



---

## Area North Committee

**Wednesday 25th March 2020**

**2.00 pm**

**Council Chamber, Council Offices,  
Brympton Way, Yeovil BA20 2HT**

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



---

The following members are requested to attend this meeting:

Neil Bloomfield  
Malcolm Cavill  
Louise Clarke  
Adam Dance

Mike Hewitson  
Tim Kerley  
Tiffany Osborne  
Clare Paul

Crispin Raikes  
Dean Ruddle  
Mike Stanton  
Gerard Tucker

Consideration of planning applications will commence no earlier than 2.20pm.

For further information on the items to be discussed, please contact the Case Officer on 01935 462596 or [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Monday 16 March 2020.

*Alex Parmley, Chief Executive Officer*



This information is also available on our website  
[www.southsomerset.gov.uk](http://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 North Committee are held monthly, usually at 2.00pm, on the fourth Wednesday of the month (except December).

Agendas and minutes of meetings are published on the council’s website

<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

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

## **Public participation at committees**

### **Public question time**

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

### **Planning applications**

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

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

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

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

The order of speaking on planning items will be:

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

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

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

## **Recording and photography at council meetings**

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

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

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

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

Ordnance Survey mapping/map data included within this publication is provided by South Somerset District Council under licence from the Ordnance Survey in order to fulfil its public function to undertake its statutory functions on behalf of the district. Persons viewing this mapping should contact Ordnance Survey copyright for advice where they wish to licence Ordnance Survey mapping/map data for their own use. South Somerset District Council - LA100019471 - 2020.

# Area North Committee

## Wednesday 25 March 2020

### Agenda

#### *Preliminary Items*

#### 1. Minutes

To approve as a correct record the minutes of the previous meeting held on 26 February 2020. The draft minutes can be viewed at:

<http://modgov.southsomerset.gov.uk/ieListMeetings.aspx?CId=129&Year=0>

#### 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 Neil Bloomfield, Malcolm Cavill, Adam Dance and Crispin Raikes.

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

#### 4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 22 April 2020** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

5. **Public question time**
6. **Chairman's announcements**
7. **Reports from members**

*Items for Discussion*

8. **Community Grant to Hamdon Community Arts Project (Executive Decision)** (Pages 6 - 10)
9. **Area North Committee Forward Plan** (Pages 11 - 12)
10. **Planning Appeals** (Pages 13 - 17)
11. **Schedule of Planning Applications to be Determined By Committee** (Pages 18 - 19)
12. **Planning Application 19/03241/OUT - Land East of Keepers Lodge, Little Norton, Norton Sub Hamdon** (Pages 20 - 33)
13. **Planning Application 19/03358/FUL - Ark Farm, New Manor House Road, High Ham** (Pages 34 - 40)

**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

## Community Grant to Hamdon Community Arts Project (HCAP) (Executive Decision)

*Director:* Netta Meadows, Director of Service Delivery  
*Lead Specialist:* Tim Cook, Locality Manager  
*Lead Officer:* Adrian Moore, Locality Officer  
*Contact Details:* [adrian.moore@southsomerset.gov.uk](mailto:adrian.moore@southsomerset.gov.uk) or 01935 462409

### Purpose of the Report

Councillors are asked to consider the awarding of a grant of £12,500 towards the purchase of the ex-United Reformed Church (URC) in Stoke-sub-Hamdon by the Hamdon Community Arts Project (HCAP).

### Public Interest

Awarding grants is a key way that SSDC supports and helps to deliver community projects sponsored by parishes and voluntary community organisations in the towns and villages across the district.

HCAP has applied to the Area North Community Grants Programme for financial assistance with the purchase of the ex-URC building. The application has been assessed by the Locality Officer who is submitting this report to enable the Area North Committee to make an informed decision about the application.

### Recommendation

That Councillors award a grant of £12,500 to the Hamdon Community Arts Project (HCAP), towards the purchase of the ex-United Reformed Church (URC) in Stoke-sub-Hamdon, the grant to be allocated from the Area North Community Grants Programme and subject to SSDC standard conditions for community grants (Appendix A).

### Application Details

Name of applicant:	Hamdon Community Arts Project
Project:	Purchase of the ex-United Reform Church Building
Total project cost:	£100,000
Amount requested from SSDC:	£12,500
Application assessed by:	Adrian Moore

### Community Grants Assessment Score

The table below shows the grant scoring for this application. Applications must meet the minimum score of 22 to be considered for SSDC funding under Community Grants policies.

Category	Actual score	Maximum score possible
A Eligibility	YES	Y/N
B Equalities Impact	3	7
C Need for project	4	5
D Capacity of organisation	12	15
E Financial need	6	7
F Innovation	3	3
<b>Grand total</b>	<b>28</b>	<b>37</b>

## Background

The ex-URC building on North Street is a large, beautiful Grade 2\* listed building in the conservation area of Stoke-sub-Hamdon. It closed as a church in December 2016 and the building is now being managed by the URC South Western Synod Inc. who are paying the costs of the facilities, and collecting rents from the three primary user groups currently in residence:

- **The Hamdon Play Group** - a committee run playgroup that has been in operation in the village for over 42 years, and is a registered charity itself
- **The Stoke Band** - which has used the church building for rehearsals, training and storage since 1945.
- **The Stoke Charity Shop** - which has been in operation for over 7 years, and has used the building

HCAP Committee was formed in 2017 and has a membership of existing URC user members, along with a supporting Steering Committee. HCAP has a formal constitution, and obtained Charitable Status in August 2019. The HCAP also have a Business Plan – *a copy of which has been circulated to members of Area North Committee under separate cover.*

## Parish information

Parish*	Stoke-sub-Hamdon
Parish population	1,968
No. of dwellings	905

\*Taken from the 2011 census profile

## The Project

HCAP intends to conclude a bid for the purchase of the ex-URC building in North Street, Stoke-sub-Hamdon. HCAP and many supporting village residents wish to see the facility retained as a community facility for pre-school teaching, to continue to provide the safe and secure storage for the shop and meeting facilities to the existing primary user groups. These groups include: The Hamdon Play Group, which provides play and teaching for children aged 2-5 years for 38 weeks of the year, and for 30 hours per week. There are six staff, with 26 children on the register, and they achieved a 'Good' in their last Ofsted assessment in 2020.

Stoke Charity Shop, which uses two areas within the church for easily accessible storage and HCAP Committee, who have their meetings within the facility.

Following the purchase of the building HCAP want to provide for future users. The facility will be able to accommodate Music, Arts and Crafts. These groups include:

- Stoke Performing Arts Group (SPAG) - a group that produces and performs plays, and requires permanent storage space for props, costumes, scenery and other equipment and an eventual all year venue for rehearsals, staging, and lighting for future shows.
- Local artists - to display their work (this happened in September 2019, as a part of Somerset Arts Week exhibitions).
- An Arts and Crafts exhibition centre - for local arts and crafts, the first of which took place in October 2018.
- Music events - which have already included:
  - Young People's Music Festival in February 2018

- Winter Ghosts event in March 2018
- Madrigals to Mozart event in July 2018
- Trio Arquebus event in November 2018
- Faure Requiem in November 2018
- Organ recitals in 2018 and 2019
- Young Musicians competitions in 2018 and 2019

If HCAP is unable to complete its bid, the Church Synod has stated that it intends to sell the property on the open market, and its future use will be lost to the village as a community venue. The URC has been a community venue in the village since the early 19th century.

### Local support / evidence of need

As part of its Feasibility Study in 2017, HCAP talked to other organisations within the village including the Parish Council and looked at the alternative potential facilities within the village:

- The Stoke Youth Centre (ex-West Street Methodist Church)
- The Stoke Memorial Hall
- Stoke Working Mens Club (WMC)
- The Lighthouse Building

HCAP concluded that none of the above facilities could meet the requirements of the existing and future URC building users due to:

- a) The Stoke Youth Centre's usage being limited to youth activities only within its constitution
- b) The Stoke Memorial Hall already being heavily utilised and being unable to accommodate the storage requirements of the existing URC primary users
- c) The Stoke WMC not being able to provide the facilities or permanent storage capacities required
- d) The Lighthouse facility being too small to meet the Band and Play Group requirements and unable to provide permanent storage facilities for the Charity Shop as it is used on 2 days a week as a café itself and 1 day a week for the Stoke Lunch Club

HCAP also held two Open Days in the URC building on 6<sup>th</sup> and 29<sup>th</sup> May 2017 to provide the community with an opportunity to see the building, find out about its use and its current users and to raise awareness of its potential closure. It also gave the community the opportunity to provide its ideas about future uses for the facility.

