

South Somerset District Council

Notice of Meeting



Area East Committee

Making a difference where it counts

Wednesday 14th February 2018

9.00 am

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

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



The following members are requested to attend this meeting:

Mike Beech
Hayward Burt
Tony Capozzoli
Nick Colbert

Sarah Dyke
Anna Groskop
Henry Hobhouse
Mike Lewis

David Norris
William Wallace
Nick Weeks
Colin Winder

Consideration of planning applications will commence no earlier than **10.45am**.

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

This Agenda was issued on Monday 5 February 2018.

Alex Parmley, *Chief Executive Officer*

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



Information for the Public

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

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

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

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

Meetings of the Area East Committee are held monthly, usually at 9.00am, on the second Wednesday of the month in the Council Offices, Churchfield, Wincanton (unless specified otherwise).

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

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

Public participation at committees

Public question time

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

Planning applications

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

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

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

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

The order of speaking on planning items will be:

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

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

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

Recording and photography at council meetings

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

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

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

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Area East Committee

Wednesday 14 February 2018

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of the previous meeting held on Wednesday 10th January 2018.

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 Sarah Dyke, Tony Capozzoli, Nick Weeks and Colin Winder.

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

4. Date of Next Meeting

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

5. Public Question Time

6. Chairman Announcements

7. Reports from Members

Items for Discussion

- 8. Exclusion of the Press and Public** (Page 6)
- 9. Historic Buildings at Risk** (Pages 7 - 8)
- 10. Highways Update Report** (Pages 9 - 10)
- 11. Citizens Advice South Somerset (CASS)** (Page 11)
- 12. Action List (For information only)** (Page 12)
- 13. Area East Committee Forward Plan** (Pages 13 - 14)
- 14. Planning Appeals (For information only)** (Pages 15 - 30)
- 15. Schedule of Planning Applications to be Determined by Committee** (Pages 31 - 32)
- 16. 17/02712/FUL - 52 Ash Walk, Henstridge** (Pages 33 - 51)
- 17. 17/04176/FUL - Lavender Keepers, Great Pit Lane, Sandford Orcas** (Pages 52 - 61)
- 18. Planning Enforcement - West Farm, West Mudford, Yeovil** (Pages 62 - 64)

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

Exclusion of the Press and Public

The Committee is asked to agree that the following items (agenda item 9) be considered in Closed Session by virtue of the Local Government Act 1972, Schedule 12A under paragraph 3: "Information relating to financial or business affairs of any particular person (including the authority holding that information)." It is considered that the public interest in maintaining the exemption from the Access to Information Rules outweighs the public interest in disclosing the information.

Agenda Item 9

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Agenda Item 10

Highways Update Report - Area East

Lead Officer John Nicholson Assistant Highway Service Manager
Contact Details County Roads - countyroads-southsom@somerset.gov.uk

Purpose of the Report

The Report is to inform members of the work carried out by the County Highway Authority at this stage through the financial year and schemes remaining on the work programme for the rest of the year.

Recommendation

That Area East Committee notes the content of this report.

Verge Cutting

Grass cutting this year has been difficult due to the rapid growth of vegetation and as you can appreciate; our works are largely governed by resource. With a highway network exceeding 3500km in length, the size of the task is significant.

The County Council therefore has a policy and procedures that are in place to ensure the work is carried out in the most safe, effective and economic way. In a world of ever increasing risk assessment and claim/liability scenarios, the policy must take into account the range of road classifications across the network and prioritises them accordingly.

We were only able to do one cut on Class C and D this year, however we were able to do two cuts to Class A and B roads, including visibility splays. The programme was largely completed by the end of September.

Surface Dressing

Weather this year has been fairly kind to our surface dressing program. It commenced in June and was completed through various phases by the end of August. After this time the road temperature is too unpredictable to ensure there are no surface failures.

Surface Dressing is the practice of applying a bitumen tack coat to the existing road surface and rolling in stone chippings. Whilst this practice is not the most PR friendly, when carried out correctly it is highly effective and can bring significant improvements to the highway infrastructure.

Schemes for 2017/2018

The below table identifies significant schemes planned to be implemented in South Somerset and schemes in Area East are highlighted; (Green = completed, red = deferred, yellow = pending/ongoing)

Chard	A358 Furnham Road	Principal Resurfacing
Bruton	A359 Quaperlake Street	Principal Resurfacing
Yeovil	A30 Sherborne Road	Principal Resurfacing
Martock	B3165 North St to Pinnacle	Resurfacing
Somerton	Behind Berry	Resurfacing
Ilchester	B3151 Somerton Rd / Bondip Hill	Principal Resurfacing
Wincanton	B3081 Old Hill	Principal

		Resurfacing
Yeovil	Forest Hill	Resurfacing
Cudworth	Cudworth Street / Knights Lane	Resurfacing
West Crewkerne	Higher Farm Lane, Woolminstone	Resurfacing
West Crewkerne	Dunsham Lane	Resurfacing
Langport	Newton Rd / Somerton Rd	Footways
Broadway / Horton	St Peters Close	Footways
Martock	Stapleton Close	Footways
South Petherton	West End View / Court	Footways
Crewkerne	Southmead Crescent	Footways
Yeovil	Netherton Road	Footways
Yeovil	Sherborne Road	Footways
Yeovil	The Avenue / Crofton Rd	Footways
Yeovil	Gt Western Terrace	Footways
Tatworth	Station Road	Drainage
Fivehead	A378 Mile Hill	Drainage
North Cheriton	B3145 Cheriton Hill	Drainage
Ansford	Maggs Lane	Drainage
Barton St David	Main Street	Drainage
Corton Denham	Corton Denham Road / Ridge Lane	Drainage
Wincanton	B3081 Old Hill	Drainage
Alford	B3153 Cary Rd / Station Rd	Drainage
Chaffcombe	Kingston Well Lane	Drainage
Cudworth	Cudworth Street	Drainage
Yeovil	Sherborne Road	Drainage
Barwick	Two Tower Lane / Newton Rd	Earthworks
Penselwood	Combe Street – slip stabilisation	Earthworks
Bruton	Strutters Hill – embankment netting	Earthworks
Milborne Port	A30 (Crackmore) – embankment netting	Earthworks

Winter maintenance

The winter maintenance programme has now started, with effect from 1st October. Our salt supply for the upcoming season was delivered to the depot.

Somerset County Council salts over 1400km (870 miles) of its roads in anticipation of frost, snow and ice. This is approximately 21% of the total road network in Somerset.

Parish Councils were contacted for clarification on which bins required re-filling and invited to collect their allocation of ten 20kg grit bags on 25th November. I would note that there was not a large attendance and not many bins required re-filling

Agenda Item 11

Citizens Advice South Somerset (CASS)

Angela Kerr, Chief Executive Officer, of Citizens Advice South Somerset, will be attending Area East Committee to deliver the annual presentation to members on the work of CASS during 2017 along with their future plans.

Agenda Item 12

ACTION LIST from Area East Committee – 10 January 2018

Item	Action Requested	Update/Outcome
1	<p>Issues with Mudford car park. Enforcement requested by Parish but concern about impact. Possible asset transfer.</p> <p>AE Lead to follow up with Parish Council.</p>	<p>Ian Case (SSDC Property and Engineering) is planning to meet on site to discuss the future management and ownership of the Car Park.</p>
2	<p>Redlynch Park – residents concerned that English Heritage have classified it as ‘at risk’ – request briefing from Heritage staff in Planning.</p> <p>Communities Lead to follow up with Planning. HR emailed Andrew Tucker – would you be able to say what the issue is and the implications please?</p>	<p>Alex Parmley sent a letter in response to Lt. Col. Strong’s letter of enquiry, which has been copied to Cllr Anna Groskop (copy available on request)</p> <p>A verbal update will be given at the next meeting in February with the report</p>
3	<p>Anthrax situation at Mudford – Communities Lead explained that this matter is being fully considered by Planning Case Officers as part of the application.</p> <p>Communities Lead to request that Planning Lead Specialist brief Members on the methodology due to the level of local concern (email sent to SF 10/1)</p>	<p>10/1 Simon Fox’s email response: The application is pending and so there will be ample opportunity when we get to Area/Regulation Committee. To isolate one issue related to any application and undertake a briefing is without precedent.</p>
4	<p>Request that John Nicholson comes back with clarification around the following 2 issues:</p> <ol style="list-style-type: none"> 1) Why are SIDs no longer available to Parishes as this provides evidence for traffic calming? 2) Parishes are experiencing exceptional difficulties in getting TROs for speed restriction areas eg: Chilton Cantelo, Yeovilton – what is the reason for this and how can speed restrictions be progressed? <p>Kelly Wheeler to relay questions to John Nicholson for response or for briefing by relevant Highways’ Officers</p>	<p>24/01 KW circulated response from John Nicholson and advised members that further questions in relation to these issues could be raised at the February meeting.</p>
5	<p>Appeals – too many appeals are going against SSDC and this will be investigated, in depth, to understand the reasons and solution.</p> <p>Planning to work with the 4 Area Chairs and PFH to review and come back with recommendations in due course</p>	<p>Work is ongoing.</p>

Agenda Item 13

Area East Forward Plan

Service Manager: Tim Cook, Area Development Lead (East)
Lead Officer: Kelly Wheeler, Case Services Officer (Support Services)
Contact Details: Kelly.wheeler@southsomerset.gov.uk or 01935 462038

Purpose of the Report

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

Recommendation

Members are asked to:-

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

Area East Committee Forward Plan

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

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

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

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

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

Background Papers: None

Appendix A

Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
14 March 18	Welfare Benefits	Annual report update on the service – For information only	Catherine Hansford
14 March 18	Streetscene	6 monthly update on the service	Chris Cooper
14 March 18	Annual TC and PC Meeting Summary	To advise members of issues raised at annual Town and Parish Meeting	Tim Cook
14 March 18	SSCAT Bus Update	To inform members on the progress of the SSCAT bus	Tim Cook
11 April 18	Area Development Plan Report	To inform members of progress on activities and projects contained within the Area Development Plan	Tim Cook
11 April 18	Community Plans	To consider the Charltons and North Cadbury Community Plans	Tim Cook
13 June 18	Development Control Scheme of Delegation - Nomination of substitutes for Area East Chairman and Vice Chairman – 2018/19	To nominate two members to act as substitutes for the Chairman and Vice-Chairman in their absence	Martin Woods
13 June 18	Community Grant Applications	To consider any SSDC community grant applications	Tim Cook
13 June 18	Community Grant Programme	6 monthly update	Tim Cook
TBC	<i>A303 upgrade</i>	<i>To consider the proposed scheme</i>	<i>Tim Cook</i>
TBC	<i>Wincanton Community Hospital</i>	<i>Response to consultation on the future of Wincanton Community Hospital</i>	<i>Helen Rutter</i>

Agenda Item 14

Planning Appeals

Director: Martin Woods (Service Delivery)
Service Manager: Simon Fox, Lead Specialist - Planning
Lead Officer: Simon Fox, Lead Specialist - Planning
Contact Details: Simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

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

Recommendation

That the report be noted.

Background

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

Report Detail

Appeals Received

17/02162/OUT - Land at Mill Lane, Pitcombe, Bruton

Outline planning application for one single storey dwelling to include access and landscaping with all other matters (appearance, layout, scale) to be reserved.

17/01064/FUL – Land at Camp Road, Dimmer Lane, Castle Cary

Erect security building and staff parking area. Erect perimeter security fencing all in association with the storage of motor vehicles. Change of use of the land from B2-B8 use.

17/00792/FUL – Land at Higher Farm, Corton Denham Road, Corton Denham

Proposed erection of a stable block

16/03447/FUL – Land adjacent to Foxes Run, Bridgwater Buildings, Castle Cary

Erection of 27 no. dwellings with associated access, roads, footways, parking, drainage and landscaping

17/02462/PAMB – Church Farm, Stoke Trister, Wincanton

Notification of prior approval for the change of use of 2 no. barns to form 2 no. dwellings.

