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## **Area North Committee**

**Wednesday 16th December 2020**

**4.00 pm**

**A virtual meeting via Zoom meeting software**

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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

The planning application will be considered no earlier than 4.00pm.

Any members of the public wishing to address the virtual meeting during either Public Question Time or regarding a Planning Application, need to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 15 December 2020.

This meeting will be viewable online by selecting the committee meeting at:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

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

This Agenda was issued on Tuesday 8 December 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**

In light of the coronavirus pandemic (COVID-19), Area North Committee will meet virtually via video-conferencing to consider and determine reports. For more details on the regulations regarding remote / virtual meetings please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

## **Area North Committee**

Meetings of the Area North Committee are usually held monthly, at 2.00pm, on the fourth Wednesday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom and the starting time may vary.

Agendas and minutes of meetings are published on the council's website at:  
<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 meetings (held via Zoom)**

### **Public question time**

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings.

If you would like to address the virtual meeting during Public Question Time or regarding a Planning Application, please email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 15 December 2020. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

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

This meeting will be streamed online via YouTube at:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

### **Virtual meeting etiquette:**

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman or Administrator will un-mute your microphone at the appropriate time. We also respectfully request that you turn off video cameras until asked to speak.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

## **Planning applications**

*It is important that you register your request to speak at the virtual meeting by emailing [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 15 December 2020. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.*

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

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

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

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

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

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

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

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# Area North Committee

## Wednesday 16 December 2020

### Agenda

#### *Preliminary Items*

#### 1. Minutes

To approve as a correct record the minutes of the previous meeting held on 23 September 2020.

#### 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 27 January 2021** and is likely to be a virtual meeting using Zoom.

#### 5. Public question time

#### 6. Chairman's announcements

## **7. Reports from members**

### *Items for Discussion*

- 8. Area North Committee Forward Plan** (Pages 7 - 8)
- 9. Planning Appeals** (Pages 9 - 16)
- 10. Schedule of Planning Applications to be Determined By Committee** (Pages 17 - 18)
- 11. Planning Application 20/01112/FUL - Merricks Farm, Park Lane, Huish Episcopi**  
(Pages 19 - 26)

**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

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

*Director:* Kirsty Larkins, Strategy and Commissioning  
*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

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## 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>
Jan '21	Community Grants x 2	To consider two applications for community grants funding.	Locality Officers.
Jan '21	Role of Scrutiny	Short presentation on the role of Scrutiny and an opportunity to ask questions / make comments on Scrutiny work planning.	Chairman of Scrutiny Committee and the Specialist (Scrutiny & Member Development)
Feb '21	Area North – Area Chapter	Quarterly update report.	Locality Team Manager and/or Locality Team Leader
<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 9

## **Planning Appeals**

*Director:* Netta Meadows, Service Delivery  
*Lead Officer:* Barry James, Interim Planning Lead  
*Contact Details:* [barry.james@southsomerset.gov.uk](mailto:barry.james@southsomerset.gov.uk)

## **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**

19/03241/OUT – Land East of keepers Lodge, Little Norton, Norton Sub Hamdon.  
Outline application for the erection of 1 No. dwelling with all matters reserved except access.

19/02460/FUL – Land at Little Upton Bridge Farm, Langport Road, Long Sutton.  
The erection of 3No. detached holiday letting units with parking and associated works.

## **Appeals Dismissed**

19/02777/FUL – Land Adjoining Morganside, Turnhill Road, High Ham.  
The erection of 3 No. dwellings with associated works including the creation of a new access and landscaping.

19/03022/HOU – Long Sutton Farmhouse, Martock Road, Long Sutton.  
Erection of a garden shed (revised application 18/03115/FUL)

## **Appeals Allowed**

None

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

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## Appeal Decision

Site visit made on 5 October 2020

by **Matthew Jones BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 19 November 2020**

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**Appeal Ref: APP/R3325/W/20/3255011**

**Land Adjoining Morganside, Turnhill Road, High Ham**

- 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 A Roberts against the decision of South Somerset District Council.
  - The application Ref 19/02777/FUL, dated 3 October 2019, was refused by notice dated 1 June 2020.
  - The development proposed is the erection of 3 dwellings with associated works including the creation of a new access and landscaping.
- 

### Decision

1. The appeal is dismissed.

### Application for Costs

2. An application for costs was made by Mr A Roberts against South Somerset District Council. This application is the subject of a separate decision.

### Preliminary Matter

3. It is undisputed by the main parties that the Council cannot demonstrate a five-year supply of deliverable housing sites, with the latest evidence pointing to a 4.5-year supply. I have no reason to take a contrary view and assessed the appeal on this basis.

### Main Issues

4. The main issues are:
  - the suitability of the site for the proposal having regard to local policy for the supply of housing: and,
  - the effect of the proposal on the character and appearance of the surrounding area, having regard to the settings of the (i) Grade I listed Church of St. Andrew (the Church), (ii) the High Ham Conservation Area (the CA) and the Grade II listed The Grange.

