

welcome parishioners and other visitors requiring suitably accessible accommodation otherwise not provided by the current vicarage.

Planning History

04/02430/OUT - Residential development of land (one to two dwellings). Refused. Appeal Dismissed.

03/03589/OUT - Erection of single private detached dwelling with garage. Withdrawn.

00/03000/FUL - Erection of four dwellings, garages and construction of a new vehicular/pedestrian access. Approved. This development was constructed fronting Buttle Close. This permission was accompanied by a legal obligation that restricts development of the site to which the current application relates.

Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under 54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant development plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents:

Regional Spatial Strategy

VIS1 - Expressing the Vision

VIS2 - Principles for Future Development

EN4 - Quality of the Built Environment

Somerset and Exmoor National Park Joint Structure Plan 2000

STR1 - Sustainable Development

STR6 - Development Outside Towns, Rural Centres and Villages

South Somerset Local Plan 2006

ST3 - Development Areas

ST5 - Principle of Development

ST6 - Quality of Development

EC3 - Landscape Character

Consultations and Representations

Parish Council - Full support. Important that Rector is provided with suitable accommodation within the village. Perfect opportunity for a purpose built rectory.

County Highway Authority - Beyond development area but a matter for LPA. Condition allocated parking area kept clear of obstruction.

Planning Policy - It is proposed to erect the new Vicarage on land outside of the defined Development Area for Shepton Beauchamp where development is strictly controlled and restricted to that which benefits economic activity, maintains or enhances the environment and does not foster growth in the need to travel (adopted South Somerset Local Plan (SSLP) Policy ST3). In my opinion this proposal will bring some economic benefit to the church as a result of the sale of the existing vicarage, it will not maintain and is unlikely to enhance the environment and may foster growth in the need to travel. The applicants agent correctly identifies that the proposal site did form part of allocation HG/SHBE/1 in the South Somerset Local Plan Deposit Draft 1998; however that allocation was deleted following the recommendation of the Planning Inspector in his Report to the Council (June 2003).

Whilst sympathising with the desire to provide the vicar and his family with modern and easily maintained living accommodation I do have some concerns with the reasoned justification that has been submitted in support of this application and I would like to raise the following points:

1. The existing vicarage occupies a large plot within the Development Area, is it truly not viable to alter or sub-divide the existing building to ensure that it meets the needs of a modern day vicarage?
2. I can see no indication in the Design and Access Statement of the reasons why the properties in Appendix 1 were considered to be inappropriate for use as a vicarage.
3. Regarding the agreement with the school to use part of the rear garden for recreational purposes, surely this arrangement could be formalised at any time and is not dependant on this proposal being implemented?

In conclusion, this proposal is contrary to SSLP Policy ST3 and you would need to assess if the community benefits that will arise should it be approved are significant enough to justify an exception being made to that policy.

SSDC Technical Services - Floor levels to be 300mm above existing ground level.

Landscape Architect - The site lays within general land parcel, partially domesticated, immediately alongside a residential area. No substantive landscape issues. Propose a landscape condition to establish clear boundary definition and enclosure.

County Archaeologist - No objection.

11 neighbour notifications were issued. There have been 32 responses that support the proposal. These relate to:

- The existing rectory is too large, too expensive and difficult to keep in repair.
- A purpose built rectory will meet the needs of the eight villages covered.
- A much used public building that is disabled friendly compared to existing: narrow doorways, steps, etc.

Applicant's Supporting Information

The current vicar is responsible for 8 separate Parishes. Shepton Beauchamp School currently has use of a large part of the current vicarage garden, on a lease from the Diocese which is subject to the vicars agreement. They use it on a daily basis for various school activities including as an extension to the very small playground, the school vegetable patch, nature garden, activities area and sports-field. This is due to the shortage of suitable outdoor facilities for the school in the vicinity. In order to offer the vicar and his family some degree of privacy that part of the vicarage garden has already been separated from the private amenity area immediately adjacent to the vicarage by way of a hedge and gate.

