

Officer Report On Planning Application: 17/04870/OUT

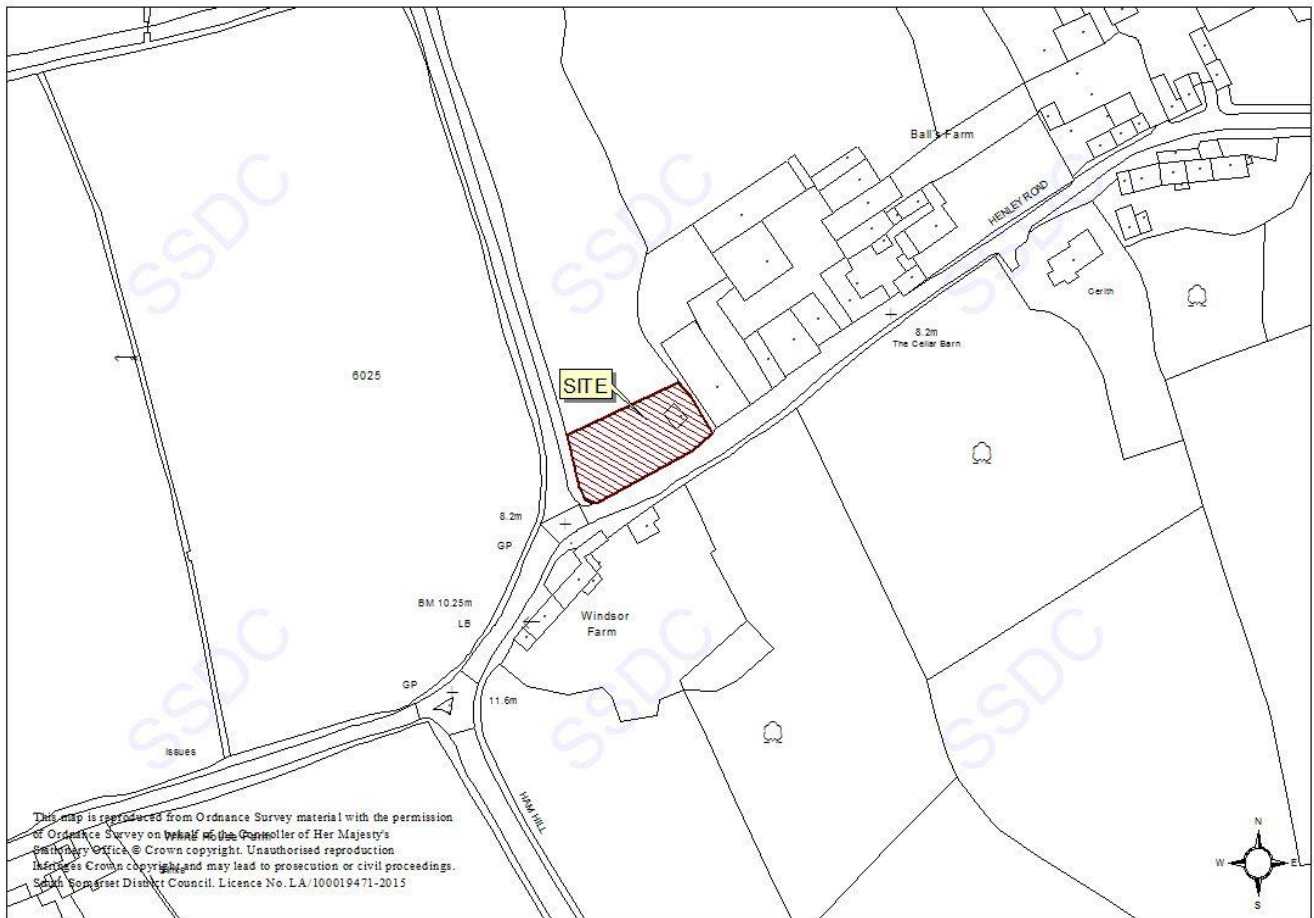
Proposal :	Outline application for alterations to existing accesses and erection of 2 No. dwellings (Revised Application).
Site Address:	Land OS 6730, Henley, Langport.
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Cllr Gerard Tucker
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	28th February 2018
Applicant :	Mr Bryan Bartlett
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at the request of the Ward Member, due to the established need for 'affordable housing' within the parish of High Ham. The Area Chair has agreed that the issues raised should be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The site is located in open countryside, on the north side of Henley Road, at the junction with the Nythe Road. Both of these roads are un-numbered classified ('C') roads. The site is agricultural land with roadside hedge boundaries to the south and west. There is a grade II listed house, Windsor Farm, on the south side of Henley Road, opposite the site. A farm with several agricultural buildings adjoins the site to the east. Blackham Wood, a designated Ancient Woodland lies approximately 350m to the south west. It is also within approximately 400m of King Sedgemoor SSSI. Henley Fields County Wildlife Site is also in close proximity.