Appeals Allowed

None

Appeals Dismissed

16/02621/OUT – Land OS 8565 West of Pilgrim Way, Lovington, Castle Cary

Outline application for six open market dwellings with land for up to two affordable dwellings and construction of new access and footpath

17/01484/OUT - Land OS 1200 Bayford Hill, Wincanton

Outline application for phased residential development of up to 150 dwellings, incorporating access with all other matters reserved for future consideration

17/00673/FUL - Land Adjacent Lazy Days Marsh Lane Henstridge Templecombe

Erection of a detached two storey dwelling with improved alterations to the existing vehicular access with associated landscaping

Enforcement Appeals

None

Background Papers: None



Appeal Decision

Site visit made on 5 December 2017

by Rory Cridland LLB (Hons), Solicitor

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

Decision date: 22 December 2017

Appeal Ref: APP/R3325/W/17/3177206

Land West of Pilgrims Way, Hornblotton Green Road, Lovington, Castle Cary BA7 7PP

- 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 J Farthing, Brue Farms Limited against the decision of South Somerset District Council.
 - The application Ref 16/02621/OUT, dated 14 June 2016, was refused by notice dated 11 May 2017.
 - The development proposed is six open market dwellings with land for up to four affordable dwellings and construction of new access and footway.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

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

Main Issue

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

Reasons

4. The appeal site consists of part of an agricultural field situated along the B3153 and located on the western edge of the village of Lovington. The surrounding area is rural in character with development spread out over a wide area. Although the mature hedging along its boundary with the B3135 provides some modest screening of the site from the road, a public right of way¹ passes diagonally through the site and it is mostly open to views from the surrounding landscape.
5. Policy SS2 of the South Somerset Local Plan 2006-2028² (LP) restricts development in rural settlements other than in a limited number of defined circumstances and only where it is commensurate with the scale and character of the settlement. Similarly, LP Policy EQ2 requires new development to,

¹ FP W/N 15/13.

² adopted 2015.

- amongst other things, reinforce local distinctiveness, respect local context and to conserve or enhance local landscape character.
6. The proposal would involve the erection of 6 dwellings together with a new access road in what is essentially open countryside on the entrance Lovington. They would be visible from a number of vantage points both along B3135 and within the wider landscape. While I note the appellant's suggestion that the area should be considered to be more urban or 'sub-rural' in character, in view of its limited size and large geographical area, I do not agree with that assessment. When viewed from the B3135, Lovington is clearly a rural community characterised by secluded pockets of development. The addition of a significant amount of built form in this location would significantly alter this part of the settlement, introducing a more urban form of development to an area which is characteristically rural in nature. This would erode local distinctiveness and fail to preserve or enhance the character and appearance of the surroundings.
 7. Furthermore, the development would be highly visible from the nearby public footpath. With walkers having a high susceptibility to change, the impact would be considerable. The new dwellings would be clearly visible to path users and would appear in stark contrast to the existing rural outlook. They would appear as a prominent addition to the surrounding landscape which would further erode the rural character of this side of the village.
 8. The appellant has argued that the proposal would fall within the exemptions set out in Policy SS2 in that they would enable a separate employment based development at nearby Brue Farm³ to proceed as well as making a contribution to the area's need for affordable housing. However, in relation to the former, there is nothing which would indicate that implementation of the outline permission at Brue Farm is dependent upon the securing of the present scheme. Likewise, in relation to the latter, notwithstanding the lack of any identifiable need, the proposed development does not, in itself, secure any meaningful contribution to affordable housing in the district. Instead, the appellant proposes to gift land for such purposes. This does not, in my view, satisfy the requirements of Policy SS2. Accordingly, I do not consider the proposal would benefit from either of the above exemptions.
 9. Consequently, I consider the proposal would fail to reinforce local distinctiveness, fail to respect local context and would be harmful to the character of the surrounding area as well as the wider landscape. As such, it would be in conflict with LP Policies SS2 and EQ2 both of which, amongst other things, aim to protect against such harm.

Planning Balance

10. The Council accepts that it does not have a deliverable 5 year supply of housing land. Government policy as set out in the National Planning Policy Framework ("the Framework") advises that in such circumstances, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.

³ Planning Permission Ref: 16/02622/OUT.

11. The proposal would result in an additional 6 dwellings. Although not considerable, this would nevertheless make a meaningful contribution towards the local housing supply. I afford this a moderate amount of weight. Furthermore, it would provide a number of other benefits including its contribution to the local economy as well as providing some support for local services. Individually, these benefits are modest, however, cumulatively they provide some support in favour of the proposal and I also afford them a moderate amount of weight.
12. The appellant has also submitted a Unilateral Undertaking which includes obligations to transfer a portion of land to a registered affordable housing provider. However, I note that here is no firm policy basis for requiring such a contribution and that no actual affordable housing has been secured as part of the development. As such, I afford it only limited weight.
13. However, I have found above that the proposal would fail to reinforce local distinctiveness, fail to respect local context and would be harmful to the character of the surrounding area as well as the wider landscape. In view of the site's prominent location on the edge of the village and its visibility within the surrounding landscape, I consider the resultant harm would significantly and demonstrably outweigh the benefits identified above.

Conclusion

14. 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 Decision

Site visit made on 18 December 2017

by John Woolcock BNatRes(Hons) MURP DipLaw MRTPI

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

Decision date: 9 January 2018

Appeal Ref: APP/R3325/W/17/3180025

Land OS 1200, Bayford Hill, Wincanton

- 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 Oxford Law Ltd against the decision of South Somerset District Council.
- The application No.17/01484/OUT, dated 28 March 2017, was refused by notice dated 13 June 2017.
- The development proposed is phased residential development of up to 150 dwellings, incorporating access with all other matters reserved for future consideration.

Decision

1. The appeal is dismissed.

Preliminary matters

2. The site address above is taken from the appeal form; on the application form it is recorded as "Land to the east of Penn View". The appeal application is in outline with all matters reserved for later consideration, but with access to be determined as part of the application.¹ I have had regard to other details shown on the submitted drawings as illustrative material not forming part of the application.
3. Several trees on and near to the appeal site are the subject of a Tree Preservation Order. Ivy House, a former farmhouse which lies to the south-east of the site, is a grade II listed building. So too, are St Anne and St Teresa's, an attached pair of 19th Century cottages, located opposite to the southern part of the appeal site. Lodge Farmhouse, a grade II listed building, is located to the north-east of the site. St Andrew's Church, Stoke Trister (grade II listed), lies further to the east. Bayford Lodge and The Gatehouse, both undesignated heritage assets, adjoin the eastern boundary of the site. The Bayford Hill portion of the Wincanton Conservation Area lies to the south-west of the site.
4. The Council's third reason for refusal referred to insufficient information about the potential impact of the proposal on ecology, but with the subsequent submission of additional information as part of the appeal process the Council removed reason for refusal 3.
5. A draft planning obligation was submitted, but no completed obligation had been provided at the time of issue of this decision. The draft obligation

¹ This is confirmed in the Application Form and in the description of the proposed development on the Council's Notice of Determination, and in the heading of the Officer Report. However, the text of the latter refers to Access and Landscaping to be determined and states; "The landscaping acknowledges the need to preserve a 'gap' presence between the settlements."

addresses affordable housing, along with financial contributions towards equipped play facilities, education and youth facilities on commencement of the development that is the subject of this appeal. It also provides for a travel plan.

6. In compiling the obligation a drafting error was identified in the boundary of the site edged red on the application drawings. A short length of footpath had been incorrectly included within the application site. The appellant sought to amend this drawing at the appeal stage. The minor reduction in the site would make no material difference to the proposal, and I concur with the Council that it is unlikely that anyone would be prejudiced by dealing with the appeal on the basis of the amended red line boundary. I have, therefore, considered the appeal site to be that depicted on the Site Location Plan submitted by email dated 14 December 2017, and I have dealt with the appeal on that basis.

Main issues

7. The main issues in this appeal are the effects of the proposed development on:
 - (a) The character and appearance of the area, which includes protected trees.
 - (b) Heritage assets.
 - (c) Agricultural land.
 - (d) The supply of housing.

Planning policy

8. The development plan for the area includes the South Somerset Local Plan (2006-2028), which was adopted in 2015 (LP). Policy SD1 reflects the provisions of the *National Planning Policy Framework* (hereinafter the *Framework*) concerning sustainable development. The appeal site lies adjacent to, but outside of, the defined Development Area for the Primary Market Town of Wincanton.
9. For the purposes of the LP the site lies within the countryside where Policy SS1 provides that national countryside protection policies apply, subject to the exceptions identified in Policy SS2. These provide for development in rural settlements that would meet an identified housing need, particularly for affordable housing, where it would be commensurate with the scale and character of the settlement, and would increase the sustainability of the settlement. However, Policy SS5, concerning the delivery of new housing growth, provides for a permissive approach to the consideration of housing proposals adjacent to the development area of Wincanton. Policy SS4 states that provision would be made for at least 15,950 dwellings in the plan period.
10. LP Policy PMT4 provides for a direction of growth on the opposite site of Wincanton to the appeal site. LP Policy EQ2 requires development to be designed to achieve a high quality, which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district. LP Policy EQ4 seeks to protect the biodiversity of land.
11. The *Framework* seeks to boost significantly the supply of housing, but one of its core principles is to take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.

Reasons

Character and appearance

12. The site lies with the Blackmoor Vale NCA, which is characterised by lush clay vales with a rural character, along with small towns, like Wincanton, overlooking the vales. At the District level the site falls within the sub-area 'Wooded ridges and clay vales' landscape character area of the larger 'Escarpments, ridges and vales east of Yeovil'. Land use is predominantly pastoral. This character area is further subdivided, with the appeal site located within the 'Low Hills' character area, described as a group of hills which divide the clay vale above and below Wincanton. Windmill Hill is identified as the main landmark in this area. It notes that the greater part of Wincanton has grown over its southern hillsides. Within this character area the urban edge opens to wider countryside to the north (Windmill hill top and northern hillsides), east (Land around Bayford to the east of the town) and south-east (Land to the southeast of the A303 corridor). The appeal site falls within the 'Land around Bayford'.
13. The Council's assessment for 'Land around Bayford' refers to the shallow valley between Windmill Hill and Sunny Hill. Bayford is linked to Wincanton by the former alignment of the A303 coach road, which along its eastern side includes ribbon development, otherwise the settlements are separated by the raised saddle of ground that extends from Windmill Hill towards Coneygore Hill. It notes that this topographic separation places Bayford apart from Wincanton, within an individual valley setting. The historic landscape pattern is in part intact, with exceptions over part of the parkland south of Bayford Lodge, where field boundaries have been lost, along with specimen trees. This is graded of 'moderate sensitivity'. The narrow field adjacent to Penn View, which is considered to be dominated by urban presence, is graded 'low sensitivity'.
14. The appellant's landscape assessment finds that the proposed development would initially have a 'Moderate adverse' effect on the Land around Bayford to the east of the town sub area, which would reduce to 'Slight adverse' with mitigation planting after 10 years. I consider that this understates the likely harm that would result to the character of the area from the substantial erosion of the valley setting that currently separates Bayford from Wincanton. The appellant's assessment acknowledges that the proposal would have a 'Substantial' effect, both initially and after 10 years, on a key characteristic of this valley setting, which is its sloping topography.
15. I am not convinced that an acceptable scheme could be devised for 150 dwellings on this site that would maintain adequate separation between the built areas of Wincanton and Bayford. I do not consider that the illustrative scheme does so, because it shows dwellings occupying a substantial part of the gap that currently exists, to the rear of the roadside tree belt, between the dwellings at Way Close and The Gatehouse. A significant erosion of this gap would harm a feature of considerable local landscape importance.
16. Field trees within the site, along with former hedgerow trees give the site a parkland character. However, the most striking feature of the site is the established belt of trees along the site's southern boundary adjacent to the highway. This tree belt is a distinctive feature, which makes a significant contribution to the landscape character of the area. VPphoto10 shows the roadside wall and belt of trees, but it does not convey the extent of the dip in the land here between Wincanton and Bayford, or the importance of these

- trees in their wider context. It was evident from my site visit that this is much more apparent in views from the road for receptors travel east away from Wincanton. However, there are no photographs from this vantage point.
17. The proposed access and its visibility requirements would require the removal of a substantial part of protected tree group G5, including removal of 16 protected trees (1 Class C, 14 Class B and 1 Class A). The loss of these mature trees and the existing wall from the lower part of the gap between Wincanton and Bayford would alter the outlook from the road and significantly change how this part of the countryside was perceived. Trees could be replanted, but these would take a long time to mature, the wall would be set back further from the existing road alignment, and a permanent gap in the tree belt and wall would remain for the proposed access road and footways. I consider that the proposed access and the resultant loss of protected trees would have an adverse impact on the appearance and amenity of the area of substantial significance.
 18. Views from Public Rights of Way (PRoW) on Coneygore Hill (VPphoto13 and VPphoto14) include the steeply sloping western part of the appeal site as a prominent feature located at a high point in the local landscape. The upper slopes of the western part of the site also feature in views from the minor road near to the Church at Stoke Trister (VPphoto12). VPphoto9 provides a more local view of the significance of these upper slopes. Housing on these upper slopes would harm an acknowledged feature of the local landscape.
 19. There are also glimpses of the appeal site from Bayford Hill (VPphoto7 and VPphoto8), but these also show the houses along Penn View on the skyline. VPphoto5 indicates in the foreground the more shallow sloping land at the top of the appeal site, with the steeper land apparent in views from Coneygore Hill screened by the overgrown hedgerow and the local topography. The same applies for views from the southern part of the site in the vicinity of Penn View (VPphoto4). The local significance of these upper slopes is less apparent in views from PRoW to the east of the site (VPphoto3 and VPphoto2). But it is clear from VPphoto1 that dwellings spilling down this steeper part of the appeal site would be intrusive in both close-up views from PRoW WN28/1, and in the more distant views from Coneygore Hill.
 20. VPphoto11 and VPphoto6 show the field in the northern part of the appeal site, which is traversed by PRoW. Dwellings here would project into the open countryside and would appear, because of the topography and configuration of this field, poorly related to the existing residential development in the area.
 21. On the first main issue, I find that the proposal would have a substantial adverse effect on the character and appearance of the area. The loss of protected trees would be particularly significant in this regard. The proposed development would conflict with LP Policy EQ2 because it would not promote South Somerset's local distinctiveness or preserve the character and appearance of the district.

