan sites. The team also provides advice/assistance/grant aid to improve energy efficiency and tackle fuel poverty. The team also processes applications for Prevention grants, Disabled Facilities Grants, HMO and Empty Property grants, and helps administer the WRT home loan scheme. The team works closely with the Housing Options Team in seeking to tackle the potential housing crisis that is developing in South Somerset. Significant points include;

- The running of two Landlord Forum events held at Holy Trinity Community Centre, Yeovil with over 70 local landlords attending.

- On-going enforcement action to do with substandard housing and HMOs including the enforced sale of an empty house.
- £850,000 of Disabled Facilities Grants paid
- Several key grant funded building projects underway including two projects on South Street, Yeovil.
- Over fifty empty properties brought back into use.
- Active participation in multi -agency Yeovil One and Chard One projects to include work on anti-social behaviour and rough sleeping.
- New grants and loans policy adopted following change in funding arrangements for DFGs via the Better Care Fund.
- New mobile home grant/loan initiative launched working with Ridgeway Energy.

Research and support

The Environmental Health service is supported by the Research and Specialist Support Team who maintain and update the Environmental Health back system Civica APP, inspection records and web pages as well as providing finance support, management performance information and produce the annual government returns.

Financial Implications

There are none attached to this report

Corporate Priority Implications

The work of the unit helps contribute towards the delivery of a range of our Council Plan aims including the aims to;

- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

Carbon Emissions & Climate Change Implications

The work of the unit contributes towards this NI with it's work on fuel poverty

Equality and Diversity Implications

As part of the EH service plan a full equalities and diversity assessment was undertaken.

Background Papers: *Environmental Health Service Plan 2017/18*
Food & Safety Service Plan 2017/18
Private Sector Housing Strategy 2016-21
Housing Strategy Implementation Plan 2017
Policy for Awarding Private Sector Housing Grants and Loans -January 2017

Agenda Item 11

Area North Committee – Forward Plan

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

Purpose of the Report

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

Public Interest

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

Recommendation

Members are asked to:

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

Area North Committee Forward Plan

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

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

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

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

Background Papers: None

Area North Committee Forward Plan

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

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

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
27 Sept '17	Environmental Health	Service update report.	Alasdair Bell, Environmental Health Manager
25 Oct '17	Arts & Entertainment Service Update Report	Annual Update Report	Adam Burgan, Arts & Entertainments Manager
25 Oct '17	Section 106 Monitoring Report	Annual monitoring report.	Neil Waddleton, Section Monitoring and Compliance Officer
13 Dec '17	Support for Business and Local Economy		Pauline Burr, Neighbourhood Development Officer (North)
<i>TBC</i>	<i>Endorsement of Community Led Plans</i>	<i>South Petherton Parish Plan and Neighbourhood Plan</i>	<i>Sara Kelly, Area Development Lead (North)</i>

Agenda Item 12

Planning Appeals

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

Purpose of the Report

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

Public Interest

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

Recommendation

That members comment upon and note the report.

Appeals Lodged

17/01263/S73 – Former Somerton Service Garage Ltd, West Street, Somerton.
Application to vary condition 2 (approved plans) and 5 (vehicular access) of planning approval 16/05155/FUL to change the access requirements and layout.

16/00265/COU – Land OS 6200 Bearley Lane, Tintinhull.
Change of use of barn from agricultural building to furniture storage, in connection with an internet business, retrospective.

16/03541/COL – La Lade caravan park, Long Load.
Application for a Lawful Development Certificate for the proposed use of the existing caravan park for the siting of up to 25 static caravans.

16/04699/OUT – land Adjoining Long Orchard Way, Martock.
Outline planning application for the erection of 12 No. dwellings (incorporating details of access) and associated works including drainage infrastructure and highway works.

Appeals Dismissed

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

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

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

Enforcement Appeal (B) – Land Adjoining Windmill Acres Farm, Windmill Lane, Pibsbury.
The appeal is dismissed and the enforcement notice upheld.

Appeals Allowed

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

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

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

Enforcement Appeal (A) – Land Adjoining Windmill Acres Farm, Windmill Lane, Pibsbury.
The appeal is allowed and the enforcement notice is quashed.

Appeals Withdrawn

16/05153/COL – Hill View Farm Cottage, Low Ham.
Application for a lawful development certificate for the existing use of the building as an independent dwelling.

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

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

15/04864/COL – West End Stores, West Street, Stoke Sub Hamdon.
Certificate of lawfulness for the existing use of mixed storage and residential purposes with ancillary retail.

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



Appeal Decision

Site visit made on 17 July 2017

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 25 July 2017

Appeal Ref: APP/R3325/W/17/3171884

67 Garden City, Langport, Somerset TA10 9SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Bown against the decision of South Somerset District Council.
 - The application Ref 16/04807/FUL, dated 21 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is the construction of a dwelling.
-

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site comprises part of the large garden of 67 Garden City, which is located on a corner at the junction with Somerton Road. The dwellings along this busy stretch of Somerton Road are generally set back from the highway, but are fairly diverse in terms of their style, form and appearance.
4. The dwellings in Garden City display considerably greater uniformity. Their brick and render front elevations face the road, and often sit below a hipped roof. The dwellings, many of which are semi-detached, follow a regular layout, and are set back from the highway often behind gardens, or driveways. The appearance and siting of the dwellings, together with the gardens, grass verges and central green space, give Garden City a spacious, cohesive and landscaped character which, the Council states, was inspired by the Garden Cities movement.
5. Although the semi-detached, hipped roof dwelling at No. 67 faces Somerton Road, its general style, materials and form broadly reflect the appearance of the Garden City properties. Its side garden and the side garden on the opposite side of this junction provide a largely symmetrical and spacious entrance into Garden City.
6. The proposed dwelling would occupy much of No. 67's side garden. Although its front face would roughly align with that dwelling, its flank would be sited

relatively close to the highway, and well forward of the front faces of the dwellings to the south-east. In this prominent location, and in the context of the grain of development in Garden City, that siting and layout would appear cramped and incongruous. That adverse impact on the area's character would be exacerbated by the proposal's contrasting gabled roof, which would also further reduce the sense of spaciousness.

7. The appellant has drawn my attention to a dwelling that has been permitted adjoining 25 Garden City. However, although that dwelling is also on a corner plot, it is some way from this site at the other end of the estate. Additionally, it does not project beyond the general building line of the Garden City properties to the same degree as would be the case here, and the dwelling opposite has had a large, gabled side extension. Consequently, that development does not change my conclusions regarding the harm that this scheme would cause here.
8. The site is within the defined development area, where the Council notes that the principle of development is acceptable subject to compliance with other policies. However, although the proposal would contribute towards housing needs as required by Policy EQ2 of the South Somerset Local Plan (2006 – 2028) 2015, it would significantly harm the area's character and appearance, and would thereby conflict with those parts of the policy which require high quality design and which promote local distinctiveness. It would conflict with the similar approach in the National Planning Policy Framework ('Framework').
9. There were representations raising no objection to, or in support of, the scheme, some citing housing needs and the dwelling's compatibility with its surroundings. In its favour, the proposal would make an efficient use of the land, and would make a very modest contribution to economic development and to housing supply. That in a sustainable market town location, in a district that cannot demonstrate a five year housing land supply as required by Framework paragraph 47.
10. Nevertheless, although the scheme would contribute towards the social and economic dimensions of sustainable development, it would cause significant environmental harm. Applying Framework paragraphs 49 and 14, even if Policy EQ2 should be given limited weight due to the Council's housing supply position, the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently, the scheme would not be the sustainable development for which the Framework places a presumption in favour. For those reasons, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR



Appeal Decision

Site visit made on 17 July 2017

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 09 August 2017

Appeal Ref: APP/R3325/W/17/3172867

**Land opposite Wearne Court, Wearne Main Road, Wearne, Langport
TA10 0QJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Edwards against the decision of South Somerset District Council.
 - The application Ref 16/03005/FUL, dated 7 July 2016, was refused by notice dated 4 October 2016.
 - The development proposed is the conversion of a redundant barn to a dwelling and the formation of a new vehicular access for residential and agricultural use, and the closure of an existing access for vehicles.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. On the appeal questionnaire the Council indicates that the scheme would affect the setting of a listed building, and interested parties refer to that matter. However, the nearest listed building is at Pound Farmhouse which is on lower land some way from this site, and separated from it by a brook, garden, trees and hedgerows. The Council's decision does not allege adverse impacts on that building, and for the above reasons I concur that its setting would be preserved. I have no cogent evidence that a previous building on the site was within a listed building's curtilage.

Main Issue

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

Background

4. There are two barns on the site. A Certificate of Lawfulness was granted for the steel-framed barn and it would continue to be used for agricultural purposes. The other barn ('stone barn') is finished in a mix of stone, concrete blockwork, tiles and timber, and has a partially-walled enclosure.
5. There is disagreement between various parties regarding the extent of works that were previously undertaken to the stone barn. The appellant states that it was repaired, whilst others maintain that it was substantially or completely rebuilt. However, in its statement the Council sets out that the current

structure has been present for at least four years and that it is immune from enforcement action. As I have no reason to doubt that, I have dealt with the appeal on that basis.

Reasons

6. The appeal site comprises an elevated section of a much bigger field. Given its exposed hillside location, there are southerly views from here over the countryside, which comprises a mix of paddocks, hedgerows and woodland, with occasional, well-screened and scattered buildings. Although the site is not far from the hamlet of Wearne, landscaping significantly limits inter-visibility between them, and the immediate area has a very rural, undeveloped character. Whilst the site is not subject to any national landscape designation, the Peripheral Landscape Study - Langport/Huish Episcopi 2008 identifies it as falling within an area of high landscape sensitivity.
7. I have no reason to doubt the appellant's assertion at paragraph 4.1 of his statement that the stone barn is in a good structural condition. As a result of this scheme, its form and appearance would remain largely unaltered, and its existing openings would be mainly used.
8. However, the existing vehicular access into the field would be replaced by a pedestrian gate, and a new vehicular access would be created where I understand one previously existed, further to the east along Wearne Main Road. To provide visibility splays the banks either side of the access would be regraded and, although the appellant states that only a limited amount of the outer layer of the hedge would be removed, drawing nos. 479(00) 01A and 479(00) 02A show that a significant amount would be lost. In time, new planting would reinforce the retained hedge, but as a result of those splays this narrow road, lined by trees, hedgerows and earth banks, would have a distinctly less enclosed, rural feel.
9. To control the landscape impact of potential extensions or outbuildings, permitted development rights could be withdrawn. However, whilst some of the stone barn's curtilage would be contained by buildings and hedgerows, I have not been presented with a mechanism by which the location of typical domestic outdoor paraphernalia could be controlled. Given that the dwelling's curtilage would extend to the western field boundary and in front of the stone barn's walled enclosure, such paraphernalia in this very rural, largely undeveloped, and elevated location would harm the area's character.
10. The appellant points out that the existing stone barn is not subject to any lighting restrictions. However, given typical domestic lighting requirements, it seems to me that the prospects for significant night-time light spillage from such a use would be significantly greater than for a typical agricultural use. That impact, together with the landscape impact arising from the long internal access and the parking area, adds to the harm that I have found the scheme would cause.
11. Although the field has trees and hedgerows on its boundaries, and an additional hedgerow is proposed for the site's southern boundary, there would be public views of the scheme, particularly in the winter months, including from the public right of way to the south.

12. Policy EQ2 of the South Somerset Local Plan (2006-2028) 2015 sets out general development requirements, including the need to conserve and enhance the landscape character of the area. For the reasons above, the scheme would conflict with that objective, and with one of the National Planning Policy Framework ('Framework') core principles which is to recognise the intrinsic character and beauty of the countryside.
13. Whilst the Framework seeks to boost the supply of housing, it sets out at paragraph 55 that isolated new homes in the countryside should be avoided unless there are special circumstances such as where development would re-use a redundant or disused building and lead to an enhancement to the immediate setting.
14. Having regard to the appellant's statement and his letter dated 18 August 2016, I have no reason to doubt that he has no use for the stone barn. However, whilst the site is close to Wearne, it is visually separate from it, and from the small cluster of buildings around Pound Farmhouse. Wearne has very few amenities or services, and although the site is not far from the services in Langport and Huish Episcopi, they are generally approached via unlit country roads without pavements. Consequently, I conclude that this site is isolated.
15. At paragraphs 6.5 to 6.7 of his statement the appellant states that the scheme would deliver various enhancements. However, the proposed repair, use, and ongoing maintenance of the stone building, which is generally in a good condition, and the suggested highway safety improvements, would not constitute enhancements to the building's setting. Neither would a non-livestock restriction on the use of the agricultural building. Repairs to the small walled enclosure, would constitute only a very minor benefit, and do not outweigh the other visual harm that would be caused.
16. Although a small copse is proposed on lower-lying land in the opposite corner of the field, I have very few details of that, and given its location and limited size it would not represent an enhancement to the stone building's immediate setting. Additional hedgerow planting may partially mitigate the scheme's adverse landscape impact, including that arising from the long internal access, parking area and visibility splays, but would not constitute an enhancement. Consequently, the scheme would conflict with Framework paragraph 55.
17. Dead elm trees, which could pose a potential safety hazard, would be removed, although this scheme is not the only way in which that matter could be addressed.
18. As set out at paragraph 5.6 of the Access Statement prepared by Bellamy Transport Consultancy, the scheme would improve the ease with which vehicles, or other highway users, could pass one another along this stretch of Wearne Main Road. However, whilst the existing access onto the road has poor visibility, and agricultural vehicles may be large and slow-moving, I have little evidence to indicate that it was frequently used. In his letter dated 6 July 2017, the appellant refers to the land's current occasional use for grazing. I have had regard to Somerset County Council's response which, whilst raising concerns regarding the use of the existing access, does not point to an overall safety benefit. Consequently, I am not persuaded that the closure of the existing access, and the creation of a new access with better visibility, but which would be used by both residential and agricultural traffic, would result in an overall net highway safety benefit.

19. In its favour however, the scheme would make use of an existing building to make a very modest contribution to economic development and to the supply of housing. That in a district which cannot demonstrate a five year housing land supply as required by the Framework.
20. However, in this isolated location, notwithstanding the unlit and partially unconsolidated footpath link to Somerton Road and the evidence in the Access Statement, given the characteristics of the nearby road network, and the distance to fairly limited bus services, the occupants of the dwelling would most likely be reliant on the private car to meet many of their day-to-day needs.
21. For the above reasons, although the proposal would contribute in a small way to the social and economic dimensions at Framework paragraph 7, given the environmental harm that it would cause, it would not be the sustainable development for which the Framework places a presumption in favour. It would also conflict with the development plan when considered as a whole.
22. Whilst the appellant refers to a permitted conversion at Appledoor Barn, that was for a live/work unit, and that decision appears to precede the publication of the Framework. Additionally, it is not clear from the available evidence whether that scheme included improvements to that building's setting. It does not change my conclusions regarding the harm that would be caused here.
23. There were discussions with officers, and amendments following a previously withdrawn application on the site. The appellant has concerned regarding various allegations that were made during the application's consideration. As well as letters of objection I have considered the representations in support. However, the matters raised do not alter my overall conclusions, or tilt the balance in the scheme's favour. Consequently, having considered the scheme on its merits, and having regard to all other matters raised, the appeal is dismissed.

Chris Couper

INSPECTOR



Appeal Decision

Site visit made on 11 July 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 22nd August 2017

Appeal Ref: APP/R3325/W/17/3171946

Land on Hill View, Westport TA10 0BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Duarte against the decision of South Somerset District Council.
 - The application Ref 16/02975/FUL, dated 6 July 2016, was refused by notice dated 29 September 2016.
 - The development proposed is the erection of a two bedroom, single storey dwelling with associated parking and landscaping.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - (i) biodiversity; and
 - (ii) the character and appearance of the surrounding area and its impact on nearby heritage assets.

Reasons

Biodiversity

3. The appeal site is located adjacent to the Westport Canal County Wildlife Site ("the Wildlife Site") and consists of a parcel of land located on one side of the Westport Canal. It is surrounded in dense vegetation, has a number of tall trees located along its south eastern boundary and is well screened from both the canal and the adjacent B3168.
4. Policy EQ4 of the South Somerset Local Plan (2006-2028) (LP) aims to protect the biodiversity value of land and minimise the fragmentation of habitats. Where there is a reasonable likelihood of the presence of protected and priority species it requires applicants to provide information assessing the impact of the development on their presence.
5. Furthermore, development is restricted unless it can be demonstrated that it will not result in any adverse impact on the integrity of national and international wildlife and landscape designations including features outside site boundaries that ecologically support the conservation of the designated site. Similarly, Policy EQ2 seeks to ensure, amongst other things, that development

- does not risk the integrity of internationally, nationally or locally designated wildlife sites.
6. The Council has raised concerns regarding the impact of the proposal on the integrity and ecological functioning of the Wildlife Site and, in particular, its impact on local bat populations and other protected species.
 7. DCLG Circular 6/2005¹ (“the Circular”) provides guidance on biodiversity and the impact of statutory obligations within the planning system. It advises that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the grant of planning permission. This is in order to ensure that all relevant material considerations have been addressed in the decision making process.
 8. The appellant has submitted a number of surveys which have which identified no bat roosts, or potential roost sites, on the site. It does, however, identify that protected species of bats are active in close proximity to the appeal site and, as such, might be affected by the development proposed. While I note that the survey data indicates that these numbers are small and any disturbance could be effectively managed, in the absence of any detailed assessment as to how these species will be affected or the effectiveness of the mitigation measures proposed, I cannot be satisfied that any disturbance would remain within acceptable levels.
 9. Consequently, I find that there is insufficient information available to establish with any certainty whether the proposal would result in unacceptable levels of disturbance to sensitive wildlife species and habitats. As such, I find the proposal contrary to Policies EQ2, EQ4 and EQ5 and the guidance set out in the Circular.

Character and appearance

10. The site is located on the south east side of the B3168 on a stretch of road characterised by a linear stretch of detached dwellings along its northern side and a general absence of development along the southern side. However, the section of road in which the appeal site is situated includes a number of large, detached houses fronting the street with limited screening along their boundaries and whose residential character is clearly evident.
11. LP Policy EQ2 seeks to ensure that new development achieves high quality design which promotes South Somerset’s distinctiveness and preserves or enhances the character and appearance of area. It sets out a number of criteria against which proposals will be assessed including whether they reinforce local distinctiveness, respect local context and conserve the landscape character of the area.
12. Furthermore, Policy EQ3 aims to preserve, and where appropriate, enhance the contribution made by heritage assets to local distinctiveness, character and sense of place. It requires all new development proposals to safeguard, or where appropriate, enhance the significance, character, setting and local distinctiveness of heritage assets.

¹ Circular 6/2005 Biodiversity and Geological Conservation – Statutory Obligations and their impact within the planning system; DCLG (ISBN: 9780117539518).

13. The proposal would involve the erection of a single detached dwelling of contemporary design constructed from a mixture of stone, render and larch with willow hurdles attached to the roof side parapet. It would be positioned centrally within the plot with a detached garage positioned towards the north eastern end of the site. The Council is concerned that the erection of a dwelling in this location would appear at odds with the existing pattern of development, would fail to respect the local character and would lead to an uncharacteristic erosion of the open rural character of the area.
14. I do not agree with this assessment. When travelling in a south westerly direction along the B3168, the southern end of the road is more open. However, this openness ends just north of the appeal site as the road enters a ribbon of residential development located just opposite the development site. At this point the land on the southern side is well screened by mature vegetation and, although it provides a positive contribution to the verdant surroundings, makes little contribution to the open and undeveloped nature of the land on the approach. Likewise, there is no intervisibility between the road and the canal along this section.
15. Properties in this location are highly visible and their residential nature is clearly evident. The introduction of the proposed dwelling on the southern side of this section of road would have only a limited impact on the character of this part of the B3168. While I acknowledge the upper levels of the proposed dwelling would be visible above the hedge, it would be seen in the context of the neighbouring residential dwellings and would not, in my view, appear incongruous or out of keeping in its surroundings. The distinctive open nature of the land to the north would be preserved as would the character of the immediate area.
16. Similarly, while I note the Council's concerns regarding the impact of the proposal on the nearby Grade II listed bridge, in view of the dense mature vegetation along the north and eastern site boundaries, there is limited intervisibility between the bridge and the appeal site. Its impact would be neutral and there would be no harm to the significance of that designated heritage asset in its wider setting.
17. While I accept that the proposed dwelling would be partially visible through the tree line when walking along the footpath on the other side of the canal, it would be shrouded by the large trees located along the south eastern boundary which would act as an effective barrier between the canal and the site itself. While I note the Council's concerns regarding the undeveloped nature of the Canal's margin, the site is well contained and the proposed dwelling would have no perceivable impact on its surroundings. Both the setting and significance of the canal and its contribution to local distinctiveness, character and sense of place would be preserved. Accordingly, I find no harm in this respect.
18. Consequently, I find that the proposal would not fail to safeguard the significance, character, setting or local distinctiveness of identified heritage assets or be harmful to the character and appearance of the surrounding area. Accordingly, I find no conflict with Policy EQ2 or EQ3.

Other Matters

19. The appellant has drawn my attention to a number of other nearby developments which, it is suggested, provide support in favour of the proposal. However, although I do not have full details of those developments, the impacts on local wildlife populations will vary between sites and such impacts should be assessed on a site specific basis. Accordingly, I do not consider they provide any meaningful support in favour of the proposal.

Planning Balance

20. The Council accepts that it does not have a deliverable 5 year supply of housing land. Government policy as set out in paragraph 49 of the Framework advises that where the Council cannot demonstrate a five year supply of deliverable housing sites, policies for the supply of housing should not be considered up-to-date and there is a presumption in favour of sustainable development unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

21. The proposal, while modest, would deliver a number of benefits including its contribution to the overall housing supply and its modest contribution to the local economy as well as providing some small support for local services. Although individually these are small, cumulatively they provide some support in favour of the proposal and I afford them a moderate amount of weight.

22. However, although I have found above that the proposal would not have a detrimental impact on the character and appearance of the surrounding area or nearby heritage assets, I have nevertheless found that there is insufficient evidence available to ascertain with any certainty its impact on protected bat populations. I afford this significant weight. When assessed against the policies in the Framework taken as a whole, I find that the resultant harm would significantly and demonstrably outweigh the benefits identified above.

Conclusion

23. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Rory Cridland

INSPECTOR

Appeal Decisions

Inquiry held on 13 June 2017

Site visit made on 13 June 2017

by Wendy McKay LLB Solicitor (Non-practising)

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

Decision date: 08 August 2017

Appeal A, Notice A Ref: APP/R3325/C/16/3153642

Land adjoining Windmill Acres Farm, Windmill Lane, Pibsbury, Langport, Somerset, TA10 9EP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Andrew Parker against an enforcement notice issued by South Somerset District Council.
- The enforcement notice was issued on 25 May 2016.
- The breach of planning control as alleged in the notice is without planning permission, the material change of use of the land from agriculture to residential use by means of the occupation of the land for residential purposes and human habitation.
- The requirements of the notice are: (i) Cease the use of any part of the land or buildings upon the land for residential purposes; (ii) Remove all domestic paraphernalia associated with the unauthorised use of the land (You may continue to use the land for agricultural purposes including the storage of agricultural equipment, machinery and items on the land used solely for the purposes of agriculture); (iii) Restore the land to its condition before the breach took place (you may continue to use the land for agricultural purposes).
- The period for compliance with the requirements is (i) 9 months; (ii) 12 months; (iii) 15 months.
- The appeal is proceeding on the ground set out in section 174(2)(d) of the Town and Country Planning Act 1990 as amended. Since no appeal has been made on ground (a) and the prescribed fees have not been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended does not fall to be considered.

Summary of Decision: The appeal is allowed, and the enforcement notice is quashed.

Appeal B, Notice B Ref: APP/R3325/C/16/3153643

Land adjoining Windmill Acres Farm, Windmill Lane, Pibsbury, Langport, Somerset, TA10 9EP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Andrew Parker against an enforcement notice issued by South Somerset District Council.
- The enforcement notice was issued on 25 May 2016.
- The breach of planning control as alleged in the notice is without planning permission, the erection of a two storey timber clad building ("the building"). The building is in the approximate position shown marked with a red cross on the plan attached to the notice. The building is identified in photograph A attached to the notice.
- The requirements of the notice are: (i) Remove the entire building described in paragraph 3 of the notice from the land (you are not required to remove hardstanding

or other buildings on the land and may continue to use these for agricultural purposes); (ii) Remove all building materials and rubble arising from compliance with requirement (i) from the land including the removal of any domestic paraphernalia associated with the unauthorised development of the land (you may keep any equipment, machinery or items that you use solely for the purposes of agriculture on the land); (iii) restore the land to its condition before the breach took place (you may continue to use the land for agricultural purposes).

- The period for compliance with the requirements is: (i) 9 months; (ii) 12 months; (iii) 15 months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (d) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Preliminary Matters

1. The oral evidence at the Inquiry was taken on oath.
2. At the Inquiry, the parties submitted a Statement of Common Ground (SCG). This sets out a number of areas of common ground including the description of the site and the area, the planning history of the site and relevant Development Plan policies.

The appeals on ground (d)

Appeal A – the change of use of the land

Background matters

3. On ground (d), the relevant immunity period for the material change of use alleged by Notice A by virtue of s.171B(3) is the period of 10 years beginning with the date of the breach. It is therefore for the Appellant to demonstrate, on the balance of probabilities, that the alleged material change of use has existed for a period in excess of 10 years prior to the date of issue of the notice and continued actively throughout the following 10 year period. There can be no 'dormant' periods in the 10 year period. The Appellant must show when the change of use first occurred and demonstrate that it had continued actively throughout the relevant period, to the extent that enforcement action could have been taken against it at any time. The relevant date for the purposes of this appeal is the 25 May 2006.
4. The Appellant's own evidence does not need to be corroborated by "independent" evidence in order to be accepted (*FW Gabbitas v SSE and Newham LBC [1985] JPL 630*). If the local planning authority has no evidence of its own, or from others, to contradict or otherwise make the Appellant's version of events less than probable, there is no good reason to refuse the appeal, provided his evidence alone is sufficiently precise and unambiguous to show the existence of a lawful use through the passage of time "on the balance of probability."