At present the school lease part of the vicarage garden for a peppercorn rent. It is envisaged that this arrangement will be changed around the time the current vicarage is sold and the land will be formally transferred to the school. The arrangements for this transfer will probably be made locally with the Parochial Church Council and the school governors.

The current limitations of the existing vicarage are a real constraint on the vicar performing his duties effectively and on his family's privacy, difficulties associated with disabled access/facilities, no parking, no dedicated private study, and the problems associated with the maintenance and upkeep of a house of this age.

You have requested further details as to the financial position with the proposed sale of the current vicarage. A best guess figures suggest that the existing vicarage could achieve in order of £475,000, although this figure will probably be reduced due to the hand over of a

large part of the garden to the school. The build cost alone for the new vicarage will be in the order of £300,000.

The search for a new vicarage was largely undertaken by the vicar who provided details of 19 properties. You will note that there are no building plots included in this list as no others have been found. Recurring themes as to why each property was rejected include the lack of disabled access/ facilities, high maintenance costs, lack of office space, likely problems extending due to conservation area or listed building status, restricted parking and distance from church. All similar problems experienced at the existing vicarage.

Further information received:

Land rear of the existing rectory

Our client informs me that the school does not belong to the Diocese but to the Local Education Authority. Although it is a school with strong links to the church, the church are not responsible for it as it was transferred to the LEA some years ago. As such any gift of land to the school would be just that.

We acknowledge your concerns in respect of the possible closure of the school and in this respect The Bath and Wells Diocesan Board of Finance are happy to make the following offer. They will give the land to the school for its continued use thereby making the school more viable and therefore less likely to close. However, if the school should close at any time within the next 50 years the land will then be offered to the Parish Council for use for recreational purposes.

I understand from Jeff Knipe that the Parish Council have withdrawn their interest in the land behind the rectory at this time. However, it will be for the members of the Parish Council of the day to decide whether they want to accept this offer should the school close within the next 50 years.

The separation of this land from the vicarage is likely to have a considerable impact on the value of the vicarage, which is to be sold to fund the construction of the new vicarage. We estimate this to be in the region of £50,000. In light of this I hope you will agree that this is a generous offer which will achieve the maximum gain to the community on the back of this planning application.

Planning Considerations

The applicant's site lies beyond the development area with a 'in principle' objection to its development. The main consideration is whether justification for building outside the proposed development boundary is present.

The site's allocation for housing was deleted from the local plan by the presiding planning inspector in 2003. In 2005 an appeal for outline planning permission (04/02430/OUT) involving residential development on the site was dismissed given this pedigree and with no evidence of an overriding need for the construction of one or two residential dwellings on the site.

The proposal is for the construction of a dwelling house. The house is proposed to be occupied by the vicar whose current premises are too large and too expensive for their occupation, while the proposed dwelling would provide the opportunity of addressing the requirements of access for people with disabilities at the same time defining private and work space, all issues arising from the use of the current residence.

Reference is made to Canon Law and the need to provide church facilities as a material consideration. An appeal at Curry Rivel (04/02430/OUT) is included with the application, which shows that a new vicarage was granted permission on land in designated countryside on the basis of local need with no suitable alternative accommodation available. The site formed part of the existing vicarage's curtilage and the relationship and proximity to the proposed vicarage differed little from those of the existing one. Supervision of the church building and the prevention of vandalism to that building was identified as one of the reasons for supporting the proposal. The circumstances of the current applicant are clearly different from this appeal example with the use of a separate parcel of land away from the existing vicarage and the central themes of that appeal being different or requiring fresh enquiry, for instance, the search for suitable alternative premises.

The submitted evidence of sales particulars does not present a very robust marketing exercise. For instance, reference is made to the limitations of the conservation area and to listed building status although evidence is not shown that planning officers have been approached and asked to advise as to the suitability of certain sites. Such status is not necessarily a bar to further work but will identify the need for careful appreciation of proposals submitted and their impact on the building in question. Members will be aware of the many examples of conversion and extension of both listed buildings and buildings in conservation areas that provide suitable accommodation often addressing the long list of requirements from their developer/ occupant's.