### Project costs

<b>Project costs</b>	<b>Cost £</b>
Purchase price of the ex-URC building	100,000
<b>Total</b>	<b>100,000</b>

### Funding plan

<b>Funding source</b>	<b>Secured or pending</b>	<b>Amount £</b>
Parish Council	Secured	12,500
Own Funds	Secured	25,000
Mortgage	Pending	50,000
SSDC	Pending	12,500
<b>Total</b>		<b>100,000</b>



## Conclusion and Recommendation

It is recommended that a grant of £12,500 is awarded

## Financial implications

The balance in the Area North Capital programme is £119,379. If the recommended grant of £12,500 is awarded, £106,879 will remain.

Grants are awarded subject to all other funding being secured before the commencement of the project and are on a % basis of the full project costs. Payment of the grant cannot exceed the grant award and is proportionally reduced if full project costs are under budget.

## Council Plan Implications

### Key priorities for Area North - Area Chapter:

- Healthy, Self-reliant Communities
  - Support a range of improvements to community buildings

### Council Plan themes and Areas of focus for 2019/20

- Healthy, Self-reliant Communities

To enable healthy communities which are cohesive, sustainable and enjoy a high quality of life we will:

- ❖ Embed social value into all processes and activities to ensure we maximise the support we give to our communities
- ❖ Work with partners to reduce the impact of social isolation and create a feeling of community
- ❖ Work with partners to support people in improving their own physical and mental health and wellbeing
- ❖ Enable quality cultural, leisure and sport activities

- Environment

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

- ❖ Promote a high-quality built environment

## Equality and Diversity Implications

The project aims to provide for people across all age and interest groups in the local community.

---

## Appendix A

### Standard conditions applying to all SSDC Community Grants

#### The applicant agrees to: -

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

#### Standard conditions applying to buildings, facilities and equipment

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

# Agenda Item 9

## **Area North Committee – Forward Plan**

*Director:* Netta Meadows, Strategy and Support Services  
*Officer:* Becky Sanders, Case Officer (Strategy & Commissioning)  
*Contact Details:* becky.sanders@southsomerset.gov.uk or (01935) 462596

### **Purpose of the Report**

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

### **Public Interest**

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

### **Recommendation**

Members are asked to note and comment upon the Area North Committee Forward Plan as attached, and to identify priorities for any further reports.

### **Area North Committee Forward Plan**

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

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

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

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact one of the officers named above.

***Background Papers:*** None

---

## Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; at [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

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

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Background / Purpose</b>	<b>Lead Officer(s) SSDC unless stated otherwise</b>
<i>TBC</i>	<i>Somerton Conservation Area</i>	<i>Report regarding the Somerton Conservation Area Appraisal and designation of extensions to the Conservation Area.</i>	<i>TBC</i>
<i>TBC</i>	<i>Community Grants</i>	<i>To consider any requests for funding.</i>	<i>TBC</i>

# Agenda Item 10

## **Planning Appeals**

*Director:* Martin Woods, Service Delivery  
*Service Manager:* Simon Fox, Lead Specialist (Planning)  
*Contact Details:* [simon.fox@southsomerset.gov.uk](mailto: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.

## **Public Interest**

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

## **Recommendation**

That members comment upon and note the report.

## **Appeals Lodged**

None

## **Appeals Dismissed**

None

## **Appeals Allowed**

19/00952/HOU – Southernaways Cottage Water Street Seavington St Mary.  
Erection of a garden room and garden store (revised retrospective application).

The Inspector's decision letter is shown on the following pages.

---



---

## Appeal Decision

Site visit made on 26 November 2019 by Scott Britnell MSc FdA

**Decision by V Lucas LLB (Hons) MCD MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19<sup>th</sup> February 2020

---

**Appeal Ref: APP/R3325/D/19/3233676**

**2 Southernaways, Water Street, Seavington St. Mary, Ilminster, TA19 0QR**

- 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 S Packham against the decision of South Somerset District Council.
  - The application Ref 19/00952/HOU, dated 20 March 2019, was refused by notice dated 27 June 2019.
  - The development is described as "Resubmission of application ref: 19/00145/HOU for the erection of garden room and store".
- 

### Decision

1. The appeal is allowed, and planning permission is granted for the erection of a garden room and garden store at 2 Southernaways, Water Street, Seavington St. Mary, Ilminster, TA19 0QR, in accordance with the terms of application Ref 19/00952/HOU, dated 20 March 2019, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with approved plans, 107/004, p 107/106 A, p 107/107 A, p 107/108.
  - 2) The garden store hereby permitted shall be completed in all aspects in accordance with the approved plans within 3 months from the date of this decision and shall be retained as such thereafter.
  - 3) The external timber boarding of the garden store hereby approved shall be left to weather naturally and shall not be painted nor stained in any way and shall be retained as such thereafter.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Procedural Matters

3. During the course of the application, the description of development was amended. The Council describe the development as "Erection of a garden room and garden store (revised retrospective application)". I have considered the appeal on this basis but have removed the wording 'revised retrospective application' as this is not a form of development.

## **Main Issue**

4. The main issue in this matter is the effect of the development on the character and appearance of the area and the setting of the listed building.

## **Reasons for the Recommendation**

5. The appeal site comprises a semi-detached dwellinghouse located within a prominent location on the south side of Water Street. The property benefits from a large rear garden, which backs on to open countryside. The appeal dwelling and adjoined neighbour are Grade II Listed, described in the listing as Nos 1 and 2 Southernaways. The development includes a detached garden room located at the end of the rear garden. The Council has no objection to this element and having observed the building I see no reason to reach a different conclusion. The substantive appeal therefore relates to the erection of the detached garden store. The scheme seeks to retain this building, but to reduce its height by 400mm.

### *Character and appearance of the area*

6. The host property, due to its prominent location and character and appearance, contributes positively to the character and appearance of the streetscene and area. The garden store sits to the rear and side of the host property and is elevated, due to a step up in ground levels. As a result, it is visible from the road to the front of the appeal site. However, I observed it to be largely screened from view by trees and vegetation when viewed from the road to the south and the public path that runs along the side of the appeal site. With the reduction in both the ridge and eaves height, in conjunction with its functional form and design, the store would appear as a subservient ancillary building to the host property and would not dominate the streetscene. Further, due to its scale and siting, the spacious character of the rear garden, which contributes to the character and appearance of the area, would be retained. I also consider that the materials used in the construction of the store are sympathetic to the area, which consists of various housing styles and materials.
7. In reaching this conclusion, I have considered that the trees and vegetation that currently screen the building from a number of views may be removed. However, I find the development is acceptable in size, setting, materials and design and consider that this would remain the case in the event that the screening is reduced or removed.
8. To conclude, the development is sympathetic to its context and the character and appearance of the area. It complies with Policy EQ2 of the South Somerset Local Plan (2006 – 2028) (March 2015) and Section 12 of the National Planning Policy Framework (the Framework), which seek, among other things, to ensure that development will 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, reinforces local distinctiveness, respects local context and takes into account local character and site specific considerations.

### *Setting of the listed building*

9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its

setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Paragraph 190 of the Framework indicates that harm could be caused to heritage assets by development affecting its setting.