The Appellant's case in summary on ground (d)

5. The Appellant asserts that the change of use of the land first occurred in 2003 and has continued since that time so as to become lawful prior to the issue of the notice. He submits that there were no material periods during the initial 10

years when enforcement proceedings could not have been taken and there has been no abandonment of that lawful use since the initial 10 year period ended.

The evidence of Andrew Mark Parker

6. At the Inquiry, the Appellant gave oral evidence in confirmation and support of his statutory declaration dated 24 June 2016. He also put forward in evidence his statutory declarations dated 18 August 1995, and 17 February 2011. The latter had been originally submitted in connection with an application for a Certificate of Lawfulness of Use or Development (CLEUD) for the use of the building now known as Windmill Acres¹ as a dwelling.
7. His evidence is that in October 2004 he moved from Windmill Acres for personal reasons and moved into another building on the site which had become known as "The Retreat".² That building had been erected for farm storage purposes at the end of 2001. In 2003, he converted it into living accommodation and created a combined living/sleeping/cooking area together with a separate bathroom. He asserts that this building was fully self-contained with heating, mains water supply, septic tank and electricity from wind/solar sources plus a back-up generator. There was no water bill as the mains supply came via Windmill Acres.
8. The first occupant of this building was Jason North who occupied it for about three months in 2003. He was followed by Gerald Bingham until October 2004, when Gerald moved into Windmill Acres and the Appellant moved into The Retreat. The Appellant claims that he lived in The Retreat from October 2004 until July 2005. From July 2005, Anthony Bishop moved into The Retreat until July 2007, when he moved into Windmill Acres and the Appellant moved back into The Retreat. The Appellant continued to live at The Retreat until September 2009, when he moved back into Windmill Acres with his new partner. In late 2010 and early 2011, he erected a wall as a replacement for a fence separating The Retreat from Windmill Acres and altered the access gate to The Retreat to make it easier for vehicles to turn in.
9. His evidence is that from September 2009 he rented The Retreat to Ian Macey until August 2012. Mr Macey lived there throughout that time. During 2012, the Appellant moved back into The Retreat, again for personal reasons, as soon as the tenant left in September 2012 and he has been living there ever since. In 2014, various extensions were added to the original building. Since 2003, the land immediately adjoining the building has been used for the parking of residents' and visitors' cars with areas used as vegetable gardens and for relaxing outdoors. The other buildings on the site have been used to accommodate the diesel tank, generator, batteries and the like.

The evidence of Susan Ann Parker

10. The oral evidence of Susan Ann Parker confirmed that she was living in the original cabin on the site in early 2014 and was in occupation throughout the period that the works were carried out to that building. She has continued to live at the site with her partner since that time.

¹ Alternatively described in some of the documentation and statutory declarations as Windmill Acres Farm or Windmill Farm

² Alternatively described as "the cabin".

The evidence of Iain Edward Macey

11. The oral evidence of Iain Macey confirmed the contents of his statutory declaration dated 1 July 2016. He claims that he lived in The Retreat from September 2009 until August 2012. He did not meet the person who had occupied the property before him but there were some personal items left in the building. As far as he was aware, the Appellant moved into the property straight after him. In relation to the surrounding land, there were three or four raised beds that were used for growing vegetables and flowers. There was also a grassed area, a turning area, hardstanding, compost heaps and an open shed for wood storage. He was able to live independently and kept himself to himself. He paid rent but not Council Tax during his stay. At that time, the post usually went to Windmill Acres.

The evidence of Clive John Millar

12. In his oral evidence to the Inquiry, Clive Millar explained the extent of his own personal knowledge of the site. He had first visited the property in connection with the submission of a CLEUD application for the adjoining Windmill Acres premises on 23 February 2011. He attended a site visit with an officer of the Council, Mr Walton, who saw inside Windmill Acres and inspected the adjoining garden and outbuildings associated with it. However, he did not ask to see the appeal building and associated land which were separated from that CLEUD application site by a wall and field gate.
13. Following that site visit, he was invited by the Appellant to see the remainder of the land in his ownership to the east. He observed that the outbuildings contained a generator, fuel tank, solar energy system and a battery bank. These were not connected with Windmill Acres but served only a timber cabin building. At that time, the cabin was tenanted by Mr Iain Macey whom he met. He viewed the accommodation and could see that there was a kitchen/sitting bedroom area including a Rayburn stove, a sink, a gas hob, and bed together with a bathroom. He saw that the remainder of space within the outbuildings was being used for the storage of Mr Macey's possessions. He also had a vehicle parked outside and there was a vegetable patch.
14. Mr Millar did not visit the appeal site again until February 2012 when he was invited to inspect The Retreat and give advice as to its planning status. He noticed that further lean-to outbuildings had been constructed and were in use as garaging and domestic storage. Mr Macey was still in occupation. His subsequent e-mail dated 23 February 2012 notes that he had inspected The Retreat and sets out his view that it was fully self-contained and habitable as a dwelling.
15. Mr Millar next visited the appeal site on 26 September 2012. At that time, Mr Parker had separated from his former partner who remained in Windmill Acres whilst he was then living on his own in The Retreat. He did not visit the premises again until 2016 when he observed that the original dwelling had been much altered and extended. He considered that the area the subject of Notice A coincided with the area which has changed use to residential occupation. He rejected the Council's position that in the absence of the lawful dwelling there could be no lawful curtilage and did not regard the concept of 'curtilage' as being the same as that of a 'use' of land.

The aerial and other photographic evidence

16. The Appellant places reliance upon the 2006 aerial photograph as showing the green roof of the original building in situ. That photograph has been verified as having been taken in June 2006. The Appellant's evidence highlights the presence of vehicles and a chicken run on the adjacent land.
17. The Appellant has submitted all available Google Earth images since 2001. He refers to the Google Earth screen shots from 14 March 2013 as showing the outbuildings having been extended.
18. The Appellant has also submitted a number of photographs showing the interior of the building in 2014 and a photograph of the exterior showing the building works in progress. At the Inquiry, he confirmed that the latter photograph was also taken in 2014.

The statutory declarations and other documentary evidence

19. The statutory declaration of Anthony Bishop dated 23 June 2016 refers to his earlier 2011 declaration which states that he rented and lived in Windmill Farmhouse between July 2007 and September 2009. He confirms that prior to that he lived in The Retreat from July 2005 until July 2007.
20. The statutory declaration of Gerald Bingham dated 1 July 2016 refers to his earlier 2011 declaration which states that he rented and lived in Windmill Farmhouse between October 2004 and July 2007. He confirms that prior to that he lived in The Retreat between June 2003 and October 2004.
21. The statutory declaration of Jason Baker dated 13 May 2016 confirms that he lived in The Retreat from October 2015 until the date of the declaration.
22. The Appellant has submitted a letter in support from Mark Lister dated 4 May 2016 which states that: "*Since 2003 I have assisted Mark Parker to install both a solar/generator electrical system and the heating and plumbing systems to both the cabin and when he extended it to provide more living space.*"
23. There is also a letter in support from Kevin Greenwood dated 3 May 2016 who has lived at "Hacienda" on Windmill Lane for some 15 years. He states that: "*.. The Retreat has been habited by someone for well over 10 years*". He first moved into his property in December 2006 and he indicates that: "*...the cabin/retreat was lived in well before that.*"
24. Insofar as other documentary evidence is concerned, the Appellant has submitted a vehicle tax renewal form dated July 2012 addressed to him at The Retreat; an envelope similarly addressed dated May 2012 and a Council Tax demand dated 23 December 2012. The correspondence from the Nationwide Building Society dated 9 June 2015 states that his address has been at The Retreat since August 1996. The Appellant asserts that the information in that letter is incorrect and he has since clarified this with the building society. Their subsequent letter of 9 May 2017 confirms states that his address has been registered as The Retreat since May 2012 and his previous address was Windmill Acres Farm.

The Council's case in summary on ground (d)

25. The Council takes the view that the Appellant's evidence is not "*sufficiently precise and unambiguous*" to support the ground (d) claim. The Council also

places reliance upon the use of The Retreat having been of an ancillary nature to the occupation of Windmill Farm and/or any continuous use having been broken through such an ancillary use as Mr Parker moved between the main house and The Retreat.

26. By way of an alternative argument, the Council submitted in opening that the Appellant has not provided sufficient unambiguous evidence that the cabin was a "building" for the purposes of the 1990 Act. It identified the characteristics of a building as being its size, permanence and attachment to the ground³. It contended that the removal and replacement of the cabin in around 2012 meant that it never had a lawful use as a residential unit and the erection of the current building was then a new chapter in the planning history of the site. In the light of the Appellant's evidence to the Inquiry as to the date of the building works to the cabin, the Council's witness, Mr Noon, agreed that there had been a 10 year residential use of that structure but did not accept that it had been occupied as a separate unit of accommodation.

The evidence of Mr Noon

27. Mr Noon's position is that in the absence of a lawful dwelling there could be no lawful curtilage. He drew attention to the lack of evidence, in the form of photographs or statements from the Appellant, of the wider use of the land as garden or for any other domestic purpose and did not therefore consider that, on the balance of probabilities, such a use had continued uninterrupted for at least 10 years.
28. He drew support from the Google Earth photographs taken between 2001 and 2016. He contended that they do not show evidence of domestic use of the land over the requisite ten year period. He also referred to two photographs of the cabin and the site taken at the time of a site visit made by an officer of the Council in 2011.
29. The Council placed reliance upon the absence of Council Tax records for the cabin and those for Windmill Acres which reveal that the owner was recorded as living next door at that property until June 2012. A Land Registry search showed that Windmill Acres was sold by the Appellant on 12 June 2012. This would corroborate the contention that he only occupied the appeal premises from August 2012.
30. Mr Noon submitted that whilst the cabin might have been residentially occupied there was no evidence as to what accommodation was provided and occupiers were switching regularly between 'The Retreat' and Windmill Acres. He contended that such a pattern might be regarded as being indicative of an ancillary relationship between the two properties. He accepted in cross-examination that there had been a residential use of the cabin for 10 years or more but did not agree that it had been used independently of Windmill Acres as a separate unit of accommodation. He pointed to the existing wall between the two properties as only having been put in place in 2009. When taken together factors such as the shared access, postage and water bill indicated an ancillary relationship.

³ See Cardiff Rating Authority v Guest Keen Baldwin's Iron and Steel Co. Ltd [1945] 1KB 385 and Skerritts of Nottingham Ltd v SSETR (No 2) [2000] 2 PLR 102

Overall assessment – Appeal A

31. The unauthorised use alleged by Notice A does not make reference to the 'lawful curtilage' of a particular building or use as a single dwellinghouse. It specifically alleges a material change of use of the land to: "*residential use by means of the occupation of the Land for residential purposes and human habitation*". It is the lawfulness or otherwise of that activity which falls to be assessed.
32. The Appellant and his witnesses have given evidence as to the residential use of the land the subject of Notice A since 2003. The scope of that evidence covers not only the human habitation of The Retreat but also the associated residential use of the remainder of the land. The Appellant provided detailed evidence on oath in relation to the individuals who had lived on the land and their period of occupation. That evidence was supported by and consistent with the oral evidence of his other witnesses at the Inquiry.
33. There are also statutory declarations made by various individuals submitted in support of the Appellant's case. This evidence does not attract the same weight as the oral evidence given by witnesses to the Inquiry, as it has not been tested by cross-examination. Nonetheless, they must be given weight as solemn declarations under the Statutory Declarations Act 1835 with all that that implies. Although somewhat sparse in terms of their detail, these statutory declarations are consistent with and support the Appellant's case.
34. The letters submitted in support of the Appellant's case are also consistent with his evidence, although they do not have similar status and authority. Whilst I have had regard to them as material considerations, I attribute little weight to this unsworn evidence. The documentary evidence, such as it is, does not cover the entire period under consideration and is limited in scope and content. It provides little additional support for the Appellant's case.
35. The Council points out that whilst the Appellant's statutory declarations are unambiguous in that they contain dates there is criticism of their lack of detail. Although it acknowledges that further oral evidence was given by Mr Macey that testimony did not cover the full 10 year period. That also applies to the documentary evidence which only covered the period 2012 to 2016. The Council also draws attention to the absence of evidence from those who had previously provided statutory declarations in support of the Windmill Acres CLEUD.
36. Nevertheless, the Appellant and his witnesses have given evidence on oath that was tested by cross-examination. Notwithstanding the Council's criticism as to the level of detail provided, the Appellant's evidence taken as a whole displays a high degree of consistency. It covers the entire period under consideration with no material breaks in the continuity of the use. The available evidence as to the condition of the cabin combined with the evidence as to its actual use and that of the remainder of the land supports the view that the site was in fact occupied for residential purposes and human habitation during the relevant period.
37. In the absence of contradictory evidence, there is no reason to suppose that the evidence of the Appellant and his witnesses was given other than in an impartial and conscientious manner or that their recollections should be disbelieved. I consider that the Appellant's evidence on its own is sufficiently

precise and unambiguous to show the existence of a lawful use through the passage of time “*on the balance of probability*” unless there is contradictory evidence to make that version of events less than probable.

38. In contradiction of the Appellant’s case, the Council’s only witness had no personal knowledge of the pertinent factual issues. He was unable, as a matter of fact, to assert from his own personal knowledge that the land had not been used as alleged by the notice during the relevant 10 year period. In cross-examination, he did not seek to dispute the existence of a residential use of the cabin during that time but sought to argue that any such use was ancillary to the residential use of Windmill Acres from which the land had since been severed.
39. The Appellant has given reasonable and plausible explanations for the switch in occupancy by himself and others between Windmill Acres and The Retreat and the part that his own personal circumstances had played in that chain of events. Notwithstanding the features of the occupation to which the Council has drawn attention, such as the sharing of mains water, the route between the two properties and delivery of post, I consider that the balance of the evidence strongly supports the residential use of the notice land separately and independently from Windmill Acres throughout the 10 year immunity period with no intervening ancillary occupation or change in the planning unit.
40. In conclusion, the Appellant has provided cogent and consistent evidence setting out when the change of use first took place and the continuation of the use thereafter for a period in excess of 10 years. That evidence was precise, robust and comprehensive and has not been materially undermined or contradicted by the Council’s evidence which does not render the Appellant’s version of events less than probable. The evidence demonstrates that, on the balance of probabilities, the unauthorised change of use alleged by Notice A first took place in 2003 and has continued actively throughout the relevant period, such that enforcement action could have been taken against it at any time. That lawful use of the site continued thereafter and was not subsequently abandoned notwithstanding the building works which took place in 2014. The use of the land as alleged by Notice A is immune from enforcement action through the passage of time and thereby lawful. The appeal succeeds on ground (d) and the notice will be quashed.

Appeal B – the erection of a two storey timber clad building

Background matters

41. The relevant immunity period for the erection of a building by virtue of s.171B(1) is the period of four years beginning with the date on which the operations were substantially completed. The relevant date for the purposes of this appeal is therefore 25 May 2012.

The Appellant’s case in summary on ground (d)

42. The Appellant does not seek to suggest that the new elements of the building are immune from enforcement. However, he contends that part of the pre-existing building still on the site was erected and became immune from enforcement action before those works took place. He submits that the cabin was and is a “building”. He claims that it was occupied throughout the extension works and significant parts of it have been incorporated in the

existing structure. Since the un-extended part of the building has been in place for more than four years, he contends that it is immune from enforcement action and can remain on the site.

The evidence of Andrew Mark Parker

43. Mr Parker accepts that the extensions and alterations to the dwelling were carried out without the benefit of planning permission in 2014. However, he and his partner managed to live in The Retreat throughout the building process. The works were completed in 2014 and are shown by the 2015 Google Earth photographs.
44. Mr Parker gave oral evidence to the effect that the cabin was not a flimsy structure; each section took two people to lift it up and bolt it down. The bolts went through the timber frame to the concrete base and about 30-36 bolts were used to secure the whole structure. He acknowledged that none were still visible or in existence in the building as it is at the moment.
45. He stated that the photograph showing the works in progress that is referred to in Mr Noon's proof of evidence as having been taken on 4 July 2012 was in fact taken in 2014. He identified the cabin as still being in place at that time and he confirmed that parts of it still remained. For example, in addition to the concrete floor, the far end wall in the location of the bathroom and part of another wall by the French doors were retained. However, those original walls were moved from their original position, albeit by a short distance, once the bolts holding them in place had been removed. When the new roof was constructed, the roof of the cabin was removed from the inside.

The evidence of Susan Ann Parker

46. The oral evidence of Susan Parker was that the works to the cabin were carried out in the period of a few months prior to the date of her marriage to the Appellant in 2014. The last bit of the work was carried out on the morning of their wedding. The photograph of the works in progress could therefore be dated as being taken in early 2014 by reference to their wedding date.

The evidence of Mr Millar

47. Mr Millar identifies the various recent extensions to the dwelling by way of the current survey drawings of the dwelling which are included in Appendix 5 to his proof of evidence. He states, at paragraph 4 of his proof of evidence, that: "... the original dwelling has been almost totally surrounded by the most recent additions, with extensions on three sides and also above." He visited the property following the service of the Planning Contravention Notice (PCN) in 2016 and observed how the premises had changed insofar as the original dwelling had been much altered and extended.

The Council's case in summary on ground (d)

48. The Council contends that the new construction works cannot be regarded as the mere extension and alteration of the cabin. It submits that the cabin is no longer discernible, either as a structure in its own right or as part of the existing building and since the current building was not substantially complete more than four years prior to the issue of the notice, it is unlawful. If it is concluded that the cabin acquired immunity under either the four or ten year rule by the relevant date, then as that shed was removed and replaced, a new

chapter in the planning history began and the current building is unauthorised as it was not substantially completed within the four year immunity period.

The evidence of Mr Noon

49. For the Council, Mr Noon does not have any personal knowledge as to the timing or extent of the building works. He refers to the response to the PCN served on the Appellant on 12 February 2016. In response to the question: *"Please state the date on which the erection of the dwelling was commenced and the date on which it was completed?"* it is stated *"Over the years various extensions to the dwelling have been created, the most recent of which were around 2 years ago."*
50. The Council submits that the dwelling that currently sits on the land was not substantially completed by May 2012. The statement of Mr Millar makes reference to an e-mail of 23 February 2012. That email makes it plain that the shed was still in place at that time and no evidence has been put forward to suggest that the existing structure was substantially complete within three months from that email.
51. The Council also draws support from the Google Earth photographs and the absence of Council Tax records for the property. In addition, the Appellant's 2014 photograph shows the early stage of construction of the building now on the site and confirms that it was not substantially complete by the relevant date. The Council contends that there is no evidence of the incorporation of the cabin within the current building and it was simply removed after that photograph was taken. The building had comprised four sections. The Appellant in his evidence confirmed that during the building works all the original bolts and two wall sections of that structure were removed.

Overall assessment – Appeal B, ground (d)

52. The Appellant admits that the works of partial demolition and the construction of the new elements of the building were undertaken within the relevant four year immunity period. He erected a new frame over and around the original building which was then largely demolished. He stated that the cabin had been bolted to the floor by about 30-36 bolts. All of these bolts had been removed and two wall sections and the roof were removed. The two remaining walls were moved from their original position. The structure has a new roof and has been constructed of timber cladding.
53. The Council submits that Mr Parker's description of the initial erection and subsequent removal of parts of the cabin does not suggest the necessary levels of permanence and attachment to the ground for it to be regarded as a building. However, it is clear that the cabin was securely and physically attached to its concrete base. That together with the fact that it remained in place for over 10 years reveals that it enjoyed a high degree of permanence. At the Inquiry, the Appellant gave new evidence in relation to the size of the cabin based upon his personal knowledge of its construction and occupation. I find no reason to doubt that evidence and also have the benefit of the aerial photographs which show it in place. Given its size, permanence and means of attachment, I am satisfied, as a matter of fact and degree, that the cabin was a 'building' for planning purposes.

54. Having regard to the Appellant's survey drawings and his own evidence on this topic, it is clear that the height and footprint of the new structure has been significantly increased compared to the original building. Although parts of the original building have remained, there can be no doubt that the combined structure is substantially different from that which previously existed on the site and what remains of the old structure forms an integral part of the new building.
55. It is necessary to adopt a holistic approach to the development which has taken place. Having regard to the substantial part of the original structure which has been removed, and the additional building works which have been undertaken, I find, as a matter of fact and degree, that the building operations, considered as a whole, do not merely amount to the alteration and extension of the old structure. They have, in effect, together resulted in the erection of a new building on the site with the remaining parts of the old structure incorporated within it. The four year period did not start to run for the purposes of establishing the immunity of the new structure, as a single entity, from the present enforcement action until it was substantially completed. The remaining part of the original building is not saved by virtue of its former immunity.
56. I conclude that the existing building was not substantially completed and the four year period did not begin until the 2014 building works had been undertaken. This means that no part of the resultant structure is immune from enforcement action under s.171(B)(1) of the 1990 Act. The appeal on ground (d) fails.

The appeal on ground (a) and the deemed application for planning permission – Appeal B

The Main Issue

57. The main issue is the effect that the development would have on the character and appearance of the site and the surrounding rural area.

The Development Plan and other policies

58. The Development Plan includes the adopted South Somerset Local Plan 2006-28. Relevant Local Plan policies are Policies SD1 – Sustainable Development, SS1- Settlement Strategy, SS2 – Rural Settlements, HG8- Replacement Dwellings in the Countryside and EQ2 – General Development.
59. Turning to national policy, the Government issued the National Planning Policy Framework, "*the Framework*", in March 2012. It explains that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.⁴ The core principles of the Framework require a high standard of design and state that planning should recognise the intrinsic character and beauty of the countryside and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. The Framework, paragraph 55, states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. I find the relevant Development Plan policies in this case to be

⁴ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

consistent with the Framework, and full weight in accordance with their statutory status should be afforded to them.

Reasons

60. This new dwelling is sited at the end of a long unmade lane within open countryside and outside the boundary of any settlement. Windmill Lane extends north-eastwards from its junction with the A372 at Pibsbury to the site which is some 950m away. The facilities at Huish Episcopi and the settlement of Langport are a further 1,000m away along the A372 from the junction. There is sporadic development along Windmill Lane including the dwellings at Windmill Acres and Longacres and a travelling showman's site to the rear of Longacres. The unsurfaced part of the lane is also a public footpath.
61. The Development Plan strictly controls development within the countryside and rural settlements. Policy SS1 explains that the latter fall to be considered as part of the countryside to which national countryside protection policies apply, subject to the exceptions identified in Policy SS2.
62. Whilst the Appellant accepts that the site falls within the countryside, he contends that it is not a remote location. In terms of locational sustainability, the plot is located within 2km of the facilities in Huish Episcopi. The Appellant therefore contends that the site is well-located to and within safe and easy walking/cycling distances of local services and communities. He draws support from an appeal decision relating to the residential development of Land at Gold Well Farm, Yeovil Road, Crewkerne, Somerset⁵. That Inspector stated: "*With reference to documents such as Manual for Streets, the appellants considered that 800m is a 'comfortable' distance to walk and that 2km is a 'reasonable' walking distance, although not a maximum*". Nonetheless, he went on to conclude that: "*... in reality, future residents of this site would be likely to be reliant upon the use of private cars and that therefore, the development would fail to satisfy the sustainable transport objectives of the Framework...*".
63. Having observed the condition and nature of the route that would be used by pedestrians and cyclists to and from the site, the realities of this case inevitably lead me to a similar conclusion in terms of locational sustainability and likely reliance by site occupants upon the use of private motor vehicles. In reaching that conclusion, I have also had regard to the planning permission granted in 2012 for the traveller site at the point where the unsurfaced part of Windmill Lane joins the tarmacked road. Likewise, the site at Highfield Farm, Windmill Lane⁶ to which my attention was drawn during the Inquiry. That particular site is at the other end of Windmill Lane and closer to the footway along the A372 leading to Huish Episcopi. I do not find the considerations applicable to these other sites and developments to be directly comparable to this case.
64. In my view, the development would not meet the criteria of Policy SS2; it would not provide for one or more of the types of development identified nor would it increase the sustainability of a settlement in general. I concur with the Council that the small group of buildings along the lane would be too far from other settlements for it to be reasonably argued that the clustering provision of paragraph 5.41 of the accompanying text to Policy SS2 applies.

⁵ APP/R3325/A/13/2210545

⁶ APP/R3325/W/17/3167811 and 3167816

65. As indicated above, in my considerations on ground (d), I do not believe that the building now on the site can reasonably be regarded as an extension of the former cabin. The existing structure represents the erection of a new building on the land and it falls to be considered in the light of Local Plan Policy HG8 relating to the replacement of dwellings in the countryside.
66. The 2014 building works have resulted in dramatic changes to the original structure as shown by the Appellant's survey drawings. He asserts that the new building remains modest in size with a floorspace of some 100m². However, he admits that the new building is about four times the floor area of the previous structure when the roofspace is taken into account. At some 5.5m in height the new property is also substantially taller than the 3m high cabin.
67. Given the size, height and design of the new structure, I consider that it appears obviously domestic in character and out of keeping with the rural landscape character of the surrounding area. Neither the particular individual design nor the materials used dissuade me from that view. Indeed, I consider that the atypical design only adds to its prominence. Whilst there is already a small amount of other residential development along the lane, I believe that the extension of this sporadic development to the north in this way only serves to exacerbate the adverse impact that such development has upon the character and appearance of this part of the countryside.
68. The Appellant puts forward by way of a fall-back position, the prospect of either the ancillary buildings on the site being occupied or a mobile home being sited on the land to be used for the purposes of human habitation. He submits that in visual and environmental terms the retention of the dwelling as it exists would be preferable to that scenario. However, I am unable to agree with that conclusion. The outbuildings are already on the site and their physical presence is not the subject of the current enforcement action. The prospect of them being used as suggested by the Appellant does not justify the retention of the existing dwelling.
69. As regards the option of a mobile home being sited on the land, I do not find the potential presence on the land of a moveable structure ancillary to the lawful use to be directly comparable to the adverse effect of the permanent built structure the subject of the notice. I have borne in mind the planning conditions that could be imposed should planning permission be granted for the building and the permitted physical dimensions for a mobile home. Nonetheless, those dimensions would have to be complied with and the mobile home could not be extended or altered so that it fell outside the statutory definition of a caravan. In my judgment, the existing dwelling as built is particularly intrusive in the landscape and would be likely to have a far greater impact upon the character and appearance of the rural area than that which would result from reliance upon the fall-back position.
70. I conclude that the scale of the existing building in comparison to the former cabin has resulted in an unacceptably large increase in the height and size of that original structure. Furthermore, it is incompatible with and unsympathetic in scale, design, layout and siting to the landscape character of the location. Even if it were to be regarded as an extended structure, those 'extensions' are quite obviously disproportionate to the scale of the original cabin. The development would have a significant adverse impact on the character and

appearance of the site and the surrounding rural area. It would not be in accordance with Local Plan Policies SD1, SS1, SS2, HG8 and EQ2.