The application is made for outline planning permission for the erection of two houses. Access is proposed via the new access arrangements provided for use by the new development to the south.

HISTORY

16/04526/OUT: Outline application for alterations to existing accesses and erection of two, two bedroom dwellings - Application withdrawn.

891192: The use of land as a site for a mobile home/residential caravan - Refused. Subsequent appeal dismissed.

883757: Outline: Dwelling - Refused.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of

the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

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

SD1 - Sustainable Development
SS1 - Settlement Strategy
SS2 - Development in Rural Settlements
TA5 - Transport Impact of New Development
EQ2 - General Development
EQ3 - Historic Environment
EQ4 - Biodiversity

National Planning Policy Framework

Core Planning Principles - Paragraph 17
Chapter 4 - Promoting Sustainable Transport
Chapter 6 - Delivering a Wide Choice of High Quality Homes
Chapter 7 - Requiring Good Design
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment
Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Design
Natural Environment
Rural Housing

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)
Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Parish Council: Object - The application was fully discussed at the recent Parish Council meeting. It was acknowledged that a need for housing had been identified. However, it was felt that this may not be the best location within the Parish for these affordable houses.

The Application met with a vote of 2 against and 3 abstentions. One Councillor unable to attend the meeting sent a letter of support to the council for the application.

SCC Highway Authority: Standing Advice applies.

SSDC Highway Consultant: Consider the sustainability issues in transport terms (accessibility and connectivity). Nythe Road and the short length of Henley Road appear suitable to accommodate the low level of traffic that would be generated by the scheme. At the proposed access point, the splays shown on the submitted plan appear excessive. The sightline in the SW direction is more than adequate. The NE splay to the off-side carriageway is incorrectly shown - this needs to extend to the nearside vehicle track line - but in addition, I would imagine vehicle speeds from the NE direction would be reducing on the approach to the junction. The 64.5m splay would be commensurate with vehicle speeds in excess of 37mph when the actual speed of traffic is likely to be lower than this. The agent should assess the likely

speed of traffic from the NE direction and then indicate splays using the guidance set out in Manual for Streets. The width (5m wide) and layout of the access appear suitable and the first 6m of the access should be properly consolidated and surfaced. The parking provision would be influenced by the number of bedrooms per dwelling and the standards set out in the Somerset Parking Strategy. A S.184 road opening notice would be required from SCC. I recommend an amended plan is submitted addressing the above.

Natural England: No objections.

SW Heritage Trust: The application site lies within the Pitney Area of High Archaeological Potential. A 12th/13th century pottery jug was found nearby at Ball's Farm. Early medieval pottery has also been found in the orchard to the south. Fieldname evidence does suggest that there could be a settlement in the vicinity. It is of note that a Grade II listed 15th/16th century farmhouse also lies in close proximity.

For this reason I recommend that the developer be required to archaeologically investigate the heritage asset and provide a report on any discoveries made as indicated in the National Planning Policy Framework (Paragraph 141). This should be secured by the use of the following conditions attached to any permission granted.

"Programme of Works in Accordance with a Written Scheme of Investigation (POW)

Before the commencement of the development hereby permitted the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological investigation in accordance with a Written Scheme of Investigation (WSI) which has been submitted and approved in writing by the Planning Authority. The WSI shall include details of the archaeological excavation, the recording of the heritage asset, the analysis of evidence recovered from the site and publication of the results. The development hereby permitted shall be carried out in accordance with the approved scheme."

and:

"Archaeology and ensuring completion of works

No building shall be occupied until the site archaeological investigation has been completed and post-excavation analysis has been initiated in accordance with Written Scheme of Investigation approved under the POW condition and the financial provision made for analysis, dissemination of results and archive deposition has been secured."