### Reasons

#### *Suitability of the site*

5. The site comprises part of the eastern extent of a rectangular field of pasture at the edge of the village of High Ham. The site adjoins Turnhill Road to the south, the rest of the field to the west and north, with farmland beyond that to the north, and the residences of Morganside and The Grange to the east.

6. It is not contested by the main parties that High Ham is a rural settlement under the terms of Policy SS1 of the South Somerset Local Plan 2006 – 2028 (adopted 2015) (SSLP). Further to that, as High Ham has a village hall, the Church, a public house and a primary school, it is a candidate location for new housing pursuant to Policy SS2 of the SSLP. Policy SS2 states that new housing in such settlements must meet an identified housing need, particularly affordable housing. Its supporting text clarifies that this relates to a local need.
7. The scheme would not provide affordable housing and there is no evidence before me that the scheme would meet any other identified local housing need. I understand that there is already a strong offer of 4-bedroom dwellings in the local area, and an outstanding demand for affordable housing.
8. I therefore conclude on this issue that the site would not be suitable for the proposal, having regard to local policy for the supply of housing. The proposal would conflict with Policies SS1 and SS2 of the SSLP. Given the Council's current supply of deliverable housing sites, these policies are out of date and the conflict with them attracts limited weight.

*Character and appearance – setting of the Church*

9. The appeal site is very close to the Church and its grounds, which lie across Turnhill Road and directly beyond three loosely set houses to the south. I therefore have a duty to consider the impact of the proposal on the special architectural and historic interest of the listed building.
10. The Church is a fine and striking building of mainly 15<sup>th</sup> century creation. It is enclosed by a secluded churchyard and it is this reflective space which principally contributes to the significance of the Church's setting. There is, however, more to its setting than that. Given its late medieval origins, the Church has historic value in representing the importance of Christianity for the rural and largely agricultural community which it has influenced for centuries. It therefore draws a degree of significance from its rural setting, and this connection can be made physically in wider landscape views of its tower.
11. The field hosting the appeal site is the nearest agricultural land to the Church. Records indicate that it is anciently enclosed and predates the 17th century. Its boundaries are in their historic position as of at least the early 19th century. Whereas much of the land around High Ham contained orchards, the field was used for arable purposes, with remnant ridge and furrow earthworks still visible to the naked eye within its fabric. The apportionment document to the 1832 (or 1838) High Ham Parish tithe map names the field as 'Churchcroft' owing, probably, to its spatial relationship with the Church.
12. This is borne out in visual terms. Whilst much of the Church and its grounds are screened from the site, its proximity is nonetheless commanded by its imposing tower. The open, undeveloped appearance of the site, and its strong and lengthy south boundary hedgerow set the foreground to the Church tower in multiple views. A visual connection can be made from Turnhill Lane, glimpsed from the Public Right of Way (PROW) which passes aside the field's north boundary, at a distance from a PROW around 400m further to the north, and from within the site itself. As such, the site makes an associative contribution to the significance of the Church as part of its immediate historic agricultural setting, the importance of which is heightened by its longevity.

13. The design of the proposed dwellings has clearly focused on a sensitive iteration of the historic built form within High Ham. Nonetheless, the proposal would diminish the historic legibility and appearance of the site by truncating its openness, the partial removal of its remnant ridge and furrow system and by removing/and or relocating a significant length of its south hedgerow. Works to the hedgerow would also involve the insertion of three successive domestic accesses, which would further diminish its agricultural and linear form. It follows that the scheme would harm the special historic interest of the Church which derives from the site's contribution to its longstanding rural setting.

*Character and appearance – the setting of the CA*

14. The CA is to the south and east of the appeal site and I must consider the effect of the proposal on its significance, which derives not only from its physical presence, but also its setting. The CA centres around the village green and the Church and comprises traditional buildings set sparingly amongst green, treed spaces. With regard to its setting, the CA's sinuous streets flow sometimes quite seamlessly into the surrounding rural lanes, as is quite evident along Turnhill Road. This provides an intrinsic relationship between the CA and its immediate rural environs.
15. Within Turnhill Road, the site's absence of development and its strong roadside hedgerow provides a strong agricultural character which contrasts with the built form of the CA on the other side of the narrow and enclosed carriageway. On this basis, the site makes a small but positive contribution to the significance of the CA as an intimate part of its agricultural landscape setting.
16. The development of the houses would erode this landscape setting to an extent. Of greatest concern is the works to the boundary hedgerow. Its removal and/or relocation to site a significant visibility splay, the proposed insertion of consecutive access points to serve each dwelling, and the associated widening of the modest carriageway at that point, would introduce an overt domesticity detrimental to the rural landscape setting to the CA.

*Character and appearance – the setting of The Grange*

17. The site is also within the setting of the dwelling The Grange, and I am mindful of my duty in respect of this listed building. However, the site is to the rear of the property, beyond its substantial rear garden wall, which limits intervisibility between the site and the dwelling and its grounds. The significance of The Grange site is overwhelmingly drawn from the architectural form of the standing building, which is principally orientated towards its entrance drive, not the site. As such, the proposal would not harm the setting of The Grange.