71. Although not "isolated" in the dictionary sense of the word, it does not represent a sustainable form of development when considered against the policies of the Framework as a whole. The interference with the private rights of occupants of the property that the refusal of planning permission and dismissal of the appeal would entail would be proportionate and necessary and strike a fair balance. The appeal fails on ground (a) and planning permission will not be granted on the deemed application.

Formal Conclusions

Appeal A

72. For the reasons given above, I conclude that the appeal should succeed on ground (d). Accordingly, the enforcement notice will be quashed.

Appeal B

73. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal Decisions

Appeal A Ref: APP/R3325/C/16/3153642

74. The appeal is allowed and the enforcement notice is quashed.

Appeal B Ref: APP/R3325/C/16/3153643

75. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Wendy McKay

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Mr Stephens Solicitor

He called

Mr Andrew Parker
Mrs Sue Parker
Mr Clive Millar

FOR THE LOCAL PLANNING AUTHORITY:

Mr Robson of Counsel

He called

Mr Adrian Noon

DOCUMENTS SUBMITTED AT THE INQUIRY

- 1 Attendance List
- 2 Statement of Common Ground
- 2 Appellant's Opening Statement
- 3 Council's Opening Statement
- 4 Appellant's Closing Statement



Appeal Decision

Site visit made on 17 July 2017

by Chris Couper BA (Hons) DipTP MRTPI

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

Decision date: 02 August 2017

Appeal Ref: APP/R3325/W/17/3172387

Land opposite The Old Manse, Fivehead, Somerset TA3 6QH

- 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 and Mrs M Tennant against the decision of South Somerset District Council.
 - The application Ref 16/05371/OUT, dated 12 December 2016, was refused by notice dated 3 February 2017.
 - The development proposed is the erection of four detached bungalows.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of four detached bungalows at land opposite The Old Manse, Fivehead, Somerset TA3 6QH in accordance with the terms of the application, Ref 16/05371/OUT, dated 12 December 2016, subject to the conditions on the attached schedule.

Procedural matter

2. The application was submitted in outline with access, appearance and scale reserved for future consideration. I have dealt with the appeal on that basis, and whilst I have had regard to plan no. F1306/100B, other than the layout and landscaping shown on that drawing, I have treated it as indicative only.

Main Issue

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

Background

4. An outline application for the erection of four detached bungalows on the site, with access, appearance and scale reserved for future consideration was refused on 23 March 2016. It was subsequently dismissed at appeal (Ref: APP/R3325/W/16/3149235) ('the previous scheme'). I have had regard to that planning history in reaching my decision.

Reasons

Character and appearance

5. The appeal site lies just beyond the village of Fivehead. It comprises an open paddock with trees and hedgerows on its boundaries, and is typical of the mixed agricultural countryside nearby. As well as trees, a field and recreational ground to the west, this site is bounded by a gypsy and traveller site known as

Sunnyside Park to the south, a short row of dwellings at 17 to 20 Millers Orchard to the north, and The Old Manse and its curtilage on the opposite side of Stillbrook Road to the east. Nearby dwellings are set at variable distances from the roads, and display considerable diversity in terms of their style and appearance. There are also some nearby short cul-de-sacs. Consequently, there is no locally distinctive built form or pattern of development in the site's immediate vicinity.

6. Travelling south along Stillbrook Road the appeal site broadly marks the transition from the village to the countryside. Although the road varies in width, it generally narrows around this point and becomes more enclosed by trees and hedgerows. Notwithstanding the boundary wall and fence at The Old Manse, it therefore takes on a distinctly rural feel.
7. In the previous scheme the Inspector had concerns that, taking account of a requirement at the access for a 43m visibility splay in both directions, there could be greater impacts upon an Ash, other trees and the hedge along the site's highway frontage than suggested by the appellants. That, he considered, *"could therefore substantially harm the distinctive landscape features and considerably open up views through the frontage of the site. If that were to happen, it would make the cul-de-sac very obvious from the road and in my opinion would cause a harmful incursion of suburban development into the countryside"*.
8. Whilst access is also a reserved matter in this appeal, I concur with the previous Inspector that as the detailing of an access with suitable visibility splays would have implications for the amount of the hedgerow and trees that can be retained along the boundary, it is a matter that impacts upon the principle of whether or not the development is acceptable.
9. Drawing No. F1306/100B shows the site's vehicular access moved further south compared to the previous scheme, and at a point where the road widens slightly. Unlike previously, the land either side of the access is shown enclosed by existing and proposed hedgerows, which would extend into the site, thus helping to screen the driveways and turning area. Consequently, there would be more limited views from the road into the site than in the previous scheme. Additionally, whilst the highway hedgerow would be trimmed, that drawing shows that much of it, along with the Ash, would be retained, and supplemented with additional native species planting. The Arboricultural Impact Assessment by Hillside Trees Ltd confirms that no trees would be removed. Although the provision of visibility splays behind grass verges would result in this section of Stillbrook Road having a slightly wider feel, it would remain largely enclosed, with only narrow gaps for access.
10. Whilst the dwelling on plot 4 would be close to the road, it would be sited behind a hedgerow. As that hedgerow would provide screening and privacy to those occupants, it seems to me unlikely that there would be pressure for its reduction. The scheme's low density, together with the screening afforded by existing and proposed landscaping, would ensure that the development would be reasonably assimilated into this rural fringe of the village. Implementation and retention of the landscaping could be addressed by conditions. Requiring that the development be single storey only would further limit the scheme's impact on views from the road.

11. Although the scheme would extend the village's built form to the south, a substantial gap would be retained to Sunnyside Park, which would limit the degree of ribbon development along this side of the road.
12. Summing up, whilst the scheme would have a negative impact on the rural attributes of the immediate area, the harm caused to its character and appearance would be limited. There would therefore only be a modest conflict with those parts of South Somerset Local Plan (2006 - 2028) 2015 ('LP') Policy EQ2 which seek to promote local distinctiveness and preserve or enhance the district's character and appearance, and with one of the National Planning Policy Framework ('Framework') core principles which is to recognise the intrinsic character and beauty of the countryside.

Other matters

13. Drawing no. F1306/100B shows an undeveloped gap between the proposed bungalows and Sunnyside Park. The appellant states that access to that land for maintenance would be achieved adjacent to plot 3. Although the space available appears to me to be limited, I have no cogent evidence to conclude that suitable access could not be provided without necessitating a further break in the highway hedgerow.
14. Given the layout of the site, and the distance to the dwellings at The Old Manse and at Millers Orchard, the scheme would not have a significant impact on those occupiers' living conditions by virtue of overlooking, overbearance or outlook. Although there would inevitably be some noise and disruption during construction, those impacts would be temporary and could be partially mitigated by an appropriate Construction Management Plan.
15. Whilst highway safety concerns have been raised, in locations such as this at the edge of a village it is not unreasonable to expect drivers to proceed with caution and to anticipate the potential for pedestrians or other highway users on the carriageway. This stretch of Stillbrook Road is subject to a 30mph limit, and is fairly straight with good forward driver visibility, although visibility for drivers emerging from the road just north of The Old Manse is restricted. The scheme shows a highway verge including at the point where a footpath from the site onto the road is indicated. The proposed layout shows suitable provision for off-road parking, with each dwelling having two or more spaces. On the basis of the drawings, it seems to me that a suitable visibility splay could be provided from a new access into the site, without requiring land beyond the public highway or outside the appellants' control.
16. For the above reasons I conclude that the scheme would not have a significant impact on highway safety. That position is supported by the absence of an objection from Somerset County Council Traffic and Transport Development Group ('TTDG'). TTDG has not suggested a condition requiring that the carriageway be widened, and I see no persuasive reason why it should be.
17. Fivehead has a basic range of facilities. LP Policy SS2 sets out that development in such 'Rural Settlements' should be strictly controlled and limited to the provision of appropriate employment opportunities, community facilities or housing to meet an identified need. It also states that proposals should generally have the support of the community. LP Policy SD1 largely reflects the Framework's presumption in favour of sustainable development.

18. I have been provided with little evidence, and somewhat conflicting views, regarding local housing needs. Although there were representations both in favour and against this scheme, Fivehead Parish Council objected, there was limited community engagement, and the proposal does not appear to have general community support. The scheme would therefore conflict with LP Policy SS2.
19. However, the scheme would contribute to the supply of housing generally in accordance with objectives in the Framework. That in a district that cannot demonstrate a 5 year supply of deliverable housing sites. In these circumstances, the Framework sets out that relevant policies for the supply of housing should not be considered up-to-date. That significantly limits the weight I attach to LP Policy SS2. In accordance with Framework paragraph 14, permission should be granted unless any adverse impacts from doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
20. Fivehead has at least two of the services/facilities listed in paragraph 5.41 of LP Policy SS2. The provision of four dwellings, whose occupants may help to support those services, are positive social advantages of the scheme, in the public interest, which carry significant weight in my decision. There would also be economic benefits from construction works. The limited harm that would be caused to the area's character and appearance, and by the absence of clear community support, would not outweigh the significant benefits from the provision of additional housing in this location. Consequently, the proposal would benefit from the Framework's presumption in favour of sustainable development, and would accord with LP Policy SD1.
21. Although there were representations stating that new housing should be located elsewhere, such as within the village, I have not been provided with detailed information of satisfactory alternatives, and I have dealt with the scheme before me on its merits. For the above reasons, the appeal will be allowed.

Conditions

22. The Council proposed a number of conditions, which I have considered against the Framework's tests, making amendments where necessary to improve precision, clarity and enforceability. I have imposed the standard time limit and reserved matters conditions. In the interests of certainty, I have also imposed a condition requiring that the development be carried out in accordance with the approved plans, but only insofar as they relate to the matters of layout and landscaping.
23. Given the potential for noise and disruption during construction and the harm that that could cause to local living conditions, I have also imposed the Council's suggested condition requiring the approval of a Construction Environmental Management Plan. Details of the proposed means of foul and surface water disposal are also necessary, although I have deleted the reference in suggested condition no. 8 to a 'right to discharge' which appears to relate to other regulatory requirements. In the interests of the character and appearance of the area, I have also imposed the suggested landscaping condition, along with a condition, as suggested by the Council's Tree Officer requiring appropriate tree and hedgerow protection during construction. For

the same reason a condition is necessary requiring that the development be single storey only.

24. The Council's suggested condition nos. 6, 7 and 9, along with others suggested by TTDG, relate to detailed matters concerning the access. As access is a reserved matter I have not imposed those conditions.
25. I have considered the two suggested conditions by the Council's Ecologist. In the interests of ecology and mitigating the impact on protected species, and to reflect the requirements of the Ecological Appraisal by First Ecology, I consider that those objectives can be addressed by a single condition requiring that the development be implemented in accordance with the Method Statement at section 4 of that report, including the proposed habitat protection, creation and enhancement measures.

Conclusions

26. For the reasons above, I conclude that the scheme's limited adverse impacts on the character and appearance of the area, together with the absence of general community support, do not significantly and demonstrably outweigh the scheme's benefits. Consequently, having regard to all other matters raised, the appeal is allowed.

Chris Couper

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the access, appearance, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with drawing nos. F1306/001 and F1306/100B, but only in respect of those matters not reserved for later approval.
- 5) No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The works shall be carried out strictly in accordance with the approved plan. The plan shall include construction vehicle movements; construction operation hours; construction vehicular routes to and from site; construction delivery hours; expected number of construction vehicles per day; car parking for contractors; specific measures to be adopted to mitigate construction impacts in pursuance of the Environmental Code of Construction Practice; a scheme to encourage contractors to use alternative means of access other than sole use of private vehicles; and measures to avoid traffic congestion impacting upon the Strategic Road Network.
- 6) The dwellings hereby permitted shall not be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details that have first been submitted to and approved in writing by the local planning authority.
- 7) No dwelling hereby permitted shall be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 8) All planting, seeding, turfing or mounding comprised in the approved details of landscaping as shown on drawing no. F1306/100B shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 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.
- 9) No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme to show how those existing trees and hedgerows on the land, identified on drawing no. F1306/100B for retention, shall be protected throughout the course of the development. The development shall be carried out in accordance with that scheme.

- 10) Before the dwellings are occupied a scheme for the retention and maintenance of the landscape areas, shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved scheme.
 - 11) The dwellings hereby approved shall be single storey only.
 - 12) The development shall be implemented in accordance with the Method Statement, including the proposed habitat protection, creation and enhancement measures, at section 4 of the Ecological Appraisal by First Ecology, dated December 2016.
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Appeal Decision

Site visit made on 11 July 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 22nd August 2017

Appeal Ref: APP/R3325/W/17/3171212 Triways, Foldhill Lane, Martock TA12 6PQ

- 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 Martock Farms Ltd against the decision of South Somerset District Council.
 - The application Ref 16/02783/OUT, dated 24 June 2016, was refused by notice dated 30 January 2017.
 - The development proposed is residential development of up to 24 dwellings.
-

Decision

1. The appeal is allowed and planning permission is granted for residential development for up to 24 dwellings at Triways, Foldhill Lane, Martock TA12 6PQ in accordance with the terms of the application, Ref 16/02783/OUT, dated 24 June 2016, subject to the conditions set out in the attached Schedule.

Preliminary Matter

2. The application was submitted in outline, with matters relating to appearance, landscaping and scale reserved. I have dealt with the appeal on that basis, treating all plans as illustrative, except where they deal with matters of layout and access.

Application for Costs

3. An application for costs was made by Martock Farms Ltd against South Somerset District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located on the western edge of Martock and consists of a triangular parcel of agricultural land bounded by hedgerows and trees. It is physically divided from the developed edge of the village by a dismantled railway line and it forms part of the wider countryside setting. Public footpaths run along the south and eastern boundaries with part of the eastern footpath passing within the site itself. A care home has recently been built opposite the appeal site which consists of a large complex of structures, the residential nature of which is clearly visible.

6. Policy SD1 of the South Somerset Local Plan 2006-2028 (LP) sets out a presumption in favour of sustainable development. Furthermore, LP Policy EQ2 requires new development to achieve high quality design which promotes local distinctiveness and preserves or enhances the character and appearance of the area.
7. The proposal would involve the development of 24 dwellings 35% of which would be affordable. This would make a meaningful contribution to the housing supply at a time when the Council is unable to demonstrate a 5 year supply of deliverable housing sites. Being on the edge of the settlement and in close proximity to other dwellings and nearby services, it would also provide a number of other social and economic benefits both during construction and into the future. However, the Council is concerned that the proposed development would breach a natural settlement boundary and be detrimental to the landscape.
8. I do not agree with the position taken by the Council. The care home situated opposite is similarly sited south of the railway and is clearly residential in character. It is highly visible on Foldhill Lane and within the wider landscape. This has to a large extent compromised the effectiveness of the dismantled railway line to act as boundary to this part of Martock. I do not therefore agree that development south of this line would appear as an alien or incongruous extension to the built form of the village or would materially impact on its character or setting.
9. Furthermore, while I note that the wider area is identified in the Council's Peripheral Landscape Study for Martock¹ as an area of high landscape sensitivity with a low capacity to accommodate built development, the appeal site itself is well screened on all sides by mature dense vegetation. Furthermore, layout proposed affords a number of opportunities for landscape enhancements which would provide a good deal of mitigation in terms of its landscape impact. Overall, I am satisfied that, with a suitable scheme of landscaping, the proposal can be accommodated with only a minimal impact on the surrounding landscape.
10. Consequently, I find no conflict with LP Policies EQ2 or SD1 which, taken together, provide a presumption in favour of sustainable development provided it does not result in harm to the character and appearance of the surrounding area.

Other Matters

11. The Council has referred to LP Policy EQ1 in its decision notice which aims to support proposals which help mitigate the impacts of climate change. However, the Council has not provided any specific details in respect of its concerns and I have seen nothing which would lead me to conclude that the proposal would be in conflict with the general aims of this policy. As such, I have not considered it in my reasoning above.
12. In reaching my conclusions, I have noted the drainage concerns expressed by local residents, the detailed submissions from the Parish Council as well as the comments provided by the Parrett Internal Drainage Board. However, it appears that with a number of relatively simple and cost effective solutions

¹ (2008).

existing flows can be managed effectively. Accordingly, I am satisfied that any harm can be guarded against by means of a condition requiring further details to be approved by the Local Planning Authority prior to the commencement of development.

13. Furthermore, in respect of the concerns raised regarding the number of houses already approved, the housing allocation for Martock is expressed as a minimum and I am not persuaded that the number of new dwellings in Martock has reached a level that would justify withholding permission on these grounds.
14. In addition, I have seen no robust evidence to indicate that there would be any material highway safety issues, any material impact on local ecology or that it would place an unacceptable strain on local facilities. Similarly, I am not persuaded that there would be any material harm to local residential amenity.
15. Furthermore, I note that none of these concerns form part of the council's reasons for refusal. In the absence of any robust evidence to indicate otherwise, I am not persuaded that they provide sufficient grounds to justify withholding permission for the development proposed.

Planning Obligations

16. The Council has identified a need for affordable housing in its most recent Housing Assessment (2009). LP Policy HG3 sets a target of 35% for schemes of the size proposed. Furthermore, it has also identified a need for contributions in respect of outdoor play and youth facilities, playing pitches and changing rooms in accordance with LP Policy HW1. These items are specifically excluded from the Council's CIL regime.
17. The Council has provided a detailed justification for the contributions sought and on the evidence before me, it appears that the need for the contributions arises from the development and satisfies the 3 tests in Regulation 122(2) of the CIL Regulations 2010.
18. As part of this appeal the appellant has provided a duly executed legal agreement which secures the obligations identified above. I am therefore satisfied that the development makes adequate provision in respect of these matters and would not be in conflict with LP Policies HG3 or HW1.

Planning Conditions

19. I have had regard to the various planning conditions that have been suggested by the Council. In addition to the standard conditions regarding the submission and approval of reserved matters, a condition requiring the development to be carried out in accordance with the proposed access arrangements and layout are necessary in order to provide certainty.
20. Furthermore, conditions requiring further details for surface water and foul drainage are necessary in the interests of flood prevention and public health while those in respect of visibility splays, technical specifications for the proposed highways, gradients of drives, and the submission of a Construction Environmental Management Plan and Travel plan are appropriate in the interests of highway safety. I do not however consider it necessary to impose a further condition in respect of actual drive gradients as they are already subject to approval by the local planning authority.

21. Conditions in respect of archaeological works are necessary in view of the site's proximity to the areas of archaeological interest while those in respect of respect of pollution and contamination are necessary in view of the site's former use.
22. However, while details of measures for the enhancement of biodiversity are appropriate in order to mitigate the impact on local ecology, I do not consider a condition requiring a scheme of landscaping to be appropriate as this can be dealt with as part of the reserved matters. I am also not persuaded that a restriction on the number of dwellings would be necessary as the information is already set out in the approved plans.
23. I have, however, modified the wording of some of the conditions proposed in order to more effectively guard against the risks identified or to provide more precision and certainty.
24. A number of these conditions will need to be discharged before work commences on site as they relate to matters which need to be resolved on a fully coordinated basis.

Conclusion

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

Rory Cridland

INSPECTOR

SCHEDULE

Conditions

- 1) Details of the appearance, landscaping and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The site and layout hereby approved shall be as shown on drawing Nos 14022-1 Rev C and 14022-2 Rev M.
- 4) No work shall commence on site until a surface water drainage scheme based in sustainable drainage principles (including highways drainage), and land drainage scheme for the site, together with a programme of implementation and maintenance for the lifetime of the development have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) None of the dwellings hereby permitted shall be occupied until scheme for the disposal of sewage has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 6) None of the dwellings hereby permitted shall be occupied until the access hereby approved, including proposed off-site improvements, has been constructed in accordance with drawing no C14411/T05 Revision B. The access shall thereafter be maintained at all times.
- 7) The proposed estate roads, footways, footpaths, tactile paving, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the local planning authority in writing before their construction begins.
- 8) There shall be no obstruction to visibility greater than 300mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 82m either side of the access. Such visibility shall be fully provided before the development hereby permitted is brought into use and shall thereafter be maintained at all times.
- 9) Prior to the commencement development, a Measures Only Travel Plan is to be submitted to and approved in writing by the Local Planning Authority. The Travel Plan should include soft and hard measures to promote sustainable travel as well as targets and safeguards by which to measure the success of the plan. There should be a timetable for implementation of the measures. The measures should continue to be implemented as long as any part of the development is occupied.
- 10) Details of measures for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The

biodiversity enhancement measures shall be implemented in accordance with the approved details before any part of the development hereby permitted is first brought into use, unless otherwise approved in writing by the local planning authority.

- 11) No development shall take place until a Written Scheme of Investigation shall have been submitted to and approved in writing by the local planning authority. The scheme shall include an assessment of significance and research questions – and:
 - i) the programme and methodology of site investigation and recording;
 - ii) the programme for post investigation assessment;
 - iii) the provision to be made for analysis of the site investigation and recording;
 - iv) the provision to be made for publication and dissemination of the analysis and records of the site investigation;
 - v) the provision to be made for archive deposition of the analysis and records of the site investigation;
 - vi) the nomination of a competent person or persons/organization to undertake the works set out within the Written Scheme of Investigation.
- 12) Any historic or archaeological features not previously identified which are revealed when carrying out the development hereby permitted shall be retained in-situ and reported to the local planning authority in writing within 14 working days of their being revealed. Works shall be immediately halted in the area/part of the building affected until provision shall have been made for the retention and/or recording in accordance with details that shall first have been submitted to and approved in writing by the local planning authority.
- 13) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.
- 14) No development shall commence until an assessment of the risks posed by landfill gas shall have been submitted to and approved in writing by the local planning authority. This assessment must be undertaken by a suitably qualified practitioner in accordance with British Standard BS10175 and shall assess whether any gas protection measures are required. Where measures are required the details shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the details so approved.
- 15) No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:
 - i) Construction vehicle movements to and from the site;

- ii) the parking of vehicles of site operatives and visitors;
- iii) loading and unloading of plant and materials;
- iv) storage of plant and materials used in constructing the development;
- v) wheel washing facilities;
- vi) measures to control the emission of dust and dirt during construction;
- vii) measures to mitigate construction impacts;
- viii) details of pollution prevention measures;
- ix) a scheme for encouraging the use of public transport amongst contractors;
- x) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
- xi) delivery, demolition and construction working hours.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

END OF SCHEDULE



Appeal Decision

Site visit made on 11 July 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 22nd August 2017

Appeal Ref: APP/R3325/W/17/3172075

Land at Ducks Hill, Huish Episcopi, Langport TA10 9EN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr P C Jotcham against the decision of South Somerset District Council.
 - The application Ref 16/04427/FUL, dated 10 October 2016, was refused by notice dated 28 November 2016.
 - The development proposed is the formation of vehicular access, erection of four private dwellings with associated parking and domestic curtilage, and landscaping works.
-

Decision

1. The appeal is allowed and planning permission is granted for the formation of vehicular access, erection of four private dwellings with associated parking and domestic curtilage, and landscaping works at Land at Ducks Hill, Huish Episcopi, Langport TA10 9EN in accordance with the terms of the application, Ref 16/04427/FUL, dated 10 October 2016 subject to the conditions set out in the attached Schedule.

Main Issue

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

Reasons

3. The appeal site is situated outside a recognised settlement boundary. It consists of an area of agricultural land that forms part of a strategic gap which separates the settlements of Huish Episcopi and nearby Pibsbury. There are a number of detached dwellings located nearby as well as a number of modest semi-detached dwellings located directly opposite on the southern side of the road. These occupy a generally central position between the fields to the east and west.
4. The Council accepts that the site is sufficiently well located to access key local services. It is, however, concerned that the proposal would result in the erosion of the gap between the settlements and would, in turn, negatively impact on the character of the surroundings area. However, the Council has not pointed to any specific development plan policy which seeks to preserve such gaps in general or this one in particular. Instead, it points to Policy EQ2 of the South Somerset Local Plan (2006 – 2028) (LP) which requires new development to achieve high quality design which preserves or enhances the character of the district, including its landscape.
5. While I accept that the proposal would increase the amount of built form in the gap, it would not extend the built environment further east or west which

would help ensure that any impact on the gap itself would be limited. In view of their central location and the semi-detached dwellings opposite, the proposed dwellings would not result in any meaningful coalescence of the settlements. I therefore conclude that any harm in this respect would be limited.

6. Turning then to the impact on local character, viewed in the context of its surroundings, the introduction of 4 new dwellings in this location would not materially impact on the character of the surroundings. They would appear neither prominent within the street scene nor the wider landscape. While I accept it would result in a change from agricultural to residential use on the site itself, small scale residential development is already established along this section of the A327 and sufficient land would remain to ensure that the setting of either settlement was not materially compromised.
7. Likewise, although I acknowledge that the creation of a separate access road would be at odds with the established character, the landscaping proposed would go some way to containing the development, particularly in views from the west. While I note the Council's concerns regarding the ongoing management of the landscaping, I see no reason that an acceptable scheme of management could not be secured by means of a condition.
8. Consequently, I find the proposal would not result in an unacceptable loss of a strategic gap or be harmful to the character and appearance of the surrounding area. As such, I find no conflict with LP Policy EQ2 which requires new development to achieve high quality design which preserves or enhances the character of the district, including its landscape.