10. The listed building (the appeal dwelling and adjoined neighbour) is located at a prominent location within the village. They are a simple pair of 17<sup>th</sup> Century thatched roofed cottages which, according to the listing, have undergone some alterations. However, the historic form of the buildings is clearly observed from the front. In contrast, both properties benefit from single storey glazed roof rear extensions. These appear relatively modern additions and obscure large sections of the original building. Consequently, I consider that the importance of the listed building derives from its age and overall form, while the most important views of it are to the front. Its setting therefore is less sensitive to change at the rear.
11. The garden store is located closer to the host dwelling than the garden room. However, with the benefit of the reduced height, in conjunction with the use of sympathetic materials, its form, design and overall size, it would not compete visually with the listed building. Further, the development, due to its scale and siting ensures that the spacious character of the rear garden would be retained. While the store is visible from the road to the front of the appeal site, there is a degree of visual separation with the host building. This ensures that the development does not compete visually with, or detract from, the special quality of the heritage asset. Consequently, I consider that the garden store, with the reduced height, would have a neutral effect on the setting of the listed building and would not impact upon any important views of it. Further, the positive contribution that the heritage asset makes to the character and appearance of the area is maintained. Again, I consider that this relationship would not be detrimentally affected should the current screening of trees and vegetation be removed from the site boundary.
12. With regards to the garden room, given its scale, form and level of separation with the listed building, it does not compete with it visually. Further, the spacious character of the rear garden is retained and so the garden room has a neutral effect on the setting of the listed building.
13. I conclude that the development has no harmful effects on the setting of the listed building and that it complies with Policy EQ3 of the South Somerset Local Plan (2006-2028) (March 2015) and Section 16 of the Framework, which seeks to ensure, among other things, that all new development will safeguard or where appropriate enhance the significance, character, setting and local distinctiveness of heritage assets.

### **Other Matters**

14. I have considered the submissions of third parties in respect of the development. A number of these refer to the creation of a new vehicle access to the site and removal of a hedgerow. These are not, however, matters that relate to the development and so are not determinative factors in this case. Concerns have also been expressed regarding the effect of the development on the living conditions for occupants of nearby properties, with particular regard to outlook. However, given the scale of the store and the level of separation between it and the neighbouring dwellings, no unacceptable effects would



occur. Further, as each case must be considered on its own merits, I do not consider that the development would set a precedent for similar development in the area.

### **Conditions**

15. The Council has suggested a number of conditions that it would wish to see imposed in the event that the appeal is allowed. These include the standard plans condition which I will attach for certainty. A condition requiring the materials to be used in the construction of the external surfaces to match those used in the existing building, is also requested. Given that the development relates to two outbuildings which are of timber construction and have already been erected, this condition is neither relevant nor necessary. A list of the materials employed in the development is set out within the application form.
16. The Council also suggest attaching the standard time condition, while I note that the Council's Report suggests the permission shall have effect from 8 April 2014. However, given that the development has clearly been commenced, no such condition is required. The Council also suggest in their report a condition requiring the reduction in the height of the garden store within three months from the date of any planning permission. I consider this to be a reasonable and necessary requirement in light of the harm that the Council has perceived in respect of the development as it currently stands and shall attach it accordingly.
17. The appellant has also suggested two conditions. Firstly, that the timber boarding to the store building is left to weather naturally. I consider this a reasonable requirement, which would ensure that the completed appearance of the development is sympathetic to its surroundings. A second condition is suggested that landscaping be carried out to the front of the building facing the road. However, given that I have found the development to be acceptable, and in view of the aforementioned condition that the timber be left to weather naturally, I do not consider that this is necessary. I note, in any case, that the applicant in a letter to the Council suggests that they intend to carry out such planting.

### **Recommendation**

18. For the reasons given above, I recommend that the appeal should be allowed, and planning permission be granted with the conditions set out at the start of this decision letter.

*Scott Britnell*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

19. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed, and planning permission is granted.

*V Lucas*

INSPECTOR

# Agenda Item 11

## Schedule of Planning Applications to be Determined by Committee

Director: Netta Meadows, 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 North Committee at this meeting.

### Recommendation

Members are asked to note the schedule of planning applications.

**Planning Applications will be considered no earlier than 2.20pm.**

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.15pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	HAMDON	19/03241/OUT	Erection of 1 No. dwelling with all matters reserved except access.	Land East of Keepers Lodge, Little Norton, Norton Sub Hamdon	Mr & Mrs McKellar
13	TURN HILL	19/03358/FUL	Stationing of a twin unit mobile home for use as a permanent agricultural workers dwelling.	Ark Farm New Manor House Road, High Ham	Mr O Howley

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 12

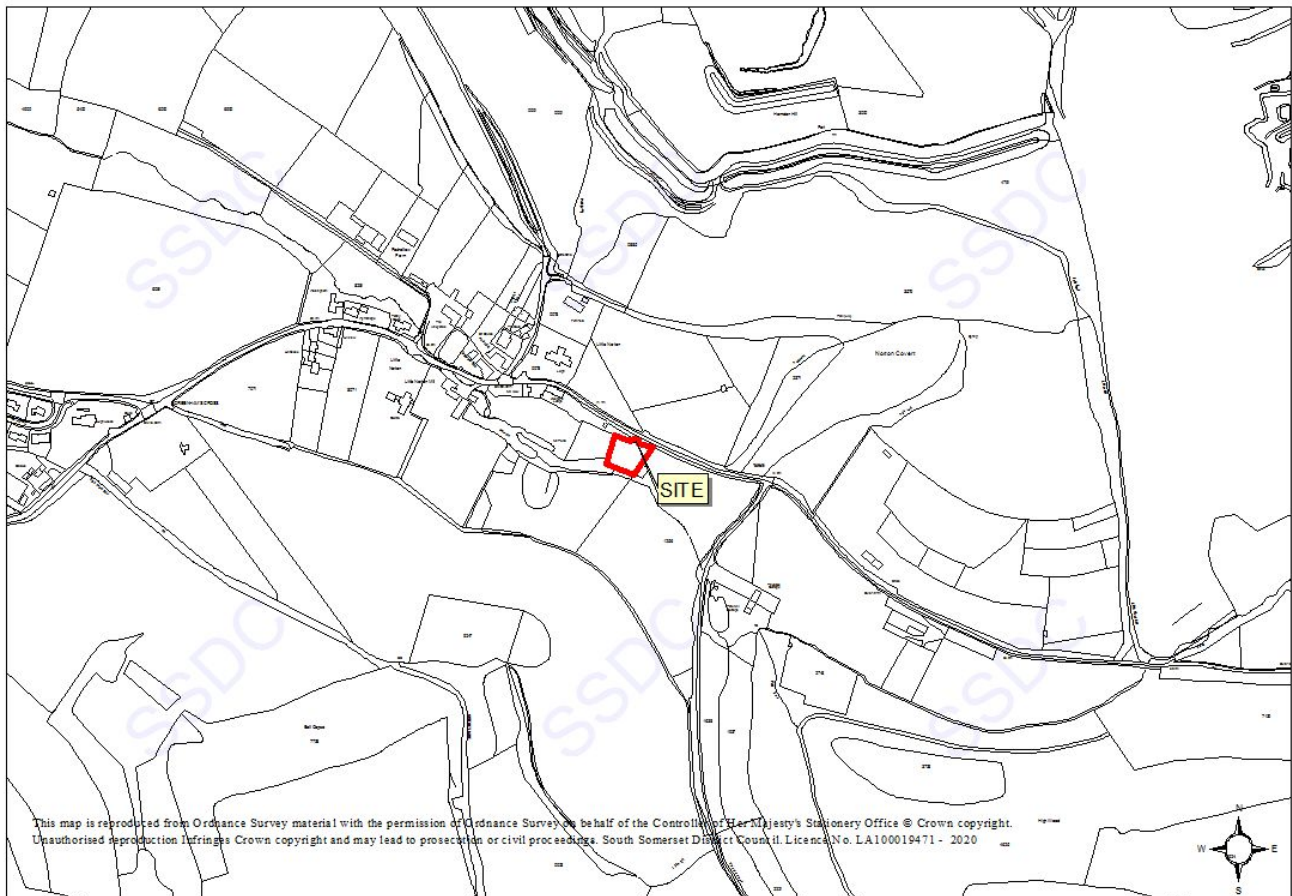
## Officer Report on Planning Application: 19/03241/OUT