*Conclusions on main issue*

18. Drawing my findings on this issue together, whilst the proposal would not harm the setting of The Grange, it would have an unacceptable effect on the character and appearance of the area with regard to the settings of the Church and the CA. It would conflict with the landscape and heritage aims of Policies EQ2 and EQ3 of the SSLP.

*Heritage Balance*

19. The level of harm to the Church and the CA would be less than substantial in either case. Even so, any such harm merits great weight in accordance with

Paragraph 193 of the Framework and falls to be weighed in the balance with the public benefits of the development. As heritage assets are irreplaceable, any harm requires clear and convincing justification.

20. The government is seeking to significantly boost the supply of housing and the scheme would provide three homes with adequate access to services, thereby contributing to addressing the shortfall in housing supply in South Somerset. However, Paragraph 77 of the Framework also states that in rural areas decisions should be responsive to local circumstances and support housing that reflects local needs. In the absence of evidence of an identified local need for this housing type, and given the small quantum proposed, the housing would be a public benefit of modest weight. There would also be a modest, time limited economic benefit during construction and a small, enduring benefit through increased footfall to services.
21. These public benefits do not amount to clear and convincing justification for the less than substantial harm to the Church and to the CA respectively, which together and individually attract considerable weight and importance.

### **Planning Balance**

22. I have found that the site would not be a suitable location for the proposal having regard to local policy for the supply of housing and would cause less than substantial harm to the settings of the Church and the CA. These findings draw the scheme into conflict with the development plan when read as a whole.
23. Paragraph 11 d) of the Framework states that in the circumstances where a Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, permission should be granted unless the application of policies in the Framework that protect assets of particular importance provide a clear reason for refusing the development. Pursuant to footnote 6, this includes designated heritage assets. Given my findings above, the Framework provides a clear reason to refuse the proposal, and the presumption in favour of sustainable development within Paragraph 11 d) does not apply.
24. As such, and taking all matters raised into account, there are no other material considerations, including the Framework, that outweigh the conflict I have identified with the development plan.

### **Conclusion**

25. For the reasons outlined above I conclude that the appeal should be dismissed.

*Matthew Jones*

INSPECTOR



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## Appeal Decision

Site visit made on 11 August 2020

by **S Thomas BSc (hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 07 October 2020

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### Appeal Ref: APP/R3325/W/20/3253440

### Long Sutton Farmhouse, Martock Road, Long Sutton, Langport TA10 9HU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
  - The appeal is made by Mr Mark Lewis-Williams against the decision of South Somerset District Council.
  - The application Ref 19/03022/HOU, dated 5 November 2019, was approved on 31 January 2020 and planning permission was granted subject to conditions.
  - The development permitted is erection of a garden shed (revised application 18/03115/FUL).
  - The condition in dispute is No 06 which states that: *Within one month of the substantial completion of the shed or within three months of the date of the decision notice, whichever is soonest, the shipping container should be permanently removed from the land.*
  - The reason given for the condition is: *To safeguard the setting of the listed building in accordance with policies EQ2 and EQ3 of the South Somerset Local Plan 2006-28.*
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### Decision

1. The appeal is dismissed.

### Background

2. Planning permission<sup>1</sup> was granted at the appeal site for the erection of a garden shed. The appeal seeks permission to carry out the development without complying with condition No 06, relating to the removal of a shipping container at the site. On the basis of the evidence before me, the appellant disputes the principle of the condition which ties the removal of the shipping container to the erection of the shed and also the timescales within the condition for the removal of the shipping container. Accordingly, I have dealt with the appeal on this basis.

### Main Issue

3. The main issue is whether the condition is necessary and reasonable in the interests of preserving the setting of a Grade II Listed Building.

### Reasons

4. Long Sutton Farmhouse is a Grade II Listed Building (the Farmhouse) within the Long Sutton Conservation Area. The farmhouse is a detached building fronting the main road, with a large garden area. It is a prominent building and