Other Matters

9. While I note the site is located on Grade 3a agricultural land, in view of the Council's inability to demonstrate a 5 year supply of deliverable housing sites, I do not consider the loss of this small area would significantly and demonstrably outweigh the overall benefits of the scheme.
10. I have noted the concerns of local residents and the Parish Council which were submitted both at the application stage and as part of this appeal. However, I have not seen any evidence which would lead me to conclude that the scheme would pose any significant flood risk, risk to highway safety or place undue pressure on existing service infrastructure. Similarly, I have seen no robust evidence to indicate that it would result in unacceptable impacts on local ecology. Furthermore, I note that these matters do not form part of the Council's reasons for refusal set out in the decision notice. On balance, I am satisfied that they would not provide sufficient grounds to justify withholding permission for the development proposed.
11. While I note the appeal decision referred to by local residents which considered similar issues to those above, the Inspector in that case considered the development would be at odds with the linear character of the built form in the immediate locality. I have found above that the character of the immediate area would not be materially affected. As such, I do not consider that decision provides support in favour of a refusal of permission.

Conditions

12. I have had regard to the various planning conditions that have been suggested by the Council. In addition to the standard commencement condition, a condition requiring the development to be carried out in accordance with the approved plans is necessary in order to provide certainty.
13. Those in respect of materials and landscaping are appropriate in order to limit the impact on the character and appearance of the surrounding area as is a scheme of future management. Furthermore, conditions requiring further details for surface water and foul drainage are necessary in the interests of flood prevention and public health.
14. Conditions relating to visibility splays, the stopping up of the existing agricultural access, details of the proposed footways and verges, the construction of the access and the submission of a Construction Environmental Management Plan are appropriate in the interests of highway safety.
15. I have, however, modified the wording of some of the conditions proposed in order to more effectively guard against the risks identified, or to provide more precision and certainty. Furthermore, a number of these conditions will need to be discharged before work commences on site as they relate to matters which need to be resolved on a fully coordinated basis.

Conclusion

16. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

Rory Cridland

INSPECTOR

SCHEDULE

Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing Nos: 1947-PL-01A; 1947-PL-02A; 1947-PL-04A; 1947-PL-05; 1947-PL-06; 1947-PL-07; & 1947-PL-08.
- 3) No development above damp proof course level shall be commenced unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:
 - a) materials (including the provision of samples where appropriate) to be used for external walls and roofs;
 - b) full design details and material and external finish to be used for all windows, all external doors, lintels, boarding and openings;
 - c) details of all eaves and fascia board detailing, guttering, downpipes and other rainwater goods;
 - d) details of the surface material for the parking and turning area; and
 - e) details of all boundary treatments.
- 4) No development shall take place, until a Construction Management Plan has been submitted to, and approved in writing by the local planning authority. The Plan shall provide for:
 - i) Construction vehicle movements to and from the site;
 - ii) the parking of vehicles of site operatives and visitors;
 - iii) loading and unloading of plant and materials;
 - iv) storage of plant and materials used in constructing the development;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) measures to mitigate construction impacts;
 - viii) details of pollution prevention measures;
 - ix) a scheme for encouraging the use of public transport amongst contractors;
 - x) a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - xi) delivery, demolition and construction working hours.
 - xii) measures to avoid traffic congestion impacting on the strategic road network.

The approved Construction Management Plan shall be adhered to throughout the construction period for the development.

- 5) The buildings shall not be occupied until a suitable means of access shall have been constructed in accordance with details that have shall have first been submitted to and approved in writing by the local planning authority. The access shall be retained thereafter.
- 6) The proposed estate roads, footways, verges, junctions, street lighting, sewers, drains, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, drive gradients, car, motorcycle and cycle parking, and street furniture shall be constructed and laid out in accordance with details to be approved by the Local Planning Authority in writing.
- 7) No development shall take place until a scheme for the discharge of surface water has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 8) The existing agricultural access shall be blocked off and its use permanently abandoned within 1 month of the new access hereby permitted being first brought into use.
- 9) No development shall take place until a scheme for foul drainage has been submitted to and approved in writing by the Local Planning Authority. Such details, once approved, shall be fully implemented prior to occupation of the development, and thereafter retained.
- 10) No development shall take place unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 11) No part of the development permitted shall be occupied until details of a scheme of management, to cover ownership and management in perpetuity of the private access way and the proposed orchard to the west of the development, have been submitted to and approved in writing by the Local Planning Authority. No development hereby permitted shall be occupied unless such details have been fully implemented.

END OF SCHEDULE

Agenda Item 13

Schedule of Planning Applications to be Determined by Committee

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

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 3.00pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.45pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	CHILTHORNE DOMER	17/00813/FUL	The use of land to form 2 No. pitches for mobile homes and the erection of 1 No. utility/washroom block per pitch	Oaklea Tintinhull Road Chilthorne Domer	Mr David Lamb
15	LONG LOAD	16/03728/FUL	Replacement balcony and stairs (retrospective application)	Wayfarers Long Load Langport	Mrs Norma Spencer
16	DRAYTON	17/01089/COU	Application to permit use of gardens of the manor and the potting shed adjacent to gardens to hold events for up to 150 people	Midelney Manor Midelney Road Drayton	Alice Acton
17	STOKE SUB HAMDON	17/02732/DPO	Application to vary S106 agreement between South Somerset District Council and Melanie Anne Quantock	Land West Of Stanchester Academy Montacute Road East Stoke	Arc Homes Ltd

			Shuldham dated 11th July 2014 relating to affordable housing.		
18	SOUTH PETHERTON	17/02737/OUT	Outline application with all matters reserved except access for the development of 3 bungalows including associated landscaping and parking	Land Rear Of Cobbetts North Street South Petherton	Mr Rousell
19	SHEPTON BEAUCHAMP	17/02890/OUT	Demolition of existing garage, erection of a dwelling, formation of access and creation of parking area for existing dwelling (outline)	Little Meadow Love Lane Shepton Beauchamp	Mr & Mrs White
20	BARRINGTON	17/02973/OUT	Outline application for erection of two dwellings	Land Adjoining Bramble End Bakers Lane Barrington	Dr And Mr Rowswell

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

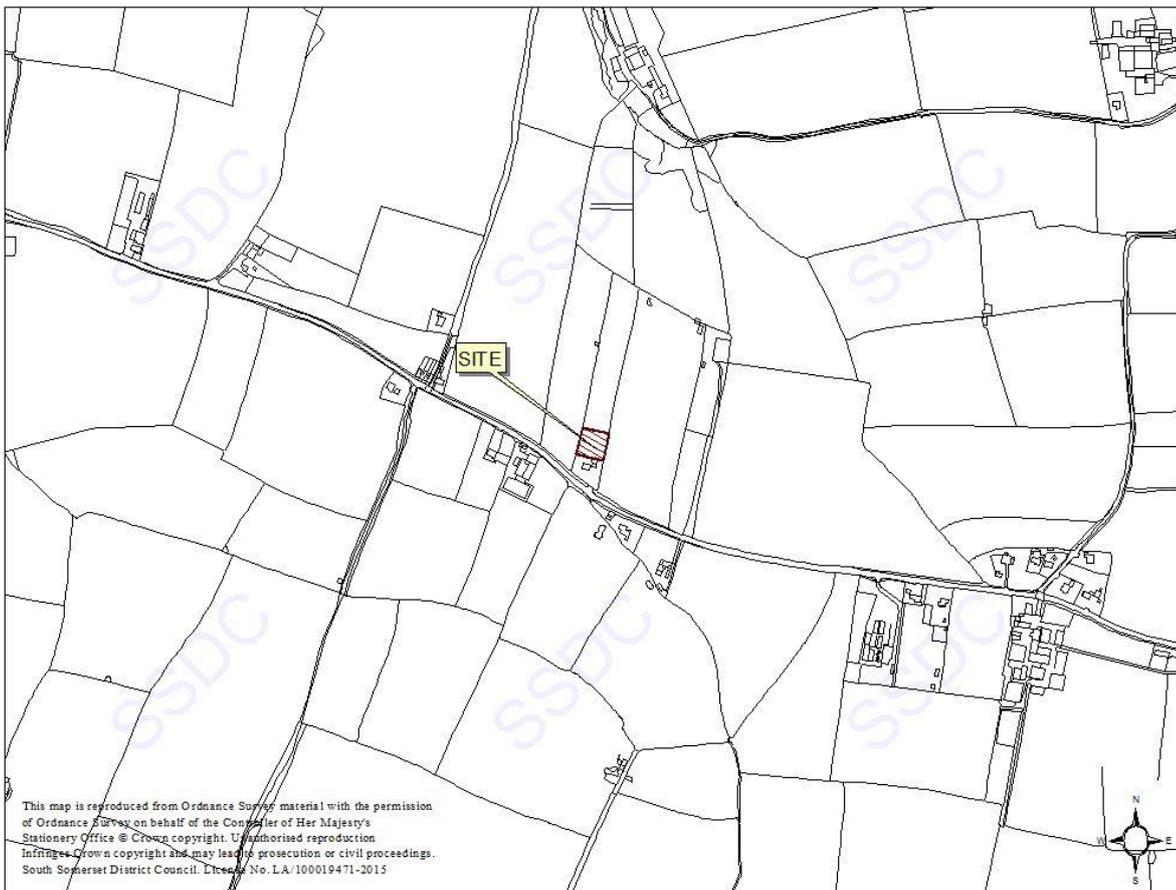
Officer Report On Planning Application: 17/00813/FUL

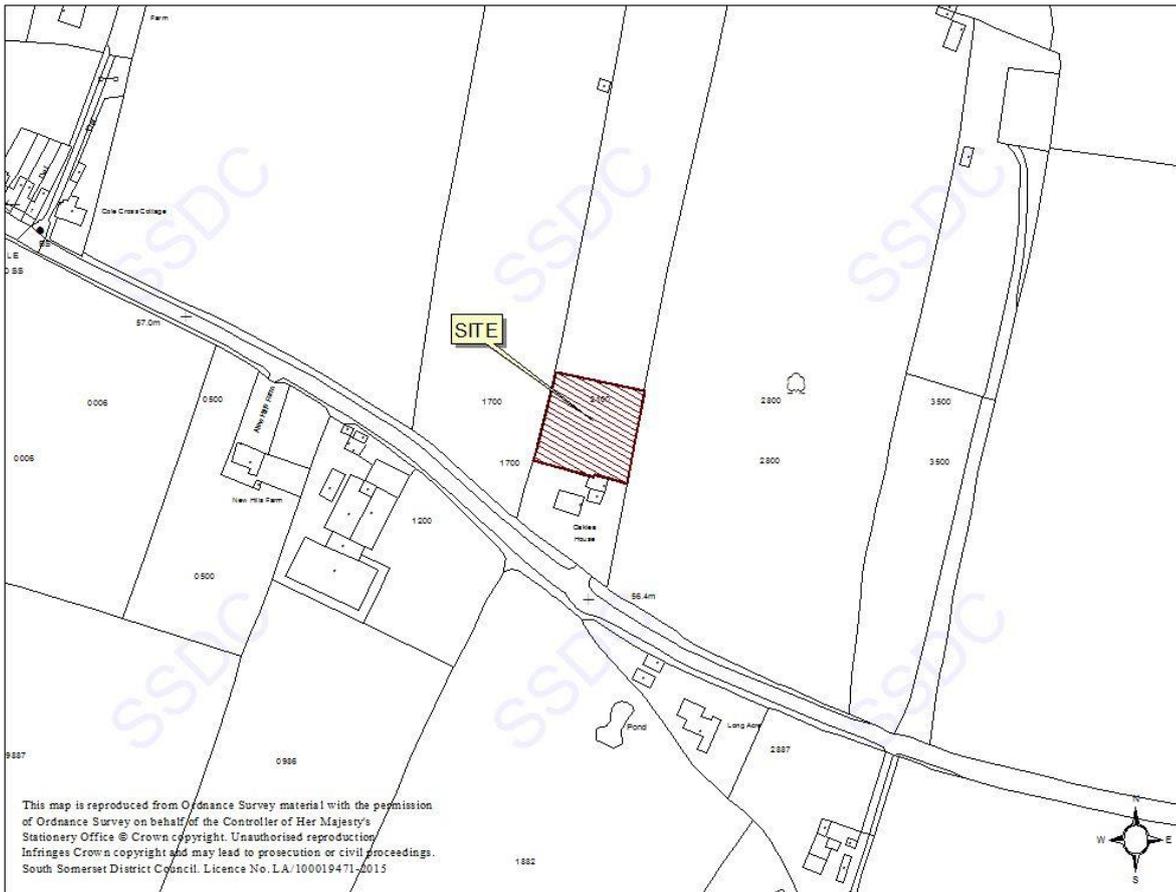
Proposal :	The use of land to form 2 No. pitches for mobile homes and the erection of 1 No. utility/washroom block per pitch
Site Address:	Oaklea Tintinhull Road Chilthorne Domer
Parish:	Chilthorne Domer
ST MICHAELS Ward (SSDC Member)	Cllr Jo Roundell Greene
Recommending Case Officer:	Jane Green Tel: 01935 462079 Email: jane.green@southsomerset.gov.uk
Target date :	13th April 2017
Applicant :	Mr David Lamb
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the ward member as the parish council comments are contrary to the officer recommendation.

SITE DESCRIPTION AND PROPOSAL





The site is an area of extended garden to the rear of the dwellinghouse known as Oaklea. Oaklea is a two storey detached dwellinghouse located in a semi-rural position on the classified, unnumbered Tintinhull Road (also called Yeovil Road). The garden is a square shaped field bounded by native hedging on two sides and to the rear, north boundary, stock proof fencing. The site extends 35 metres wide and 35 metres in length. Beyond this is a large area of land, some 200 metres long within the ownership of the applicant.

The proposal is for the change of use of the extended garden to form 2 No. pitches for mobile homes and the erection of 1 No. utility/washroom block per pitch. The supporting details outline that the pitches are required for the son and daughter-in-law and daughter and son-in-law of the applicant, Mr D Lamb. The occupants of the main house are Mr and Mrs D Lamb. They are Romany gypsies and Mrs Lamb is suffering from poor health.

Currently the applicant's children occupy an existing mobile home and caravan as ancillary accommodation to the main house. This was granted planning permission last year. This application now seeks to provide formal pitches with new residential units and utility blocks each. The extended family assist in the care of the older members of the family that live in the main house.

The proposal has been amended during the course of the application to reduce the number of pitches from 3 to 2 as the personal circumstances of the family have unfortunately changed as Mr Lamb Senior passed away in May.

HISTORY

17/00130/PREAPP - 3 No. gypsy/traveller pitches - January 2017

16/04547/FUL - Change of use of land to residential garden and siting of 1 No. mobile home and 1 No. caravan for ancillary accommodation to the main house plus storage (Retrospective) - Application permitted with conditions - November 2016

16/00278/USE - Enforcement enquiry - December 2016

11/00175/USE - Enforcement enquiry - February 2012

09/00744/PREAPP - Siting of mobile home on land to rear of property - May 2010

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.

On the 5th March 2015 the South Somerset Local Plan (2006 - 2028) was adopted. Therefore it is considered that the development plan comprises this plan.

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

SD1 - Sustainable Development

HG7 - Gypsies, Travellers and Travelling Showpeople

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ1 - Addressing Climate Change in South Somerset

EQ2 - General Development

EQ7 - Pollution Control

National Planning Policy Framework (March 2012)

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 8 - Promoting Healthy Communities

Chapter 10 - Climate Change and Flooding

Chapter 11 - Conserving and Enhancing the Natural Environment

Other Relevant Material Considerations:

Planning Policy for Traveller Sites - August 2015

CONSULTATIONS

Chilthorne Domer Parish Council - 17/00813/FUL Oaklea, Tintinhull Road, Chilthorne Domer - the use of land to form 3 no. pitches for mobile homes and the erection of 1 no. utility/washroom block per pitch.

The Parish Council wishes to point out that the application and the plans are misleading. The application form states that permission is sought for 3 No Nomadic/Traveller pitches plus 1 utility/washroom per pitch, however, the supporting statement received from the applicant does not mention the nomadic or traveller lifestyle of the proposed occupants, in fact it emphasises that they are settled and have been since 1997, with the younger family members having been educated in the area and having been gainfully employed by local companies since 2005.

The new guidance, DCLG Planning Policy for Traveller Sites, published in August 2015 redefines who Gypsies and Travellers are for the purposes of planning. In short if a Gypsy or Traveller stops travelling

permanently, even for the reasons of education, health or old age, they will cease to be a Gypsy or Traveller and consequently will not be eligible to apply for planning permission for a Traveller site (annex 1).

Due to details from the supporting statement provided the Parish Council question the validity of the claim for a nomadic habit of life and do not believe that this application should be assessed against the national gypsy/traveller guidance and the SSDC Local Plan policy HG7.

Designing Buildings Wiki website

(https://www.designingbuildings.co.uk/wiki/Revised_planning_policy_for_traveller_sites) summarises the new policy guidelines and states that any application for a permanent site, including caravan sites by someone who does not travel will be considered in the same way as an application from the settled population rather than being considered under policies relating to travellers. It further adds a quote from the then Communities Secretary Greg Clark "I'm determined to ensure fairness in the planning system so everybody abides by the same rules..."

BUT if the Council consider that the application should be assessed under the traveller site criteria the Parish Council wish to draw your attention to the number of traveller sites already permitted by SSDC - 35 pitches since 2006 against a target of 23. An additional 8 are believed to be required by 2020, a period of 3 years, with 12 previously being provided in 2015-16 alone.

The Parish Council also wish to draw your attention to the recent appeal decision, Appeal Ref: APP/R3325/W/16/3158315, as published on the Planning Inspectorate website. Paragraph 10 states that: Government guidance in Planning Policy for Traveller Sites (PPTS) says Councils should 'strictly limit' gypsy and traveller development in the open countryside..... In the South Somerset Local Plan 2006-2028 Policy EQ2 seeks to preserve the character and appearance of the District while Policy HG7, which specifically concerns gypsy and traveller development, states it must not 'have a significant adverse impact on the landscape character and visual amenity of the area'. This policy context does not conflict to any appreciable degree with the National Planning Policy Framework (the Framework).

It is the Parish Council's assertion that the proposed site will adversely affect the landscape, character and visual amenity of the area due to its location within the open countryside, contrary to SSDC policy EQ2.

It is considered that the application is further misleading due to section 11 of the application form stating that foul sewage is to be dealt with by septic tank, however, there are no details regarding an additional septic tank on site and the existing one currently discharges into the ditch alongside Tintinhull road to the front of 'Oaklea' (This has recently been reported to the EA), Section 15 of the form - Trees and hedges the applicant agrees that there are trees/hedges on site but no further detail is provided as required, section 17 - the applicant has declared that there will be no gain, loss or change of residential units - clearly this is incorrect. The location plan provided does not give suitable indication in relation to the main building of where these units are to be sited, or if they are to replace or be in addition to all of the previously granted units in November 2016, particularly the storage caravan. The floor plan and illustrations/photos provided show one design of unit, however, the site plan would seem to show two different sizes and shapes of unit. Again, the floor plan clearly shows the units as having family bathrooms, ensuite bathrooms, kitchens and boilers within the unit, the Parish Council therefore question the need for the additional utility blocks which also seem to have bathrooms and boilers, furthermore the need for separate utility areas rather than one shared facility is questioned, they are family after all.

In the recently granted permission the use of the land was changed to residential with the siting of three units in total - two residential and one storage, for ancillary use to the main dwelling. It is the opinion of the Parish Council that the scale of the proposed development now in front of them no longer qualifies as ancillary or subservient to the main dwelling, with a total of 6 additional double bedrooms in the three units. As noted in the informative on the decision notice for application 16/04547/FUL the change of use does not entitle anyone to permitted development rights on this land, therefore none of the proposed development could be achieved without planning permission.

The addition of these permanent units would be incongruous with the ribbon style development throughout most of Chilthorne Domer, with the two noted exceptions in the middle of the village - Forts Orchard (a previously brown field site) and Little Sammons. It is of great concern to the Parish Council that in allowing this development a precedent may be set for infill development in back gardens.

Highway safety is also of grave concern to the Parish Council. With 6 double bedrooms proposed there is the potential to double the number of vehicles accessing the site from a 60mph road, on a bend and with limited visibility.

For these reasons the Parish Council **STRONGLY OBJECT** to the proposal and urge SSDC to consider their comments carefully.

Later in the application process the following additional comments were received from the Parish Council:

Following comments posted on SSDC planning website, the Parish Council wish to make these further comments in reply:

Highway Comments

SCC Highways have assumed from the application that the occupants will be the same family members as those living on the site as at present. They seem to have ignored the size of the proposed buildings relative to the existing caravans. The proposal is for at least a further three bedrooms, and possibly six, to those existing in the caravans at present. (The proposal could lead to nine further bedrooms in caravans on the site as well as the existing main building) There is therefore the potential for a considerable intensification of the use of the exit and egress onto Tintinhull Road, with no visibility when leaving the site to the left. The comments received confirm that SCC Highways consider this accommodation to be ancillary to the main dwelling, it clearly is not.

Planning Policy Comments

These comments assume the occupants are nomadic. They are quite clearly not, therefore the Gypsy and Traveller Needs Assessment does not apply.

Comments from Mr Lamb Senior

Mr Lamb Senior states that the application is for two mobile homes - the plans show three. He states the floor plans are for reference only - **THIS IS NOT AN OUTLINE APPLICATION**, once granted he could put anything on the site; 1/2/3/4/5/6 bedroom mobile homes if he wished. The application either needs to be outline or, if not, it needs to have exact plans for what is proposed. He further states that other items - boilers, washing machines etc. and therefore the proposed use of the outbuildings are just for reference, again, **THIS IS NOT AN OUTLINE APPLICATION**. He goes on to state that his grandson still regularly travels for work, unfortunately this cannot be a consideration as this happens in many families, no matter what their ethnicity. He further states that just because he no longer travels ('he has lived at Oaklea House for many years') does not mean he is not a Romany - no one is doubting this but the regulations (Department for Communities and Local Government, Planning policy for traveller sites, August 2015) clearly state any application for a permanent site by someone who does not travel will be considered in the same way as an application from the settled population rather than being considered under policies relating to travellers. Far from discriminating the Council should view the application fairly, as it would any application. His aspirations for his family are laudable but they are aspirations shared by many families, Romany or not.

Comments from Mr Lamb Junior

Mr Lamb Junior also confirms they are no longer travelling and have not for quite a number of years. He mentions several functions they would like to travel to, this would seem to be no different from other members of the community visiting friends and relatives, attending events or festivals etc. and, as such, should have no bearing on the application.

Other Parish Council Comments

If granted, in addition to the new buildings there is nothing to restrict other caravans being parked on the site making use of the facilities being provided by the proposed outbuildings or the current caravans making use of these facilities with additional occupants. There is no mention of the timescale for the current caravans to be removed permanently from site.

As with the Council's previous comments, they strongly object to this proposal.

Comments received since the amended plans showing the reduction in pitches:

Chilthorne Domer Parish Council discussed the above application again at their meeting last night. Unfortunately their comments remain the same because the application is essentially unchanged - it is still being made for traveller/nomadic pitches and the applicant does not comply with the regulations or rules applicable to such applications.

Although there is a letter from the applicant stating that the accommodation is solely for family use, this would not be binding should the application, as it stands, be granted.

The Parish Council is at a loss to understand why the application has been made in this manner. Were the application simply for ancillary accommodation to the existing property and NOT for nomadic pitches the Parish Council would possibly be able to withdraw their major objections.

County Highway Authority

"The proposal is for the use of land to form 3 no. pitches for mobile homes and the erection of 1 no. utility / washroom block per pitch. The information submitted with the application states that the additional accommodation is for family members who are already living on site. The planner will be aware of the sites history. A previous permission (16/04547/FUL) was granted in 2016 for 1 no. mobile home and caravan for which the Highway Authority comments were that standing advice applied.

The site itself is located off Yeovil Road which has no posted speed limit past the site. The application proposes to use the existing access with no changes proposed. It is not expected that there will be a material increase in the number of vehicle movements in and out of the site as the proposal is for ancillary accommodation where family members are either already living on the site or could access the property on a day-to-day basis in any event.

Therefore it would be unreasonable for the Highway Authority to object the application due to the existing use and non-material intensification of the site." Two conditions suggested.

SSDC Highways Consultant - No comments received

SSDC Landscape Architect - "The change from the earlier 2016 approval would simply appear to be a consolidation of form within the site, of increased scale and permanence. The earlier consent enabled the change of use, and provision of pitches and ancillary residential form on the site, and given this context, I do not consider the proposal of a heightened presence of structural form on site to be so markedly different as to provide over-riding landscape grounds for refusal."

SSDC Planning Policy - The position is nicely summed up in the Authorities Monitoring Report 2016:

"12.1.3. The Local Plan target has identified 23 pitches, and so in simple terms the Council is currently exceeding this target having realised 35 residential pitches since 2006.

However, looking ahead, the Gypsy and Traveller Needs Assessment shows that over the period 2016 to 2020 the Council will need to deliver a further eight residential pitches, and therefore will still be required to take a proactive stance to continuing to meet needs."

https://www.southsomerset.gov.uk/media/849925/authroity_monitoring_report_final_issue_to_website_090916.pdf

Ministry of Defence - The MOD has no safeguarding objections to this proposal.

REPRESENTATIONS

2 nearest neighbours have been notified and a site notice (general interest) displayed, no representations have been received

CONSIDERATIONS

Principle of Development

The Council are in no doubt as to the heritage of the applicant and his family. The Lamb family are Romany gypsies. Much information, some of which is very personal, has been provided by the applicant to support the application. With the consent of the applicant, this additional information has been made public. Mr Lamb Senior stated "If a Romany gypsy settles it does not mean they are no longer Romany gypsy....only centuries of rich heritage and bloodline can dictate that."