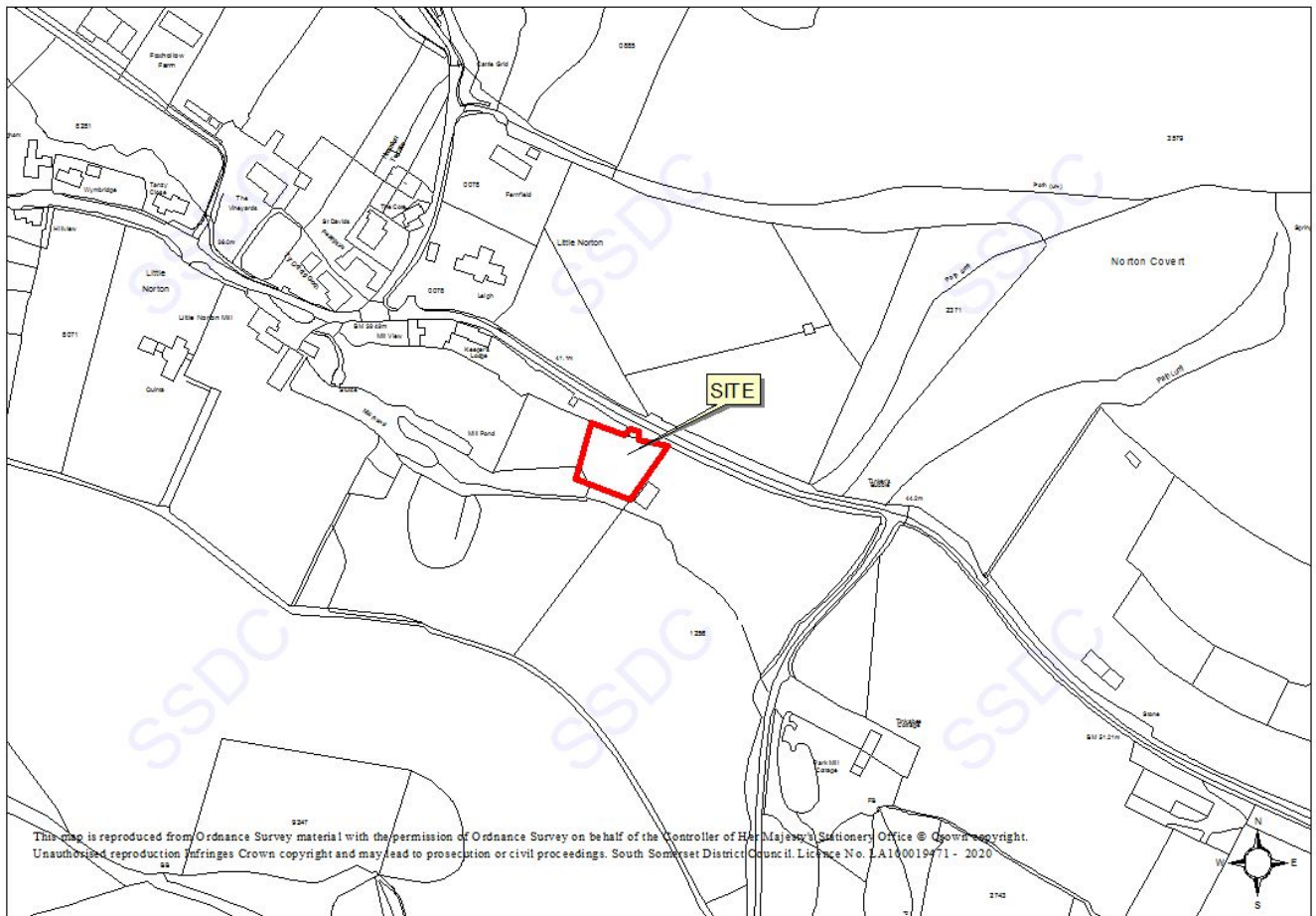
<b>Proposal:</b>	Outline application for the erection of 1 No. dwelling with all matters reserved except access.
<b>Site Address:</b>	Land East of Keepers Lodge, Little Norton, Norton Sub Hamdon, TA14 6TE
<b>Parish:</b>	Norton Sub Hamdon
<b>HAMDON Ward (SSDC Member)</b>	Cllr Mike Hewitson
<b>Recommending Case Officer:</b>	Jacqui Churchill
<b>Target date :</b>	24th January 2020
<b>Applicant :</b>	Mr & Mrs M McKellar
<b>Agent: (no agent if blank)</b>	Paul Dance Ltd, Foxgloves, 11 North Street, Stoke Sub Hamdon Somerset TA14 6QR
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

At the request of the Ward Member and with the agreement of the Area Chairman, this application is referred to Area Committee for consideration for debate, particularly in relation to the impact on a tree and sustainability.

### SITE DESCRIPTION AND PROPOSAL





This is an application seeking outline planning consent with all matters reserved except access, for the erection of 1 no. dwelling at land East of Keepers Lodge, Little Norton.

The site is located in the village of little Norton on land to the east of Keepers Lodge. The site is within an agricultural field and will be accessed from the highway to the north of the plot.

The site slopes down towards to the south before the land to the rear raises sharply further south. The site is located to the east of Keepers Lodge with Tinkers Bubble further to the east a little over 500m from the developed edge of Norton Sub Hamdon. The site is also just outside the conservation area to the west and approximately 150m away from Grade II listed Building Norton Mill. There is existing residential development to the north-west of the site. Open countryside lies in the other directions.

The application is submitted with a Design and Access Statement and Ecology Appraisal.

## HISTORY

19/00345/PREAPP - Erection of a dwelling

## POLICY

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

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

South Somerset Local Plan (2006-2028) Policies:

SD1 - Sustainable Development

SS1 - Settlement Strategy - identifies Horton as a Rural Settlement

SS2- Development in rural settlements

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG4 - Affordable housing contributions

TA1 - Low Carbon Travel

TA5 - Transport Impact of New development

TA6 - Parking Standards

EQ2 - General development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ5 - Green Infrastructure

EQ7 - Pollution

National Planning Policy Framework

Chapter 2: Achieving sustainable development

Chapter 5: Delivering a sufficient supply of homes

Chapter 9: promoting sustainable transport

Chapter 12: achieving well designed places

Chapter 15: conserving and enhancing the natural environment

Chapter 16: conserving and enhancing the historic environment

National Planning Practice Guidance

Design

Climate Change

National Design Guide 2019

Other Material Considerations:

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

(Note: In August 2018 a report was accepted by the District Executive that confirmed that the Council is currently unable to demonstrate that it has a 5 year supply of deliverable housing land as required by paragraph 73 of the NPPF. In such circumstances paragraph 11 d) In relation to decision taking is engaged, this states:-

*"where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

- I. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- II. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

Footnote 7 to Paragraph 11 explains that:

*"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years."*

## **ENVIRONMENTAL IMPACT ASSESSMENT**

None required

## **CONSULTATIONS:**

**Norton sub Hamdon Parish Council:** *The Parish Council objected to this planning application. The reasons are as follows:*

1. *The lane is not suitable for more development. It is very narrow and is totally unsuitable for future development of any kind.*
2. *The lane is more of a farm track - it is used predominantly for farm machinery, walkers and horse riders and is not suitable for any more traffic. It is not well maintained.*
3. *It is a very wet area - surrounded by natural springs. There is a very large flow of water continually flowing from the valleys. Anymore development will effect flooding.*
4. *The drainage system at Little Norton is already at its limit and can take no further building.*
5. *This is a historic village in an area of outstanding natural beauty. Ham Hill sits above this site and further development would have a huge negative impact on this beautiful rural area. The proposal would seriously harm the character of the area and any building would fail to enhance or preserve the character or appearance. Any building here would be visible from Ham Hill.*
6. *Norton sub Hamdon Parish Council do not like outline planning applications and in the past have not accepted them. Again, this is due to the history of this ham stone village.*
7. *The roots of the ash tree near the entrance would be destroyed. The Parish Council would like to see a TPO placed on this tree.*
8. *Allowing this application would open up further planning opportunities in this area which the Parish Council would also not support. It is very important that this does not set a precedent for any other planning proposals in Little Norton.*
9. *There is no further requirement for more properties in Little Norton. It is a small hamlet and should be protected and remain as this - part of the local history. There is already a bed and breakfast in Little Norton plus self-catering at Little Norton Mill.*
10. *The Parish Council would not support a planning application on this site.*
11. *This is greenbelt land. This land should remain agricultural land.*
12. *Very concerned about wildlife in this area. This is a well known area for badgers, foxes, deer, slow worms and toads.*