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<sup>1</sup> 19/03022/HOU

- is bounded on its perimeter by an attractive stone wall. The large grounds contribute to the character of this listed building and as such it obtains some significance from its setting including the large gardens which contribute to how the building is experienced.
5. The approved shed will be situated within the rear garden of the Farmhouse. I observed on my site visit that the shipping container is no longer present at the site. Given this, and in the absence of details within the evidence, I am unclear as to the appearance of the shipping container or the exact siting of it within the rear garden. Nevertheless, I observed on my visit there exists views into the garden over the replaced boundary wall at the south eastern boundary of the site and therefore it is likely that the shipping container would have been visible in these views.
  6. It would appear that given the sensitive location of the site within the setting of the farmhouse, the Council in approving the planning application for the shed, did not consider the unauthorised shipping container was an acceptable structure within the setting of the farmhouse. Therefore, in permitting an alternative storage building of a more acceptable design for the occupiers, it does not appear unreasonable to require the removal of an unauthorised structure which the Council considered was harming the setting of the farmhouse. Further, given the nature of a shipping container, I do not consider such a structure would have a positive effect on the setting of the farmhouse. Accordingly, I am not persuaded that the principal of the condition to remove the shipping container is unreasonable.
  7. I acknowledge the appellant's views regarding the timing of the condition for removal of the shipping container. The effect of the condition would give the appellant a period of 3 months to remove it, and in practical terms a period of three months to erect the shed to accommodate its contents prior to its removal from site. I recognise that the shed has not been commenced; however, given the modest size of the timber shed I do not consider a period of 3 months to construct this to be unreasonable. In addition, it has not been demonstrated that the erection of the shed within three months would be unfeasible.
  8. In any event, whilst acknowledging the appellants apparent frustration at the condition, in their evidence they indicate they have complied with it and removed the shipping container. On this basis, given compliance with the condition, I cannot conclude that the timescales for the removal of the shipping container were unreasonable.
  9. I have considered the appellant's reference to an ongoing Listed Building case file. There is no information before me as to any enforcement action regarding the shipping container, however the Council refer to an enforcement investigation regarding demolition of a boundary wall. In any event, whether or not there exists an enforcement case against the shipping container, the evidence does not state the implication of this for the appeal and why the existence of any enforcement case would mean the condition is unreasonable. Accordingly, I attach limited weight to this issue in the determination of this appeal.
  10. I recognise that the appellant has not yet built the shed and given the container has been removed, is forced to store their personal belongings within the garden and house. However, given I have not found the principle of the

removal of the shipping container nor the timings for its removal unreasonable, the inconvenience to the applicant is not considered to outweigh the justification for the condition.

11. Given the identified harm the Council have identified that the shipping container has on the setting of the Listed Building, I can understand the Council's aim to ensure the expedient removal of the shipping container. Accordingly, I am not persuaded that the condition is unreasonable in the interests of preserving the setting of the Farmhouse. I therefore conclude the removal or amendment of Condition 06 would fail to preserve the setting of the Grade II Listed Building.
12. Whilst I find the harm to be less than substantial in this instance, nevertheless it attracts considerable importance and weight. Paragraph 196 of the National Planning Policy Framework (the Framework) says that such harm should be weighed against the public benefits of the proposal and Paragraph 193 of the Framework states that great weight should be given to an asset's conservation. In this case, there are no public benefits advanced that outweigh this identified harm.
13. For the reasons above therefore, I conclude that the proposal to remove the condition would fail to preserve the setting of a Grade II Listed Building. Accordingly, it would be in conflict with Policies EQ2 and EQ3 of the South Somerset Local Plan (2015). Amongst other matters these policies seek that development proposals will be expected to safeguard the setting of heritage assets and should preserve or enhance the character and appearance of the district.

#### **Other Matters**

14. Whilst I note the appellant's representations regarding the neutrality of the Council in dealing with the application, there is no evidence before me to demonstrate any unfair processes have been followed. Whilst photographic evidence was supplied to the Council by a third party advising the shed had been removed, this in itself does not follow the Council has behaved unreasonably.

#### **Conclusion**

15. For the reasons above, the appeal is dismissed.

*S Thomas*

INSPECTOR



# Agenda Item 10

## Schedule of Planning Applications to be Determined by Committee

Director: Netta Meadows, Service Delivery  
Lead Officer: Barry James, Interim Planning Lead  
Contact Details: [barry.james@southsomerset.gov.uk](mailto:barry.james@southsomerset.gov.uk)

### 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 4.00pm*

The meeting will be viewable online at:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

Any members of the public wishing to address the virtual meeting regarding a planning application need to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 15 December 2020.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
11	CURRY RIVEL, HUISH & LANGPORT	20/01112/FUL	Change of use of 2 existing holiday units to straightforward open market dwellings, together with a provision of residential curtilage and parking spaces.	Merricks Farm, Park Lane, Huish Episcopi.	Mr S Brooke

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.