The reason stated for the application is that the son and daughter-in-law and daughter and son-in-law provide care to the older members of the family. This is not a unique situation in the settled community and is a particular trait of a gypsy/traveller family.

The site already has planning permission for the use of the land as a residential garden and for the siting of 1 No. mobile home and 1 No. caravan for ancillary accommodation to the main house. The intention is to make this a more permanent situation by providing larger units of accommodation that allow the two families private space but still provide support on site to their parents in the main house.

It is worth noting that such development would not need planning permission if they were sited in the curtilage of the dwellinghouse and it is only because this land is extended garden with no permitted development rights that permission is required.

Whilst the heritage of the applicant and family has been stated and acknowledged, the Council consider this is one element to the assessment of the proposal only. The applicant has agreed to a 'personal use' consent to allow just family members to occupy the units. Mr Lamb has stated that it is not his wish or intention to make a large traveller site here.

Landscape Impact

The site is located in an extended garden to the rear of a dwellinghouse. The property occupies a semi-rural position on the Tintinhull Road between the villages, Chilthorne Domer and Tintinhull. Whilst it is accepted that this type of development will have a visual and character impact in the countryside, given the context of the residential use of the site, its position to the rear of the property and the established boundary treatments offering good wider screening it is considered that the harm is not significant. The Landscape Architect's views are certainly clear and conclude that in all circumstances of this case a landscape objection does not apply. On this basis the proposal complies with policy EQ2.

Residential Amenity

There is considered no harm to the residential amenity of occupiers of neighbouring properties.

Highway Safety

The current residential property and the existing ancillary accommodation granted permission last year has access from the classified road. The Tintinhull Road is subject to national speed limits and it is a busy route to access the A303 trunk road. The existing access benefits from a good visibility splay being in a position in the road which is relatively straight with good views in both directions.

Given the existing permission for ancillary accommodation and the pitches are for the same members of the family it is considered there will be no more increase in highways movements than exists already. It

is considered that the highway impact would not be severe.

In considering the above, the proposal complies with policy TA5.

Section 106 Planning Obligation/Unilateral Undertaking

The applicant has indicated that he is willing to enter into a legal agreement to ensure that the units are only occupied by the applicant and his family along with a non-fragmentation clause to ensure the units are not sold or let separately to the main dwelling.

Community Infrastructure Levy

Not liable because it's a mobile home.

RECOMMENDATION

Approve subject to the satisfactory completion of

1. Occupation of the units to the applicant or his family
2. Non-fragmentation of the planning unit

Subject to the following conditions:

01. The proposed development, due to its scale, design, siting and layout will cause no harm to residential amenity, would not cause any detrimental harm to the character and appearance of the area nor create any severe highway impact. The development would also represent a suitable site for use by gypsies and travellers in this unique family situation in accordance with Policy HG7 of the South Somerset Local Plan (2006-2028) and the aims and objectives of the NPPF and Planning Policy for Traveller Sites (August 2015).

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing number 3814-01 A and BADMINTON 4520

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

03. The occupation of the pitches hereby permitted shall be carried on by the immediate family of the applicant, Mr D Lamb, his wife, his children, Bradley Lamb and Bridie Coles and their spouses and resident dependants for the duration of and in connection with the occupation of the main dwelling known as Oaklea.

Reason: The Local Planning Authority would not have granted planning permission except for the need and personal circumstances put forward by the applicant.

04. When the main dwelling ceases to be occupied by those persons stated in condition 03, the use hereby permitted shall cease and all residential units, structures and equipment brought onto the

land, or works undertaken to it in connection with the use, shall be removed and the land restored to its condition before the development took place.

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

05. This permission only grants consent for 2 pitches in total. There shall be no more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites 1968 as amended, stationed at any one time per pitch, of which only 1 shall be a static caravan.

Reason: To ensure that the number of caravans are controlled on site to protect the character and appearance of the area to accord with Policy EQ2 of the South Somerset Local Plan

06. The area in the south east corner of the site as indicated on the submitted plan, drawing number 3814-01 A shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted and shall be kept clear of obstruction and retained and maintained as such.

Reason: In order to ensure adequate parking and turning is available in the interests of highway safety in accordance with Policy TA5 of the South Somerset Local Plan.

07. No commercial activities shall take place on the land, including the storage of materials.

Reason: To protect the amenity of the area and in the interests of highway safety to accord with policies EQ2 and TA5 of the South Somerset Local Plan.

08. Before the occupation of any residential unit the septic tank, filter beds and cesspit as detailed on plan (drawing no. 3814-01 A) shall be fully functional, and are retained and are maintained as such.

Reason: To ensure the approved development is properly provided for in terms of foul drainage and to ensure that the amenity of the area is not harmed, to accord with Policy EQ2 and EQ7 of the South Somerset Local Plan.

Agenda Item 15

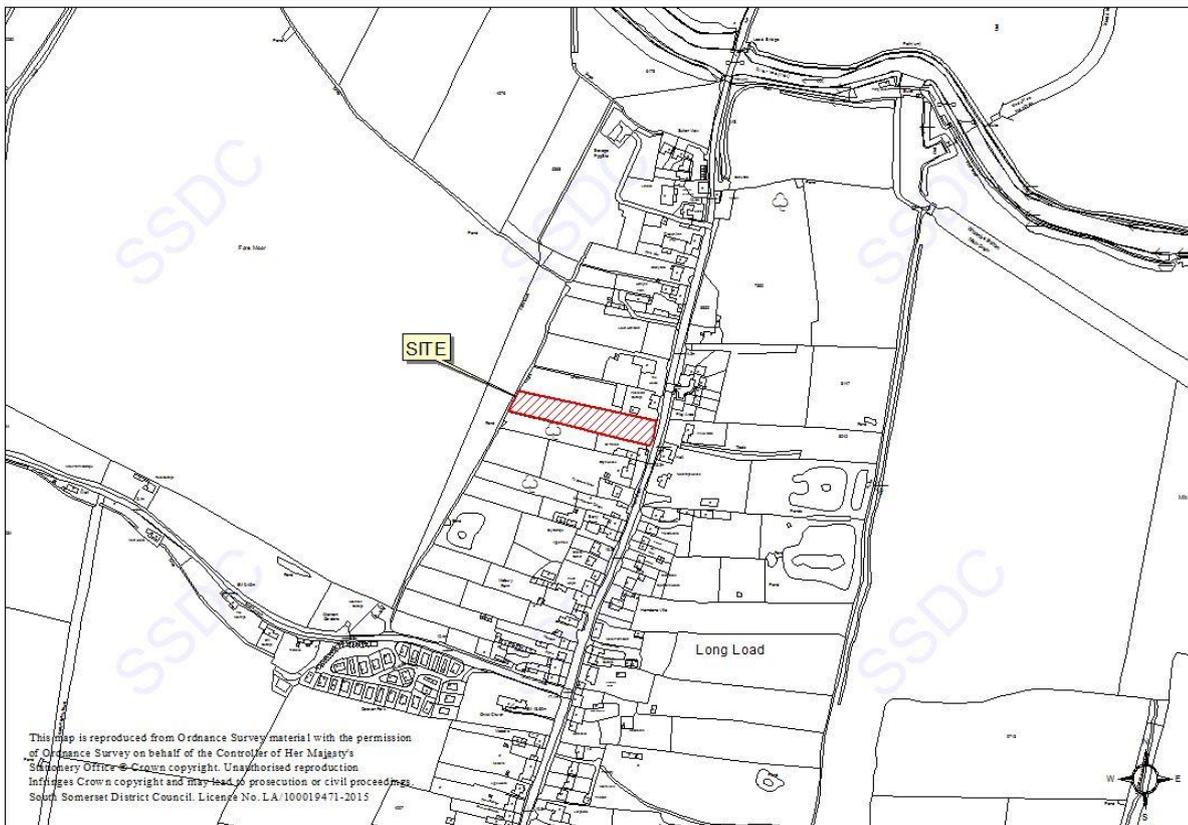
Officer Report On Planning Application: 16/03728/FUL

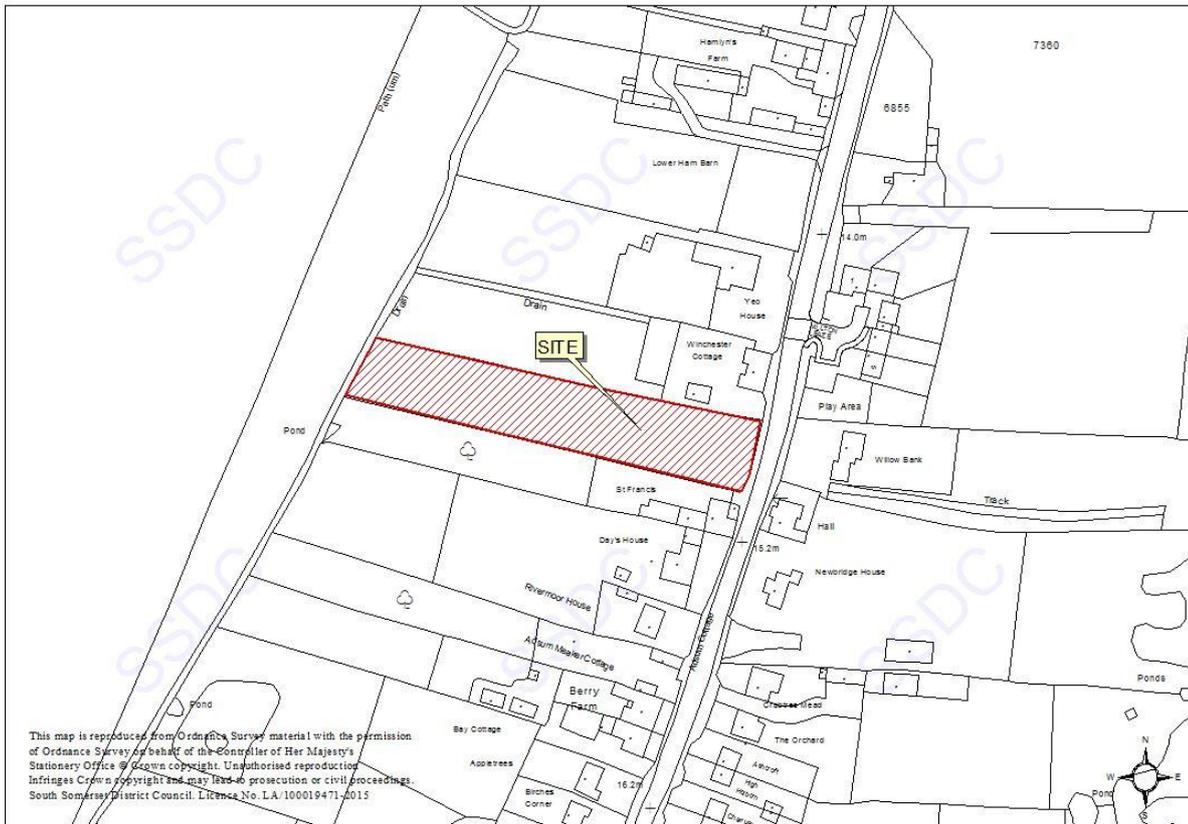
Proposal :	Replacement balcony and stairs (retrospective application)
Site Address:	Wayfarers Long Load Langport
Parish:	Long Load
MARTOCK Ward (SSDC Member)	Cllr Graham Middleton Cllr Neil Bloomfield
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	12th January 2017
Applicant :	Mrs Norma Spencer
Agent: (no agent if blank)	Battens Solicitors Ltd Mansion House Princes Street Yeovil Somerset BA20 1EP
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to Committee at the request of the Ward Member to enable a full discussion of the issues raised by the Parish Council and local residents.

SITE DESCRIPTION AND PROPOSAL





The property is a 1960s, two storey, detached dwelling on the west side of the road in a middle of row of houses that make up the linear form of Long Load. The property to the south is a grade II listed, detached house.

Following the grant of permission in 2000 a flat roof swimming pool was attached to the south side of the rear. This this is c.1m from the boundary with the listed building site, and extends some 7.5m into the garden from this boundary. The approved scheme includes the use of the roof as a roof terrace, subject to the agreement of appropriate balustrading.

The originally agreed trellis screening balustrade has been removed and replaced with a steel and obscure glass balustrade approximately 1m high over the length of the roof.

This application originally sought to retain the balustrade as it exists on site. However, it has been amended on various occasions in response to comments from neighbours. The proposal now includes the installation of a further raised section of obscure glass along half the length of the terrace (extending away from the dwellinghouse end).

HISTORY

00/02218/FUL - Planning permission granted for erection of swimming pool extension (29/11/00). Condition 4 stated:-

No part of the development hereby approved shall be commenced until full details of the means of enclosure around the rooftop balcony area have been submitted to and approved in writing by the District Planning Authority. Such details shall be fully implemented and not altered without the prior written permission of the District Planning Authority.

Reason: To safeguard the amenities and character of the area and to protect the amenity of the neighbouring properties.

Details were provided in August 2001 which specified a trellis as had been suggested by the case officer. This was agreed by letter dated 21/08/01.

In June 2016 it came to the Council's attention that new screening and an external staircase at the rear had been erected.

This application seeks to regularise the situation with regard to the balustrade and new stairs on the west end of the building. The proposal includes various amendments to the screen discussed during the course of the application.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S.54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise. The policies of most relevance to the proposal are:

EQ2 - General Development
EQ3 - Historic Environment

National Planning Policy Framework

Part 7 - Requiring good design
Part 11 - Conserving and enhancing the natural environment

CONSULTATIONS

Long Load Parish Council - initially objected on grounds of harm to setting of listed building and invasion of privacy. They suggested the balustrade be set back from the edge.

In response to the finally amended scheme these concerns are re-iterated and it is suggested that if a smaller part of the roof were to be agreed as the balcony it would not be overly intruding upon the neighbours.

Conservation Officer - initially considered that the low level glazing, in the context of the existing flat roofed extension, to have "a negligible further harmful effect on the setting of the listed building, and the overall impact of the glass balustrade and stairs is neutral."

In response to the full length of raised glazing commented:-

"This increase in height is akin to an additional storey of opaque glass along the full length of the roof. It is for you to assess residential amenity and impact, but I take the view that the additional height full length increases the harm to the setting of the building, as it further encloses the rear garden and the mix of materials adjacent to the boundary compete and distract from the principle building. It certainly does not improve it, and in my view, in the context of what I understand what was there before, it is not neutral.

"My view is one of weighing what is a close balance here given the harm from the extension. In my view the increase in height full length is harmful to the point that the balance is tipped against the proposal. It is an unfortunate situation. My suggestions in terms of what I might suggest to improve this would be to have an increase height for a short section close to the rear of the house, reducing in height after."

Subsequently in response to the reduction to 4m of the raised glazing commented:-

"I consider this proposal, in the context of the adjoining garage position, the pool extension, and how the pool extension overlaps with the rear wing of the applicant's house, to have a neutral impact on the setting of the [listed building]."

The matter of extending the raised screening to half the length of the terrace has been discussed - the conservation officer similarly does not raise an objection.

REPRESENTATIONS

Letters have been received from 3 individuals, making the following main points:

- submitted details are poor and not to scale
- the intention at the time of approval was not to allow the whole terrace area to be used as a balcony; there was agreement on some restriction, but approval of the entire area has not been granted and needs permission
- the area being screened has changed from the original as approved under discharge of conditions
- there is no application relating to the steel steps on the west of the building
- the submitted scheme is not practicably possible (wind impact etc.)
- a previous owner notes that the area of terrace that was actually fenced was only about 15ft from the doorway of the house; the whole terrace was never used or enclosed

CONSIDERATIONS

An application was approved in 2000 for the erection of a pool room with a terrace on the roof. No conditions were attached to that consent limiting the use of any part of the terrace. The submitted plans at the time showed low level railings around the perimeter of the roof, and a staircase at the north side. A condition did require prior approval of the details of 'the means of enclosure around the rooftop balcony'. This appears to have been done, but no record has been retained of the exact design and detail of the screening, save that it was timber trellis-work. Reference in a letter (later referred to in the plans condition) to 'some fencing/trellis on the balcony area' is not backed up by any recorded detail, and certainly does not result in any restriction on the use of any part of this terrace, which would have to have been included in a condition.

In 2016, the trellis work was removed and the current obscure glass screens incorporated in a steel balustrade were installed along the entire length of the terrace. No agreement was given to the details of this change, which places the development in breach of Condition 4 of the permission.

The application seeks to retain the balustrading, with additional panels of higher-level glazing along half the length of the terrace.

Impact on Residential Amenity

The immediate neighbour raises a concern about overlooking. An adequate form of screen to avoid this is therefore necessary. This need has to be weighed against various practical and other implications:

- wind resistance of an unbroken length of screen along the entire length of the terrace would cause structural failure
- inappropriate screening could cause unacceptable visual harm to the setting of the listed building to the south of the site (immediate neighbour)

In a lengthy process, the compromise that has been reached with the applicant includes retaining the current balustrading, and the increase in height of part of it. The degree now proposed meets the requirements of the Conservation Officer, and the applicant considers that this can be achieved safely.

Given that this entire terrace enjoys permission for use as an outdoor amenity area, this is considered to represent a reasonable compromise. It protects the garden area of the adjacent dwellinghouse from most casual overlooking (i.e. activities closer to the house). The obscure glazing is certainly considered to be a more reliable means of preventing overlooking than the previous timber trellis-work. The section

of taller screening would extend to a point more than 20m from the neighbour's house, which is considered to be a reasonable distance to ensure reasonable privacy of the house and immediate amenity space.

Although not ideal, the proposal is now considered to reduce amenity impact to a level that would not warrant a refusal.

Visual Impact

Although there is a small section of three panels visible from the road, the development is mainly not within public view, being viewed from the garden of the immediate neighbour. Arguably, the main visual impact is caused by the pool-room extension itself, a 16m long grey reconstituted stone structure running along the northern boundary of the neighbour's site. Any screen erected on top of this would be visually prominent, but would not represent the main visual impact. The design and materials of the current screen is modern and of high quality. It generally accords with the look of the building. Given the circumstances, there is not considered to be a visual impact that would, of itself, warrant refusal.

The new staircase at the western end of the building is away from public view and is similarly not considered to constitute harm that would warrant refusal.

Impact on Listed Building

The listed building is located to the south of and some distance to the east of the terrace. In the assessment of the Conservation Officer, the balustrading represents a neutral impact on the setting. It is not considered that there is a degree of harm to the setting represented by these railings that would justify a refusal of the application.

Parish Council Comments

The Parish has suggested that there should be a limitation on the amount of space allowed for use. As noted above, the permission for use of this terrace already exists, and cannot be rescinded by way of consideration of these railings, which have to be considered on their merits. As set out above, there is not considered to be a reason to refuse retrospective permission for the railings, subject to the amended design improving the screening along the first half of the south side.

Neighbour Concerns

These have been carefully considered and largely dealt with above. The poor quality of the submitted details/drawings is noted, but as the development is built and capable of consideration, it is not considered that these drawings would represent a reason for refusal. The application does now include consideration of the steps at the western end of the building. As set out above, reducing the scale of the balcony is not considered a practical option, given what has been already approved.

Conclusion

This building, with a large roof-top terrace, enjoys planning permission. There have been suggestions that this is unacceptable and that this use should in some way be curtailed. This is not practicably possible.

Assessment of visual impact and the impact on the listed building similarly have to face the fact of the lawful existence of this building. Under the circumstances, it is necessary to consider what sort of balustrade and screen *would* be acceptable. This is a large building, with a requirement for 16m of edge treatment to make it safe and to avoid overlooking. The current design together with the amendments proposed are of good quality and are considered to achieve these objectives reasonably well. There is certainly a visual impact, but under the circumstances it is hard to envisage how this could be improved, and alternatives would ultimately depend on matters of taste. There are therefore not considered to be any reasons for refusal that could be sustained, and it is recommended that the scheme be approved.

RECOMMENDATION

Grant permission.

FOR THE FOLLOWING REASON(S)

01. The railings and stairs are of an acceptable design and detailing for the building, and do not have a demonstrably harmful impact on visual or residential amenity that would warrant a refusal. As such the proposal complies with policies SD1, EQ2 and EQ3 of the South Somerset Local Plan, and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawings received on 19 December 2016 and 21 March 2017, showing plan and elevations of the screens and staircase.

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

03. Within three months of the date of this permission, full details, including drawings to a scale of at least 1:5 of the amended design details for the screens along the southern boundary (as set out under cover of the letter dated 2 August 2017) shall be submitted for approval to the Local Planning Authority. The details, once approved, shall be fully implemented within 6 months of such approval, and thereafter retained and maintained.

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

Agenda Item 16

Officer Report On Planning Application: 17/01089/COU

Proposal :	Application to permit use of gardens of the manor and the potting shed adjacent to gardens to hold events for up to 150 people.
Site Address:	Midelney Manor Midelney Road Drayton
Parish:	Drayton
CURRY RIVEL Ward (SSDC Member)	Cllr Tiffany Osborne
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	23rd May 2017
Applicant :	Alice Acton
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of the Ward Member to enable a full discussion of the relevant information and issues raised by local residents.

SITE DESCRIPTION AND PROPOSAL





The site is located in open countryside, 1.8 km to the south of Drayton. The Manor house is a Grade 1 listed Elizabethan manor house, which sits at the core of a group of historic buildings including outbuildings directly related to the manor house, as well as two independently listed (Gr 2) houses. The listed buildings front onto Middelney Road, with ancillary buildings to the rear (north-east), beyond which are large garden areas.

Application is made for the use of the premises for weddings, limited to 10 such events within any twelve-month period, events to serve up to 150 people.

HISTORY

No relevant recent history

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
EQ2	General Development
EQ3	Historic Environment
EQ4	Biodiversity
EQ7	Pollution Control

National Planning Policy Framework (March 2012)

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

Policy-related Material Considerations

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

CONSULTATIONS

Parish Council: The application is supported.

Highways Authority: No objection, subject to conditions.

SSDC Conservation Officer: *I would support a temporary use where the marquees/tents/toilets are erected shortly before an event and taken down/removed immediately after. Parking area only to be used when an event is taking place.*

I have no objections to the other uses of the house as there is no alterations to the house. I do think parking should not be on the field for these smaller events.

Events should be restricted to a prescribed number a year.

The potting shed could be altered to improve the soundproofing as per the method statement, full details would need to be submitted by condition.

SSDC Environmental Protection: *Whilst I recognise the work that's been put into preparing the acoustic report in support of application 17/01089/COU for a wedding venue at Midelney Manor, it is still the view of the Environmental Protection Team that this application should be refused on the grounds for potential loss of amenity to local residents due to noise from the proposed music within the marquee, noise from wedding guest arriving and leaving the venue and the general noise from 150 to 200 people gathering in close proximity to residential properties.*

Planning is the first line of defence against nuisance and, as opposed to nuisance law, can be used as a proactive way of minimising the impact caused by development.

Planning is concerned with amenity, amenity is not specifically defined in planning legislation it is defined in the Chambers Dictionary as "the experience of a place as pleasant or normally satisfactory aspects of a location which contribute to its overall character and the enjoyment of residents or visitors" Should planning permission be granted then we will be left investigating any future complaints under the Environmental Protection Act 1990, Statutory Nuisance Legislation.

Amenity and Statutory nuisance are distinct and separate from one another. Planning (amenity) provides a higher standard of protection for residents and future occupiers for people living near to a prospective development.

The report makes reference to no more than 10 events over a 12 month period, in reality most weddings

in marquees take place during the summer months. Potentially, this could lead to 2 events taking place every month from June to October for example.

So over this period of 20 weekends the local residents will potentially experience 10 disturbed weekends in the summer months.

The application site benefits from being a very remote location, and by its nature background noise levels are very low and I would anticipate early evening and night time noise levels to be somewhere between 20dBA to 30dBA.

The introduction of a noise source in this area will and cannot fail to be noticed by local residents especially if the expected level of 50dBA at the façade of dwellings is considered to be reasonable.

Historic England: No objection. *Historic England has no objection to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 132 and 134.*

REPRESENTATIONS

Nine letters have been received, 8 supporting the application and making the following main points:

- the proposal diversifies the use of the property, generating income for the house and retaining the family dwelling
- it assists in the long term maintenance and protection of this historic building
- visitors are enabled to enjoy this historic building and setting
- it remains within the constraints of a small rural community
- it bring employment/business benefits
- attention has been paid to concerns about parking, loud music
- the impact of noise would affect fewer residents than in other similar venues in the District
- a relatively small number of events is proposed
- the benefits are considered to outweigh the effect of the occasional noise

One letter of objection raises the following main points:

- the proximity to the parking area and highway would result in severe noise impact on a nearby dwellinghouse as a result of guests arriving, marquee and catering companies setting up, as well as the arrival and activities of staff for the event;
- the 'acoustics of the surroundings allow even whispered voices to carry'; the approach road is a no through-road and very quiet immediately adjacent to the objector's house
- the introduction of large numbers to this site increases security risk
- damage will be caused to the road surface
- there is concern about the general noise level of the events

CONSIDERATIONS

The application as it currently stands is for the use of the site for events (mainly weddings) for up to 150 persons, occurring 10 times within any twelve-month period. The original application included:

- private dinners
- small history tours of the property

These events are no longer proposed.

In amendments to the originally submitted scheme, the applicant now proposes a very restrictive use of the site. The 'potting shed' building (north-east of the main house) was originally proposed for use as a dance/music/ bar facility for the events; this is now proposed to be within a temporary marquee, to be

erected on the lawns at the north-eastern extremity of the garden area. The 'potting shed' is proposed to be used only as a lounge and bar area.

The revised details propose siting and layout of the marquee and stage in such a way as to face the loudspeakers away from the main house and neighbouring dwellings, to minimise noise impact.