Heritage assets

22. I am required by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the setting of a listed building. The protected trees and wall on the opposite side of the road to St Anne and St Teresa's form a part of the setting to these listed buildings. Opening up a gap here would detract from the setting

of this modest pair of cottages by altering the perceived scale of their surroundings. The tree belt and wall currently provide a sense of enclosure for the rural space in front of the cottages. The proposed gap to create an access to the site would, even in the long term, have an adverse effect on the setting of these listed buildings. This would amount to less than substantial harm to the significance of a designated heritage asset for the purposes of applying the *Framework*.

23. The setting of the listed buildings at Ivy House and Lodge Farmhouse comprise their immediate context, and I do not consider that the proposal would materially affect the setting or significance of these designated heritage assets. St Andrew's Church is a considerable distance from the appeal site and the proposed development would not affect its setting. The undesignated heritage assets at Bayford Lodge and The Gatehouse would both be affected to some extent by the erosion of the gap between Wincanton and Bayford, along with some adverse impact from the loss of part of the roadside tree belt. But given the significance of these assets and the scale of likely harm, I do not consider that any adverse impact to either Bayford Lodge or The Gatehouse would weigh significantly against the proposal.
24. The Bayford Hill portion of the Wincanton Conservation Area is separated from the appeal site by public open space and a dwelling set within a large curtilage. Given the visual separation between the site and the Conservation Area, I am satisfied that a scheme could be devised for the proposed development that would not significantly affect views into or out of the Conservation Area.
25. On the second main issue, I have found that the proposal would harm the setting of the listed cottages at St Anne and St Teresa's. This harm should be weighed against the public benefits of the proposal.

Agricultural land

26. The Design and Access Statement does not mention the grade of agricultural land for the site, but maps submitted with the application indicated that it was classified as part grade 2 and part grade 3a, and the parties dealt with the application on this basis. The Council's first reason for refusal refers to a significant, avoidable and unacceptable loss of grade 2 and 3a agricultural land. The appellant's statement of case and draft Statement of Common Ground dated July 2017 refer to land classified as grade 2 with a smaller part grade 3a within the site's north-western corner. However, the appellant's final comments, dated November 2017, included an assessment, dated July 2014, which concluded that the land at Windmill Farm can be classed as predominantly grade 3b.
27. The *Framework* provides that the planning system should contribute to and enhance the natural environment by, amongst other things, protecting and enhancing soils. Paragraph 112 of the *Framework* provides that the economic and other benefits of best and most versatile agricultural land should be taken into account, and that where significant development of agricultural land is necessary areas of poorer quality should be sought in preference to that of higher quality.
28. The evidence submitted indicates that only a small part of the appeal site is best and most versatile agricultural land. Given that future housing provision in Wincanton by expansion into the adjoining countryside would be likely to have some impact upon agricultural land of grade 3a quality, I do not consider

that the loss here, and any related policy conflict, would weigh much against allowing the appeal.

Housing supply

29. The appellant and the Council came to an agreed position concerning housing land supply. On the latest available information, set out in a paper dated September 2017, the Council is considered to have 4.2 years supply. Paragraph 49 of the *Framework* provides that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. Therefore, in taking the decision for this appeal the second bullet point of paragraph 14 of the *Framework* applies. But that does not mean that LP Policies SS1 and SS2 should be disregarded, as they reflect the core principle of the *Framework* about recognising the intrinsic character and beauty of the countryside.
30. Up to an additional 150 dwellings would make a significant contribution to boosting the supply of housing in the District. The affordable units would be particularly beneficial. The contribution of the scheme to the provision of housing in the area is a consideration which weighs in favour of allowing the appeal.

Other matters

31. There is local concern about the effects of the proposal on highway safety. This includes additional traffic on Bayford Road serving a permitted AD facility in the locality. However, there is no technical evidence to indicate any likelihood that the proposed development, and its access, would give rise to an unacceptable risk to highway safety.
32. There is also local concern about the effects on wildlife, but no convincing evidence was adduced to indicate that harm to biodiversity would justify dismissing the outline proposal. I find no grounds to indicate that the proposal would be at odds with LP Policy EQ4.
33. I have taken into account all the other matters raised in the evidence, including reference to a 1920 covenant purporting to include an embargo on building houses on part of the appeal site. However, any such covenant would be a matter of law for the parties involved and not a consideration in determining this planning appeal on its merits.
34. Neither these, nor any of the other matters raised, are sufficient to outweigh my conclusions on the main issues, which have led to my decision on this appeal.

Conclusions

35. I am required to decide this appeal having regard to the development plan, and to make my determination in accordance with it, unless material considerations indicate otherwise. Notwithstanding that LP Policy SS5 provides for the consideration of housing proposals adjacent to the development area, the proposed development would conflict with LP Policies SS1 and SS2. I find that this is sufficient to bring the proposal into conflict with the development plan when taken as a whole.

36. Paragraph 14 of the *Framework* is engaged here because the Council cannot demonstrate a deliverable five-year housing supply. There are no specific *Framework* policies which indicate that the development should be restricted, and so the presumption in favour of sustainable development applies here. Therefore, the planning balance that applies in determining this appeal is whether any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole. This requires a balancing exercise of weighing the benefits of the proposed development against the harm, having regard to the three dimensions to sustainable development, as set out in paragraphs 6-10 of the *Framework*, and applying a 'tilt' in favour of the grant of planning permission.
37. The significant benefits of the additional housing, including affordable units, along with the overall contribution to the local economy, would weigh in favour of the scheme. The public benefits of the housing would outweigh the harm I have identified to listed buildings. But in my judgement, I consider that the substantial harm I have identified to the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole. I find that the planning balance here falls against the proposal. I do not consider that the scheme would be sustainable development, and so it would not accord with LP Policy SD1.
38. I have no reason to doubt that the matters cited in the draft obligation could be reasonably addressed by a completed section 106 agreement, which I understand is awaiting the required signatures. However, in the absence of a signed and dated agreement the lack of provision for necessary affordable housing and infrastructure means that the appeal cannot succeed.
39. There are no material considerations in this case which indicate that the appeal should be determined other than in accordance with the development plan. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Woolcock
Inspector



Appeal Decision

Site visit made on 17 October 2017

by **M Aqbal BA (Hons) DipTP MRTPI**

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

Decision date: 11 January 2018

Appeal Ref: APP/R3325/W/17/3175174

Land adjacent Lazy Days, Marsh Lane, Henstridge, Templecombe BA8 0SF

- 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 and Mrs Nettley against the decision of South Somerset District Council.
 - The application Ref 17/00673/FUL, dated 10 February 2017, was refused by notice dated 29 March 2017.
 - The development proposed is erection of a detached two storey dwelling with improved alterations to the existing vehicular access with associated landscaping.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Henstridge Conservation Area (CA) and, if harm arises, whether this is outweighed by other material considerations.

Reasons

3. The appeal site comprises a field with a broadly rectangular footprint adjacent to a large detached dormer bungalow (Lazy Days) along Marsh Lane. The appeal site is parted from Lazy Days by a low timber post and rail fence. Along its other boundaries with the exception of Marsh Lane the appeal site is bound by fields.
4. Located on the edge of the rural settlement of Henstridge the appeal site falls within the CA.
5. Policy EQ3 of the South Somerset Local Plan (LP) requires that all new development proposals relating to the historic environment will be expected to safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets. Policy EQ2 of the LP amongst other matters seeks to conserve and enhance the landscape character of the area and reinforce local distinctiveness.
6. Whilst there is no presumption against development in Conservation Areas, paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the

- significance of a designated heritage asset, great weight should be given to the asset's conservation.
7. The CA is centred about the High Street and limited sections of a few roads which branch off it, including Marsh Lane. From my observations the CA is characterised by a range of traditional houses, cottages, more modern dwellings also of a local style and associated spaces. The unifying factors of the CA include the strong focus of development along the High Street through Henstridge, proximity of buildings to roads, traditional vernacular and the extensive use of stone.
 8. A further unifying and distinct characteristic of the CA is a swathe of green infrastructure along its eastern boundary, which includes the appeal site. This area defines a predominantly undeveloped semi-rural edge to the CA, with more open countryside beyond. I note that the appeal site and fields north of it along with their associated field boundaries also broadly coincide with the medieval origins of Henstridge as shown on historic maps. Consequently, the appeal site makes a positive contribution to the significance, history, character and local distinctiveness of the CA.
 9. Marsh Lane is built up near to its junction with High Street but travelling east from this location it quickly becomes distinctly semi-rural in character and appearance, particularly beyond Lazy Days. This marked change is characterised by the narrow lane intimately flanked by high hedges with fields beyond.
 10. The appeal site is maintained in such a way that the field has a domestic appearance. However, due to the absence of development, its verdant character and extensive hedging along the boundary with Marsh Lane it positively contributes to the undeveloped semi-rural edge to the CA. Furthermore, because of its semi-rural character and appearance, when viewed from along Marsh Lane and because of the adjoining fields to the north and east and further fields south of the lane, the appeal site clearly identifies with the surrounding open countryside. The contribution of the appeal site to the semi-rural character and appearance along Marsh Lane is further noticeable because of its relatively wide frontage and elevated position relative to the lane.
 11. Despite being set back into the appeal site, the retention of existing landscaping and having a relatively low density layout; the introduction of a sizeable, principally two-storey dwelling in an elevated position relative to the lane would erode the undeveloped character and change the appearance of the site. The height and size of the proposed dwelling would mean that it would be evident in views along Marsh Lane, particularly as the front hedge, which is considerable in length would need to be re-aligned and maintained at a low height to achieve the requisite visibility splays. Consequently, the appeal site would appear developed and more visible.
 12. I acknowledge that the proposed development would also appear as a continuation of existing development along Marsh Lane and has been designed having regard to the local vernacular. However, development of this nature would appear as a significant intrusion of built development onto the appeal site thereby eroding and detracting from the semi-rural character and appearance of the site, which would significantly undermine the undeveloped semi-rural character of the CA, which the appeal site forms part of.

13. I note the appellants' offer of a landscaping scheme, which could be secured by a condition. However, given the topography of the appeal site and the requirement to maintain visibility splays along the frontage combined with the scale of the proposed dwelling, I am not persuaded that such a scheme would preserve the undeveloped semi-rural character of the appeal site.
14. For the above reasons the development would fail to preserve or enhance the character or appearance of the CA. The significance of the heritage asset would be harmed. I attach considerable importance and weight to the desirability of avoiding any such harmful effect. I therefore find conflict with Policy EQ3 of the LP.
15. Also and notwithstanding the absence of a Landscape Strategy for the district, given the above reasons, the proposed development would have an intrusive and erosive effect on the predominantly semi-rural landscape in this location, which would harm the character of the area. Consequently, the proposal would also be contrary to the aims of Policy EQ2 of the LP.
16. The harm the proposal would cause to the significance of the CA would be less than substantial. Paragraph 134 of the Framework states that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the proposal.