**SCC Highways:** Referred to standing advice.

**SSDC Highway Consultant:** *Acceptance to the principle of the proposed development in this location*

*must be largely a planning matter to determine, having regard to accessibility and connectivity, access to local services/facilities, etc. I note the public highway is mainly single vehicle width in the vicinity of the site, but the traffic impact of the scheme on the local highway network would not be significant or severe. The details submitted in respect of the means of access in terms of width, geometry and visibility splays, are satisfactory. While the site access appears to be located just outside the 30mph speed limit, it is unlikely that traffic speeds past the site are significantly more than 30mph. At least the first 5m of the access must be properly consolidated and surfaced (not loose stone or gravel). The level of on-site parking will depend upon the number of bedrooms proposed for the dwelling but the extent of the curtilage of the site suggests that an adequate level can be provided independent of turning. This aspect can be conditioned in addition to a condition being imposed relating to the surface of the access.*

**SSDC Tree Officer:** *"I have noted the presence of a large tree adjoining the proposed entrance, as indicated by the red arrow shown above. Whilst I appreciate the outline nature of the application, I have serious concerns regarding the potential impact of the proposal upon the trees and hedgerows in the vicinity. The requirements of constructing a Highways access and the provision of below-ground services are of particular concern.*

*The ecology survey does not focus upon the trees and hedgerows themselves and the statement (highlighted with a red arrow) made in regards to the Hedgerows Regulations within the paragraph below may well be misleading. It appears that no arboricultural input has been provided in support of the proposal.*

*I am obliged to object on the basis that the proposal appears to be harmful to existing landscape features (trees and hedgerows), which I believe is contrary to The South Somerset Local Plan (2006 - 2028); EQ2: General Development & EQ5: Green Infrastructure."*

**The Countryside Charity Somerset** - (in summary) **Object.**

- *CPRE Somerset considers the development proposal is contrary to NPPF 2019 paragraph 79 which states that Planning*
- *Policies should avoid the development of isolated homes in the countryside under certain circumstances apply which has not been demonstrated.*
- *The proposal does not demonstrate contribution to or enhancement of the natural and local environment of the wooded scarp of the ancient monument of Ham Hill which is contrary to Paragraph 170 of the NPPF. CPRE Somerset considers the proposal encourages the use of 3+ motor vehicles contributing to environmental pollution.*
- *Valuable land is removed from potential food production which is irreplaceable for food security*
- *NPPF paragraph 170 recognises the wider benefits such land plays in terms of reducing flood risk through water holding capacity*
- *The proposed site environs produces 0.25-0.5 nanowatts/cm<sup>2</sup>/sr of light pollution classed as near 'darker skies' Unless strictly controlled, any external lighting will increase light pollution being detrimental to dark night skies, the nocturnal feeding habits and circadian rhythms of nocturnal fauna and human health contrary to NPPF Paragraph 180.*

*CPRE Somerset requests that should the case officer be minded to approve the application then SSDC is mindful of and ensures that appropriate lighting conditions are put in place to conserve dark skies of Ham Hill and insist that external lighting should be downward emitting lighting with clear glazing to reduce light scatter. Max permitted colour temperature of light sources to be 3000K, ideally light switching to be via passive Infra-Red (PIR) detectors with daylight sensing.*

**Ancient Monument Society** - No response

**Archaeology** - No objections



**Ecology** - No objections subject to conditions and informative.

**Forestry Commission** - On this occasion due to the scale of the proposed development and the distance from the ancient woodland we have no comments to make. Reference to standing advice made.

## **REPRESENTATIONS**

Six neighbours were notified and a site notice displayed. Five letters of objection have been received from neighbouring properties. In summary the comments made were:

- There is a tree that should be protected at the point of access to the site
- Previous refused applications in locality of Little Norton due to impact on rural appearance / undesirable extension into open countryside / precedent
- Impact on Setting of Conservation Area
- Concerns that planting on boundaries will have to be coniferous to provide screening all year round
- Views of the proposal would be seen from their sitting room and garden as well as the highway
- It is not affordable housing
- Concern that proposal sets a precedent for development eastwards
- Impact on rural views from higher points around Little Norton and from Ham Hill
- Impact on wildlife
- Highway safety issues - Increase in traffic / road used for walkers, cyclist and horse riders
- Large volume of water passing down the two valleys, development may impede its flow
- Access is via a dangerous blind bend at bottom of hill

## **CONSIDERATIONS**

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

### **Principle of Development:**

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

However, the lack of a five-year housing land supply means that policies relating to the supply of housing should not be considered up-to-date. As such, proposals for residential development fall to be determined in light of Paragraph 11 which states that where development plan policies are out-of-date planning permission should be granted unless:

- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole.

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

#### Sustainability of the settlement:

Although Little Norton does not have any services itself, it is well-related to Norton sub Hamdon which does have a good range of facilities. Therefore, Little Norton would be considered as a 'Rural Settlement' as designated with the Local Plan and as such Policy SS2 applies. This states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at Paragraph 5.41".

Policy SS2 sets a relatively restrictive approach to development in rural settlements in that the principle of housing is not automatically accepted as it is predicated upon the compliance of the proposal with the above requirements. However, SS2 is given reduced weight in determination of this proposal due to the lack of 5 year housing land supply.

It is considered that there would be partial compliance with SS2. Local housing need is not robustly evidenced within the application and the dwelling would not provide affordable housing, however it is accepted that there is a general housing need across the district. Also of relevance is whether, the Little Norton meet basic 'sustainability criteria' in terms of the provision of basic local facilities. Policy SS2 requires two facilities such as a public house and shop for a settlement to be considered appropriate (amongst other criteria) for housing development.

As a starting point, Norton Sub Hamdon is considered to be a generally sustainable location, where development could be acceptable in principle. Despite policy SS2 being viewed as out of date, the village has several key services referred to in this policy. There are a good range of facilities to be found within the village, including a village store and post office, primary school, village hall, public house and recreation ground. Taking the above into account, it is considered that the development of housing within the village itself could be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits. In this case, the site does lie beyond the village edge, within the adjoining hamlet of Little Norton, however it is well related to Norton sub Hamdon and within a close proximity to the village centre and its services.

There is no formal footway, linking the site to the village edge, however there is street lighting approx. 160m to the west of the site through little Norton. Despite suggestions that this is a busy rat-run to and from Ham Hill, it was noted when carrying out a site visit that the road is well used by pedestrians. Therefore despite the lack of footway, it is not considered that this would prevent or actively discourage pedestrian access of the main village.

Taking into account the above, and the lack of 5 year land supply, it is considered that the development of this site for residential purposes could be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

### **Scale and Appearance:**

This is an outline application only and as such the principle of housing is being assessed, no details are submitted in regard to design.

The proposal is to be sited to the east of Keepers Lodge. It is noted that the land slopes gently down from the highway towards the rear of the plot. Land to the rear, which is also within the ownership of the applicant, then slopes more steeply upwards in a southerly direction.

Following a site visit it was apparent the siting would be relatively unobtrusive, shielded from some views outside the site with the established mature hedges and trees along the east and west boundaries. Grade II Little Norton Mill lies to the approx. 120m west of the site. No objections have been raised by the Conservation Officer. As such, it is not considered that the proposal will introduce harm to the setting of the listed building.

As the application is in outline form with all matters reserved it is difficult to fully comment on the scale and appearance of the proposed dwellings. The majority of matters to consider such as layout, appearance of the proposed dwelling would be assessed at reserved matters stage so no issues are considered as part of this outline application. It is considered that a dwelling would sit comfortably within the site and could be designed to limit its effect on visual amenity and wider landscape character in accordance with policy EQ2 of the South Somerset Local Plan and the NPPF.