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# Agenda Item 11

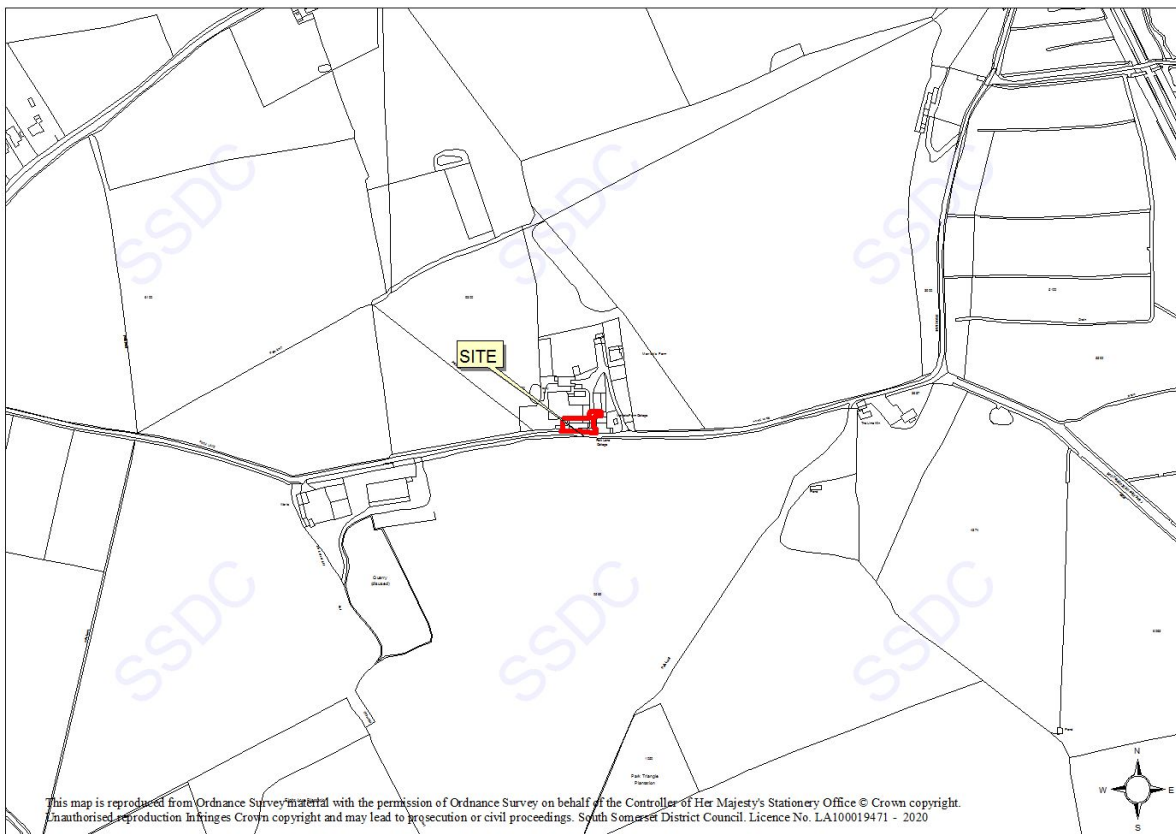
## Officer Report On Planning Application: 20/01112/FUL

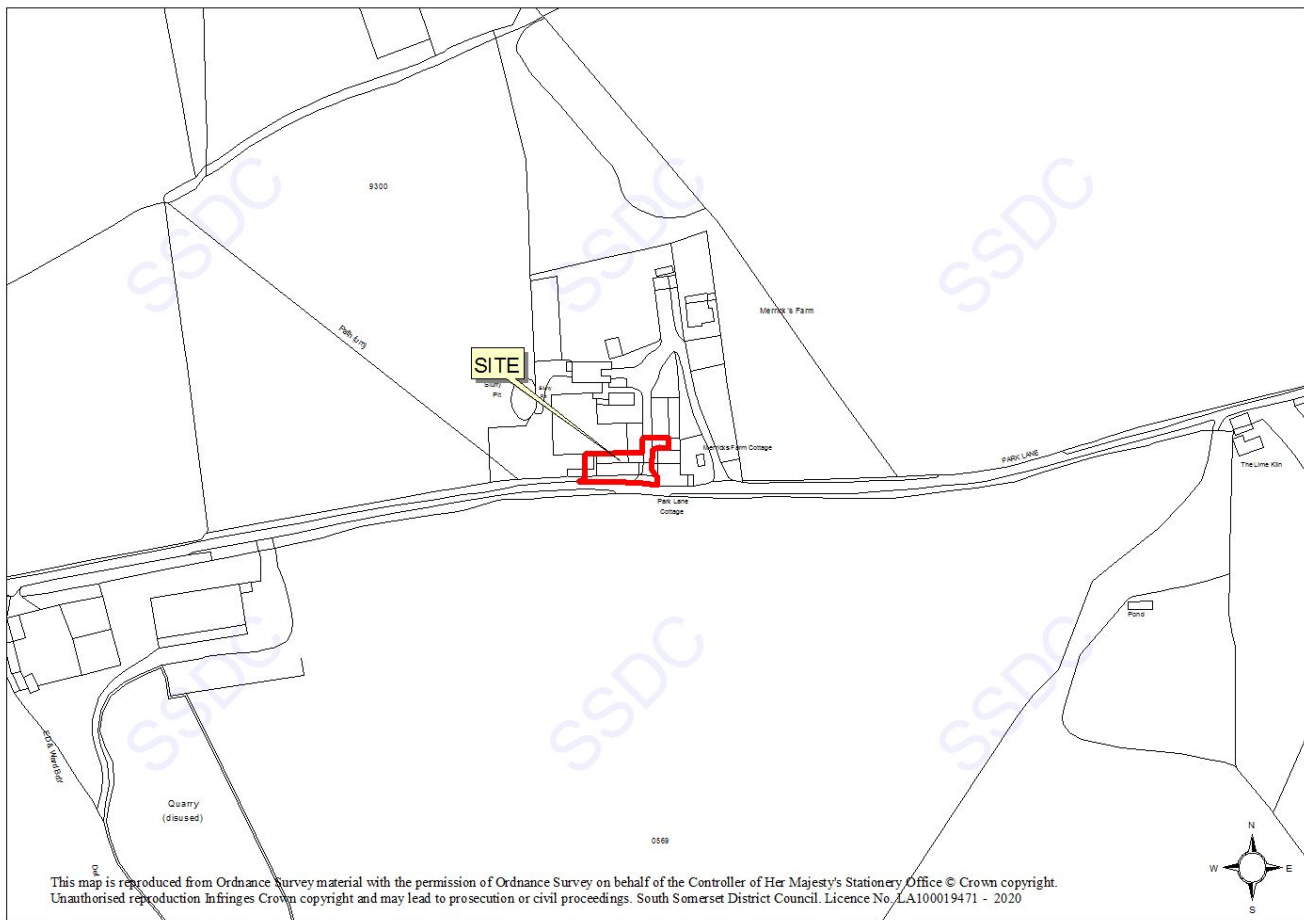
<b>Proposal :</b>	Change of use of 2 existing holiday units to straightforward open market dwellings, together with a provision of residential curtilage and parking spaces.
<b>Site Address:</b>	Merricks Farm, Park Lane, Huish Episcopi.
<b>Parish:</b>	Huish Episcopi
<b>CURRY RIVEL, HUISH AND LANGPORT Ward (SSDC Members)</b>	Cllr T Osborne Cllr C Paul
<b>Recommending Case Officer:</b>	Trudy Gallagher
<b>Target date :</b>	13th June 2020
<b>Applicant :</b>	Mr S Brooke
<b>Agent: (no agent if blank)</b>	Paul Dance, 11 North Street, Stoke sub Hamdon TA14 6QQ
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application has been referred for determination at the Area North Committee by the ward members and the Chair, following the receipt of contrary comments from the Parish Council.