Other Considerations and public benefits

17. In this particular case the appellants have advanced a number of benefits arising from the proposal, which include the provision of an additional dwelling. I note from the Council's officer report that there is support in principle for development in this edge of settlement location. Therefore, bearing in mind the objective (paragraph 47 of the Framework) to boost significantly the supply of housing, the proposal would provide an additional dwelling of a type which is needed in the district.
18. There would also be economic benefits associated with the proposal including the provision of construction jobs and additional finances associated with the New Homes Bonus. Additionally, a further single dwelling would support and help to maintain the viability of existing facilities in the settlement and nearby.
19. The appellants have also suggested that the proposal performs an environmental role by preserving land of higher environmental quality by making use of the appeal site, which is considered to be of unremarkable quality. However, having found that the appeal site makes an important contribution to the distinctive semi-rural character of the area, I do not judge such an environmental role to be a benefit in this particular case.
20. Whilst I acknowledge the above socio-economic public benefits, these relate to a single dwelling and therefore would be limited and in my judgement would not outweigh the harm to the CA.
21. The appellants assert that the Council cannot demonstrate a 5 year supply of housing land as required by paragraph 47 of the Framework, which the Council does not deny. Where a local planning authority is unable to demonstrate a five-year supply of deliverable housing land, paragraph 49 of the Framework, which is a significant material consideration, indicates that relevant policies for the supply of housing should not be considered up-to-date.

22. The appellants have also advanced a number of social, economic and environmental benefits arising from the proposal as already detailed above.
23. In addition, to illustrate that the Council has supported development beyond the built-up edge of Henstridge, the appellants have referred me to planning application 16/21259/FUL, for the: 'Erection of a new dwelling (Revised Scheme) (GR 372566/119897)' at Land adjoining Keyham Cottage, Vale Street Henstridge. This was approved subject to conditions by decision notice dated 20 July 2016. I have considered the information provided and visited the area. I note that Vale Street is predominantly built-up with development opposite the site. Furthermore, the proposed dwelling would be substantially screened by mature trees and the site is also outside the Henstridge Conservation Area. As such, the context and circumstances of this proposal are different to the appeal before me, which I have considered on its merits.
24. I am also aware that there is some local support for the proposal. However, this in itself does not outweigh the harm arising from the proposal, which I have identified above.

Planning Balance and Conclusion

25. I have found that the proposal would conflict with Policies EQ2 and EQ3 of the LP. These policies are broadly consistent with the Framework, and therefore I attribute significant weight to the conflict with them.
26. Set against the above harm, I have identified the social and economic benefits of addressing the under supply of housing in the District. I attach limited weight to the provision of a single dwelling.
27. For the above reasons, in this instance the harm to the significance of a designated heritage asset is not outweighed by the public benefits of the proposal. I therefore find conflict with paragraph 134 of the Framework.
28. Paragraph 49 of the Framework states that housing applications should be considered in the context of the presumption in favour of sustainable development. For decision taking purposes this means, as set out at paragraph 14 of the Framework that where, as in this case, relevant 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 the Framework taken as a whole; or where specific policies in the Framework indicate that development should be restricted (such as designated heritage assets). My finding in respect of Paragraph 134 of the Framework means that specific policies in the Framework indicate that development should be restricted.
29. Consequently, the normal planning balance should apply. The development is contrary to the Local Plan and material considerations do not indicate that the proposal should be determined other than in accordance with the development plan. For the reasons set out above, I conclude that the appeal should be dismissed.

M Aqbal
INSPECTOR

Agenda Item 15

Schedule of Planning Applications to be Determined by Committee

Director: Martin Woods, Service Delivery
Service Manager: Simon Fox, Lead Officer (Development Management)
Contact Details: simon.fox@southsomerset.gov.uk or 01935 462509

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 10.45am.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 10.45am.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
16	BLACKMOOR VALE	17/02712/FUL	The erection of 3 no. dwellings along with associated access and parking	52 Ash Walk, Henstridge, Templecombe	Mr Paul Kellaway-Moore
17	CAMELOT	17/04176/FUL	Siting of a mobile home for agricultural worker (temporary dwelling) and alterations to access (part retrospective)	Lavender Keepers, Great, Pit Lane, Sandford Orcas	Mr J Hull

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 16

Officer Report On Planning Application: 17/02712/FUL

Proposal:	The erection of 3 No. dwellings along with associated access and parking.
Site Address:	52 Ash Walk Henstridge Templecombe
Parish:	Henstridge
BLACKMOOR VALE Ward (SSDC Member)	Cllr William Wallace Cllr Hayward Burt
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	23rd August 2017
Applicant:	Mr Paul Kellaway-Moore
Agent: (no agent if blank)	
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application was considered at Area East Committee on Wednesday 11th October 2017. Committee resolved to defer the application for a transport report to be produced by the SSDC Highways Consultant.

The SSDC Highway Consultant produced a report in response to the request (Appendix 1). The report recommended that the applicant should commission a traffic speed survey, to be undertaken by an independent specialist survey company, to establish the 85th percentile vehicle speeds on the A30 approach to the site access. He stated that without such a survey it is not possible to confirm whether the proposed visibility splays are adequate and recommended refusal if no survey is supplied.

The applicant has since carried out a speed survey (See Appendix 2 for summary of the speed survey or the council's website for the full report), which showed that westbound traffic has an average speed of 22.8 mph, with an 85th percentile speed of 25.9 mph, and that eastbound traffic has an average speed of 28.9 mph, with an 85th percentile speed of 33.3 mph. In response to this information the applicant has made minor revisions to the position of the proposed access and the proposed parking layout. The SSDC Highway Consultant has been consulted and the below report updated accordingly. The SSC highway Authority was also consulted but had not responded at the time of writing.

SITE DESCRIPTION AND PROPOSAL



This application seeks full permission for the erection of three two storey dwellings. The site consists of an area of land, which was formerly part of the garden serving a two storey semi-detached house, finished in brick, with a clay tiled roof. The site is broadly level and has been recently cleared of vegetation. The site is located outside of any development area as defined by the local plan. The site is close to various residential properties and is close to grade II listed buildings.

Plans show the erection of a terrace of three two storey dwellings at western side of the plot, with a new vehicular access at the eastern end of the plot opening onto a shared parking area to serve all three dwellings. The proposed dwellings would be finished in brick and stone, under a plain tiles and slate roof. The plan shows the provision of seven parking spaces on site.

HISTORY

None relevant

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF 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)

Policy SD1 - Sustainable Development
Policy SS1 - Settlement Strategy
Policy SS2 - Development in Rural Settlements
Policy SS5 - Delivering New Housing Growth
Policy EQ2 - General Development
Policy EQ3 - Historic Environment
Policy TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy HG4 - Provision of Affordable Housing: Sites of 1-5 Dwellings

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 12 - Conserving and Enhancing the Historic Environment

CONSULTATIONS

Henstridge Parish Council -

"It was proposed and unanimously agreed that the Parish Council recommends refusal of this application on the grounds that access to the site and the turning area present serious and significant highway safety issues, the proposal represented over-development of the site and that the design of the dwellings is inappropriate."

County Highway Authority - Standing advice applies

SSDC Highways Consultant -

"I have now considered the submission made by LvW Highways, including the results of the speed

survey and the details shown on the submitted plans.

I can confirm that I consider the details now presented in respect of the extent of the visibility splays, the access layout, the surfacing and drainage measures, and the on-site parking and turning provision to be acceptable. The widening of the frontage footway would represent a highway gain - the details of this would need to be submitted to and approved by the local highway authority as the widened footway would become part of the public highway. In my opinion, the KEEP CLEAR markings across the site access are appropriate in this case and I see no reason why such markings should not be supported by the highway authority, although, as I have indicated previously, I recommend this part of the proposal is presented to the County Council as ultimately, it is the highway authority that would need to approve such markings.

To summarise, in light of the recent submission, I believe there are no highways grounds to reject this scheme, provided the details shown on the submitted plans are secured by condition and subsequently implemented, in the event that planning permission is granted."

SSDC Environmental Protection Unit - No comments

SSDC Conservation Officer - Initially stated:

"I have reviewed the proposal in light of the listed properties opposite, to consider whether the proposal will harm the setting of these designated buildings. Historically the setting of the listed buildings has been heavily altered over the last century. Prior to this the field opposite the buildings was undeveloped. Either side of the listed pair large areas of land have been opened up for car parking and to form various commercial and industrial uses, leaving the historic buildings looking quite isolated. Inserting a row of modest and traditionally designed dwellings onto the application site will help to better contain the setting of the historic buildings, by giving good definition to the street frontage on the opposite side. The proposed buildings have modest proportions (narrow gable widths etc) and simple cottage detailing. I am satisfied that it is possible for them to sit here without harming the setting of the listed buildings.

There are however a few things that need further thought. I am concerned about the extent of mature hedgerow that has already been lost across the front of the site, and lack of information relating to boundary treatment on the site layout plan. I suggest a decent hedge is reinstated across the front boundary. This is likely to have an impact on the suggested visibility splays, but I feel this is an essential part of the scheme, as it will help anchor the new buildings into the site, and also avoid further expanse of open leaky undefined spaces within the environs of the listed buildings. Beyond the western corner of the site there may be scope to add one or two trees. The old maps indicate that there was a substantial tree here, that was perhaps the 'Henstridge Ash'.

On a similar theme I am concerned about the layout and expanse of car parking, that appears to be open to the road. The proposed area seems very large. It needs to be re-thought so that the frontage of the site is not dominated by a large parking court. The large expanses of tarmac that already exist either side of the listed buildings are negative components of the building's setting. We do not want to see a third area.

Turning to the building design, further clarification is needed relating to materials. The west gable will be quite prominent. This, and the projecting utility portion, should be stone. No lintel expression is shown over the window openings on the side elevations. Again, given that these will be readily viewed from the highway, lintels should be expressed over these openings.

Providing these things are properly addressed I should be able to support the scheme."

On the receipt of amended plans he verbally confirmed that he was content that his concerns had

been satisfactorily addressed, subject to conditions to control detailing of the buildings and details of the proposed landscaping.

REPRESENTATIONS

Letters of objection were received from the occupiers of 8 neighbouring properties. Objections were raised in the following areas:

- Highway safety
- Exacerbating congestion
- Overdevelopment
- Lack of garden for the original dwelling
- Not in keeping with the character of the area or neighbouring properties
- Overlooking of neighbouring properties
- Overshadowing of neighbouring properties
- Disturbance during the construction phase
- Lack of infrastructure
- Loss of existing hedgerows
- Potential contaminated land
- Land ownership issues
- Loss of views

One letter was received from the occupier of a neighbouring property that expresses no objection or support, but questions why no design and access statement has been submitted, and whether the correct notices have been served on landowners.

Further objections have been received since the application was considered in October. The letters raise no new issues, but provide emphasis and evidence to support earlier submissions.

CONSIDERATIONS

Principle of Development

The site is located outside of any development areas or directions of growth as defined by the local plan. As such, policy SS2 of the South Somerset Local Plan is of most relevance. However, elements of policy SS2 must be considered out of date, as SSDC cannot currently demonstrate a five year supply of housing land. It is noted that Henstridge is a broadly sustainable location, with several services and facilities contained within the settlement. It has reasonably good transport links and is very close to a variety of employment opportunities. The principle of some residential development within the village must therefore be considered acceptable, subject, of course, to full consideration of site specific impacts.

It is therefore considered that the principle of the proposed development is acceptable in accordance with the aims and objectives of the NPPF and policies SD1, SS1, SS2 and SS5 of the South Somerset Local Plan.

Highways

The highway authority was consulted and has referred to their standing advice, which the scheme largely complies with. As such, the SSDC Highway Consultant has considered the scheme in detail. Members will be aware that he initially raised a number of concerns with the proposal, but on the receipt of several sets of amended plans and additional information, he has concluded that his objections had all been addressed, subject to a condition to secure the visibility splays shown on the

final amended plan. As discussed above, members resolved to defer the application to allow further work to be done in this area. On the receipt of additional information from the parish council, the SSDC Highway Consultant advised that the applicant should carry out a speed survey or the application should be refused on the grounds of insufficient information. The applicant duly carried out the speed survey (Appendix 2) and presented the findings, along with some slight amendments to the access position and parking layout, as additional information. The highway consultant has reviewed the information and concluded that, subject to conditions to secure the revised layout, the proposal is acceptable for a highway safety point of view.

It is therefore considered that, subject to the conditions suggested by the SSDC Highway Consultant, there will be no significant adverse impact on highway safety in accordance with policies TA5 and TA6 of the South Somerset Local Plan. As such, notwithstanding the significant local concern in this area, highway safety impacts should not constrain the proposed development.