It is accepted that there are limitations in terms of the property search. Shepton Beauchamp being the largest parish within the vicar's care is the obvious choice in this particular case. 19 sales particulars have been presented, these result from the vicar's own search rather than forming a more ordered search that give an in-depth appraisal for each site, listing the reasons for each property's lack of opportunities for development and with evidence of planning officer contacts, as necessary, to address concerns whether certain development is or would not be supported with particular reference to those buildings in the conservation area or subject to listed building protection, whereas, unfortunately, the comments have been generalised whereas effort is required to show that particular properties present insurmountable difficulties.

It is acknowledged that the community is strongly supportive of their vicar's needs. No doubt there is a need to provide a more welcoming workplace and to accommodate facilities to make attendance of the vicarage that much more accessible to people with disabilities. The main issue remains one of fully exploring alternatives and working with the existing constraints and limitations imposed by the planning system unless special justification is established.

Whether the current vicarage is suitable for conversion has not been fully explored. The case is made that it is too large and too expensive to run but these are not planning matters, while alteration, adaptation and extension is often the way forward.

As part of the application the Church offers to secure the plot of land, part of the vicarage's curtilage currently used by the school for its continued future use. One is mindful that the church could continue to support the school in this way without drawing attention to this aspect of the current planning application.

The possibility of building on the extended garden area has not been explored although its use by the school in this case may be a preferred way forward that benefits the wider community into the future supporting, perhaps, the school but also benefiting potentially generations of village school children. In considering this aspect of the application a problem arising is that small schools appear to be under some threat of closure so that the evident

community benefit today is not fully utilised in the longer term. The land's use by the school is used here to help justify development of the proposed site.

Planner's see that the gain for the community is the security of the land supporting the community's school and its children in the long term. In the long term the ability for the church to take back the land deprives the community of a valuable commodity. This may not necessarily arise while the school is open. In the event that the school closed at some time within the next 50 years, the Parish Council would be offered the land. Officers' believe that this should be on the basis of an unrestricted freehold to secure to the community benefit arising from any permission for a site beyond a development area. To date it appears that the church does not see the plot of land's transfer as an unrestricted freehold to a Parish Council that wished to have it. The Church would expect the Parish to have use of the land for recreational pursuit at anytime within the next 50 years and thereafter have it returned. This aspect requires further attention and acceptance of the parties involved in a planning obligation unless Members advise otherwise.

The applicant's proposal for one dwelling does not raise objection in terms of being unacceptable backland development. The proposed drawings otherwise show an acceptable design and relationship to existing. However, the proposal is for a site beyond the development boundary albeit adjacent, while the relatively recent Inspector's deletion of the site as an allocation site resulting in the re-drawing of the boundary so that the site is outside of the development area, and the subsequent appeal dismissed shows that special justification is required for the site's development.

In conclusion

Justification for development beyond the development boundary has not been identified. A full marketing justification showing all sites with professional advice as appropriate to the suitability of extensions/ conversion is needed.

The use by the school and securing the land for its benefit needs also to be tied in with the wider community benefit. In the event of the school's closure the land should be offered to the then Parish Council as freehold land unrestricted as to its use which could be used by the wider community to make full use of the evident benefit identified.

Environmental Impact

This development does not fall within the scope of the Town & Country Planning (Environmental Impact Assessment) Regulations 1999 and so Environmental Impact Assessment is not required.

RECOMMENDATION :

REFUSE

Application Refused

01. The proposal is for land outside the development area and it is considered that no clear justification has been proven and therefore the application is contrary to policy ST3 of the South Somerset Local Plan and STR6 of the Joint Somerset and Exmoor National Park Structure Plan and the advice contained within PPS3 and PPS7.