SSDC Ecologist: No comments nor recommendations to make.

SSDC Environmental Protection Officer: I concur with the concerns raised. Before being able to reach an informed view I would request that the applicant undertake and submit a noise and odour assessment using the appropriate methodologies. Introducing new receptors to an active agricultural unit presents many possible impacts on residential amenity which would be very difficult to mitigate against should problems occur.

SSDC Landscape Architect: My previous comments (which follow) remain pertinent. PPG - Natural Environment - has re-iterated the necessary role of landscape character assessment in planning for change due to development without sacrifice of local character and distinctiveness, whilst an understanding of landscape character is also utilised to help determine a view on what may - or may not - be acceptable in terms of development and land-use in any particular landscape. It is this capacity of landscape character assessment to inform appropriate development and land-use that is pertinent to this proposal. A development here would clearly erode local character, as has been set out below, hence there remain grounds for objection.

(Comments received in relation to 16/04526/OUT)

Whilst this application site has a degree of correspondence with adjacent built form, I have some concerns with this.

The site is a small grass paddock that lays to the (west) side of Balls Farm, whilst the grade 2 listed Windsor Farmhouse is located to the southwest of the application site, on the opposite side of the road. It is associated with the scattered hamlet of Henley, which is a linear settlement that is characterised by dispersed development form - primarily farmsteads - threaded along the Henley Road (akin to beads on a necklace). There is no nucleus to the settlement.

Whilst development of this site in laying alongside Balls Farm, would not be markedly at variance with the settlement pattern, it can be noted that the above farmsteads currently provide a western 'bookend' to development along the Henley Road, such that this site would extend the settlement's form to the west, to be an extension, rather than infill, of development form. I also note that;

- i. the site falls within the setting of listed farmhouse, with its prospect over open farmland to the north, to thus erode that setting;
- ii. there would be a loss of roadside hedge to the south side of the plot in the necessary pursuit of achieving sightlines to SCC Highways standards and;
- iii. the current farmstead (Balls Farm) is clearly defined to its west side, thereafter the moorland edge is open in character. Two new dwellings here would erode this local characteristic.

I consider the aggregation of these impacts to erode local character and distinctiveness, contrary to local plan policy EQ2.

REPRESENTATIONS

Two letters of objection have been received from local residents, as well as a letter from the NFU raising concerns about the development proposal. The following main points are raised:

- Impact on livestock in adjoining agricultural building, overall ability of the business to function, and impact of adjoining use on residential amenity of future occupiers of the development.
- Impact on highway safety.
- Adverse impact on the character and appearance of the area.
- Remote from the village centre.

Two letters of support have been received from local residents, make the following points:

- There is an identified need in the village for affordable housing. This development will go towards allowing young people to stay in the village.
- Removing hedges around the site would improve visibility at the junction.

CONSIDERATIONS

The main considerations concern the principle of development, impact on the character and appearance of the area and highway safety.

Principle of Development

The application site is located in open countryside to the western end of Henley, a settlement primarily characterised by linear development. The site is approximately 1km from the developed edge of High Ham, to the south, via Ham Hill, a 60mph classified road with no pedestrian footpath or lighting.

In policy context, national guidance contained within the National Planning Policy Framework (NPPF)

sets out a presumption in favour of sustainable development, advising that "local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances." Paragraph 49 of the NPPF also states housing applications should be considered in the context of the presumption in favour of sustainable development, as does policy SD1 of the South Somerset Local Plan (2006-2028).

Policy SS1 (Settlement Strategy) 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 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 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

The applicant notes that a housing needs survey has recently been carried out within the Parish of High Ham, with results confirming a need of up to 5 affordable dwellings, with a split of 1 social rented and 4 intermediate solutions. The applicant seeks to justify the proposal by stating that the proposed dwellings will be "offered on the open market to 'First Time' buyers at a reduced market value." While this is commendable, there are no measures proposed to control the 'affordable' element of the proposal, with affordable housing usually controlled by a registered social landlord (RSL), and/or a section 106 legal agreement. By maintaining the properties as open market dwellings, there would be no controls on requiring the properties to be sold at a reduced rate, who they could be sold to or that they would be maintained as such going into the future. As such, the proposed development cannot be seen as constituting 'affordable housing' for which a need has been identified within High Ham.