Visual Amenity

The site is located close to number of listed buildings and in a prominent location. As such, the SSDC Conservation Officer was consulted as to the impact of the scheme on visual amenity. He welcomed the proposal to introduce built form in this location, stating that the insertion of "*...a row of modest and traditionally designed dwellings onto the application site will help to better contain the setting of the historic buildings, by giving good definition to the street frontage on the opposite side.*" He noted that the proposed buildings would have modest proportions and simple cottage detailing. He concluded that he was satisfied that it is possible for them to sit on the site without harming the setting of the listed buildings. He did initially raise some concerns with the extent of the parking area, the loss of vegetation from the site, and some minor design issues with the proposed buildings. On the receipt of amended plans, he confirmed that all of his concerns had been satisfactorily addressed, subject to conditions to control detailing of the buildings and details of the landscaping. Such conditions are considered to be reasonable and necessary. Furthermore, due to the sensitivity of the location it is considered reasonable to remove the majority of permitted development rights on any permission issued.

Therefore, notwithstanding local concern as to the visual amenity impacts of the development, the proposal is considered to be of a satisfactory standard of design and materials that would have no adverse impact on visual amenity in compliance with policies EQ2 and EQ3 of the South Somerset Local Plan.

Residential Amenity

Neighbouring occupiers have raised objections to the proposals on the grounds of potential overlooking and overshadowing. In regards to overlooking, any potential overlooking from side elevation windows can be controlled through an obscure glazing condition on any permission issued, as the only first floor side elevation windows open onto landings. Similarly, in regard to the windows on the rear elevation, the only one with any significant potential to cause overlooking issues serves an en-suite, and can be obscurely glazed. In regards to the front elevation, there will be first floor windows that are only approximately 15 metres from facing windows on the opposite side of the road. However, the windows on the facing properties already face onto to the public highway, and therefore have very limited privacy in any case. It is therefore considered that the impact of facing windows on the opposite side of the road on the occupiers' privacy will be limited and certainly not significant enough to warrant refusal of the scheme.

In regards to overshadowing, the objector's position is noted but, due to the size, design and position of the proposed dwellings, it is not considered that there would be any demonstrable harm to the residential amenity of adjoining occupiers by way of overshadowing or overbearing.

A neighbour has raised a concern with changes to the view from their property. However, it is a long established principle of the planning system that it cannot protect the private views of individual occupiers.

Therefore, notwithstanding neighbouring concerns, the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the local plan.

Contributions

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 scheme is however liable for the Community Infrastructure Levy (CIL).

Other Matters

A concern has been raised regarding the lack of garden left for the original dwelling. However sufficient amenity has been retained to serve the dwelling.

Concerns have been raised as to the potential for disturbance during the construction phase. However, whilst all development will cause disturbance to some degree, such disturbance is transitory and there is no reason why this development would cause more disturbance than any other development of a similar scale. However it is accepted that, due to the proximity of the development to a significant junction of two main roads, construction traffic should be carefully controlled. As such a condition to secure a construction management plan is considered to be reasonable and necessary.

A concern has been raised as to whether existing infrastructure can cope with the development. However, no consultees or other agencies have raised concerns in this regard, and the quantum of development is relatively small. As such, it would be unreasonable to withhold development on this ground.

A concern has been raised regarding the loss of existing hedgerows and vegetation. However, the applicants have proposed a new hedge across the frontage of the site, which can be secured by a landscaping condition on any permission issued.

A concern has been raised that the site may contain contaminated land. However, the SSDC Environmental Protection Unit was consulted, and raised no objections in this regard.

Concerns have been raised in regard to land ownership issues and whether the applicants have signed the correct certificates on the application form. However, the LPA has no reason to doubt the applicant's claims in this regard.

Conclusion

Accordingly the proposal is considered to be acceptable in this location, and to cause no significant adverse impact on the character of the area, the setting of the nearby listed buildings, highway safety, or residential amenity.

RECOMMENDATION

Grant permission for the following reason:

01. The benefits to housing supply in South Somerset are considered to outweigh the lack of local benefits arising from the scheme, and as such the principle of residential development is considered acceptable. The proposed dwellings on this site would respect the character of the locality with no demonstrable harm to residential amenity, the setting of the nearby listed buildings, or highway safety. As such the proposal complies with policies SD1, SS1, TA5, TA6, EQ2, and EQ3 of the local plan, and the aims and objectives 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: AH/5 received 15 June 2017, AH/6A received 23 August 2017, and SK02 and SK03 received 18th January 2018.

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

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/roof lights/dormer windows other than those expressly authorised by this permission shall be constructed in the dwellings hereby approved without the prior written consent of the local planning authority.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

04. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or other alterations to the exterior of the buildings shall be made to the dwellings hereby approved without the prior written consent of the local planning authority.

Reason: In the interests of residential and visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no outbuildings or fences other than those expressly authorised by this permission shall be erected within the curtilages of the dwellings hereby approved without the prior written consent of the local planning authority.

Reason: In the interests of residential and visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no entrance gates shall be erected at the vehicular access hereby approved without the prior written consent of the local planning authority.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

07. Before the dwellings hereby permitted is first occupied, the approved access over the first 5m of its length shall be properly consolidated and surfaced (not loose stone or gravel) details of which shall have been submitted to and approved in writing by the Local Planning Authority, before works are carried out on the access.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

08. Before the dwellings hereby permitted is first occupied, the 'Keep Clear' markings shown on drawing SK02 shall be installed on the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority, before such works are carried out, unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

09. There shall be no obstruction to visibility greater than 900mm above adjoining road level within the visibility splays shown on drawing SK03. Such visibility shall be fully provided before the development hereby permitted is first brought into use and shall thereafter be maintained at all times.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

10. The area allocated for parking and turning on the submitted plan, drawing no. SK02, shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles used in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

11. No work shall be carried out on site to any external walls or roofs unless particulars of the materials (including the provision of samples where appropriate) to be used for external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Such particulars will include the detailed finish (rough sawn, hand tooled, etc.) Slate hooks shall not be used.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

12. No new stonework shall be constructed on site unless full details of the new natural stonework walls, including the materials, coursing, bonding, mortar profile, colour, and texture along with a written detail of the mortar mix, have been provided in writing; this shall be supported with a sample panel to be made available on site and approved in writing by the Local Planning Authority. The work shall be carried out in accordance with the agreed details, and the sample panel shall remain available for inspection throughout the duration of the work.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

13. No work shall be carried out to fit any doors, windows, boarding or other external opening unless details of the design, materials and external finish of these elements have been submitted to and approved in writing by the Local Planning Authority. This will include detailed drawings including sections of at least 1:5. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

14. No work shall be carried out to form any new window or door opening unless details of the expressed lintel have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

15. No work shall be carried out in relation to roof eaves, verges and rainwater goods unless the design details of all roof eaves, verges and abutments, all new cast metal guttering, down pipes, other rainwater goods, and external plumbing have been submitted to and approved in writing by the Local Planning Authority. Such details once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

16. The development hereby permitted shall not be commenced until 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 ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

17. Before the first occupation of the dwellings hereby permitted the windows(s) at the first floor on the east and west elevations, along with the rear facing en suite window on plot 1 shall be fitted with obscure glazing and shall only open via top hung fan lights and shall be permanently retained in that condition thereafter.

Reason: In the interests of residential amenity and in accordance with policy EQ2 of the South Somerset Local Plan.

18. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The

approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reason: In the interests of residential and visual amenity and in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan.

Informatives:

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email cil@southsomerset.gov.uk

Highways Report

Proposal: The erection of 3 No. dwellings along with associated access and parking

Location: 52 Ash Walk, Henstridge, Templecombe, Somerset, BA8 0QA

LPA Ref: 17/02712/FUL

Executive Summary

Upon receipt of additional information in the form of vehicle speed survey data of traffic travelling along the A30 close to the main signalised cross-roads in the village recorded by the County Council, it needs to be confirmed that the extent of the proposed visibility splays at the point of access to the application site, particularly in the easterly direction, would be sufficient. With this in mind, the applicant should commission a traffic speed survey, to be undertaken by an independent specialist survey company, to establish the 85thile vehicle speeds on the A30 on the approach to the site access. Without this information, it is not possible to confirm whether or not the proposed visibility splays of 2.4m x 43m are sufficient to enable drivers to emerge safely from the application site onto the A30.

In the absence of such speed survey information, refusal of the application should be considered by the local planning authority for the following reason:

Insufficient information has been submitted to the local planning authority to determine whether or not the proposed visibility splays at the point of access would be adequate to ensure that vehicles can exit the site safely onto the public highway. Consequently, without such information, the proposal is considered to be contrary to paragraph 32 (second bullet point) of the National Planning Policy Framework and in conflict with Policy TA5 of the South Somerset Local Plan.

Background

When advising the SSDC Planning Officers on the impacts of development proposals in terms of highway safety, the following main themes are considered. Under each theme the conclusions reached in this case have been set out.

Location of site: *Will the location of the site offer an opportunity for residents of the scheme to travel sustainably (i.e. to walk, cycle or use public transport to and from the site)?* In this case, the site is located in the village, within a comfortable/acceptable walking distance of the village services and facilities, including the bus services that serve the village. Therefore, the site is considered to be an acceptable location for new development in terms of residents having access to sustainable transport options.

Traffic impact of development: *How much traffic is the development likely to generate?* Generally, the traffic impact of a scheme onto the local highway network is considered during the morning AM (08:00-09:00) and afternoon PM (17:00-18:00) periods when traffic volume on the wider network is normally at its busiest. In this case, using data provided by the Trip Rate Information Computer System (TRICS), a development of three dwellings is forecast to generate two to three vehicle movements in the peak hours – typically two outbound and one inbound movement during the morning peak hour and one outbound and two inbound movements during the afternoon peak hour. Therefore, the traffic impact of the scheme onto the local highway network and at the nearby signalised crossroads is not considered to be significant or severe.

Standard/suitability of approach roads: *Is the width, alignment, condition of the road network and the standard of any nearby junctions, on the approaches to the site suitable to accommodate the increase in traffic resulting from the development scheme?* In this case, the A30 is clearly of a suitable standard to accommodate the minimal level of additional traffic predicted to be generated by the development.

Means of access: *Is the proposed point of access suitable/acceptable to serve as a means of access for the development scheme?* The considerations under this issue are whether or not the layout of the access in terms of its width is acceptable to accommodate the two-way movement of traffic, whether the visibility splays at the point of access are acceptable, whether the surface of the access is suitable, etc. In this case, an additional factor is the ability for vehicles to exit out onto the main highway and enter the site from the highway taking into account the potential for traffic queuing back from the nearby traffic lights. In this instance, the access would be wide enough to allow a car to enter the site should another be waiting to exit. The visibility splays at the back of the pavement would allow a driver emerging from the access to see pedestrians walking along the pavement, and a KEEP CLEAR highway marking across the access would allow vehicles to exit/enter the site should traffic be queued back from the traffic lights. However, the extent of visibility splay for vehicles to emerge safely onto the carriageway is now in question in light of the speed survey data received from the Parish Council; hence the recommendation that the applicant commissions a speed survey.

On-site parking/turning provision: *Is the level of on-site parking provision in line with the Somerset Parking Strategy (SPS) optimum standards and would vehicles have the ability to turn within the site so that reversing from or onto the public highway does not occur?* In this case, the dwellings would accommodate two bedrooms per house, which according to the SPS requires the provision of two car spaces per dwelling for residents. The SPS also requires 0.2 of a space per dwelling for visitor parking which in this case would equate to one full space (0.6 rounded up to 1). The submitted plan shows that six car spaces would be provided for residents (two per property) and one space for visitors. Therefore, the scheme is fully compliant with the parking strategy. The width of the driveway to the rear of the parking spaces is in excess of 6m. Therefore, it would be possible to manoeuvre in and out of the spaces without reversing from or onto the highway. Cycle parking should also be provided for the scheme. This can be conditioned.

Accident Data: A review of the accident data held by the Police Authority can sometimes be useful to establish if there has been any history of accidents in the vicinity of a development scheme. In this case, there appears to have been no recorded personal injury collisions along this eastern arm of the A30 close to the traffic lights in the last five years. Two incidents have occurred close to or at the junction of Vale View with the A30 further to the east in September 2012 and August 2009, and another incident occurred further to east again along Shaftsbury Road in February 2008. Upon closer scrutiny of the records, there have been no other incidents from the crossroads eastwards for a distance of 300m in the last 15 years.

Key Highways Issues

The key highway safety issue in this case is the provision of appropriate visibility splays at the access point to allow drivers to emerge safely from the site onto the public highway. Generally, in most built-up areas where the speed limit of 30mph applies, visibility splays of 2.4m x 43m are deemed to be acceptable (accounting for wet weather conditions), being in accordance with guidance set out in *Manual for Streets* which states that where the 85th percentile speeds along the main road are 30mph, visibility splays of 2.4m x 43m are recommended.