Concerns have been raised in regards to the impact on Ham Hill. The site sits low in the landscape and is well contained with established trees on the boundary. Although no response has been received from the Ancient Monument Society, it is noted that no objections have been raised by the Conservation Officer or South West Heritage Trust. As such, it is not considered that the proposal would introduce demonstrable harm to the visual amenity of the area in accordance with Policy EQ2 of the South Somerset Local Plan 2006-28. However, in view of the sensitive nature of the site and in order to safeguard the character and appearance of, not only the development itself, but that of the wider locality, a condition is recommended removing 'permitted development' rights relating to extensions and alterations to the dwellings (including the construction of dormer windows or other roof alterations).

### **Residential Amenity:**

An objection has been received from a neighbouring property in regard to loss of views from their property. The application is currently only in outline form, and there are no detailed parameters against which to assess the full final impact on residential amenity. Clearly, the creation of a new dwellinghouse will alter the current setting, which comprises a field with a timber shelter, but change of outlook and introduction of domestic characteristics would not of themselves constitute an amenity harm for planning purposes that would warrant a refusal.

Due to the size of the site, and likely separation from existing dwellings, this is not considered to raise any residential amenity issues. It is considered that a dwelling could be designed, with the appropriate orientation, window layout and landscaping to limit any adverse overlooking and could also be designed to limit any overbearing and shadowing to the neighbouring property to the west or occupiers of other existing dwellings nearby .

Ultimately however, this will be revisited when any reserved matters application is submitted, to ensure that the final scheme is appropriately designed to avoid harm to residential amenity. There are not considered to be any demonstrably harmful impacts on residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan 2006-28.

**Highway Safety:**

The site is proposed to be accessed via the existing field access, with a drive to the proposed dwelling where turning and parking space would be provided. The final layout of the site would be agreed at reserved matters stage, however the indicative layout does indicate sufficient room for the provision of turning space and parking for the appropriate number of vehicles to satisfy the Somerset Parking Strategy. The Highway Authority has indicated that standing advice should apply, which includes providing appropriate levels of visibility which has been shown as provided on the plan. An objection has been received from a local resident and the Parish Council in respect to highway safety. While these concerns are noted and given careful consideration, the Highway Consultant has advised that he considers the scheme acceptable subject to certain conditions which are replicated and supported below.

Overall, having taken into account the concerns raised, as well as the comments of the Highway Authority and the Council's Highway Consultant, it is considered that the proposal would not lead to an adverse impact on highway safety.

**Trees:**

An objection has been received from a local resident based on the loss of the agricultural land and loss of trees. SSDC's Tree Officer has also raised an objection on the basis of the harmful impact on the tree at the entrance and the hedgerow. The application states that there will be no trees affected, however there are trees on the boundary where the access drive is to be formalised.

There is concern that the necessary changes required, including the possible removal of mature trees and hedgerows, to formalise the access to the field, in regard to engineering work and implementation of visibility splays will have a detrimental impact on the character of the area and landscape character. However, the Highways Consultant has stated that the visibility splays already in situ are satisfactory. As such, with no requirement for loss of hedgerows or trees to provide visibility splays it is considered that a condition could be imposed to ensure appropriate tree protection measures.

**Ecology:**

Some concerns have been raised relating to ecology. As part of the application the SCC Ecologist was consulted. Subject to the imposition of conditions and an informative as shown below no objection was raised.

**Drainage:**

Concern has been raised by the Parish Council and a neighbour that a large volume of water passes down the two valleys and the proposed development may impede its flow.

The site is not within a flood zone 2 or 3 and issues of drainage would be dealt with at reserved matters stage or through building regulations and the necessary consents from Wessex Water. A condition will be imposed to agree details of disposal of surface water within the site so as to prevent its discharge onto the highway.

**Planning Obligations:**

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply) should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect. The proposal will be liable for CIL at reserved matters stage.

## **Other Matters:**

It is noted that the Countryside Charity Somerset have requested that if the application is approved a condition is imposed to conserve dark skies of Ham Hill. This is supported and shown below.

## **Conclusion:**

Currently the District Council cannot satisfactorily demonstrate a five year land supply. As such, development proposals should be considered in the context of the National Planning Policy Framework, which states that these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, the main consideration will be whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

Therefore, notwithstanding the local concerns it is not considered that this new scheme will result in any substantive visual amenity, residential amenity, setting of Conservation Area, setting of listed buildings, highway safety or other environmental concern and that overall the proposal represents an acceptable form of development that will sit comfortably within this context. On this basis the proposal accords with the local plan policies SS1, SD1, TA1, TA5, TA6, SS5, EQ1, EQ2, EQ3, EQ4, EQ5 and EQ7 and is therefore recommended for approval.

## **RECOMMENDATION**

Approve.

01. The proposed development is considered to be acceptable in principle, contributing towards identified local and district-wide housing need, without significantly and demonstrably harming the character of the surrounding area, the setting of the Conservation Area, the setting of the Listed Building, residential amenity, highway safety, or local ecology. The proposal is considered to accord with policies SD1, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ2, EQ3, EQ4 EQ5, and EQ7 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF 2019.

## **SUBJECT TO THE FOLLOWING:**

01. Details of the layout, appearance, landscaping and scale (hereinafter called the "reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

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

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

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

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

Drawing No. 01 - Location / Site Plan

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

04. The proposed access shall be constructed in accordance with details shown on the submitted plan, drawing number Drawing No. 01 - Location / Site Plan, and shall be available for use before first occupation. Once constructed the access shall be maintained thereafter in that condition at all times.

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

05. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before (trigger point) and thereafter maintained at all times.

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

06. Any entrance gate(s) shall be set back a minimum distance of five metres from the edge of the adjoining carriageway and the sides of the access shall be splayed from the centre of the access at such distance from the carriageway edge at an angle of 45 degrees. These works shall be fully implemented before the access concerned is first brought into use.

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

07. Before the dwelling hereby permitted is first occupied the visibility splays shown on approved drawing 'Drawing No. 01 - Location / Site Plan' shall be fully provided, with no obstruction to visibility within those splays greater than 600mm above adjoining road level, and shall thereafter be maintained at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028

08. Prior to first occupation of the dwellings hereby permitted, a 16amp electric charging point for electric vehicles shall be provided adjacent to the parking spaces or within any garages in association with each dwellinghouse. Once installed such electric charging points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

09. Before the dwelling hereby permitted is first occupied, at least the first 5m of the vehicular access 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. The accesses shall be constructed in accordance with the agreed design and shall be maintained in the agreed form thereafter at all times.

Reason: In the interests of highway safety further to policy TA5 of the South Somerset Local Plan 2006-2028.

10. All parking and turning spaces shall be provided and laid out in accordance with plan ref Drawing No. 01 and shall be maintained and retained for such purposes of parking and turning of vehicles

(including motorcycles and bicycles) incidental to the occupation and enjoyment of the dwellings hereby permitted to which they serve, and kept permanently free from any other forms of obstruction.

Reason: To ensure that adequate on-site parking and turning spaces are provided and thereafter retained to enable vehicles to turn on-site without having to reverse onto the County highway, in the interests of and for the safety of persons and vehicles using the development and the adjoining road, having regard to Policies EQ2 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

11. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, a scheme of tree and hedgerow protection measures (to include details specifically addressing the required installation of below-ground services, drainage measures and specially engineered no-dig anti-compaction permeable hard-surfacing) shall be prepared by a suitably qualified Arboricultural Consultant who is familiar with supporting planning applications in accordance with British Standard 5837: 2012 - Trees in relation to design, demolition and construction and the prepared scheme shall be submitted to the Council for their approval in-writing. Prior to commencement of the development, the appointed Arboricultural Consultant shall inspect and confirm in-writing to the Council (contact us at [planning@southsomerset.gov.uk](mailto:planning@southsomerset.gov.uk)) that the installation of the approved tree and hedgerow protection measures has been carried out to a satisfactory standard. Boundary hedgerows and trees will be subject to a 10m buffer marked by Heras fencing erected prior to works commencing. No materials or plant should be allowed within the buffer zone. The approved protection requirements must remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

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

12. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of landscaping. The submitted scheme shall clearly confirm the details and dimensions of any intended tree or shrub planting, earth-moulding, seeding, turfing and surfacing. All planting stock shall be specified as UK-grown, and details shall be provided in regards to the planting locations, numbers of individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) upon or prior to the first occupation of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

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

13. No building demolition and vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the field shelter and any hedgerow sections to be cut back or scrub and tall ruderal

vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period - some species can breed outside the time frame given.