### SITE DESCRIPTION AND PROPOSAL





The site consists of two existing units of holiday accommodation (one with the flexibility to be used as seasonal workers accommodation), proposed domestic garden/curtilage and associated access and vehicular parking.

The site is on the highway frontage to Park Lane at the southern extremity of and main entrance to a substantial complex of agricultural buildings associated with the applicant's residence, Merrick's Farmhouse to the north. To the east of the farm entrance lies two separate residential properties, Merrick's Farm Cottage and Park Lane Cottage.

The site is located outside of any development area as defined by the current local plan. The site does not have any direct link to the existing PROW network and so most cycling and walking would follow the route of all vehicular traffic along the rural lanes.

This application seeks permission to remove the existing restrictive conditions and allow the units to both be used as permanent, unrestricted 1 bedroom dwellinghouses. The most westerly unit measures a total of approximately 42sqm internally and the most easterly approximately 36sqm.

The following documents are included within the application submission:

- a. Planning Statement
- b. Site Location Plan 1:2500 scale
- c. Proposed Site Plan 1:200 scale
- d. Map of Passing Bays (presumed scale of 1:2500)
- e. Map of PROW for surrounding area
- f. Proposed Internal Floor Plan - 1:100 scale
- g. Agents letter of response to SSDC Highways Consultant

## **HISTORY**

98/01296/FUL - Granted 1998 for change of use of redundant stables to a single unit of accommodation for holiday makers / seasonal workers

04/00700/FUL - Granted 2004 for conversion of adjoining barn to provide a single unit of holiday accommodation

## **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.

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

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

SD1 Sustainable Development  
SS1 Settlement Strategy  
SS2 Rural Settlements  
TA1 Low Carbon Travel  
TA5 Transport Impact of New Development  
TA6 Parking Standards  
EQ1 Addressing Climate Change in South Somerset  
EQ2 General Development  
EQ4 Biodiversity

### **National Planning Policy Framework - February 2019**

Chapter 2 - Achieving sustainable development  
Chapter 4 - Decision-making  
Chapter 5 - Delivering a sufficient supply of homes  
Chapter 8 - Promoting healthy and safe communities  
Chapter 9 - Promoting sustainable transport  
Chapter 12 - Achieving well-designed places  
Chapter 14 - Meeting the challenge of climate change, flooding and coastal change  
Chapter 15 - Conserving and enhancing the natural environment  
Chapter 16 - Conserving and enhancing the historic environment

### **National Planning Practice Guidance, including National Design Guide - September 2019**

#### **Other Relevant Documents**

Somerset County Council Parking Strategy (SPS) (September 2013) and Standing Advice (June 2017)  
South Somerset Landscape Character Assessment  
National Design Guide 2019

## **CONSULTATIONS**

Huish Episcopi Parish Council: 19.05.2020

*"The Parish Council met last night and it was resolved that there are no objections to the above planning application."*

SSDC Highway Consultant:

The proposed development would lead to an increase in traffic travelling to and from the site compared to the current use given the daily needs associated with an open market residential use as opposed to a holiday use of the two buildings that may not be occupied all the time. That said, the overall increase in use may not be significant when assessed across the whole day. Park Lane is largely single vehicle width. Two vehicles would be able to pass one another at the bellmouth onto the A378 towards the Curry Rivel end but beyond this heading towards the site passing appears limited. I note the comments of the highway officer in response to the 2004 application who considered the location to be unsustainable so this issue needs to be considered by the case officer. No other highway safety matters were raised. I am unable to see any details as to the bedroom accommodation and therefore cannot confirm if the proposed level of car parking accords with the optimum standards. I assume electric vehicle charging points will be required for each unit.