Notwithstanding the above failure to meet an identified local need, the site adjoins the nearest 'Rural Settlement' of Henley, which comprises of a group of dwellings and farmsteads in a linear form spreading eastwards from the site to Henley Corner. This is a settlement with insufficient services to meet the requirements of SS2 and should therefore be considered as part of the countryside to which national countryside protection policies apply, as specified in Local plan policy SS1. The nearest 'Rural Settlement' that does have the requisite number of key local services to comply with Local Plan policy SS2 is High Ham, which is approximately 1km to the south. Due to this distance and the site is considered to be poorly related to this nearest rural settlement. The site is therefore not considered to be an acceptable location for new residential development in principle, due to its open countryside location and the level of separation from the High Ham. Furthermore, there are no pedestrian links to the village with no roadside footpaths and no lighting. It is also noted that the main road is a busy classified 'C' road, which reduces the likelihood of pedestrian access to local services on safety grounds. It should also be noted that while acknowledging the identified need for affordable housing within the Parish, High Ham Parish Council have objected to the application on the basis that the site is not considered to be an

appropriate location within the Parish for the houses.

Scale, Appearance and Heritage Context

As only access is proposed to be considered at outline stage, the final appearance of the dwellings, and landscaping, would be addressed at reserved matters stage. Nonetheless, the provision of residential development in this location can be assessed in general landscape character terms. It is also noted that specific details are given in respect to the removal of all hedgerow to the south and west roadside boundaries of the site, with existing rails underneath repaired and reinstated. This is said to be with the intention of improving visibility at the proposed site access, and at the junction of Henley Road and Nythe Road.

Policy EQ2 states 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. Furthermore, development proposals...will be considered against (among other things):

- Conserving and enhancing the landscape character of the area
- Reinforcing local distinctiveness and respect local context
- Local area character
- Site specific considerations

In this case, the application site is located within open countryside, at the edge of Henley. While any proposed development could accord with the prevailing linear character, it is considered that the buildings to the east (Balls Farm) currently provide a coherent edge to the built part of Henley, opening up into moorland edge, with the site and countryside to the north and west defined by its open character. The Council's Landscape Architect has considered the proposal and objected on the basis of erosion of the open character. Concerns are also raised about the impact of loss of hedgerow on the roadside boundaries.

It is also noted that there is a listed building, Windsor Farm, to the south, for which the open farmland to the north (the application site) falls within its setting. As well as the impact on local landscape character, and associated rural context, the proposed residential development of the site, and loss of hedgerows is considered to erode the setting of this heritage asset. As such, it is important to bear in mind that guidance within the NPPF (paragraphs 131, 132, 133 and 134) which introduces, amongst other things, the desirability of sustaining and enhancing the significance of heritage assets, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, the need to assess whether the development proposal is likely to lead to substantial or less than substantial harm to the significance of a designated heritage asset, and the need to balance the level of harm identified against the public benefits of the proposal. Paragraph 128 also states *"in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation."* No such assessment of the affected heritage asset has been submitted, with no reference even made to it within the application. Despite this, it is unlikely that the development of this site would be deemed to lead to substantial harm to the setting of Windsor Farm. Nonetheless, it is considered that there will be some harm. In cases where less than significant harm is deemed to occur to the significance of a heritage asset, paragraph 134 of the NPPF requires that this harm should be weighed against the public benefits of the proposal. On the basis that the site is deemed inappropriate for residential development, and that no appropriate justification has been put forward for residential

development of the type proposed in this location, it is considered that there are no public benefits that would outweigh the harm to the significance of the heritage asset.

Highway Safety

The proposed development is to be served from an existing agricultural access that will be improved. The plan submitted shows visibility to the north east of 64.5m, and to the south west of 60m. The Council's Highway Consultant has advised that the south west visibility splay is acceptable, however the 64.5m splay is drawn incorrectly as it is taken to the off-side carriageway edge instead of the nearside vehicle tracking line. Notwithstanding this, it is also suggested that 64.5m is greater than required as vehicle speeds are likely to be less than 37mph, which is the speed at which 64.5m would be relevant. It is suggested that an amended plan be submitted with revised visibility commensurate to expected vehicle speeds. An amended plan has not been submitted, however it is considered that appropriate visibility can be provided should the application be approved. In addition, the access width is acceptable, and all other requirements of the County Highway Standing Advice, such as provision of properly consolidated access, drainage and parking, can be met. As such, the proposal is not considered to have any detrimental impact on highway safety.