Having visited the site and observed traffic speeds, it was considered that the splays mentioned above would be suitable in this case given that westbound traffic has just travelled up an incline towards the site (which is likely to affect vehicle speeds) and that when the traffic lights are red for westbound traffic, vehicles would be decelerating. Visibility in the westerly direction for vehicles emerging from the site may be impeded by stationary westbound traffic waiting at the lights but such an occurrence is not uncommon in situations like this.

It is fair to say that it took a number of attempts for the applicant to provide the requisite site layout plan. On the latest amended plan, sightlines of 2.4m x 43m are shown. The easterly splay is taken to a point 1m off the carriageway edge but this was deemed acceptable given the guidance set out in *Manual for Streets*.

The speed survey data that has now been submitted by the Parish Council was captured at a designated site, approximately 80m west of the traffic lights on the A30 and about 150m west of the proposed site access. Therefore, it cannot be concluded with any assurances that the speeds collected at that designated point would be the same on the approaches to the application site access. However, it is considered that the submitted speed survey information is sufficient for this matter to be investigated in more detail; hence the recommendation that the applicant conducts an independent speed survey on the east side of the cross-roads to confirm whether or not the extent of the visibility splays for drivers emerging from the site would be sufficient.

The other details of the access arrangements in terms of its location being approximately 50m from the stop line of the traffic lights, being slightly staggered with the existing access opposite, being of a sufficient width (5m wide) to allow an inbound car to pass another exiting the site, accommodating the appropriate pedestrian/vehicular inter-visibility splays, the surfacing of the access, parking and turning, the provision of an adequate number of parking spaces in line with the Somerset Parking Strategy optimum levels, are all considered acceptable. The provision of KEEP CLEAR highway markings across the site access has been requested to avoid westbound traffic from blocking the access for vehicles seeking to turn right into and out of the site.

It is understood that a number of issues were raised at the Area East SSDC Planning Committee meeting on 11 October 2017. A summary of those issues and a response to the individual items is set out below:

Item 1: *The A30 at this point is subject to consistent breaches of the speed limit. Drivers speed up to get through a green/amber light, and sometimes skip the red lights.*

Response: The submission of additional information by the Parish Council in the form of speed survey data on the A30 captured by the County Council has influenced the decision to review the planning application; specifically whether or not the extent of the visibility splays at the proposed point of access would be acceptable, as set out above.

Item 2: *There are competing movements from other accesses adjacent and opposite.*

Response: It is the opinion of the highway consultant that the volume of traffic generated by the three dwellings, amounting to around two to three vehicle movements in the AM/PM peak hours (according to TRICS) is unlikely to lead to a significant number of conflicting traffic movements with vehicles using other private accesses in the immediate area.

Item 3: *Queues caused by cars wishing to turn right into the site will back up towards Milborne Port and cause a hazard for those coming out of the Templecombe arm around the blind corner.*

Response: The KEEP CLEAR road markings should prevent westbound traffic (queuing at the lights) from blocking the proposed access, thereby allowing vehicles seeking to turn right into the site, unobstructed access into the site.

Item 4: *An oil delivery lorry regularly blocks the west bound carriageway serving Combe Dene.*

Response: While this issue is worthy of note, it is a temporary and infrequent occurrence, and therefore it is considered that the development proposal should not be prejudiced by it.

Item 5: *If the Precision Clutch application (08/01404/FUL) was refused on highway grounds, why should there be highways support for this scheme?*

Response: The application for 12 dwellings and five workshops was recommended for refusal by the highway authority and subsequently refused by the planning authority for two reasons – (a) the development sought direct access to a National Primary Route via an unsafe access contrary to policy 49 of the Somerset Structure Plan, and (b) the extent of the proposed visibility splays were deemed to be insufficient, with the highway authority requiring sightlines of 70m in each direction. The subsequent appeal was dismissed. Since that application was refused, the Somerset Structure Plan has been revoked and there is no longer a policy that prevents new development deriving direct access to National Primary Routes. In addition, DfT produced *Manual for Streets* in 2007 which included new guidance on visibility splays that are lower than the previous standard set out in the *Design Manual for Roads & Bridges (DMRB)* and *Places, Streets & Movement DB32*. It is fair to say that it took some time for local highway authorities to adopt the new visibility standards. In this case, it would appear that the highway authority required the old DMRB/DB32 standards to be met which was not possible. The newer visibility splay standards set out in *Manual for Streets* have since been more readily adhered to by highway authorities, particularly since *Manual for Streets 2* was published in 2010.

Item 6: *School children use the pavement across the site frontage to get to and from school.*

Response: A specific request was made to the applicant to provide pedestrian/vehicular inter-visibility splays either side of the access in line with the SCC Highways Development Control Standing Advice guidance on this matter, so that a driver of a vehicle emerging from the site would be able to see any pedestrians walking along the pavement. This feature has been included on the submitted plans and can be conditioned. In addition, it is proposed to widen the footway across the site frontage from 1.5m to 1.8m.

Item 7: *There is no risk assessment. No account of splays, weather and speed.*

Response: The County Council is at liberty to carry out a Road Safety Audit (RSA) in respect of the access proposals at this planning application stage. When the planning application was submitted to SSDC, SCC indicated to the planning officer that Standing Advice applies in this case. This has been queried by the planning officer as to whether or not Standing Advice should apply in this instance given that the application is for three dwellings (the threshold is normally two or below when Standing Advice applies) and because the site fronts the busy A30. It is understood, however, that SCC has maintained that Standing Advice applies in this case. Notwithstanding this, the district council can insist that the County Council considers the application in more detail, and if the highway authority is minded to provide a more substantive response to the application it would be a decision

for the highway authority to consider whether or not an RSA should be undertaken by its own safety auditors. The issue of splays, weather and speed are dealt with above.

Item 8: Could yellow hatching be employed rather than keep clear markings? (Do other access here have similar?)

Response: Generally, yellow boxes are only be used at junctions where queuing traffic could be an issue and outside of police, fire or ambulance stations or hospitals, rather than at private accesses, such as that proposed in this case. That said, it is noted that there are yellow half-boxes at each entry/exit point of the petrol filling station located off the A357 on the northern arm of the nearby cross-roads junction and at an adjoining private domestic access. Notwithstanding this, it is the opinion of the highway consultant that KEEP CLEAR markings are the appropriate form of road markings to be used in this case. These are used throughout the country in similar situations. There are KEEP CLEAR markings at the entry/exit point to the Virginia Ash public inn on the west side of the cross-roads and outside the village hall on the A357 to the south of the cross-roads. The highway authority would have to approve the provision of any road markings on the highway (constituting an alteration to the highway layout), which is why the planning officer has been advised to consult with SCC on this particular matter.

Item 9: Could double yellow lines be insisted upon across the site frontage to prevent residents or visitors parking on the A30?

Response: It is the opinion of the highway consultant that even though the three dwellings would have pedestrian access directly onto the pavement fronting the site, it is unlikely that residents would park on-road outside their properties so close to the traffic lights. However, such action cannot be ruled out and therefore, there could be a case for implementing waiting restrictions along the site frontage from the cross-roads to the proposed point of access. Any such measure would require a Traffic Regulation Order and would need to be discussed and agreed with the highway authority to ensure that the County Council is content to support and enforce the implementation of such restrictions. If the highway authority is supportive of an Order, the costs would have to be met by the applicant.

Item 10: Chaos would be caused by the construction vehicles.

Response: It is recognised that the construction phase of any development needs to be carefully considered and managed. A Construction Traffic Management Plan (CTMP) can set out measures to reduce any interruption and delay to existing vehicular traffic so as to ensure that the impacts of construction traffic in the vicinity of the site and on the surrounding highway network are kept to a minimum. Such measures could include restricting the hours of deliveries to off-peak periods, the provision of temporary traffic management if necessary, setting out and arranging the site in the most efficient manner to reduce the potential for delivery vehicles to park on the highway, consideration of environmental / living conditions and waste management, setting out a programme of works, liaison with the highway authority at all stages, etc. The CTMP would have to be submitted and approved by the local authorities prior to commencement of the development.

Other matters: On-road parking to the east of the site would obscure visibility for vehicles exiting the site.

Response: Parking on the public highway should not occur, as of right, and where it presents a safety problem the Police Authority has the necessary powers to take enforcement action and to prevent it from taking place. That said, it is not possible to monitor situations such as this on a daily basis.

Equally, however, it is not considered reasonable to reject a planning proposal on these grounds given that parked vehicles are movable obstructions.

Since the application was presented to the SSDC Area East Planning Committee, representations have been submitted by the following:

Mr O'Donnell on 23/10/17 - Receipt of photographs and videos on memory stick

Mr O'Donnell on 19/10/17 - Email and letter of representation

Mr Player on 18/10/17 - Email with photos

Mr Player on 14/10/17 - Submission of Community Speed Watch data

Mr Player on 13/10/17 - Email concerning Community Speed Watch data

Henstridge Parish Council on 13/10/17 - Speed Indicator Device data

The above representations have been considered and taken into account when preparing this report.

Mike Bellamy

SSDC Highways Consultant

26 October 2017



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Mr D Heath-Coleman
Planning Officer
South Somerset District Council
Brympton Way
Yeovil

Date: 18 January 2018
Our Ref: 2017-389
Your Ref:
Reply To: Paul Lacey
By Email Only

Dear Sir

RE: App No 17/02712/FUL – 52 Ash Walk, Henstridge

I refer to an email from Mike Bellamy to Simon Fox (Planning Officer) dated 26 October 2017 and to an email received from Mike Bellamy dated 10 January 2018. Both emails are attached for ease of reference.

The first email recommended that a speed survey should be commissioned by a highway consultant and that the chosen consultant would be able to advise on whether any changes would be necessary to the site layout.

The survey was commissioned from the Paul Castle Consultancy by LvW Highways Ltd in the location shown on the attached diagram titled "A30 Henstridge ATC and Speed Survey". The location of the two tubes across the A30, shown as red lines in the top photo, was approximately 40 metres east of the proposed access into the site. The survey was undertaken for both directions of traffic on the A30 between 27 November and 3 December 2017 and was issued in Excel format. The results for both directions are shown attached and in summary show the following:

Westbound traffic

Weekday 24 hour flow of	2648 vehicles
Max hourly flow between 5 and 6pm of	239 vehicles (4 vehicles per min)
Average speed	22.8 mph
85 th percentile speed	25.9 mph

Eastbound traffic

Weekday 24 hour flow of	2802 vehicles
Max hourly flow between 8 and 9am of	246 vehicles (4.1 vehicles per min)
Average speed	28.9 mph
85 th percentile speed	33.3 mph

Based on Manual for Streets visibility standards the 85th percentile speeds indicate that a 2.4m x 50 metres splay is required to the west from the proposed access and a 2.4m x 35 metres splay to the

east. In order to ensure that the maximum possible visibility is available we have amended the layout to move the access slightly closer to the traffic signals. Two plans are attached as follows:

Plan SK02 1/250 scale at A3 showing

- 2.4m x 43m visibility to the road edge in each direction
- 1.8m wide footway along the frontage
- 5m wide access with 2.4m x 2.4m pedestrian splays
- KEEP CLEAR marking on westbound approach to signals
- Revised internal parking layout
- Grass garden areas to either side of access
- The first 6m of the access would be properly consolidated and surfaced and suitably drained to prevent water discharging onto the public highway

Plan SK03 1/500 scale at A3 showing

- Same info as SK02
- Actual visibility to east of 2.4m x 60 m to a point 1m from the road edge
- Visibility to west of 2.4m by in excess of 100 metres to approaching traffic through the traffic signals

As mentioned by Mike Bellamy the plans indicate a KEEP CLEAR marking that would be subject to a Traffic Regulation Order. I agree that this would be a useful addition to the design but do not accept that it would be essential. The 'keep clear' marking would enable eastbound traffic to turn into the development but if not available traffic could either wait for a gap, where drivers in the queue allow vehicles to enter the car parking area, or development traffic could turn right into Vale View and undertake a U turn. The addition of waiting restrictions along the site frontage is unlikely to be required as ample space is available in the parking area for visitor parking. One formal space is available for visitors but ample space is available for at least two further cars on a short term basis. Even in the situation with 9 cars parked on site there would still be sufficient manoeuvring area for vehicles to turn and exit the site in forward gear.

With the modifications shown in the two plans it is considered that all the issues raised by Mike Bellamy have been addressed and that there are no reasons to refuse the application on highway grounds.

If you have any queries please contact me.