SCC Highways:

Standing advice applies.

## **REPRESENTATIONS**

One letter of objection has been received, making the following points:

'I am the owner of Park Lane Cottage, adjacent to the proposed change of usage applied for. It's my second home where I spend a lot of time. I've been locked down in Bristol so have only just seen this notification. I have no objection in principle to this application, but I'm concerned about the consequences of more usage of the lane. There are ditches on both sides for most of its length which are hidden by undergrowth. This makes the lane difficult to manoeuvre in the dark when it isn't possible to judge where the hazards are. There is only one passing place. I believe Merricks Farm is responsible for the maintenance - I pay a contribution to them for it. So, my question is, can improvements to the access by the applicant be a part of the conditions for granting the application.'

## **CONSIDERATIONS**

### **Principle of Development**

In policy context, national guidance contained within the NPPF sets out a presumption in favour of sustainable development. The NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, the NPPF advises that planning decisions should avoid the development of isolated homes in the countryside unless one or more of a certain set of circumstances are met. Such circumstances include (i) there being an essential need for rural workers; (ii) enabling development to secure the future of heritage assets; (iii) re-using redundant or disused buildings; (iv) subdivision of an existing dwelling; or (v) the design of the new dwelling is of exceptional quality. None of those five circumstances apply in this instance.

Policy SD1 of the Local Plan also recognises that, when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the NPPF and seek to secure development that improves the economic, social and environmental conditions within the District. Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SS1 highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements are 'Rural Settlements', which Policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in Policy SS2)".

Policy SS2 makes provision for development in other settlements and sets out a series of exceptions for new development within their boundaries such as community facilities employment provision or housing to meet an identified local need.

Policy SS5 refers to housing growth being delivered through a variety of development forms including building conversion, but caveats that this will still need to be in accordance with policies on development in rural settlements. There is no provision within this policy or the settlement policies for development in the open countryside of general residential development even through the conversion of existing buildings.

Policy EQ2 is also relevant, and states the following:

'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. Development proposals, extensions and alterations to existing buildings, structures and places will be considered against:

- Sustainable construction principles;
- Creation of quality places;
- Conserving and enhancing the landscape character of the area;
- Reinforcing local distinctiveness and respect local context;
- Creating safe environments addressing crime prevention and community safety;
- Having regard to South Somerset District Council's published Development Management advice and guidance; and
- Making efficient use of land whilst having regard to:
  - Housing demand and need;
  - Infrastructure and service availability;
  - Accessibility;
  - Local area character;
  - Site specific considerations
- Innovative designs delivering low energy usage and/or wastage will be encouraged.

Developers must not risk the integrity of internationally, nationally or locally designated wildlife and landscape sites; development proposals should protect the residential amenity of neighbouring properties; and new dwellings should provide acceptable residential amenity space in accordance with Policy HW1.'

## **Assessment**

Planning Permission 98/01296/FUL was granted for one of the existing holiday lets in 1998, it was for the conversion of a redundant stable block into a unit to provide holiday accommodation / accommodation for seasonal workers. It was granted subject to a number of Conditions, including

Condition 2 which stated 'To safeguard the amenities and character of the area and, as the accommodation is unsuitable for use as a permanent separate dwelling, the accommodation hereby approved shall be used only for bona fide holiday makers for individual periods not exceeding 4 weeks in total in any period of 12 weeks, or shall be used for seasonal workers assisting the owner/occupier of Merricks Farm in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990. A register of holiday makers and seasonal workers shall be kept and made available for inspection by an authorised Officer of the District Council at all reasonable times.'

Condition 3 stated ' To safeguard the amenities and character of the area and, as the accommodation is unsuitable for use as an independent dwelling, the accommodation hereby approved shall at no time be let or sold off separately from Merricks Farm.'

The second permission 04/00700/FUL was granted in 2004 and was in respect of the conversion of the adjoining barn for holiday letting. Condition 3 stated 'The occupation of the holiday accommodation hereby permitted shall be restricted to bona fide holiday makers for individual periods not exceeding 4 weeks in total in any period of 12 weeks. A register of holiday makers shall be kept and made available for inspection by an authorised Officer of the District Council at all reasonable times.'

Condition 4 stated 'The accommodation hereby approved shall at no time be let or sold off separately from Merricks Farm and there should be no other fragmentation of the planning unit to facilitate this.'

