



# JOINT AREA COMMITTEES IN SOUTH SOMERSET



## Officer Report On Planning Application: 09/01011/COU

<b>Proposal :</b>	The change of use of farmyard and buildings from agricultural use to equine/riding establishment (GR 341385/120671)
<b>Site Address:</b>	Lower Burrow Farm Lower Burrow Kingsbury Episcopi
<b>Parish:</b>	Kingsbury Episcopi
<b>Ward : (SSDC Member)</b>	BURROW HILL Mr Derek Yeomans (Cllr)
<b>Division (SCC Member)</b>	LANGPORT Mr Derek Yeomans (Cllr)
<b>Recommending Case Officer:</b>	Claire Nute Tel: 01935 462295 Email: claire.nute@southsomerset.gov.uk
<b>Target date :</b>	11th May 2009
<b>Applicant :</b>	SN & CA Perrin
<b>Application Type :</b>	Other Change Of Use

### REASON(S) FOR REFERRAL TO COMMITTEE

This application has been referred to the committee because the Ward Member has made a request that the application be considered at this level, and this request has been supported by the Area Chair. The application is recommended for refusal, following the objections raised by the County Highway Authority. The application could not be issued in consultation with the Head of Development Control because to overturn this recommendation would represent a significant departure from the views of this statutory consultee.

### SITE DESCRIPTION AND PROPOSAL



The site is located down a long track, which is outside of any recognised development limit. The site currently forms part of a working farm, which is located with a SSSI.

This application seeks permission for the change of use of part of the farmyard and farm outbuildings, from agricultural to equestrian use for a trekking centre/riding school. No alterations to the buildings are proposed.

## **HISTORY**

08/02915/AGN: Notification of intent to erect an agricultural building for the storage of cereals. Application permitted on 01/08/2008.

93/01260/FUL: The use of land and stables as a riding school. Granted temporary conditional approval on 01/10/1993.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant development Plan Documents unless material considerations indicate otherwise.

PPS7 - Sustainable Development in Rural Areas

Regional Spatial Strategy:

Policy VIS 1 - Expressing the Vision

Policy VIS 2 - Principles for Future Development

Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR6 - Development Outside Towns, Rural Centres and Villages

Policy 49 - Transport Requirements of New Development

South Somerset Local Plan (Adopted April 2006):

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EC5 - SSSIs

Policy EH5 - Development Proposals Affecting the Setting of Listed Buildings

Policy ME5 - Farm Diversification

Policy CR7 - Commercial Development Involving Horses

## **CONSULTATIONS**

Area Engineer - No comment

Landscape Officer - No landscape issues related to this change of use concentrated within the existing building group.

Agricultural Development Officer - This farm operated a small riding establishment based on a permission awarded against 931814. The permission lapsed after five years and the riding school closed in 1997 due to family commitments. This application is to again apply for a COU to operate an equine enterprise on the same scale as before. I have no objections to make on this application.

Parish Council - No objection

County Highway Authority - As I am sure you are aware the Highway Authority in the previous application at the site recommended the application for refusal on the grounds that the approach road to the site by reason of its restricted width and poor alignment was considered to be unsuitable to serve as a means of access to the proposed development. Having visited the site again as part of this current application it is clear that the approach road, Lower Burrow is still substandard. The approach road is still restricted in width with limited formal passing places and the alignment is still a concern.

The Highway Authority also has concerns regarding the standard of the junction of Lower Burrow with Burrow Way. The visibility achieved in both directions for emerging vehicles is restricted due to the vegetation growth of boundary hedges that front the highway at this point. As a consequence of the above limitations with the surrounding highway network, the Highway Authority would not wish to see a proposal that is likely to result in an increase in the use made of it. The proposal to introduce an equine/riding establishment in this location is likely to result in this increase and as such the Highway Authority recommend the application be refused on highway grounds.

Rights Of Way Officer - Public footpath L17/62 follows the access track to the farm and continues westwards beyond the buildings. At common law the footpath is deemed to cover the entire width of the track available for public use, as was in 1930. The legal definition of this land is therefore public highway until the highway is stopped up. The usual process is to apply to divert the footpath out of the farm complex area (which costs approximately £1500 and takes about 6 months if no-one objects). It is an offence for the public to take a motor vehicle on to a public footpath and for anyone to obstruct the route, for example by parking a vehicle on the track. I would recommend that the area of the track be removed from the application.

## **REPRESENTATIONS**

None received.

## **CONSIDERATIONS**

As the planning history shows, the site was previously granted a temporary consent to run a riding school from the site. This temporary permission expired, and the use as a riding school finished, hence the reason for this application. Having checked the previous correspondence in relation to this planning consent, the County Highway Authority raised strong objections to the original planning application, and recommended refusal. The application then went to the planning committee for determination, with a case officer recommendation for refusal, which was then over-turned.

There are benefits that the business created by this change of use can offer in terms of tourism and economy, and the principle of this scheme is broadly supported by advice contained in PPS7, Policy ME5 (Farm Diversification) and CR7 (Commercial Development Involving Horses) of the South Somerset Local Plan. However, a large emphasis is also placed on highway safety throughout all of the relevant planning policy. Policy 49 (Transport Requirements) of the Somerset and Exmoor National Park Joint Structure Plan Review states development proposals should be compatible with the existing infrastructure, and in particular should provide safe access to roads of adequate standard. Policy CR7 of the Local Plan states that development of this type will only be permitted on the basis the proposal will not be unacceptably harmful to highway safety, and Policy ME5 requires that farm diversification schemes comply with other plan policies, and that no unacceptable harm is caused. Policy ST5 of the Local Plan requires a satisfactory means of access into the site, and that traffic resulting from the development can be accommodated on the local transport network.

As can be seen from the consultation response from the County Highway Authority, an objection has been raised over the suitability of Lower Burrow to serve the development. The road has restricted width, limited formal passing places and poor alignment. Concerns have also been expressed over the standard of the junction of Lower Burrow and Burrow Way, which has restricted visibility.

As a result of these factors, it is considered the increase in traffic caused by the development would be unacceptable.

## **RECOMMENDATION**

Refuse

## **SUBJECT TO THE FOLLOWING:**

01. Lower Burrow by reason of its restricted width, poor alignment and substandard junction with Burrow Way is considered unsuitable to serve as a means of access to the proposed development, The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policies ME5 and CR7 of the South Somerset Local Plan.