Yours sincerely



Paul Lacey
Director

For and on behalf of LvW Highways

Enc Emails from Mike Bellamy
 Speed survey location and results
 Plans SK02 and SK03

Agenda Item 17

Officer Report On Planning Application: 17/04176/FUL

Proposal:	Siting of 1 No. mobile home for agricultural worker (temporary dwelling) and alterations to access (Part Retrospective).
Site Address:	Lavender Keepers Great Pit Lane Sandford Orcas
Parish:	Rimpton
CAMELOT Ward (SSDC Member)	Cllr Mike Lewis
Recommending Case Officer:	Dominic Heath-Coleman Tel: 01935 462643 Email: dominic.heath-coleman@southsomerset.gov.uk
Target date:	3rd January 2018
Applicant:	Mr J Hull
Agent: (no agent if blank)	Mrs Janet Montgomery Brimble Lea & Partners Wessex House High Street Gillingham SP8 4AG
Application Type:	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is before the committee, at the request of the ward member and with the agreement of the area chair, in order to allow the finely balanced arguments and the parish council support to be publicly debated.

SITE DESCRIPTION AND PROPOSAL





This application seeks permission for the erection of a temporary agricultural worker's dwelling in the form of a mobile home. The site consists of an area of agricultural land, forming an L-shaped field. The field contains a large agricultural building. The building is served by a hardcore track leading from an existing vehicular access from the public highway. The access has been significantly widened without the necessary permission, and a large area of hardstanding established around the agricultural building. An approval of the current scheme would effectively regularise these operations. The site is steeply sloping in places and predominantly laid to grass. The site is located outside of the development area as defined by the local plan. The site is surrounded by open countryside.

Plans show the provision of a mobile home immediately to the east of the existing agricultural building.

The application represents the resubmission of a similar scheme refused and dismissed at appeal in 2016. The current application represents a change to the proposed agricultural enterprise from a maximum of 12 breeding sows to a maximum of 30 breeding sows.

HISTORY

15/05159/FUL - Erection of temporary dwelling - Application refused 19/01/2016 - Appeal dismissed 13/10/2016

15/04685/FUL - Erection of temporary dwelling - Application withdrawn 27/10/2015

15/02666/AGN - Notification of intent to erect a steel framed agricultural building for housing equipment and feed and laying of hardcore track - Permission not required 22/06/2015.

15/02042/AGN - Notification of intent to erect a steel framed agricultural building for housing equipment and feed and laying of hardcore track - Prior approval required 11/06/2015

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)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS5 - Delivering New Housing Growth

Policy EQ2 - General Development

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG9 - Housing for Agricultural and Related Workers

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

CONSULTATIONS

Parish Council - Recommends approval

County Highway Authority - Refers to standing advice

SSDC Highways Consultant - States that the impact of the development on the local highway network would be low. He notes that the access has been improved and that the previous details of the access have been approved and accepted previously.

SSDC Landscape Architect - Notes the importance of landscape character impacts in national and local planning policy. He goes on to state:

"The site lays within the parish of Rimpton, which is characterised by a concentrated village core, beyond which is a dispersed pattern of settlement that is primarily agricultural, with built form laying alongside the road network. This site is located at the periphery of the parish, distant from the village core, and laying toward the head of the escarpment that overlooks the village and its vale context to the north. It is also removed from Sandford Orcas village to the east, which similarly occupies a valley location. As such, the site is not typical of domestic occupation, nor rural residential character, which is primarily village-based; occupying a valley context; and located adjacent the local highway network. In being in a location that is at variance with this local character, and introducing a residential use to a distinctly rural area, I consider the siting to fail to comply with local plan policy EQ2 in that it fails to conserve and enhance the character of the district."

External Agricultural Consultant - Provides full assessment of the functional and financial case for an agricultural worker's dwelling on site. The report provides the following conclusions:

"From the information supplied there is a clear will and intention to create a viable agricultural

business at Lavender Keepers, however essential need and justification for a dwelling has to be judged based on the nature and extent of the business concerned. The functional issues relating to outdoor pigs compared to pigs housed all year round in buildings are somewhat different and in this instance, given the lack of convincing evidence, I am minded to say that the functional test is not satisfied. Furthermore, this opinion is further enhanced by the scale of the activity which does not amount to a full time labour unit.

The financial information appears to show the potential for a viable business however without any price sensitivity given the reliance on a premium product and market the figures appear a little optimistic. However, given the level of potential profit, I am satisfied at this stage that the financial test is met.

Taking the above into consideration it will be the decision of the Council whether they would deem it appropriate to give temporary permission in this instance to allow the applicant to show he can develop the business as hoped and planned. However, given the nature and scale of the proposal is such that the functional argument is questioned, it is my opinion that that the presented case for a dwelling based on essential need is not justified and therefore I cannot support the application."

On the receipt of additional information, she provided further comments as follows:

"Mr Williams states that 30 sows is probably the smallest which warrants an one site presence; my conclusions regarding functional need is that it is a marginal case at best. Whilst Mr Williams has had success in other cases, my professional opinion does not match his in this instance. With an average of approximately one sow farrowing per week, this is a limited number of housed livestock on site at any one time.

I raised legitimate concerns regarding the land area available to the business, and I remain concerned that the essential need is marginal at best, and this stance is not unreasonable in my professional opinion. As my report concluded, it is for the Council to decide if they are willing to allow a temporary dwelling in this instance."

And

"In relation to labour, I note Mr Williams comments that 0.86 standard man days is indicative of someone primarily employed in agriculture. I do not dispute this, as it is not unreasonable to suggest that someone who spends more than half their employment time doing a certain activity could be deemed to primarily employed in that activity, however this does not automatically correlate to the essential need for someone to be on site at all times.

The Inspector noted in the 2016 appeal a University of Nottingham study, and Mr Williams and the applicant have again referred to this study in their recent comments. I am not in a position to dispute the overall reliability of the underlying data provided in the study, however I note that it is now approximately 10 years out of date, and was an analysis of information collated between 2004 and 2008. It may well be the most recent publication of this nature, however it is historic and represents average labour data during the survey period.

I note that Mr Williams is questioning the use of John Nix Farm Management Pocketbook (Nix), however he was content himself to use the information contained in it when he wrote his original appraisal supporting this application. I would suggest that Nix is the most regularly referred to publication, along side the ABC costing book when making an analysis of labour requirements. These publications are updated regularly (Nix one a year ABC twice a year) and are well know, accepted, used and respected publications. Whilst there may be other sources of information in the public domain, they all have some degree of sensitivity attached to them, whether this be the age of the data, or sample sizes etc.

This is a very finely balanced case. It is accepted that a dwelling would benefit the applicant and his operation of the business. I however remain concerned that 30 sows is a low threshold for justification for someone to be on site at all times. Essentially there is one sow housed at any one point in time, and only 60 farrowing events per year. I understand that the previous Inspector considered that 3 days care was required, with 7 days care required per farrowing in a worst case scenario. Taking the proposed 30 sows, this would result in a requirement over 180 days and in a worst case scenario 420 days of care. Even in the worst case situation it is likely that there would only be 2 sows housed at any one time, and I query whether this is a sufficient level of stock to justify an essential need and therefore a dwelling.

As previously stated the appeal cases mentioned are not directly comparable, and whilst some may have resulted in permission, it is clear that in some instances similar concerns have been raised by other professionals."

And

"I have had a call from the applicant this morning in relation to the below. He feels I have not understood two aspects in relation to the case:

- 1) That the land he rents from two neighbours is all adjoining and therefore the stock will be on site*
- 2) That there is evidence from the authors of Nix suggesting that the farm business data is more accurate to his case.*

Point one has been addressed in previous comments, and I do not believe that there is anything further to add presently.

In relation to the second point, I note the email correspondence the applicant received from both Paul Wilson and Graham Redman. Both authors infer that the Farm Business data may be more appropriate, however neither comment on the fact that the data in the 2009 Study (referred to by the applicant) is now relatively out of date. The information contained in the ABC November 2017 edition, using up to date Farm Business data, suggests an implied herd size (sows) 68 to occupy one full time worker, and is said to include an allowance for overhead activities. The proposed stock numbers are below this level.

As the ABC commentary suggests, arriving at exact labour figures is not an exact science. Whilst there may be need for a full time worker in the business I feel that 30 sows is a low figure to justify full time accommodation on site."

SSDC Environmental Protection Unit - Recommends that an informative regarding landfill gas is added to any permission issued.

REPRESENTATIONS

One letter of support received from the occupier of a property in Rimpleton. Support is raised on the grounds that this is the type of agricultural business that the area needs and that there is a need for somebody to live on site in the interests of animal welfare and security. They argue that the applicant has a good record of doing things properly and the site is always kept clean and tidy.

CONSIDERATIONS

History and Principle of Development

The current built form on site, consisting of an agricultural building and a track, was achieved through the agricultural notification procedure in 2015. A similar application to the current scheme was

submitted and withdrawn in 2015, and then submitted and refused in 2016, before being dismissed at appeal. The new application proposes a change to the business plan to increase from 12 breeding sows to 30 breeding sows.

The site is outside of any development areas, in open countryside and remote from any services, facilities, or employment opportunities. As such, there is a presumption against residential development. However, paragraph 55 of the NPPF makes it clear that the essential need for a rural worker to live permanently at or near their place of work in the countryside would be an exceptional circumstance that could justify the provision of such a dwelling. Policy HG9 of the local plan states:

"A development proposal in the countryside to meet the accommodation needs of a full-time worker in agriculture, horticulture, forestry, equestrian activities or other business where a rural location is essential should demonstrate that:

- *There is a clearly established existing functional need;*
- *The enterprise is economically viable;*
- *Provision on-site (or in the immediate vicinity) is necessary for the operation of the business;*
- *No suitable accommodation exists (or could be made available) in established buildings on the site or in the immediate vicinity;*
- *It does not involve replacing a dwelling disposed of recently as general market housing;*
- *The dwelling is no larger than that required to meet the operational needs of the business;*
- *The siting and landscaping of the new dwelling minimises the impact upon the local landscape character and visual amenity of the countryside and ensures no adverse impact upon the integrity of nationally and internationally designated sites, such as AONB.*

Where a new dwelling is permitted, this will be the subject of a condition ensuring the occupation will be limited to a person solely or mainly working, or last working in the locality in agriculture, horticulture, forestry, equestrian activities or other rural business (or a surviving partner of such a person, and any resident dependents)."

The specific requirements of this policy are addressed in turn below.

- *There is a clearly established existing functional need;*

One of the reasons for refusal on the previous application was:

It has not been suitably justified that there is an essential need for a rural worker to live permanently at the site, where the introduction of residential use in this rural location would be at odds with local landscape character and distinctiveness. As such the case for the construction of a temporary dwelling is not sufficient to outweigh the aims of local and national planning policies that seek to restrict development in the countryside. The proposal is therefore contrary to policies SD1, SS1, SS2, HG9 and EQ2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.

At appeal, the inspector considered this element in great detail. He stated that *"Although previous appeal decisions have indicated a need for a fulltime worker on enterprises with around 30 sows, on the evidence before me I am satisfied that the need for a fulltime worker is demonstrated"*. However, whilst he was content that enterprise generates a need for a fulltime worker, he was not content that a functional need for this worker to live on site had been demonstrated. He accepted that it is essential for a worker to be present during farrowing events, but concluded that, with 12 sows, the number of days requiring round the clock attention would not lead to an essential need to live on-site at all times. He did not accept that any of the other activities put forwards by the applicant justified a round the clock presence on site.

As part of the current application, the applicant has argued that with an increase of breeding sows from 12 to 30, there will be a commensurate increase in the number of farrowing events, and therefore a more frequent need for a round the clock presence on site. The applicant's agricultural consultant and the Council's consultant have had much discussion about whether the proposed enterprise generates a requirement for a fulltime worker. However, taking the inspector's comments into account, it must be accepted by the Council that such a requirement exists. However, the Council's advisor considers that even with 30 breeding sows, whether the number of farrowings justifies a full time worker to live on site is marginal at best, and concludes that it is not sufficient. Even allowing for three days needed on site per farrowing, the proposed stock level generates a need for 180 days on site. Given that this is the only functional need to be on site, it is not accepted that this is sufficient to generate the need for a dwelling to be permanently sited. The applicant's consultant has referred to several appeal decisions in this regard. However, none appear to be directly comparable, as all include other elements to the agricultural business.