Policy guidance clearly encourages new general residential development to be located within existing settlement boundaries with good accessibility via sustainable modes of transport including walking and cycling. The application site lies within the open countryside and is clearly both visually and physically separate from any settlement defined in the local plan. The settlement of Langport lies one quarter of a mile to the northwest as the crow flies. Langport possesses a good range of community facilities or services, such as a public house or shop. However, the site is over 800m to the nearest local services in Langport by use of the existing highway, whether on foot, by cycle or the private motorcar, and 800m in the opposite direction towards Curry Rivel to the nearest bus stop. Due to the distance to walk from the site to such facilities along a narrow, poorly maintained country road with no footways or lighting, any occupiers would be reliant on the use of a motor vehicle, unless they wished to walk along an unpaved and unlit stretch, which would clearly not be desirable from a public safety point of view.

For the above reason, the proposed development of the site is not considered to be in a sustainable location or meet the aims of sustainable development identified within the Local Plan and NPPF. Therefore, the conditions previously applied to restrict the development to tourist accommodation only in the interests of sustainability are still applicable.

The Planning Statement submitted in support of the application makes reference to support within the NPPF for new residential development where the Local Planning Authority are unable to demonstrate a 5-year housing land supply. Since the application was originally circulated to ward members, it has been announced that SSSDC can now demonstrate over 5 years of deliverable housing land (totalling 6 years). Therefore, the tilted balance in paragraph 11 of the NPPF is not longer engaged and policy SS2 carries full weight. The development is also contrary to SS2 as no information has been received to demonstrate that the housing would meet a 'local need.'

### **Scale and appearance**

The proposals would have no external impact on the scale or appearance of the existing building.

### **Impact on character of area**

Visual: As there are no proposed external alterations to the existing building the only visual impact would be the formalisation of domestic garden and parking spaces. There would therefore be no potential for



adverse visual impact on the character of the area.

### **Highways and parking**

SCC Highways have simply referred to standing advice.

SSDC Highways Consultant does not object but provides observations on parking provision, electric charging points, passing places and the bellmouth of the junction at the Curry Rivel end of Park Lane.

Although the scheme demonstrates provision of two spaces per proposed dwellinghouse, one of the dwellinghouses spaces would be on the opposite side of the main access to the farm complex and farmhouse. This is not a satisfactory arrangement as it brings pedestrians passing between the spaces and the accommodation into immediate conflict with the traffic associated with the continued use of the farm complex.

### **Residential Amenity**

The "Technical housing standards - nationally described space standards" set a minimum internal floor area for single storey, two person dwellings at 50sqm. Notwithstanding that the dwellinghouses proposed are only one bedroom the bedrooms are of sufficient area to accommodate a double bed and thus the units must be assessed on the basis of 2 person occupancy. Accordingly, both units fail to meet the minimum requirement by between 8sqm and 14sqm respectively.

The northern and rear boundary of the proposed private domestic curtilage/gardens of the two units is formed by a substantial two storey agricultural building. The applicant has confirmed they are willing to accept conditions attached to any grant of planning permission prohibiting the use of the buildings for livestock use. Whilst this is feasible utilising a Grampian style condition it would not remove the potential for noise and/or odour and/or operating hours of other agricultural activity within and associated with the buildings which might have serious adverse impact on the living conditions of future occupiers given the small size and position of the proposed private external amenity space and the proximity and scale of the proposed dwellinghouses.

Due to the size and position of the proposed units and the distance from existing dwellings, it is not considered that the proposal would be likely to cause demonstrable harm to the living conditions of existing residential occupiers. There is therefore no objection on potential impact upon the residential amenity of existing dwellinghouses.

### **Conclusions and Planning Balance**

The proposal is advanced as a positive use of underutilised accommodation. However, the number of units proposed is at too great a density given the internal space available and the extent of private domestic curtilage/garden is too small given the proximity and scale of neighbouring agricultural buildings. Furthermore, the dwellings are in an unsustainable location that would result in the occupiers being reliant on the private car.

Notwithstanding the applicants supporting arguments and in particular the potential addition to the supply of local housing, it is considered that there are no significant material considerations which would otherwise outweigh the above objections sufficient to make the application acceptable in policy terms, particularly in light of the Council's recently announced five year housing land supply position.

### **RECOMMENDATION**

REFUSE

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

01. The proposal would represent a substandard level of internal living space for single storey, two person, permanent residential accommodation, well below the national space standards for such dwellinghouses. The scale, position and layout of private domestic curtilage/garden would also be inadequate for the proposed dwellinghouses, given the scale and proximity of existing agricultural buildings and the range of unneighbourly agricultural uses which the buildings and farm complex could be put to (notwithstanding the potential to preclude livestock use by condition). The proposed development therefore constitutes a substandard form of residential development that is contrary to EQ2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework and Technical Housing Standards - Nationally Described Space Standards.
  02. The site lies outside of any settlement boundary in the open countryside where development is strictly controlled for the benefit of all. The relative distances to services and facilities are in excess of reasonable walking distance and there are no suitable pavements to enable easy access. It is therefore in an unsustainable location where the proposed occupants would be reliant on the private vehicles to access facilities and services. As such, the proposal is not in accordance with policies SD1, SS1, SS2, SS4, SS5, TA1, TA5, EQ1, and EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.
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