Impact on Listed Building

It is acknowledged that important historic buildings, with high maintenance costs, need to ensure their financial viability where possible. They also need to be used to appropriate uses, as close as possible to their original functions. In this case, the continued use of the Manor as a dwellinghouse is made possible, with the temporary events providing a useful source of income. Such use also brings the buildings to the attention of a wider audience, which can be argued to further secure their long-term vitality and security. The proposed use of the premises on 10 occasions during a year would have a minimal impact on the character of the building and the setting.

Historic England is satisfied that the degree of impact on the buildings is negligible and complies with the relevant government guidance.

Visual and Landscape Impact

The proposed use would only result in temporary placement of a marquee and other minor items to facilitate events. Parking is to be accommodated within a field on the south side of Midelney Road. These activities would only impact on the setting during the event concerned, and have no significant impact on the landscape or setting that would warrant a refusal.

Highway Safety

The proposal has been assessed in some detail by the Highway Authority, with additional information from the applicant being evaluated. The conclusion of the Highway Authority is that the proposal could be accommodated within the road networks without undue harm to the operation of the network, or to highway safety. There are not considered to be any highway safety reasons for refusal of the application.

Impact on Residential Amenity

The site is located in a remote part of open countryside. Grouped around the Manor are various independent dwellinghouses, albeit that some of these are in the same ownership at the Manor itself. The occupants of these dwellinghouses enjoy a very tranquil environment, as noted by the Council's EPU officer. There is minimal passing traffic; and very few generators of any noise. The ambient noise level for such a setting is considered to be unusually low.

The proposal would introduce a considerable change to this position, as discussed above. Traffic, arrival and departure of guests, and ultimately the noise generated by a wedding party would be extremely intrusive, at times when residents have the highest expectation of being able to enjoy the characteristic tranquillity of this setting - i.e. weekends and evenings, generally in the summer months.

Notwithstanding the proposed layout and other mitigation measures proposed by the applicant, it is considered that the proposal would result in an unacceptable standard of residential amenity for occupants of the neighbouring dwellings, contrary to the core principles of the NPPF (Paragraph 17), and Policies EQ2 and EQ7 of the Local Plan.

Letters of Representation

The issues raised have been carefully considered, and largely dealt with above. The following additional comments are appropriate:

- the various benefits of the proposal are noted, and the positive impact of the business proposal has been considered and weighed against the identified harm

- the issue of security risk raised by additional numbers is noted, but it is not considered of sufficient weight alone to justify a refusal of the application
- the Highway Authority raises no concern about the level of traffic and the likely impact on the highway; it is not considered that this would represent a reason for refusal of the application

Conclusion

The proposal is for activities generally compatible with and supportive of the aims of the NPPF in regard to protection and use of heritage assets. There would be no permanent or significant harmful impacts on the landscape setting. Although making use of a quite rural lane, it is not considered that the proposal would result in severe highway safety impacts that would indicate a refusal. The profitable diversification of the use of the heritage asset would bring undoubted benefits, particularly in generating income to contribute towards maintenance of the asset. There would also be some local economic benefit.

However, the introduction of potentially noisy events into this very quiet rural setting raises serious concerns about the impact on the residential amenity of occupants of the dwellings around the Manor house. It is not considered that the 10 events per annum proposed would result in securing a good standard of residential amenity as set out as a principle within the NPPF. The degree of harm is not considered to be outweighed by the identified benefits, and for this reason, the proposal is recommended for refusal.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASON(S)

01. Whilst the benefits of the proposal in terms of generation of economic benefit and income for the maintenance of the heritage asset are accepted, it is not considered that these benefits outweigh the demonstrable harm that would result to residential amenity. The noise from the proposed music within the marquee, noise from wedding guests arriving and leaving the venue and the general noise from people gathering in close proximity to residential properties would cumulatively prejudice the maintenance of a good standard of residential amenity for occupants of nearby dwellings, contrary to the core principles of the NPPF (Paragraph 17) and Policies EQ2 and EQ7 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

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 LPA engaged in extensive discussions and on site investigation, but there were no material planning considerations to outweigh concerns raised by the proposal.

Agenda Item 17

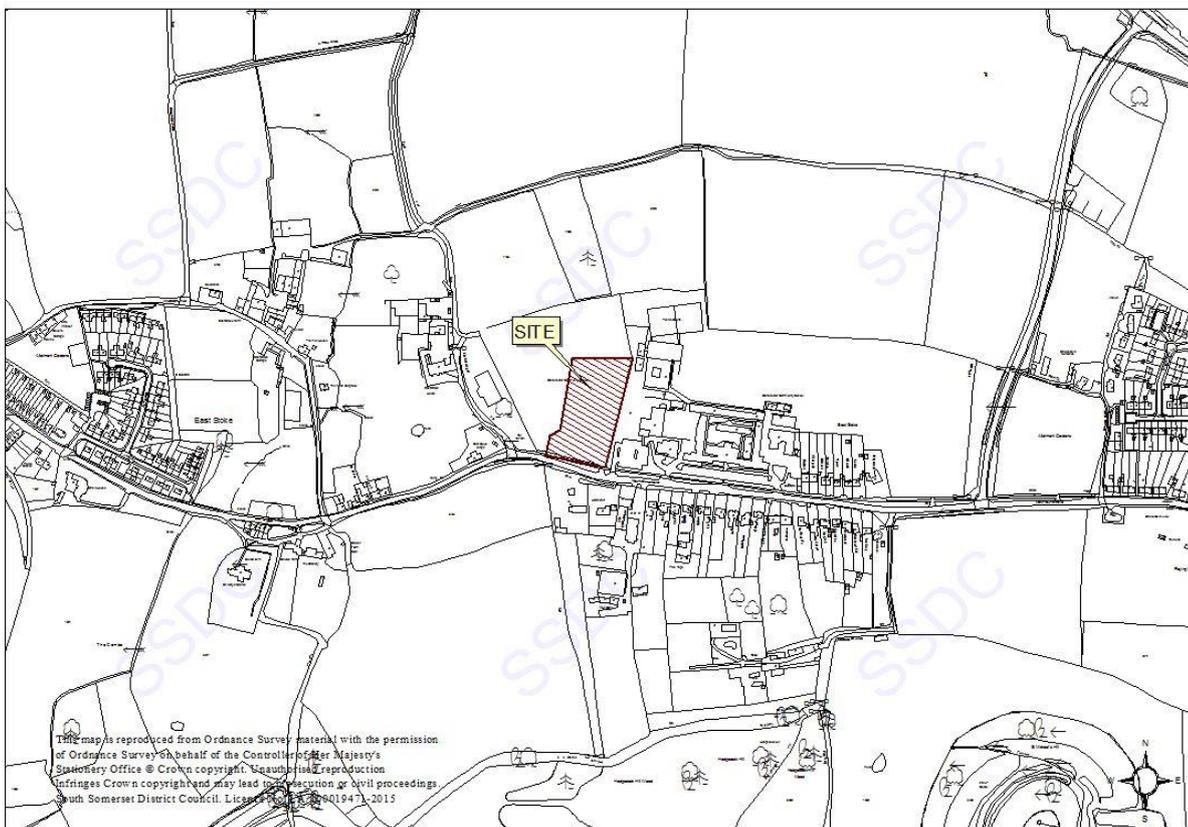
Officer Report On Planning Application: 17/02732/DPO

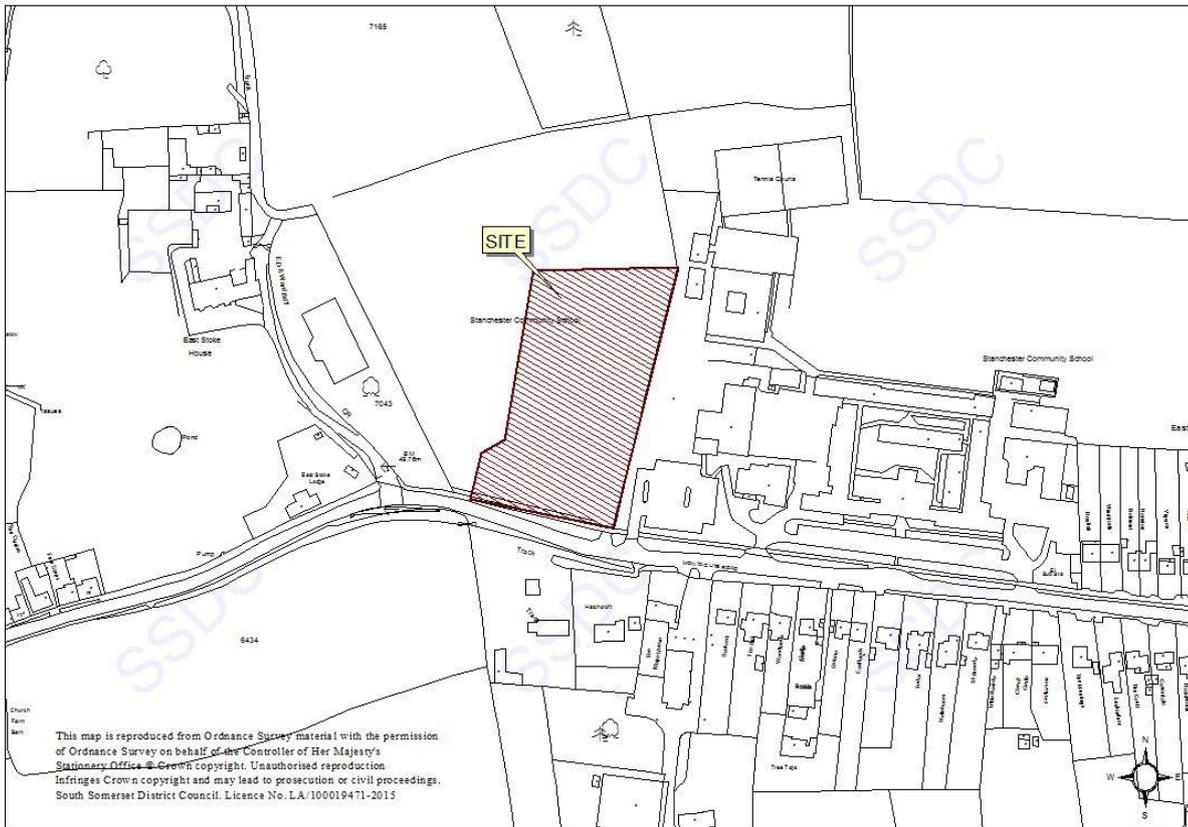
Proposal :	Application to vary S106 agreement between South Somerset District Council and Melanie Anne Quantock Shuldham dated 11th July 2014 relating to affordable housing.
Site Address:	Land West Of Stanchester Academy Montacute Road East Stoke
Parish:	Stoke Sub Hamdon
ST MICHAELS Ward (SSDC Member)	Cllr Jo Roundell Greene
Recommending Case Officer:	Neil Waddleton Tel: 01935 462603 Email: neil.waddleton@southsomerset.gov.uk
Target date :	10th August 2017
Applicant :	Arc Homes Ltd
Agent: (no agent if blank)	Emma Blunt Quattro Design Architects Ltd Matthews Warehouse, High Orchard Street Gloucester Quays Gloucestershire GL2 5QY
Application Type :	Non PS1 and PS2 return applications

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee as it seeks to discharge the financial and affordable housing obligations within the S106 Agreement relating to Planning Approval 13/03622/FUL.

SITE DESCRIPTION AND PROPOSAL





This application site is situated immediately to the west of Stanchester Academy, a secondary school, but is some distance from the nearest designated development area (approximately 1.1km to the west of the site). There are a number of facilities in close vicinity to the site including a sports centre within the Stanchester Academy grounds, a grocery store and is located on a bus route.

The site is adjacent to East Stoke conservation area and East Stoke House, East Stoke Lodge and Lodge Gates, all grade II listed, a short distance to the west. The site is situated just to the east of an area of high archaeological potential and relatively close to a number of archaeological features including two Scheduled Ancient Monuments, (SM) Hamdon Hill Camp and Montacute Castle, and another area of high archaeological potential which covers much of the escarpment to the south and the village of Montacute to the east.

This DPO (Discharge of Planning Obligation) Application has been made to vary the S106 agreement to discharge the planning obligations requiring the provision of 6 affordable housing units on site and the requirements to pay the financial contributions for the provision of off-site play, recreation and leisure facilities amounting to £110,213.65.

HISTORY

17/02535/DOC (Discharge of Conditions) - Discharge of Condition 4 of approval 16/04851/S73

16/04851/S73 - Variation of conditions of 13/03622/FUL. Application permitted with conditions.

15/05495/S73 - Application to vary conditions of 13/03622/FUL. Application permitted with conditions.

13/03622/FUL - Erection of 18 dwellings and associated works including a new vehicular access, parking, open space and landscaping. Application permitted with conditions.

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)

SS6: Infrastructure Delivery

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

HG3: Affordable Housing.

National Planning Policy Framework

Paragraphs 203 - 205 - Planning conditions and obligations

Other Relevant Considerations

Process for Developers to follow if they wish to vary/amend an S106 - District Executive April 11

CONSULTATIONS

Stoke Sub Hamdon Parish Council:

The Parish council strongly object to this application to vary the S106. When Arc Homes purchased the site they were well aware of the commitments and obligations it had to the community and its development under the original planning application. The Parish Council cannot support a planning policy that allows developers to vary planning conditions based on the retrospective viability of the site and the developers guaranteed profitability. In essence this policy reflects badly on planners as it appears as though they are in effect underwriting the developers profitability at the expense of the community. Political pressure on planners to meet building targets cannot be seen to override good planning practice; this is not in the long term interest of the local community. We feel it is up to planners themselves to stand firm where they are being asked to support bad policy.

Montacute Parish Council:

Montacute Parish Council strongly object to the developers application to vary the S106. The developer must be made to realise that they have a commitment to the community and should not be allowed to remove affordable/social housing from the development. We are seeing this happen too often and therefore urge the planners to reject this application and force the developer to comply with the original approved plan.

Leisure Policy Co-ordinator:

I have read the application for a DPO to discharge the leisure and affordable housing obligations for this development.

With regard to the leisure obligations that are secured through the signed S106, it is a great shame if these will no longer be secured as there are several active projects being progressed in Stoke sub Hamdon.

These include developments at Stoke Recreation Ground for an adventure playground and floodlighting a grass training area as part of the 5 year plan for the Recreation Ground. There is also a project by the parish council to purchase the Methodist Church to provide a new community centre.

Due to the proximity of the site to Montacute, when we responded to this application in 2013, potential projects were also identified for Montacute, however these are not at a position to be progressed at the moment, so the priority would be to still secure any contributions from this application towards the active projects in Stoke sub Hamdon.

Ward Member: I like this to come to committee please so that members can discuss the 106 agreement.

Area Development North: No comments received.

Strategic Housing: No comments following receipt of DV report.

REPRESENTATIONS

Written representation has been received raising the following comments and concerns:
I was very disappointed to see that Arc Homes are wanting to change the S106 agreement to the detriment of the local community. They knew what the S106 requirements were when the agreement was signed three years ago, and they should be obliged to honour those commitments. Stoke sub Hamdon needs more affordable housing, and to create another development of mainly large houses in the village will not help the local people who need smaller properties. The leisure obligations should also remain: it is not fair if developers are permitted to 'move the goalposts once the game is under way'.

CONSIDERATIONS

The application is made to vary the S106 agreement dated 18th July 2014 to discharge the requirement to provide 6 affordable housing units on site and to pay financial contributions for the provision of off-site play, recreation and leisure facilities amounting to £110,213.65 relating to planning approval 13/03622/FUL on the grounds of viability.

Confidential financial information has been submitted and the information has been assessed by the independent District Valuer (DV) at the applicant's expense.

The DV's opinion is that this scheme is unable to make the obligation package secured through the planning scheme 13/03622/FUL, however recommends a review mechanism in the s106 in case of improved market conditions during the course of the scheme.

Additional information received from the applicant: Further to our conversation, I write to confirm our proposal to provide some form of contribution to mitigate for the loss of the commuted sums anticipated for this site.

As you are aware it has been confirmed by the District Valuer that the development is unviable and that the contributions cannot be afforded. We therefore propose to work with our Knightstone Group to offer assistance with support in the community.

Knightstone's Community Empowerment team would be able to offer support to this new community in creating new connections between households and the local more established community and services. We can offer an asset based approach to community development, building on the strengths and assets of residents to create new associations, projects and solutions. Our South Somerset Community Empowerment Officer can be accessed to enable this work who in turn can offer investment routes into the teams Can Do budget as well as Knightstone's Community Improvement Fund (KCIF) with up to £300,000 of funds available to bid for. Working in partnership with our Officer, the new community and local agencies (such as Stonewater or Stanchester Community Secondary School) at East Stoke will be able to make proposals for investment together.

Through a 12 month period, East Stoke would benefit from access to our Community Empowerment (CE) Officer, the Somerset CE teams Can Do budget and KCIF, a proportion of which will be available subject to these new communities' ideas, energies and proposals.

We trust this shows our commitment to the village, and acknowledgment of our desire to be involved with the community.

The Government guidance and ability to reduce a contribution was introduced to allow much needed homes to be built. Local authorities were encouraged to review their requirements so that developers would commence or complete developments by reducing some of the financial burden. The scheme has commenced and is ongoing.

CONCLUSION

It is acknowledged that members and the local community will be disappointed by this application, however the applicant has followed due process, and through an independent assessment from the District Valuer is able to demonstrate that the scheme is currently unviable and unable to make the obligations held within the S106 agreement.

RECOMMENDATION

To approve the application and instruct the Council's Solicitor to modify the S106 agreement.

Agenda Item 18

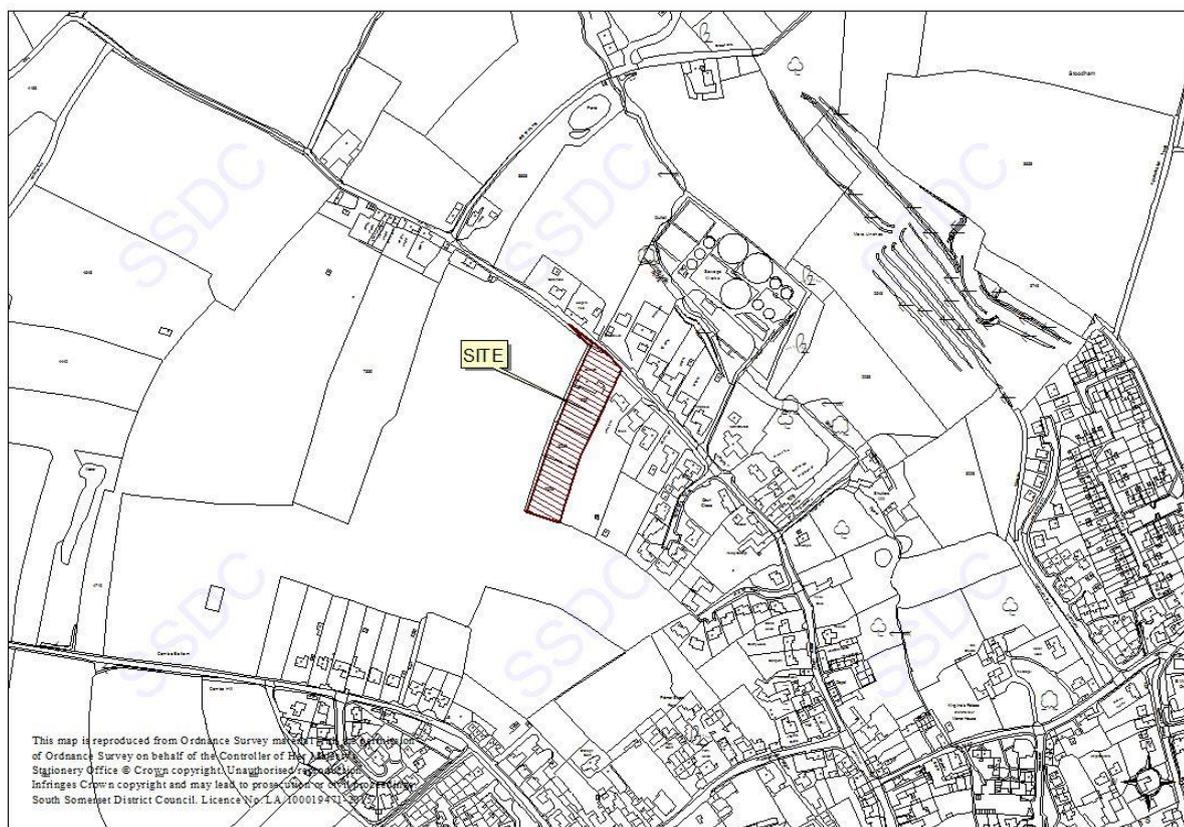
Officer Report On Planning Application: 17/02737/OUT

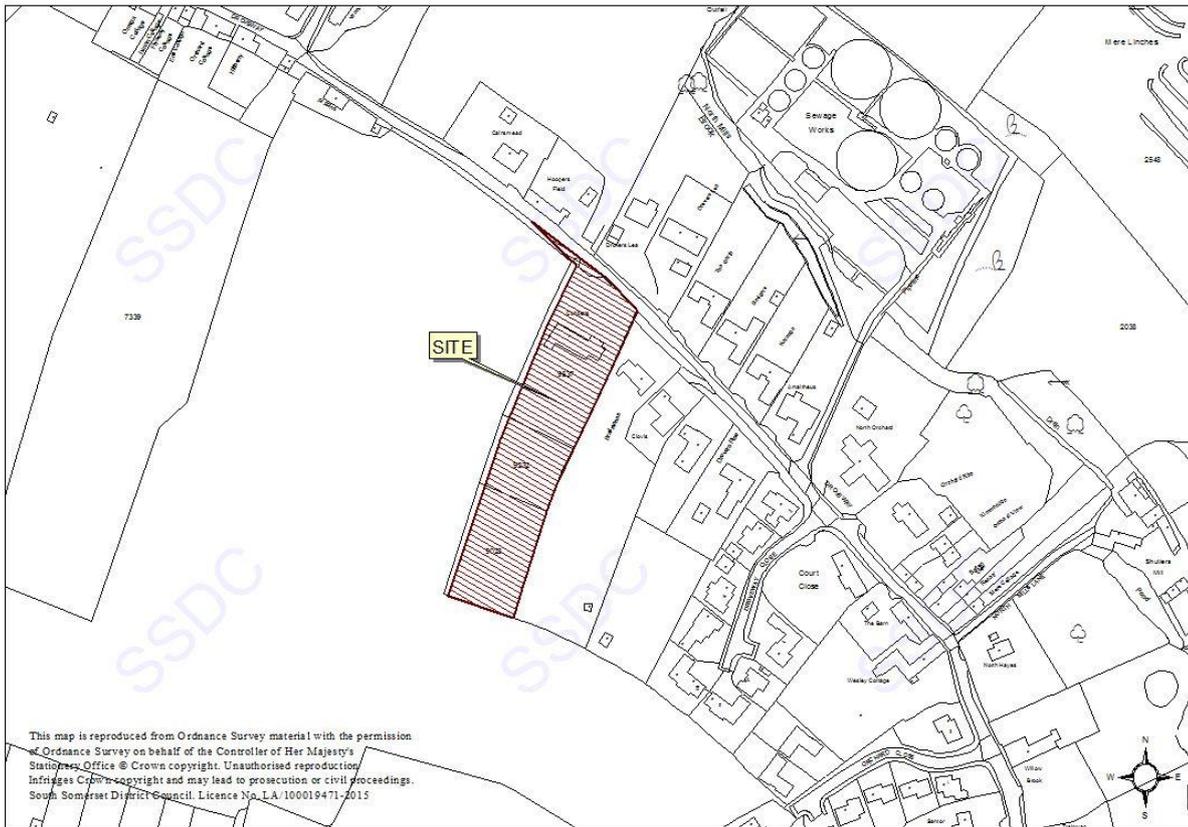
Proposal :	Outline application with all matters reserved except access for the development of 3 bungalows including associated landscaping and parking
Site Address:	Land Rear Of Cobbetts North Street South Petherton
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Member)	Cllr Adam Dance Cllr Crispin Raikes
Recommending Case Officer:	Louisa Brown Tel: (01935) 462344 Email: louisa.brown@southsomerset.gov.uk
Target date :	22nd August 2017
Applicant :	Mr Rousell
Agent: (no agent if blank)	Mr Andrew Tregay Boon Brown Architects Motivo Alvington Yeovil BA20 2FG
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The Ward Members, in agreement with the Area Chair, have requested that it goes to committee due to the support from the local Parish Council and to consider the relevant planning issues.

SITE DESCRIPTION AND PROPOSAL





This is an application seeking outline planning consent with all matters reserved except access for the erection of 3 no. bungalows including associated landscaping and parking at land to the rear of Cobbetts, North Street, South Petherton.

The site is located on the north-west fringes of South Petherton on the southwestern side of the highway and to the rear of a detached chalet bungalow, within its garden area.

To the north of the site are residential dwelling which align North Street, to the east are residential garden areas and immediately to the south and west there are fields. The site is bordered by hedgerows on the east and south boundary and a post and rail fence adjoining a public right of way along the west boundary.

It is proposed that the access to the dwelling known as Cobbetts will be amended to allow access for additional dwellings.

HISTORY

17/00119/OUT: outline application with all matters reserved except access for the erection of 4 no. bungalows including associated landscaping and parking - withdrawn

94/02048/FUL: the erection of extension to bungalow to form annexe - approved 28/07/94

Consent from 1966 for the existing bungalow.

POLICY

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

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

South Somerset Local Plan (2006-2028) Policies:

SD1 - Sustainable Development
SS1 - Settlement Strategy - identifies Horton as a Rural Settlement
SS2- Development in rural settlements
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
SS6 - Infrastructure Delivery
HG4 - Affordable housing contributions
TA5 - Transport Impact of New development
TA6 - Parking Standards
EQ2 - General development
EQ4 - Biodiversity

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore it is not possible to seek an affordable housing obligation from this development. In addition, it also no longer appropriate to seek any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

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 11 - Conserving and enhancing the natural environment

National Planning Practice Guidance

Other Material Considerations

In July 2016 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 47 of the NPPF. In such circumstances paragraph 49 is engaged, this states:-

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites."