A further concern has been raised by the Council's consultant regarding the need for rented land to serve the holding, and whether such land would be readily available in the long term. The applicant's consultant has set out that 5.3ha (the amount of land in the applicant's ownership) will accommodate between 64 and 132 pigs. He has stated that 10.3ha (the amount of contiguous land currently available to the applicant included rented land) will accommodate between 123 and 257 pigs. The applicant's business plan means that there would be a maximum of 246 pigs on the holding at any one time. The rented land is therefore essential to the operation of the business set out by the applicant. The applicant has made it clear that there is no formal arrangement in place for the use of the neighbouring land, and that an informal arrangement exists between the applicant and the neighbouring farmer. The Council is not convinced that such an informal arrangement is sufficient to secure such a vital component of the business plan. Although the applicant's consultant has referred to various appeal decisions where the inspector has held that the use of rented land is acceptable, it is not clear that these cases are directly comparable. In this case, if the land was suddenly not available, it is not clear how the applicant would sustain 30 breeding sows, which is the basis of his argument for requiring accommodation on site. It is clear that the functional need for a dwelling on site is marginal at best and this issue of unsecured (but vital) land lends further weight to the council's concerns regarding the functional requirement for a worker's dwelling on site.

- *The enterprise is economically viable;*

The application is for a temporary permission, which, if allowed, would give the applicant the opportunity to attempt to demonstrate that the enterprise is economically viable. The external agricultural consultant has expressed some doubt as to the financial viability, but ultimately concluded that the business is potentially suitably profitable, and advised that this could be properly assessed with a temporary three year permission.

- *Provision on-site (or in the immediate vicinity) is necessary for the operation of the business;*

As discussed above, it is not considered that it has been demonstrated that accommodation on-site is necessary for the operation of the business.

- *No suitable accommodation exists (or could be made available) in established buildings on the site or in the immediate vicinity;*

The enterprise is very new and situated on a small holding of only 5.3 hectares. The only building on site is the single barn recently permitted under the agricultural notification procedure. As such, there is no suitable accommodation existing or that could be made available on site. As the holding is remote from the nearest villages there is no suitable accommodation in the immediate vicinity.

- *It does not involve replacing a dwelling disposed of recently as general market housing;*

The proposal does not involve replacing a dwelling disposed of recently as general market housing.

- *The dwelling is no larger than that required to meet the operational needs of the business;*

The proposed dwelling is a temporary mobile home of standard dimensions at this point. As such, it is no larger than that required to meet the operational needs of the business if a functional need for any sort of dwelling was established.

- *The siting and landscaping of the new dwelling minimises the impact upon the local landscape character and visual amenity of the countryside and ensures no adverse impact upon the integrity of nationally and internationally designated sites, such as AONB.*

The visual impacts of the scheme are discussed in more detail below. However, if the principle of a new dwelling to serve this holding could be established, then the proposal for a mobile home close to the existing built form on the site, does all that it could to minimise the impact upon the local landscape character and visual amenity of the countryside. There would be no adverse impact upon the integrity of any nationally and internationally designated sites.

It must therefore be concluded that a functional need for an agricultural worker's dwelling on site has not been established by the applicant, contrary to policy HG9 of the local plan, and, as such, there is no reason to depart from local and national policies seeking to prevent the building of new dwellings in unsustainable countryside locations such as this. The first reason for refusal on the previous permission has not been addressed.

Highways

The highway authority was consulted as to the impact of the scheme on the local highway network. They raised no objections to the scheme. The SSDC Highways consultant was also satisfied that the impacts of the proposal on the surrounding highways network would be less than severe.

Visual Amenity

The SSDC landscape architect was consulted as to the impact of the scheme on visual amenity. He noted that the parish of Rimpton is characterised by a concentrated village core, beyond which is a dispersed pattern of settlement that is primarily agricultural, with built form laying alongside the road network. He noted that the site is located at the periphery of the parish, distant from the village core, and laying toward the head of the escarpment that overlooks the village and its vale context to the north. He also noted that the site is removed from Sandford Orcas village to the east, which similarly occupies a valley location. As such, he concludes that the site is not typical of domestic occupation, nor rural residential character, which is primarily village-based; occupying a valley context; and located adjacent the local highway network. In being in a location that is at variance with this local character, and introducing a residential use to a distinctly rural area, he considers the siting to fail to comply with local plan policy EQ2 in that it fails to conserve and enhance the character of the district.

The above conclusions are on the basis that a new dwelling has not been justified in terms of the agricultural needs of the enterprise. If the need had been established it would be difficult to resist the application for landscape reasons in relation to the principle of residential occupation in this uncharacteristic location.

In regard to the previous application, the landscape architect also noted the proposals to widen the access, and create sight-lines and concluded that removal of lengths of this existing hedgerow would impact upon the local character, as would a wide, consolidated access, which would also be at variance with the objectives of LP policy EQ2. This concern formed the basis for the second reason for refusal, which was:

It is considered that the significant widening and consolidation of the original agricultural field access would be at odds with local character and distinctiveness, contrary to policy EQ2 of the South Somerset Local Plan and to the aims and objectives of the National Planning Policy Framework.

The inspector considered this aspect as part of the previous appeal and he concluded that *"this element of the proposal would accord with the design criteria of Policy EQ2 of the Local Plan to promote South Somerset's local distinctiveness and preserve the character and appearance of the district."* As such, it would be unreasonable to sustain this reason for refusal. The inspector reached this conclusion on the basis that control over specification of surface materials, gates and landscaping is retained through conditions on any permission issued. As such, it is considered reasonable to impose conditions to control these elements on any permission issued.

Residential Amenity

Due to the size and position of the proposed dwelling, and its remoteness from any neighbouring properties, it is not considered that there would be any significant adverse impact on residential amenity in compliance with policy EQ2 of the local plan.

Conclusion

The parish council and a neighbouring occupier have expressed support for the scheme. Whilst the parish's support of the applicant is noted, justification for new dwellings in countryside locations must be considered carefully. When such dwellings are justified on the basis that they are required to accommodate an agricultural worker, the local planning authority must be satisfied that the planned agricultural enterprise really does require a full time worker to live on site, and that the enterprise is based on a reasonable financial plan. Such care is necessary, not least to ensure the bar is not set too low, which could have implications across the district. In this case the proposed enterprise is based on the keeping of 30 breeding sows on a holding of 5.3 hectares. Based on all of the available data, and the advice of the Council's agricultural consultant, it is not considered that the functional requirement for a worker to live on site full-time has been established.

Therefore, notwithstanding the support of the parish council, the principle of a dwelling in this location is considered to be unacceptable and contrary to local plan policies SS1, SD1, and HG9, and the aims and objectives of the NPPF.

Furthermore, with no established agricultural need for a dwelling in this location, it is considered that introducing a residential use to the site would be uncharacteristic of this rural area and therefore contrary to policy EQ2 of the South Somerset Local Plan.

Accordingly the proposal is recommended for refusal.

RECOMMENDATION

Refuse for the following reason:

SUBJECT TO THE FOLLOWING:

01. It has not been suitably justified that there is an essential need for a rural worker to live permanently at the site, where the introduction of residential use in this rural location would be at odds with local landscape character and distinctiveness. As such the case for the construction of a temporary dwelling is not sufficient to outweigh the aims of local and national planning policies that seek to restrict development in the countryside. The proposal is therefore contrary to policies SD1, SS1, SS2, HG9 and EQ2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.

Informatives:

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

In this case, the applicant/agent was advised that the proposal did not accord with the development plan and that there were no material planning considerations to outweigh these problems.

Agenda Item 18

Planning Enforcement - West Farm, West Mudford, Yeovil

Director: Martin Woods, Service Delivery

Service Manager: Simon Fox, Lead Specialist-Planning, Development Management

Lead Officer: Simon Fox, Lead Specialist-Planning, Development Management

Contact Details: simon.fox@southsomerset.gov.uk

Purpose of Report

To discuss the appeal outcome and enforcement proceedings concerning the use of land as a vehicle haulage contractor's yard and retention of use of workshop for manufacture of concrete products and ancillary office space at West Farm, West Mudford, Yeovil, BA21 5TL.

Public Interest

The formal enforcement of a planning enforcement notice in the public interest.
The matter concerns an existing business with a number of employees.

Recommendation

That members consider the officer's report and provide direction as to whether they wish to allow a longer period for compliance with the enforcement notice or if the period of compliance should be fully enforced.

Background

Officers first received an enforcement complaint regarding the use of land and buildings at West Farm, West Mudford in late 2015. The situation was monitored until mid-2016 when activity on the site increased to a point where a material change of use could be argued. Preliminary enforcement proceedings commenced in June 2016. In August 2016 the applicant submitted a Certificate of Lawfulness (COL) to establish the lawful use of the site. This was determined in October 2016. Concurrently a planning application was submitted for the change of use of the land and buildings as a vehicle haulage contractor's yard and retention of use of workshop for manufacture of concrete products over and above that lawful use determined by the COL. That application was refused in October 2016 because of two reasons;

01. The main access to the A359 and the approach lanes to the site from the east and west by reason of their insufficient width, alignment and geometry are considered unsuitable to serve as a means of access, given the increase in traffic (particularly HGVs) that is likely to occur. The use of such approach lanes raises safety issues for walkers, cyclists and horse-riders and the impact of passing places cannot be assessed without further information. The site is considered to be an inappropriate industrial incursion to the rural countryside that fails to preserve or enhance the character and appearance of the area. As such the application is considered contrary to the aims and objectives of the National Planning Policy Framework and policies EQ2 and TA5 of the South Somerset Local Plan (2006-2028).
02. In the absence of an FRA the applicant has failed to demonstrate that the development would not cause an increased flood risk elsewhere and that appropriate safeguards have been undertaken to prevent pollution. As such the application is considered contrary to the aims and objectives of the National Planning Policy Framework.

A formal enforcement notice was also served at the time of issuing the refusal (Oct 2016). The enforcement notice required the applicant to:

- a) cease the use of the site as a vehicle haulage contractor's yard,
- b) cease the use of the workshop for the manufacture of concrete products,
- c) remove the hard surfacing in the extended area of yard,
- d) restore the extended yard area to its former condition, and
- e) remove all vehicles and associated non-agricultural paraphernalia from the adjacent field.

The enforcement notice required the landowner to comply with the notice within 3 months of issue. The enforcement notice and the application were immediately appealed via the Planning Inspectorate (PINS) meaning the enforcement proceedings were held in abeyance. Unfortunately the appeal process was slow meaning the appeal site visit was not held until September 2017. In November 2017 the appeal was dismissed and the enforcement notice upheld. Despite the landowner/applicant seeking an extension to the period for compliance from PINS the Inspector maintained the 3 month period stipulated by the Council.

The period for compliance with the notice is therefore 3rd February 2018.

To date it is understood the applicant/landowner/business owner is having genuine difficulties finding another site to relocate to meaning business continuity is at risk and the future of the business may be prejudiced as a result. The compliance period has also coincided with Christmas. If the notice has not been complied with by 3rd February 2018 SSSDC has to consider whether to enforce the notice to its full affect which at the moment will close the business and render its employees redundant.

There are genuine attempts to find another site, now involving our own Economic Development officers and given the implications to the innocent employees in this case the Council has been asked to consider extending the compliance period.

Consideration

Members and local residents may have little sympathy with the applicant/landowner/business owner given the retrospective nature of the enforcement complaint, the impact on the local area and residents, plus the length of time this episode has taken to get to this stage, however there are jobs at risk if the notice is fully enforced. It is for this reason alone that this report seeks Members' view on what course of action to take.

By debating this issue in public the applicant/landowner/business owner can also make representations directly to the committee in terms of the impacts on his business and the efforts he is making to comply with the notice. Conversely local residents can make their comments. This is important because one of the impacts identified in refusing the application and the dismissal of the appeal has been HGV movements, which cause highway safety concerns as well as noise and disturbance. Members will need to weigh up the continuation of this 'harm' against business continuity.

Potential Options

1. To agree to an extension to the notice, items (a) and (b) for 4 months and items (c-e) for 6 months; or
2. To agree another length of time for all items or any individual item, or
3. To hold enforcement proceeding in abeyance in order to seek more information as to the impacts of carrying out enforcement action on the business and its employees; or
4. To deny any extension and instruct officer's to fully enforcement the notice.

Financial Implications

The financial implications largely fall on the applicant/landowner/business owner. However the implications for any subsequent redundancies may have some impact on SSDC through reliance on benefits.

Carbon Emissions & Climate Change Implications

There are no envisaged impacts.

Equality and Diversity Implications

The specific circumstances of all employees at risk are not known at this stage.

Background Papers

Enforcement case 15/00342/USE (confidential)

Application 16/03580/COL

Application 16/03738/FUL

Enforcement Notice served 28th October 2016