14. Prior to the occupation of the dwellinghouse hereby approved details of any external lighting including measures to prevent light spillage and pollution shall be submitted to and approved in writing by the Local Planning Authority. Any external lighting should be downward emitting lighting with clear glazing to reduce light scatter. The maximum permitted colour temperature of light sources to be 3000K, light switching to be via passive Infra-Red (PIR) detectors with daylight sensing. Once agreed such details shall not be altered without the prior written consent of the local planning authority.

Reason: In the interests of visual amenity and to comply with Policy EQ2 of the South Somerset Local Plan (2006-2028).

15. The construction of the new dwelling hereby permitted shall not commence until all the existing field shelter has been completely demolished / removed from the site (as indicated on the submitted plan Drawing No. 01) and all materials resulting from said demolitions, have been removed from the site in their entirety.

Reason: To safeguard the character and appearance of the locality in general, having regard to Policies EQ2 and EQ3 of the South Somerset Local Plan and relevant guidance within the NPPF.

16. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class A (enlargements, improvements or other alterations);
- (b) Part 1, Class B (additions etc. to the roof of a dwellinghouse);
- (c) Part 1, Class C (other roof alterations); and
- (d) Part 1, Class E (incidental buildings, enclosures, swimming or other pools);
- (e) Part 2, Class A (gates, fences, walls or other means of enclosure);
- (f) Part 2, Class B (means of access to a highway);
- (g) Part 2, Class C (exterior painting);
- (h) Part 14, Classes A and B (solar equipment);
- (i) Part 14, Classes C and D (ground and water source heat pumps);
- (j) Part 14, Class G (air source heat pump);
- (k) Part 14, Classes H and I (wind turbine for microgeneration).

Reason: To enable the Local Planning Authority to exercise control over development in order to:

- (i) safeguard the character and appearance of the development itself and the locality in general, by ensuring there are no inappropriate extensions, buildings or other alterations within the curtilages of the dwellings;
- (ii) preserve and enhance the setting of the Listed Building;
- (iii) ensure there is no resultant detriment to ecological, environmental and biodiversity interests;
- (iv) prevent unacceptable harm being caused to the residential amenity of occupiers of adjoining property;



- (v) safeguard on-site parking and circulation areas; and
- (vi) ensure there is no unacceptable surface water run-off,

having regard to Policies EQ1, EQ2, EQ3, EQ4, TA5 and TA6 of the South Somerset Local Plan and relevant guidance within the NPPF.

**Informatives:**

01. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.
-

# Agenda Item 13

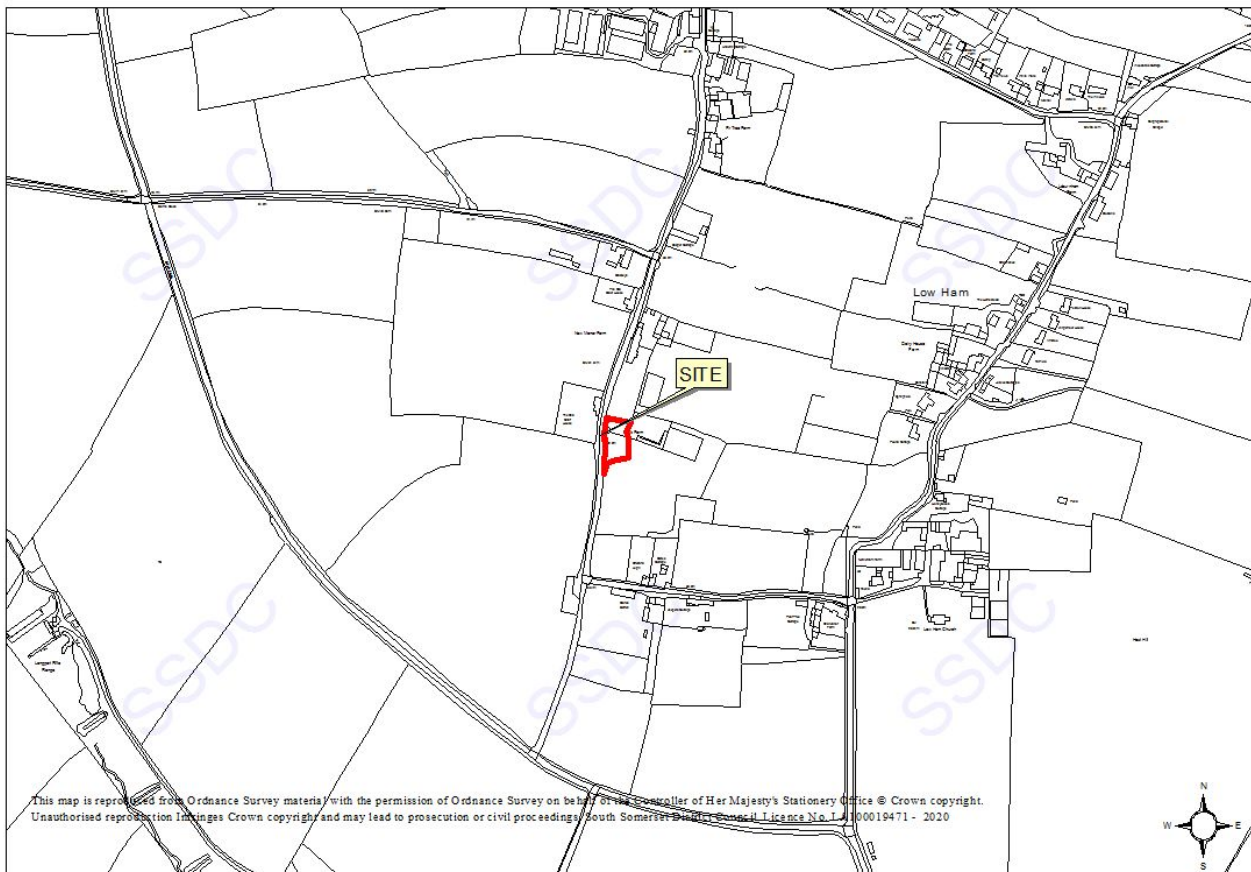
## Officer Report on Planning Application: 19/03358/FUL

<b>Proposal:</b>	Stationing of a twin unit mobile home for use as a permanent agricultural workers dwelling.
<b>Site Address:</b>	Ark Farm, New Manor House Road, High Ham TA10 9DP.
<b>Parish:</b>	High Ham
<b>TURN HILL Ward (SSDC Member)</b>	Cllr G Tucker
<b>Recommending Case Officer:</b>	Colin Arnold
<b>Target date:</b>	3rd February 2020
<b>Applicant:</b>	Mr Oliver Howley
<b>Agent: (no agent if blank)</b>	Mrs Lydia Dunne, Clive Miller Planning Ltd, Sanderley Studio, Kennel Lane, Langport TA10 9SB
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFFERAL TO COMMITTEE

The application is referred to the committee at the request of the Area Chairman on the basis of the Ward Members disagreement with the officer's recommendation. The Ward Member considers that the application complies with Policy SS2, Agriculture is going through a lean time and we should support small business, also the land rented has several owners so the likelihood of it being removed is unlikely.

### SITE DESCRIPTION AND PROPOSAL





This is an application for the stationing of a twin unit mobile home for use as a permanent agricultural workers dwelling at Ark Farm, New Manor House Road, High Ham, Langport.

Three years ago consent was granted for a temporary agricultural workers dwelling and this was given a time limit of three years which have now passed.

Ordinarily, it would be the norm for a permanent dwelling to be applied for at this juncture (by permanent - it is meant in bricks and mortar etc.) However this application is requesting a permanent consent for the log cabin which is now in situ. The agent states that at a later date a more permanent dwelling will be applied for when finances permit - in the meanwhile the money earned is being used for the expansion of the farm and animals.

In terms of buildings on the farmstead the agent has noted:

'Buildings at Ark Farm currently comprise: -

- 390m2 calf rearing shed
- Stable loose boxes offering 200 m2
- L-shaped general building of 150 m2
- 140 m2 livestock building, the subject of an earlier planning application.
- In addition, the Applicant has recently erected a further building of 155 m2 under prior approval.'