Residential Amenity

The proposed development is located at sufficient distance from any other nearby property to avoid any unacceptable impact on residential amenity. The site is however located immediately adjacent to an agricultural holding, with a barn on the boundary used (mainly in winter) for the accommodation of livestock. Both the neighbouring landowner, and the NFU, have raised concerns about the proximity of the application site to this holding, with particular concerns raised about disturbance to livestock, and potential impact through odour and noise disturbance to future occupiers of the site. There are also concerns about the future viability of this business should complaints be made in respect to a statutory nuisance in the future. While it is not considered that there would be reasonable planning grounds to refuse on the potential impact on livestock, the impact on future occupiers of the site does raise potential issues.

Local Plan Policy EQ2 includes several criteria aimed at ensuring high quality development, and includes a requirement for *"development proposals should protect the residential amenity of neighbouring properties."* Equally it should be expected that prospective occupiers of new dwellings have their residential amenity protected too by not being sited in inappropriate locations. Likewise, the Core Planning Principles of the NPPF (paragraph 17) states that *"planning should always seek to secure high quality design and a good standard of amenity to all existing and future occupants of land and buildings."*

In this case, the Council's Environmental Protection Officer shares the concerns raised and has suggested that the applicant should arrange for a noise and odour assessment to be undertaken to assess the potential harm. The applicant has declined to carry out such an assessment. As the close proximity of this livestock building is considered likely to give rise to significant potential for harm to the residential amenity of future occupiers of the dwelling, it is considered appropriate to recommend refusal.

Other Issues

The site is within an Area of High Archaeological Potential. It is noted that a 12th/13th Century pottery jug has previously been found at the adjoining Balls Farm, as well as early medieval pottery in an orchard to the south. SW Heritage Trust also note that fieldname evidence suggests that there could be a settlement in the vicinity, and that a Grade II listed 15th/16th century farmhouse also lies in close proximity. It is therefore suggested that should planning permission be granted, appropriate archaeological investigation be conditioned.

The site is near to King Sedgemoor Site of Special Scientific Interest (SSSI), Blackham Wood, designated as Ancient Woodland and Henley Fields County Wildlife Site. It is not however considered that the proposed development would have any adverse impact on these national and locally important sites.

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

The site is poorly related to key local services, by virtue of distance to these services, and the development fails to provide for an essential need. It is also considered that the associated intrusion into open countryside and failure to respect local character, including harmful impact on the setting of an adjoining heritage asset, makes the scheme unacceptable. It is furthermore considered that the proximity of the site to an adjoining agricultural holding would have the potential to give rise to unacceptable harm to future occupiers of the proposed development.

The development proposal is therefore considered to be unacceptable and fails to meet the aims of sustainable development.

RECOMMENDATION

Refuse permission

FOR THE FOLLOWING REASON(S):

01. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been appropriately justified. The application site is also remote from local services and therefore constitutes unsustainable development that is contrary to policies SD1 and SS1 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
02. The proposed development by reason of its siting within open countryside, and associated proposed hedgerow removal works, represents an incongruous form of development that would erode local character and distinctiveness, in addition to causing less than significant harm to the significance of a nearby heritage asset. As such, it has an unacceptable impact on the character, appearance and the rural context of the locality. The proposal is therefore contrary to policies EQ2 and EQ3 of the South Somerset Local Plan (2006-28) and provisions of chapters 7, 11, 12 and the core planning principles of the National Planning Policy Framework.
03. The proposed dwelling is unacceptable by reason of its siting in close proximity to an adjoining agricultural building. This relationship has the potential to cause unacceptable harm to the residential amenities of the future occupiers of the proposed dwelling by way of noise and odour generation as a result of the possible use of the adjoining building for the accommodation of livestock. As such it is contrary to policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the core planning principles of the National Planning Policy Framework.

Informatives:

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

In this case, there were no minor or obvious solutions that could be applied during the course of the application to overcome the reasons for refusal.

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

In the event of an approval at appeal, you would be required to complete and return Form 1 Assumption of Liability as soon as possible after the grant of permission and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

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