Somerset County Council Parking Strategy (March 2012)
Somerset County Council Highways Development Control - Standing Advice (June 2013)

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

South Petherton Parish Council:

"The committee is in favour of the development."

SCC Highways:

Refer to previous comments on application 17/00119/OUT

"This is an outline application, with all matters reserved except access. The proposal is for the erection of 4 No. bungalows with parking at the rear of Cobbetts, South Petherton. The existing access that currently serves the property known as Cobbetts will be used, but with some proposed improvements i.e. the construction of a T-junction from Droveway which will also incorporate a footway on the eastern side of the access.

The site is located off Droveway, a lightly trafficked, unclassified, no through road that is subject to a 30mph speed limit. However, due to the nature of the road, observed speeds were approximately 20mph.

The average dwelling generates 6-8 vehicle movements per day and based on the on the higher figure of 8 movements this development is likely to generate an additional 32 vehicle movements over the course of a day, which is deemed not to have a detrimental impact on the highway network or to highway safety. Therefore this aspect of the proposal would not raise an objection from the Highway Authority.

As mentioned above, the observed speeds were approximately 20mph and it is considered that the design standards in Manual for Streets (MfS) are appropriate in this instance and therefore visibility splays of 2.4m x 33m are required. From my onsite observations these are achievable once the proposed improvement works are carried out.

The application proposes to widened Droveway to 4.8m along the frontage and build a 1.5m wide footway on the east side of the access and a margin on the west side. The footway will link the site to the existing footway on the opposite side of Droveway, a few meters to the southeast of where the proposed new footway will end, thereby allowing pedestrian access from the site towards South Petherton.

The applicant should note that the proposed frontage works, including securing the visibility splay and footway, will require a suitable legal agreement with the Highway Authority.

The applicant should also be aware that the internal layout of the site will result in the laying out of a private street, and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC)

The applicant must ensure that under no circumstances should water be discharged onto the highway. Assumption should not be made by the applicant that connection can be made to any existing highway discharge.

The access must be fully consolidated i.e. no loose stone or gravel. This will prevent any loose material being deposited onto the highway which could cause a potential highway safety concern.

The gradient of the access must not exceed 1 in 10 to avoid any potential highway safety concerns.

Consequently, given that the proposal would therefore not appear likely to result in having a detrimental impact on the existing highway network, there is no objection to this proposal from the Highway Authority subject to the following conditions:

1. Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority. The access shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.
2. The proposed access shall be constructed generally in accordance with the submitted plan, drawing number P_01 Rev 01 'General Arrangement and Visibility Splays', and shall be available for use before commencement of the development hereby permitted. Once constructed the access shall be maintained thereafter in that condition at all times.
3. The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.
4. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.
5. At the proposed access there shall be no obstruction to visibility greater than 900millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing No P_01 Rev 01 'General Arrangement and Visibility Splays'). Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
6. No work shall commence on the development site until the developer has submitted and had approved by the Local Planning Authority details of the footway to be provided along Drove Road. No part of the development hereby permitted shall be occupied until the approved footway has been constructed.

Note:

The provision of these footway works will require a legal agreement and contact should be made with the Highway Authority well in advance of commencing the works so that the agreement is complete prior to starting the highway works."

SSDC Ecologist:

"I've noted the Ecological Assessment (Encompass, Jan 17). I don't consider it raises any significant ecological constraints to the proposed development. However, it does identify some minor protected species issues. I recommend a condition requiring works to be undertaken in accordance with the mitigation recommendations outlined in Section 5 of the Ecological Assessment."

Landscape Officer:

"I recollect the earlier application for 4 houses on this backland site, now revised by this proposal and seeking 3 plots. The comments I made at the time of the earlier application remain pertinent, and follow, amended as necessary:

The coalition government pronounced against what is popularly referred to as 'garden-grabbing' and whilst para 53 of the NPPF is not specific in its resistance to garden development, the inference is that such a mode of development is not particularly favoured. I am also aware that private residential gardens within a settlement are not regarded as previously developed land (NPPF annex 2). Much of this plot is a large garden, within a rural context, whilst similarly large residential gardens lay to the immediate southeast, and with strong woody presence, to assist a sympathetic blend with the wider

countryside. Agricultural plots lay to the south and west of the application site. I note that in most part, adjacent residential form directly addresses the Droveaway, and the linear thread of development along the Droveaway is a strong characteristic of this quarter of town. This characteristic is accentuated by the valley setting of this linear development thread, whilst the rising land to the southwest, which encompasses the 'upper' areas of these large gardens, provides an undeveloped and rural edge, once moving away from the main concentration of South Petherton's residential form in the valley to the southeast.

I am aware that Droveaway Close - an infill development further to the southeast - has been cited as creating a precedent for this proposal. However, such development is (a) closer to the settlement core, and (b) in itself at variance with the prime linear character of the development thread along the valley, once north of the settlement core. I do not consider that the development of Droveaway Close to the south establishes the precedent for further backland development, and I recollect the following observation that comes from the Hales meadow, Mudford appeal (2014) which found in our favour. The Inspector made a comment that is broadly applicable here, re; proposed development alongside - in this instance, five frontage plots distant - existing uncharacteristic development, which I consider helpfully substantiates landscape concerns over local character in this instance.

'Para 9: Mudford is a linear village and notwithstanding interventions at odds with that pattern, notably Hales Meadow and the adjacent recreation ground, this essential character trait remains readily discernible. On the face of it, the proposal would represent development in depth, on a green-field site, beyond Hales Meadow and the recreation ground. This would accentuate the harmful impact previously perpetrated, contrary to criterion (4) of LP Policy ST5 (now superseded by policy EQ2). The appellant seeks to use the presence of the development at Hales Meadow and the recreation ground to justify the proposal. However, harmful (in this instance 'uncharacteristic') development permitted in the past, under a different policy regime, provides little justification for more of the same.'

This proposal now intends 3 dwellings to the rear of the existing dwelling, which would run at right-angles to the Droveaway, and rise plot by plot up the hillside above adjacent dwellings, including that of the recently approved plot by 'Bradstones'. The proposed housing layout is tight. Given the landscape context, and settlement character, it is clear that this proposal is at variance with local character; in running counter to the settlement grain; and in reducing the large plots that aid a gentle transition to open countryside; whilst in rising up the hillside, residential spread would become much more apparent, as does the incongruity of this proposal, to thus introduce a visual impact as perceived from the immediately adjacent public footpaths. Consequently, the proposal fails to meet the objectives of LP policy EQ2, to provide landscape grounds for refusal. "

Rights of Way Officer:

Have no objection to the proposal but request that some issues are noted.

1. Authorisation must be sought for the re-surfacing.
2. Any proposed works must not encroach on to the lawful width of the PROW.

Tree Officer:

"Subject to a scheme of new tree and shrub planting, the proposed loss of a few selected trees within the front garden appears acceptable. I do have some concern regarding the potential impact of the proposed new access road in close-proximity to the hedgerow and mature Field Maple (T6) adjoining the Western site boundary. If it is also intended to resurface the existing Right of Way with new hardstanding, that could be harmful also. If the new hard-surfacing/access road and re-surfaced footpath is not intended to be adopted by SCC Highways, that allows the possibility of sympathetic construction measures. If it is intended that Highways adopt, their approach to construction method is likely to cause significant root damage to the adjoining hedgerow and Field Maple T6.

The outline layout of the x 3 dwellings ought to allow the x 2 mature hedgerow Oaks (T1 & T2) to be retained sustainably. If consent is to be granted, I would be grateful if you could impose the following:

Tree & Hedgerow protection Condition: Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures shall be prepared by a suitably experienced and qualified arboricultural consultant in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and submitted to the Council for their approval. Specifically, the scheme will include details of special engineering measures to construct hard-surfacing in close-proximity to trees and hedgerows. Upon approval in writing from the Council, the tree and hedgerow protection measures shall be installed and made ready for inspection. A site meeting between the appointed building/groundwork contractors and the Council's Tree Officer (Mr Phillip Poulton - 01935 462670/07968 428026) shall then be arranged at a mutually convenient time. The locations and suitability of the tree and hedgerow protection measures shall be inspected by the Council's Tree Officer and confirmed in-writing by the Council to be satisfactory prior to any commencement of the development. The approved tree and hedgerow protection requirements shall remain implemented in their entirety for the duration of the construction of the development and the protective fencing and signage may only be moved or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

Tree & shrub planting condition: No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of tree and shrub planting. Such a scheme shall include planting locations, numbers of individual species, sizes at the time of planting, details of root-types and the approximate date of planting. Installation details regarding ground preparation, staking, tying, guarding and mulching shall also be included in the scheme. All planting comprised in the approved details shall be carried out within the next planting season following the commencement of any aspect of the development hereby approved; and if any trees or shrubs which within a period of fifteen years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

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

REPRESENTATIONS

Nine neighbours were notified and a site notice displayed. Two letters of support have been received supporting the need for bungalows in South Petherton, the widening of the road and stating that there will be minimal effect on the environment.

One letter of representation has been received stating that the plan is inaccurate in relation to the location of the public right of way.

Two letters of objection have been received stating;

- Traffic congestion, increase in traffic, damage to road
- Impact of noise and disturbance during building phase
- Impact on environment and wildlife in hedgerow
- Out of character with surroundings in relation to curtilage and height.
- over development of the site

- damage views from local beauty spot

CONSIDERATIONS

The main issues to assess as part of this application is the principle of housing in this location and the proposals impact on visual amenity, landscape character, trees, ecology, residential amenity, and highway safety.

Principle of housing in this location:

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

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

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

According to the recent High Court decision (Woodcock Holdings Ltd) in reaching a conclusion on an application, the appropriate weight to be attached to 'out-of-date' housing supply policies needs to be considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. It falls to the local planning authority to strike the appropriate balance between the very clear benefits stemming from the delivery of houses to meet the Council's shortfall and

any harmful impacts arising from this proposal. The NPPF is very clear that, without a 5 year housing land supply, housing application should be considered "in the context of the presumption in favour of sustainable development" (para. 49) and that any adverse impacts would need to significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as whole; or specific policies in the Framework indicate development should be restricted. (para.14).

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

Sustainability of the settlement:

It is considered that South Petherton is a sustainable location for some housing development given the facilities that the village provides.

It is considered that the development would be acceptably located in relation to facilities and furthermore would be likely to provide additional support for existing facilities.

Having regard to the above it is considered that the development would comply with the relevant sections of the NPPF in respect to locating housing within existing communities where existing services and facilities would be maintained and enhanced.

Visual amenity and landscape character:

The site is located to the rear of Cobbetts. On the southern side of the highway the area is characterised by detached dwellings situated in a linear pattern parallel to the highway, to the south of these dwellings are long rear gardens or gardens and paddocks. As you head towards the village centre to the east then

the character starts to merge into small housing estates/cul-de-sacs. On the northern side of the highway there are large detached dwellings in a linear form parallel to the road with the sewage works to the rear of them.

Objections have been raised in respect of the proposal resulting in overdevelopment and being adverse to the character of the area. Additionally support has been given to the proposal stating that there will be minimal effect on the environment.

Due to the location and size of the site the only direction that the development of 3 no. dwellings can take is in a linear form to the south, as shown on the indicative plan submitted with the application. It is considered that whilst the principle of some back land development can be supported in certain circumstances, this proposal resulting in a new linear form protruding into the open countryside is considered to be out of character with its surrounding.

It is noted that a recent approval was given for 1 no, dwelling to the rear of the adjoining property to the east. This was recommended for refusal on grounds of its adverse impact on the landscape character, but was approved at Committee. This application will be determined on its own merits and it should be noted that it is for 3 no, dwelling, not one and the site adjoins a field and public right of way to the west.

The SSDC Landscape Officer was consulted and has raised an objection to the proposal. The Agent has submitted some additional information to address the concerns raised, and to highlight that consent was given recently to the adjoining site. The additional information submitted shows photos of the site from different vantage points and refers to the Landscape Capacity Study.

Along the western boundary of the site is a public right of way running parallel to the boundary then there are some hedges and another public right of way running from the west boundary across the field to the northwest. The Landscape Capacity Study shows that the site was not assessed but sits alongside an area of land marked 'Landscape with a moderate capacity to accommodate built development'. This assessment does not state that any development is acceptable and merely gives an indication that some development may be acceptable. However this would then be subject to other planning considerations.

In summary the SSDC Landscape has stated;

".....This proposal now intends 3 dwellings to the rear of the existing dwelling, which would run at right-angles to the Drove way, and rise plot by plot up the hillside above adjacent dwellings, including that of the recently approved plot by 'Bradstones'. The proposed housing layout is tight. Given the landscape context, and settlement character, it is clear that this proposal is at variance with local character; in running counter to the settlement grain; and in reducing the large plots that aid a gentle transition to open countryside; whilst in rising up the hillside, residential spread would become much more apparent, as does the incongruity of this proposal, to thus introduce a visual impact as perceived from the immediately adjacent public footpaths. Consequently, the proposal fails to meet the objectives of LP policy EQ2, to provide landscape grounds for refusal. "

In this instance it is considered that this site is not capable of being developed with 3 no. dwellings without adversely impacting on the character of the surroundings and the landscape character, especially when viewed from the public right of ways, this is due to the location of the site, the ground levels and restriction on where the development can go. As such the proposal is considered to be contrary to the aims and objectives of Policy EQ2 of the South Somerset Local Plan.

Residential Amenity:

As this is an outline application with all matters reserved, the proposed plans are indicative only and as such the layout of the properties and detailed matters such as the position of windows will be considered at the reserved matters stage. It is however considered that given the indication that the proposal will be for bungalows only, and given the distance to the nearest neighbouring property to the east, then 3 no.

dwelling could be accommodated without adversely impacting upon neighbouring residential amenity.

It is not considered that a development of three dwellings would result in unacceptable levels of noise and disturbance to neighbouring properties.

Objections in relation to noise and disturbance during the building phase have been received, however any development will come with an element of disturbance during construction, but this is a short lived disturbance and therefore not something that would warrant a refusal.

In the circumstances, it is considered that this site can be developed without adverse impact upon neighbouring properties and is therefore in accordance with Policy EQ2 of the South Somerset Local Plan 2006-2028.

Rights of Way:

The proposal shows the right of way outside of the red site line but within the blue ownership line. The indicative layout shows that the right of way will be unaffected. The SCC Rights of Way Officer has no objection subject to some notes in relation to re-surfacing and ensuring works do not encroach on to the lawful width of the PROW.

Ecology:

Objections in regard to the impact on wildlife have been received. The application was submitted with an Ecological Assessment. The SSDC Ecologist has raised no objection to the proposal subject to a condition to ensure that works are undertaken in accordance with the mitigation recommendations outlined within their assessment.

It is considered that subject to the recommended condition the proposal is in accordance with policy EQ4 of the South Somerset local Plan.

Trees:

The application has been submitted with an accompanying Tree survey and Arboricultural Impact Assessment. The SSDC Tree Officer has some concern over the new driveways impact on the tree marked T6, however overall raises no objection subject to conditions.

Highway safety:

This outline application has been submitted with the access to be determined. The existing access to Cobbetts will be improved and used to access the proposed 3 no. dwellings, making a total of 4 no. dwellings utilising the access off of Droveaway.

Objections based on the increase in traffic have been received and letters in support of the widening of Droveaway.

The application was submitted with an Access Statement, carried out by a Transport Consultancy. The statement gives information in regard to the traffic impact of the proposal and shows the access width vehicle swept path analysis.

County Highways have been consulted and raised no objection and referred to their previous comments, though please note these are in relation to 4 no. dwellings as previously applied for, so the overall impact for 3 no. dwellings will be less;

"The average dwelling generates 6-8 vehicle movements per day and based on the on the higher figure of 8 movements this development is likely to generate an additional 32 vehicle movements over the course of a day, which is deemed not to have a detrimental impact on the highway network or to highway safety. Therefore this aspect of the proposal would not raise an objection from the Highway Authority."

With regard to aspects of the improvements to the access and visibility splays the highway authority has

agreed with the information submitted in the Access Statement and raised no objection subject to conditions.

It is considered that this site can be developed without adverse impact upon highway safety and appropriate parking can be provided. The proposal is therefore in accordance with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

Section 106 Planning Obligation:

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district.

In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less.

It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore we are not seeking an affordable housing obligation from this development.

We will also not be seeking any contributions towards Sports, Arts and Leisure (Policy SS6) as the same principle applies.

The proposal will be liable for CIL at reserved matters stage.

Conclusion:

The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the settlement is considered to have a reasonable range of services and facilities. However the proposal is considered to result in a significant and adverse impact upon the character of the area and the Landscape character.

Therefore, in terms of the 'planning balance', it is considered that there are adverse impacts that would 'significantly and demonstrably' outweigh the benefits of providing three dwellings in this sustainable location.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON(S)

01. The outline proposal for 3 no. dwellings would occupy a site that results in a linear form of development which would protrude into the open countryside running counter to the settlement grain. The scheme would run parallel to and be visible from a public right of way, rising up the hillside. It would also result in 3 no. small plot sizes contrary to the local character of adjacent larger plots that aid the gentle transition to the open countryside to the south. This will be at variance to the local character and introduce an adverse impact on visual amenity and a severe impact on the landscape character contrary to the aims and objectives of policy EQ2 of the South Somerset Local Plan, and the NPPF.

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 pre-application advice was sought in 2014 and it was stated that as a Local Planning Authority an application to develop the land to the rear of Cobbetts would be resisted, based on its adverse impact on the landscape character.

Agenda Item 19

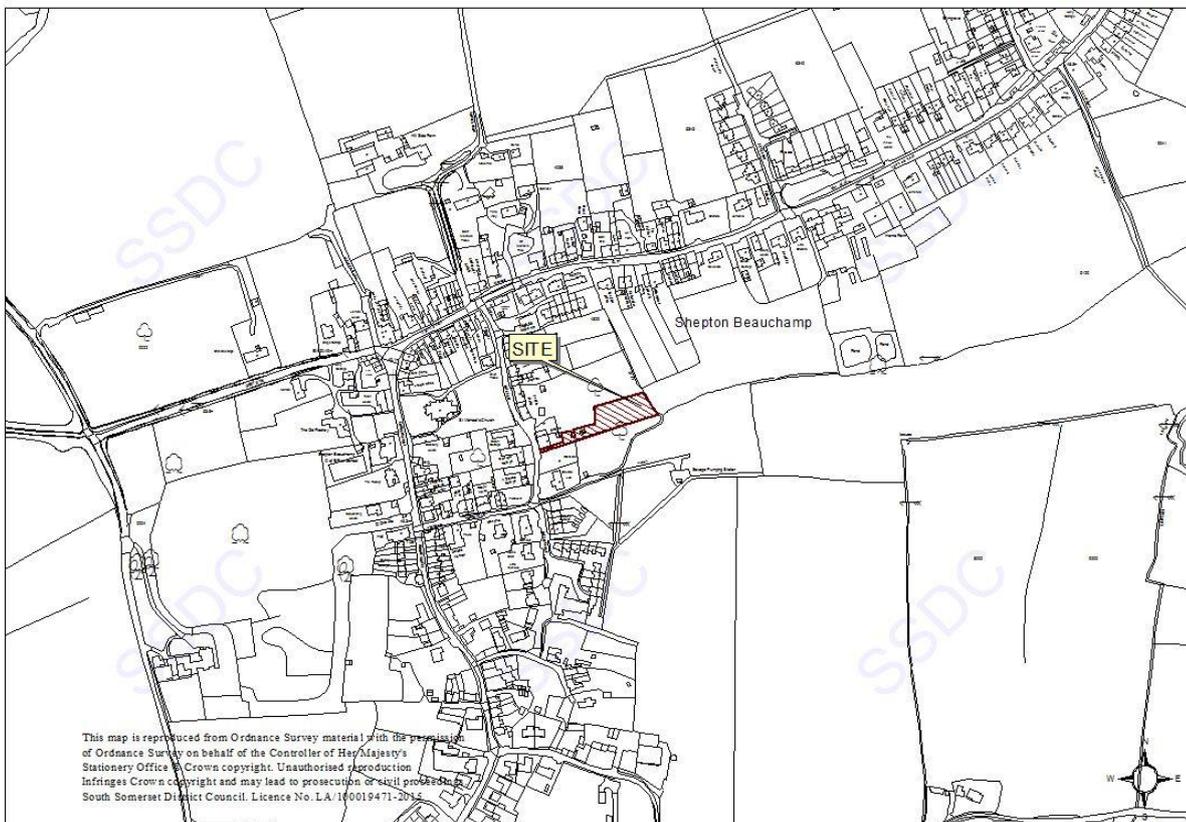
Officer Report On Planning Application: 17/02890/OUT

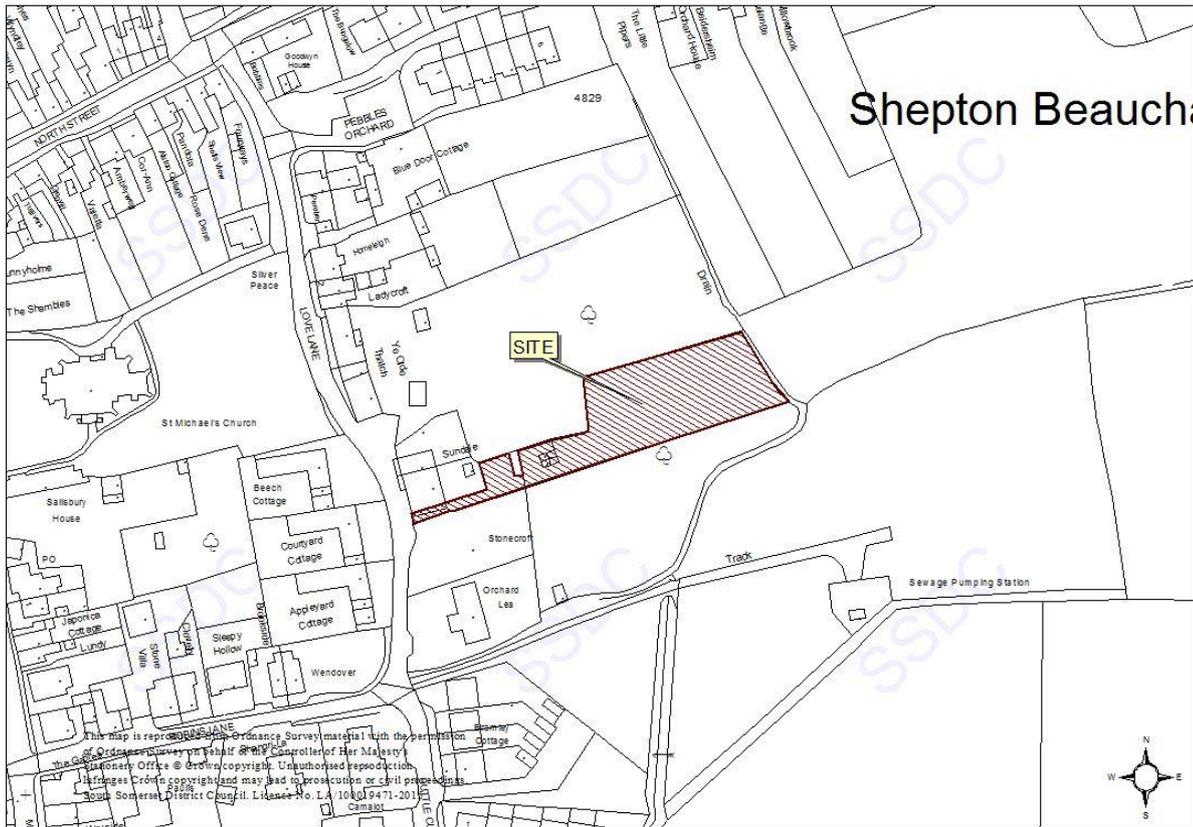
Proposal :	Demolition of existing garage, erection of a dwelling, formation of access and creation of parking area for existing dwelling (outline).
Site Address:	Little Meadow Love Lane Shepton Beauchamp
Parish:	Shepton Beauchamp
SOUTH PETHERTON Ward (SSDC Member)	Cllr Adam Dance Cllr Crispin Raikes
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	5th September 2017
Applicant :	Mr & Mrs A White
Agent: (no agent if blank)	Joanna Fryer The Town _ Country Planning Practice Ltd Home Orchard Littleton Somerton Somerton TA11 6NR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of a Ward Member to enable a full discussion of the issues raised by the Parish Council and local residents.

SITE DESCRIPTION AND PROPOSAL





The 1800 sq. m. site is located to the east of Love Lane and south of the houses focussed on North Street, on land which is undeveloped former paddock/orchard. The land appears to have been assimilated into the garden area of the dwelling(s) to the west of it at some stage, although no change of use of the land appears to have been approved. To north, south and east of the site is open land, that to the south being of a similar semi-domestic character. The existing dwellinghouse (a semi-detached dwelling) fronts directly onto Love Lane, having a rear garden the width of the house (14.3M) and extending back a distance of around 25m to the application site, which is a far broader and longer piece of land (26m x 55m).

Outline permission is sought for the erection of a single dwellinghouse.

HISTORY

96/02104/FUL - Erection of garage and conversion of existing garage into living room - permitted with conditions

POLICY

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

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

SD1	Sustainable Development
SS1	Settlement Strategy
SS2	Development in Rural Settlements
SS4	District Wide Housing Provision
SS5	Delivering New Housing Growth
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ3	Historic Environment
EQ4	Biodiversity

National Planning Policy Framework (March 2012)

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

Policy-related Material Considerations

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

CONSULTATIONS

Parish Council: No objections.

Highways Authority: No objection is raised, subject to conditions.