It is noted from the agricultural appraisal submitted as part of the application that the applicant also carries on agricultural contracting work for other farms.

The farm is largely a beef farm (although some of the support letters also refer to some sheep being owned (the agricultural appraisal does not mention this) The cattle has increased from 56 to 120 and the farming model largely relies on calf rearing (which increasingly is being done 'in house' with the farm cows own calves rather than being imported in for rearing)

## **HISTORY**

16/03242/FUL - Proposed siting of a temporary agricultural workers dwelling, alteration to the farm access and erection of an additional farm building. Granted 13 Sept 2016.

## **POLICY**

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

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

SD1, SS1, SS2, SS4, SS5, TA1, TA5, TA6, EQ1, EQ2, EQ4, HG9

National Planning Policy Framework

Chapters 2, 4, 5, 8, 9, 11, 12, 14, 15,

National Planning Practice Guidance

Design, Natural Environment, Rural Housing, Planning Obligations

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

## **CONSULTATIONS**

### **Parish Council:**

This application met unanimously with no objections.

### **SCC Highway Authority:**

Standing advice applies

### **SSDC Highway Consultant:**

Please refer to the comments I made in response to planning application number 16/03242/FUL, as follows: 'It must be largely a planning matter as to whether or not the principle of this development is acceptable. The proposed access arrangements are the same as those proposed for the permanent dwelling which I have commented upon previously.' The same comments apply to the current planning submission.

Extract from case officers report for 16/03242/FUL:

## Access

The proposal re-locates the access point further to the south, improving visibility for exiting vehicles. Whilst not able to comply fully with the visibility splays set out in the Standing Advice, the applicant has been able with this design to accommodate the suggested splays raised by the Council's Highway Consultant (See above). This arrangement is a considerable improvement on the poor existing access, and it is therefore not considered that any undue highway safety would result from the proposal.'

And comments from SSDC Highway Consultant:

'The submitted plan (visibility splays) appear to accord with the advice I gave at pre-app stage (2m x 43m sightlines taken to points 1m off the carriageway edge in both directions).'

## REPRESENTATIONS

2 letters of support:

- I write in support of the designation of the mobile wooden cabin as a permanent dwelling. It is entirely appropriate that the owners of Ark Farm, who contribute so much to the local community and environment, should live permanently on their land. The house is attractive, the grounds well landscaped and the access road gives rise to no congestion or safety hazards on Long Street.
- Fully understand the need for this type of accommodation whilst Mr Howley and his partner invest in their business and until such time they can build a more appropriate permanent dwelling in keeping with the locality. The business is obviously growing as indicated by the need for more agricultural barns on this small site. I look forward to viewing the plans for a permanent dwelling sited near the current mobile home and any associated landscaping when the couple have the capacity to invest.

5 letters of support submitted with the application which appear to relate to the original application for the mobile home (all dated 2017) details available online.

## CONSIDERATIONS

### Principle of Development

There is a national policy vacuum in relation to agricultural workers dwellings in the NPPF. Indeed the only reference to agricultural workers' dwellings in the NPPF is in paragraph 55, which simply states that local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as (inter alia) the essential need for a rural worker to live permanently at or near their place of work in the countryside.

However, it is noted that planning Inspectors are still relying on the now superseded guidance in PPS7 (a previous set of statements relating to planning matters) and in particular Annexe A of that document.

However, the principles of Annex A are replicated in Policy HG9 of the South Somerset District Local Plan which is replicated below:

### 'POLICY HG9: HOUSING FOR AGRICULTURAL AND RELATED WORKERS

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).'

It is considered that these tests have been met in this case through the grant of the original permission for the mobile homes.

However, Annex A advised against renewing the consent for a future period beyond the three years - "Authorities should not normally grant successive extensions to a temporary permission over a period of more than three years, nor should they normally give temporary permissions in locations where they would not permit a permanent dwelling." The three years was such that it was for the farmer to build up sufficient funds to apply for a permanent dwelling on the site. This would normally mean a bricks and mortar property i.e. a new farmhouse for the holding.

This application is notable because it is not asking for a built property but for the continuance of the existing arrangement (of living in the mobile cabin) to enable funds to be built up - then apply for the permanent bricks and mortar property.

Confidential accounts for the last three years have been supplied for the case officers information only (financially sensitive) Without supplying the figures the profits made by the farm are below the average farm workers wage per annum circa £18k (a useful yardstick to show whether a farm is sustainable as a main source of income). The figures are also heavily reliant on the applicants contracting work (which again may cease at the whim of the contractor) and therefore it is considered that the application fails on the financial test of Policy HG9.

It should also be noted that the land area farmed totalled some 46.5 hectares (115 acres) of which 3.2 hectares (8 acres) is owned by the Applicant, the remainder being rented from neighbours. It is noted that when the temporary approval was granted, the total area then farmed comprised 90 acres so there has been an increase but the 'owner/occupied' land is low being 8 acres. It is of concern that in the worst case scenario (with the rented land withdrawn) with the applicant being left with only 8 acres to farm from that this would be insufficient land to continue with the farming venture.

It is noted that due to calculations the labour requirement stands at just over 1 full time standard labour unit. This is not necessarily challenged but is only just sufficient to pass the 'functional need' test of the aforementioned Policy.

### **Scale and Appearance**

As this is an application to retain the status quo on the site there is no adverse impact in terms of scale and appearance. In fact the wooden log cabin blends in well in its natural surroundings and there is a well-kept area of garden area to its fore. It is well sited near the existing agricultural complex of barns

and is within sight and sound of the stock involved. It is also set back from the road so not appearing overbearing on the street scene.

### **Residential Amenity**

Given its isolated location it is not considered that there would be any adverse impact on residential amenity. Of course the occupants will be subject to a degree of odour issues from a working farm but that is entirely expected and nominally accepted given that the occupants are farmers. Notwithstanding this if the application were to be allowed it would be subject to an 'agricultural workers' condition restricting the occupancy to an agricultural worker this ensuring the occupant would be used to the noise and odours associated with a working farm.

### **Impact on Setting of Listed Building**

The house to the north of the site, New Manor Farm, is listed, and its curtilage runs southwards to the boundary of this site. This boundary is marked by mature vegetation, which can be strengthened if necessary. The house itself is more than 65m from the site of the proposed dwelling. It is considered that there is adequate separation between the two, and it is not considered that there is any harmful impact on the setting of the listed building.

### **Highway Safety**

The SSDC Highways consultant raises no objection to the proposal subject to the previous arrangements in terms of access (which could be conditioned).

### **Planning Obligations**

As of 3rd April 2017, the Council adopted CIL (Community Infrastructure Levy), which is payable on all new residential development (exceptions apply) should permission be granted, an appropriate informative will be added, advising the applicant of their obligations in this respect.

### **Conclusion**

Whilst there appears to be a functional need for a worker the application falls short on the limited amount of owner occupied land and the large amount of rented land (which could be taken back at the whim of the owner of said land - subject to breach of contract implications) and the lack of non-contract work profit generated from the business meaning that the financial test of the relevant policy is not met in this instance. Reluctantly and acknowledging the fact that this is a young farmer and his family trying to start out - it has to be refused on financial grounds as there is serious doubt as to the longevity of the business.

### **RECOMMENDATION**

To refuse the application on the following grounds.

#### **FOR THE FOLLOWING REASON(S):**

01. Due to a lack of owner occupied land (just circa 8 acres) and reliance on rented land (which could be taken back by the lands owner - in theory) and with profit margins lower than that of an average agricultural workers annual wage (and including contract work - which may cease at the whim of the contractor within the accounts) it is considered that the proposal is not economically viable or sustainable and fails the financial test of Policy HG9 of the South Somerset District Local Plan.

**Informatives:**

01. In accordance with paragraph 38 of the NPPF, the council, as local planning authority, approaches decisions on proposed development in a positive and creative way, working proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area by:
- offering a pre-application advice service, and
  - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

The applicant did not utilise the Council's pre-application service and there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

---