SSDC Landscape Officer: *Noting that this proposal seeking outline consent for an individual dwelling lays within the setting of the conservation area, I have now viewed the site in its wider context. The main landscape issues, are the need for the development to respect (i) the character of the settlement - LP policy EQ2, and (ii) the setting of the conservation area, LP policy EQ3.*

The settlement of Shepton Beauchamp has evolved from a medieval nucleus of streets bounding the church, with two prime lines of development extending south along Church Street, and east along North Street, whilst Love Lane completes the rectilinear settlement pattern at the historic core of the village. This medieval origin remains clearly in evidence, despite more recent residential growth extending south and east from the village core. The linear arrangement of housing running along and facing onto Love Lane, with its undeveloped land to the rear, is a prime characteristic of the settlement, and represents both part, and projection, of the historic core and pattern of the village, and this historic interest is underlined by the designation of the village core as a conservation area, which boundary lays close to the north of the site's host dwelling.

The application site is a former grass paddock, now primarily mown grass, which is one of a number of plots that originated as small paddocks/orchards to the east of Love Lane's housing. This general open area contrasts with the built frontage of Love Lane, and provides the undeveloped setting to the conservation area, whilst enabling a transition from the strong pattern of buildings in the village centre, to the wider countryside that runs up to the southeast edge of the settlement's core. Viewed in this context, the proposed domestic development of a plot that is open, part garden/paddock; unrelated to the strong linear, roadside pattern of the adjacent housing; and at variance with the historic pattern of the locality, fails to meet the objectives of policy EQ2.

From mapping evidence, it would appear that the land between North Street and Love Lane has long been open and primarily agricultural. In relation to the conservation area, this application site - which is similarly open and not characterised by domestic form - contributes to the immediate setting of the

conservation area, and is valuable in maintaining open ground definition of the built conservation area, which is both historic, and a significant component of its setting. As such, the introduction of domestic structures in this location would clearly be at variance with the character of the conservation area's southeast side, to potentially adversely impact upon its setting, contrary to policy EQ3.

It is also of some relevance that the coalition government pronounced against what is popularly referred to as 'garden-grabbing' and whilst para 53 of the NPPF is not specific in its resistance to garden development, the inference is that such a mode of development is not particularly favoured. I am also aware that private residential gardens within a settlement are not regarded as previously developed land (NPPF annex 2). Much of this plot, though originating as agricultural land, appears to be utilised as an extended garden, and its built development and access arrangements would substantially erode much of this 'garden' space.

In short, the proposal is clearly at variance with the character and setting of this part of the village edge, and there are clear landscape grounds upon which to base a refusal of this application.

SSDC Ecologist: No comments or recommendations.

County Archaeologist: No objection.

REPRESENTATIONS

Two letters have been received. One letter supports the proposal; the other makes the following points:

- as the owner of land immediately next to the driveway, there are concerns about impact on amenity
- measures to retain privacy would be expected

CONSIDERATIONS

Principle of Development

Shepton Beauchamp is a rural settlement. Policy SS2 of the Local Plan applies in a settlement with two or more key services (including local shops, community halls, pubs, health and social care facilities, recreation, faith and education facilities). Development in such circumstances should:

- Provide employment opportunities appropriate to the scale of the settlement; and/or
- Create or enhance community facilities and services to serve the settlement; and/or
- Meet an identified housing need, particularly for affordable housing.
- Be commensurate with the scale and character of the settlement
- provide for one or more of the types of development above, and increase the sustainability of a settlement in general
- Be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

Five-Year land Supply: Housing

The Council cannot currently demonstrate an adequate 5-year land supply. Under these circumstances, policies controlling the housing land supply (such as Policies SS1 and SS2) can be considered out of date (Paragraph 14 of the NPPF). However, Inspectors have given consideration on appeal to aspects of Policy SS2 which remain relevant, particularly the requirement for local support 'following robust engagement and consultation'.

Principle of Development

The site is seen as broadly within the village, although, as discussed below, it is 'backland' development well away from the built form and pattern of physical development. Whilst the principle of additional

dwelling in the village is accepted under the conditions set out above, it is questionable whether there is in this case a clear 'in principle' acceptance of a new dwellinghouse.

Visual and Landscape Impact

The Landscape Officer has set out a clear statement of the impact. The village exhibits a clear pattern of development focussed on the roads. The special character of this layout is partially protected by the conservation area. The proposal to locate a dwellinghouse this far back from the established pattern of development is extreme 'backland' development, at variance with the local character and ultimately harmful to the setting, and the broader landscape beyond the built development. In these respects it is contrary to the aims of the NPPF and Local Plan Policy EQ2.

Impact on Conservation Area

As the Landscape Officer has mentioned, the conservation area is dependent for its setting towards the east of open, undeveloped land. This site forms a clear part of that setting. The NPPF is clear that 'great weight' should be given to the protection of heritage assets:

'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.'

It is considered that there is some harm to the setting of the heritage asset, and weight should be appropriately apportioned to that.

Residential Amenity

The proposal would see the demolition of the existing garage, and the creation of a new long driveway from this point along the southern boundary. This somewhat contrived arrangement would create a narrow (4m wide) driveway in close proximity to both the existing dwelling and a neighbour to the south. A neighbour has raised a concern about an amenity impact in this regard.

It is considered that clear amenity harm would indeed be demonstrated, particularly affecting the occupants of The Beeches, an end-of-terrace house placed close to the position of the driveway, which would directly pass not only the house, but the full length of its garden boundary. The same concern applies to the existing dwellinghouse, where the impact of vehicles coming and going along this narrow new driveway, in close proximity to both house and garden would be harmful.

The development is not considered to accord with the core planning principle set out in the NPPF - *to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings* - or with the stated aims of Policy EQ2 of the Local Plan - *Development proposals should protect the residential amenity of neighbouring properties.*

Highway Safety

The proposed access has been assessed by the Highway Authority, which raises no objection to the proposal. It is noted that the application appears to rely for southwards visibility on a splay existing on a permission on the adjacent site. Although this is considered unorthodox, it is clearly not of concern to the Highway Authority, and it is not considered that there is any highway issue that would warrant a refusal of the application.

Neighbour Comments

These have been carefully considered and dealt with in the body of the report. It is noted that the current occupants of The Beeches (referred to above under 'Amenity') support the application. This is not considered to outweigh the long term concern that creating an access along this boundary would be prejudicial to a good standard of residential amenity for occupants of this dwellinghouse.

Conclusion

The proposal represents extreme backland development, set well away from the established pattern of development within the village. As such, it would result in unacceptable loss of greenfield land, harming

the setting of the landscape, the village edge and ultimately the conservation area. Whilst the locality might be suitable in terms of access to services, and the development might contribute towards the supply of housing, it is not considered that these benefits would outweigh the significant harm identified to both the setting and residential amenity. For these reasons, the proposal is considered to represent unsustainable development, contrary to the aims of the NPPF and the Local Plan, is accordingly recommended for refusal.

RECOMMENDATION

Refuse.

FOR THE FOLLOING REASONS:

01. The proposal represents extreme backland development on open greenfield land that would be harmful to the established character and appearance of the edge of the village, the local landscape and the setting of the conservation area. Notwithstanding the benefits of the provision of one additional housing unit, the proposal is considered to represent unsustainable development contrary to the aims of the NPPF and Policies SD1, EQ2 and EQ3 of the South Somerset Local Plan.

02. The proposal, by reason of the contrived and constrained access and parking arrangements in close proximity to existing dwellinghouses and amenity space, would have a harmful impact on the residential amenity of occupiers of neighbouring dwellings, contrary to the core principles set out in the NPPF and aims of Policy EQ2 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

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.

Agenda Item 20

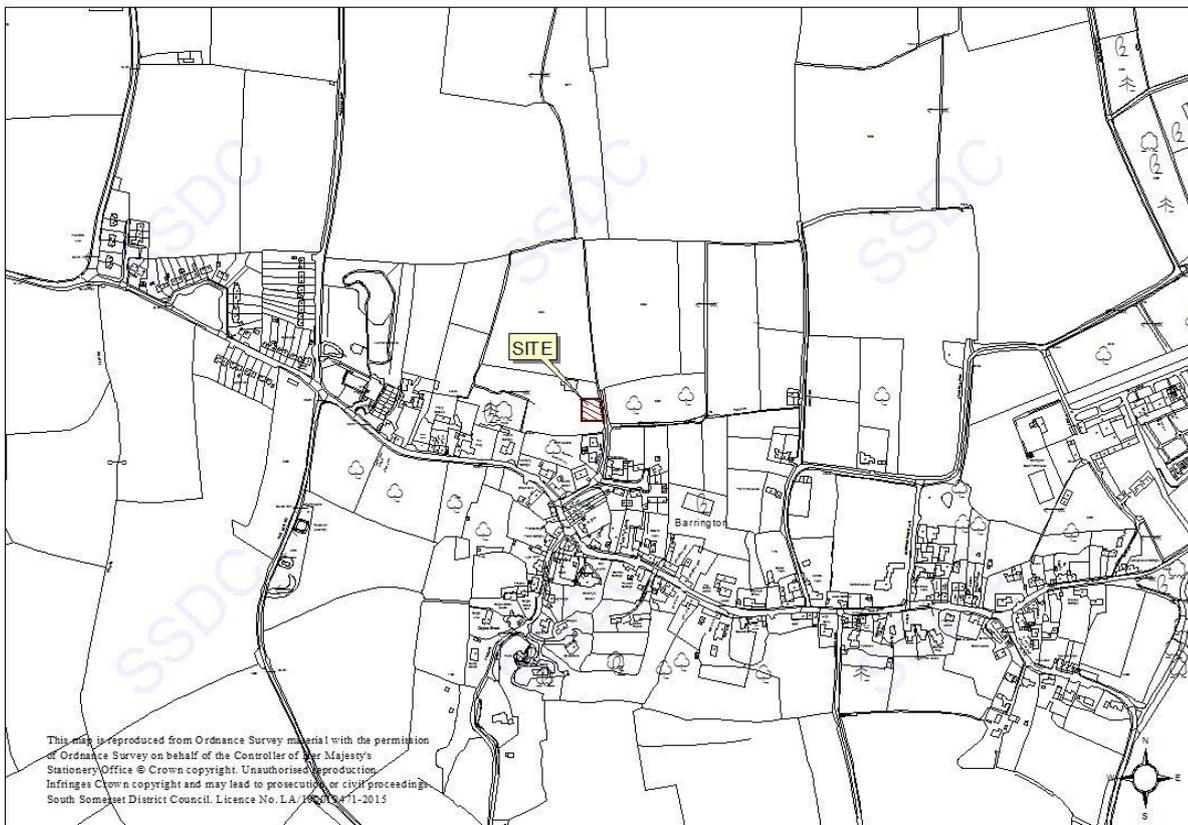
Officer Report On Planning Application: 17/02973/OUT

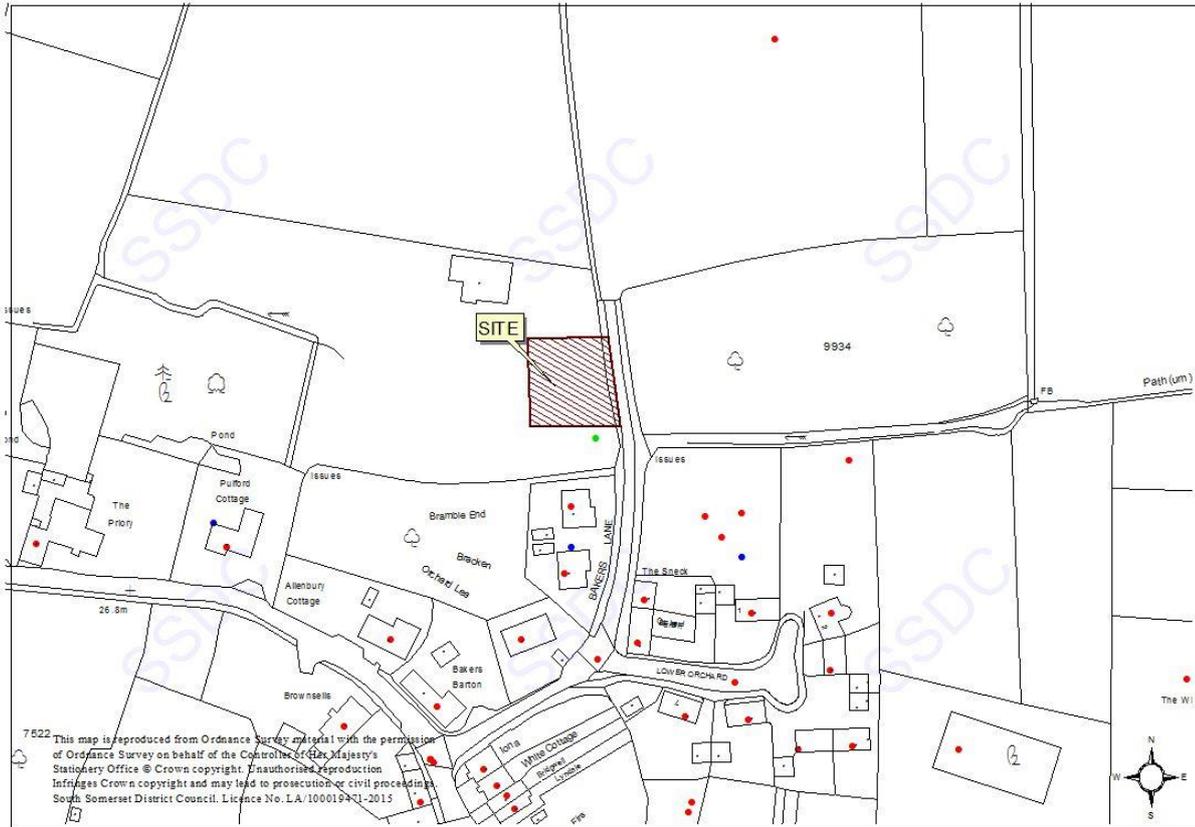
Proposal :	Outline application for erection of two dwellings
Site Address:	Land Adjoining Bramble End Bakers Lane Barrington
Parish:	Barrington
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	31st August 2017
Applicant :	Dr And Mr Rowswell
Agent: (no agent if blank)	Paul Dance Paul Dance Ltd Foxgloves 11 North Street Stoke Sub Hamdon Somerset TA14 6QR
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to Committee at the request of the Ward Member to enable a full discussion of the issues raised by local residents and the Parish Council.

SITE DESCRIPTION AND PROPOSAL





The site is located to the north of the village, towards its western end, on the west side of the cul-de-sac Baker's Lane. The site surrounded on all sides by agricultural land, separated on the southern side from the nearest dwellinghouse by a strip of open land. To the north-west of the site (within the ownership of the applicant) is a large steel-framed agricultural building. Immediately west of the site is a group of polytunnels. The lane at this point, although an adopted highway, has no metalled surface and is in poor condition.

Outline permission is sought for the erection of two detached dwellinghouses, with all detailed matters reserved for later determination.

HISTORY

No relevant recent history.

POLICY

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

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

SD1	Sustainable Development
SS1	Settlement Strategy
SS2	Development in Rural Settlements
SS4	District Wide Housing Provision
SS5	Delivering New Housing Growth
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ3	Historic Environment
EQ4	Biodiversity

National Planning Policy Framework (March 2012)

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

Policy-related Material Considerations

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

CONSULTATIONS

Parish Council: *Councillors voted to support the outline application but would like to draw your attention to the following concerns that were raised at the meeting. The applicant expressed his desire to work with the community and yourselves to address these matters:*

- *To consider a tie between the houses and the surrounding land so that the surrounding fields are not developed for housing*
- *To address residents' concerns about traffic in Bakers Lane by considering a turning area for vehicles*
- *To address residents' concerns about drainage and water flow by incorporating drainage measures into future plans*

The Parish Council welcome a FULL planning application in order to be able to consider these important issues more fully.

Highways Authority: Standing advice applies.

SSDC Highway Consultant: *I note that this is an Outline application with all matters reserved. I would recommend conditions are imposed securing (a) a 2.4m back and parallel splay (no obstruction greater than 600mm) across the whole site frontage, including red and blue edged land, (b) the provision of adequate on-site parking in line with the SPS (numbers and dimensions) set back into the site so that there is sufficient width (6.0m) to turn within, (c) the proper consolidation and surfacing (not loose stone or gravel) of the car parking and apron areas, (d) the implementation of suitable surface water drainage measures.*

SSDC Landscape Officer: *I am familiar with the application site and its wider context, and believe the main landscape consideration to be the likely effect of development impact upon landscape character and local distinctiveness. LP policy EQ2 requires development proposals to preserve and enhance the character of the local environment.*

Barrington is primarily a linear settlement that lays on an east-west axis, with the historic pattern broadly

reflected by the large Conservation area, which strongly relates to the main village street. The extent of the Conservation Area in Barrington - covering the majority of the village core - along with the presence of Barrington Court (a grade 2 registered HP&G) at the east edge of the village, brings a strong conservation ethos to development considerations within and abutting the village. This site lays beyond and to the north of the main village street and its general linear form, yet is within the immediate setting of the village conservation area.*

Historically, there was no development presence fronting onto Bakers Lane, to thus project built form away from Main Street, other than small-scale agricultural barns, whilst the historic settlement pattern maintains a distance between Barrington's main thread of development - as represented by the conservation area - and the well-used hollow lane that runs between Bakers and Gibbs Lanes to the immediate north of this site, of which this site's southern boundary is a westward projection. Consequently I view this proposed northward extension of residential form toward open farmland beyond this boundary line as a physical encroachment into the farmed land north of the existing housing edge, to be in a manner that is at variance with the village's historic pattern. I also note that this northward projection will erode the undeveloped gap of small paddocks that currently buffer the village from the large fields of the wider agricultural landscape further to the north - part of the village's wider rural setting - to be contrary to village character, and a subtle erosion of its setting.

Consequently I do not support this application, for it would result in an adverse impact upon landscape and visual character, due to the spread of domestic form at the rural edge of the village, in a manner at variance with local settlement character, and the historic settlement pattern. This landscape objection is substantiated by the recently published PPG (Natural Environment) which has re-iterated the need to reference local character in planning for change due to development, without sacrifice of character and distinctiveness. A layout in the form proposed is clearly at variance with the historic settlement pattern, to fail to relate to local context, and erode local distinctiveness, and as such satisfies neither the guidance, nor our LP policies EQ2 and EQ3.

County Rights of Way: No objections.

REPRESENTATIONS

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

- increased traffic raises highway safety and nuisance issues, with poor turning facilities
- using this agricultural land will set an unacceptable precedent - there is open land on both sides of the lane which could be used in this way
- the development is not 'infill' development but housing on agricultural land
- there would be an adverse impact on infrastructure
- there has been long-standing community objection to development on this lane: particularly focussed on land just to the east and south of this site, where numerous applications have been refused and appeals dismissed
- permission would lead to applications to develop the rest of the field
- views will be harmed
- the location is unsustainable, with poor access to services and facilities, and the proposal is contrary to the Local Plan
- there would be harm to the setting, including the setting of the conservation area
- the proposal will create additional noise

CONSIDERATIONS

Principle of Development: Policies SS1 and SS2 of the Local Plan

Barrington is identified as a Rural Settlement under Policy SS1 of the Local Plan. Rural Settlements are to be considered as part of the countryside to which national countryside protection policies apply. Within these Settlements, Policy SS2 aims to control and limit new development, an exception to which is development that meets an identified housing need, particularly for affordable housing. Where new housing is proposed, the policy requires the scheme to have the support of the local community. Furthermore, new housing development should have access to two or more key services. The services are identified in paragraph 5.39 of the Local Plan and include local shops, community halls, pubs, health and social care facilities, recreation, faith and education facilities.

The village has more than the two key services, including a church, a pub and a village hall.

Five-Year Housing Land Supply

The Council cannot currently demonstrate an adequate 5-year land supply. Under these circumstances, policies controlling the housing land supply (such as Policies SS1 and SS2) should be considered out of date. Paragraph 14 of the NPPF states that where relevant policies are out-of-date, permission for sustainable development should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Limited weight will therefore be applied to the aim of limiting housing land within these policies.

Community Support - Policy SS2

Whilst aspects of Policy SS2 of the Local Plan might be considered 'out of date' owing to the absence of an adequate 5-year land supply, appeal Inspectors have given weight to the need for development to demonstrate 'support of the local community following robust engagement and consultation'. In this case, the Parish Council has offered conditional support, appearing to prefer the submission of a full planning application which can deal with the disposition of the entire field and provide some guarantees of a limit on development. Their comments, and the very detailed and strong objections submitted by 7 near neighbours of the site, do not demonstrate strong local support, based on robust engagement and consultation. In this respect, the proposal is considered to fail to meet the requirements of Policy SS2 of the Local Plan.

Visual and Landscape Impact

Barrington is a linear settlement, with the historic pattern largely contained within the large Conservation area, which relates to the prime village street, appropriately called Main Street. The extent of the Conservation Area in Barrington, covering most of the core of the village, also brings a strong conservation ethos to development considerations in the village, and at the periphery. Historically, there was no development presence fronting onto Bakers Lane, other than small scale agricultural barns, though three bungalows and the Lower Orchard development now have access onto the Lane. However, the historical pattern has always maintained a distance between development to the rear of Main Street, and the green lane that runs between Bakers and Gibbs Lane. This proposed northward projection of the village well beyond the extent of the green lane is therefore considered to be a physical encroachment into the open land north of the existing housing edge (for this is a rural setting) in a manner that is completely at variance with the village's historical pattern.

Appeal Precedent: In considering two parallel applications in 2009 (08/02367/FUL and 08/02368/FUL), for applications which would have resulted in two detached houses on a site immediately south of the footpath between Bakers Lane and Gibbs Lane (i.e. immediately south-east of this site), the Appeal Inspector noted, in identical comments on both decisions, that:

Barrington is a linear settlement with a relatively small number of dwellings built behind those on the main street frontage. A feature of the pattern and character of the village are the numerous gardens and small paddocks that sit between the main developed area and the agricultural landscape beyond as a

transition between the settlement and the countryside. The land to the north of Lower Orchard has fulfilled this role in its previous existence as part of a farmyard and continues to do so as an open area of garden beyond the existing dwellings...

He then determined that he considered:

...that a dwelling built on the appeal site[s] would be prominent in the landscape, particularly during the winter, when viewed from Bakers Lane, Gibbs Lane and the public footpath adjoining the northern boundary of the site. It would have the effect of extending the confines of the settlement into the countryside. I consider this would be harmful to the appearance of the locality and the setting, form and character of the settlement...

The application site is further removed from the village, to the north-west of this appeal site, and these concerns apply equally. The proposal is considered to be harmful to the established character and appearance of this sensitive setting at the edge of the village, and contrary to the aims of the NPPF and Policy EQ2 of the Local Plan.

Sustainable Development

Given the housing land supply shortfall, the proposal is required to be assessed in terms of its sustainability. Paragraph 7 of the NPPF advises that there are three dimensions to sustainable development: economic, social and environmental. To promote sustainable development in rural areas, paragraph 55 of the Framework advises that housing should be located where it will enhance or maintain the vitality of rural communities.

The economic role of sustainability includes contributing to the creation of a strong, responsive and competitive economy. There would be some economic benefits during the construction phase of the development, but these would be limited.

The Social Role of sustainability is supported in this instance by the provision of two new dwellings, which would contribute positively towards alleviating the Council's current shortfall of supply.

The environmental role of sustainability includes making a contribution towards the protection of the natural and built environment. Policy EQ2 of the Local Plan requires development to achieve a high quality of design which promotes local distinctiveness and preserves or enhances the character and appearance of the District. The proposal is considered harmful to the character of the setting of village (including the setting of its extensive conservation area), and in this respect, the proposal is not considered to represent sustainable development.

Residential Amenity

There are no nearby neighbours whose residential amenity would be harmed by two additional dwellings, and the site affords adequate opportunity to devise a layout that would ensure a good standard of amenity for future occupants.

Highway Safety

The lane is a cul-de-sac, and there would be little or no passing traffic. Although the indicative layout shows a parking layout that is not ideal, it is considered that there is adequate space to enable access and parking that protects highway safety.

Parish Comments

It is noted that the Parish has reservations about the proposal, notwithstanding the advice that the application is supported. The suggestion that all the owner's land be 'tied' to the development is not considered appropriate or necessary: any future proposals would require planning permission, and it is not practicably possible to prevent future owners of the land making any such applications.

The parking and turning arrangements are considered generally acceptable, although they would form

the subject of further consideration under reserved matters, which would be given further consideration at that stage.

Drainage is generally a building control matter, which can be dealt with in further detail at reserved matters stage. The site is not within a high-risk flood zone (i.e. it is in Flood Zone 1) and no special controls are considered necessary at this stage.

Comments of Local Residents

These have all been carefully considered and largely dealt with above. The following further comment is made:

- although precedent is not generally a planning consideration, it is agreed that extending development this far beyond the current extent of the village would be harmful, and would change the way other land along this lane would be viewed in future; it is agreed that two dwellings in this position could well lead to rationalisation of the lane and further development, which has long been strongly opposed to the north of the village
- two dwellings would not have a significant impact on infrastructure that would warrant a refusal
- the loss of a view is not a material planning consideration
- noise associated with dwellinghouses is not considered to represent a reason for refusal of the proposal

Conclusion

The proposal does not enjoy full local support, and is considered to fall short of the requirement under Policy SS2 of the Local Plan to demonstrate 'support of the local community following robust engagement and consultation'. Assessed under the wider sustainability aspects set out in the NPPF, there is some benefit as identified in details above, in the provision of two new dwellings. However, the identified harm to the character and appearance of the setting, which includes the setting of a long-established historical pattern of development protected by the Conservation Area, is not considered to be outweighed by the benefit. The proposal is considered to represent unsustainable development for these reasons, and is accordingly recommended for refusal.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASON

01. The proposal would result in the extension of development along this narrow country lane that would encroach into this sensitive area of countryside on the edge of the village. It would result in an adverse impact upon landscape and visual character, as a result of the spread of domestic form at the rural edge of the village, in a manner at variance with local settlement character, and the historic settlement pattern. The proposal is thereby considered to fail to reinforce local distinctiveness and respect local context. The identified harm is not considered to be outweighed by the contribution of two additional houses to the overall supply of housing land. In these respects the proposal is considered to represent unsustainable development and is contrary to the aims of the NPPF and Policies SD1, EQ2 and EQ2 of the South Somerset Local Plan.

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
