

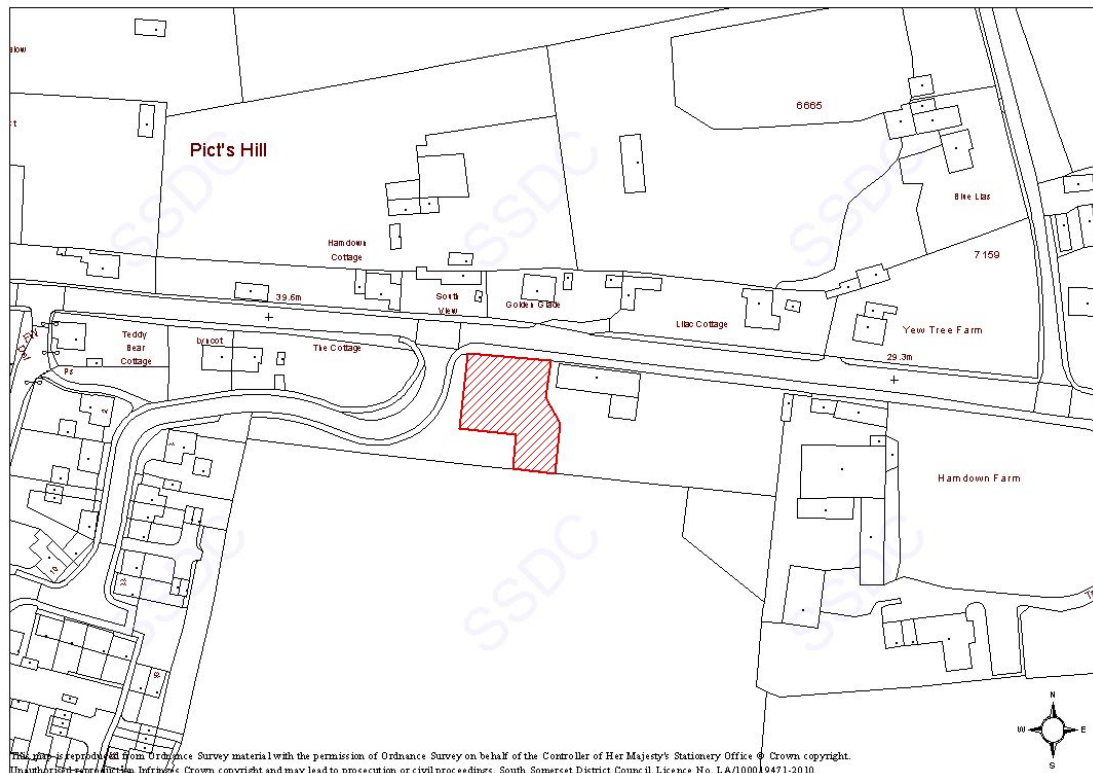
**Officer Report on Planning Application: 10/00657/OUT**

<b>Proposal :</b>	The erection of a workplace home. (GR 343580/127565)
<b>Site Address:</b>	Land Os 6155 Part Picts Hill High Ham
<b>Parish:</b>	High Ham
<b>TURN HILL Ward (SSDC Member)</b>	Mr Rupert Cox (Cllr)
<b>Recommending Case Officer:</b>	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
<b>Target date :</b>	7th April 2010
<b>Applicant :</b>	Mr M Dunlop
<b>Agent: (no agent if blank)</b>	Paul Dance Foxgloves, 11 North Street Stoke Sub Hamdon, Somerset TA14 6QR
<b>Application Type :</b>	Minor Dwellings 1-9 site less than 1ha

**REASON FOR REFERRAL TO COMMITTEE**

This application is referred to Committee at the Ward Member's request with the agreement of the Chairman.

**SITE DESCRIPTION AND PROPOSAL**



The site is on the south side of the B3153 at Picts Hill, between the entrance to Hamdown Court and the entrance to the adjacent industrial site to the east. It is in

countryside, outside any settlement boundary. The surrounding development comprises a loose scattering of roadside dwellings surrounded by open countryside, with the recent development at Hamdown Court to the west.

The site is part of the approved builder's yard. It is part grassed, with informal parking at the entrance to the builder's yard. The application seeks outline planning permission for a workplace home with all matters except access reserved. An illustrative drawing shows an 'L' shaped dwelling with a footprint of 140m<sup>2</sup>. The application forms state that a 2-storey building is proposed using local natural stone and slate. The proposal is supported by a Design and Access Statement.

## **RELEVANT PLANNING HISTORY**

08/00367/FUL – Planning permission granted for a new plant and machinery store on adjoining land to the east.

07/00155/COU – Planning permission granted for the change of use to builders store and yard. This included the current site and the land to the east.

04/02044/FUL – Planning permission refused for the erection of a bungalow on land immediately to the east.

## **POLICY CONTEXT**

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.

For the purposes of determining current applications the local planning authority accords significant weight to the emerging Regional Spatial Strategy for the South West (RSS10) due to its highly advanced state. The view is therefore taken that the relevant development plan comprises the Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008), the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

National Guidance

PPS1 – Sustainable Development

PPS3 – Housing

PPS7 – Sustainable Development in Rural Areas

PPG13 – Transport

Draft Regional Spatial Strategy for the South West (Proposed Changes June 2008):

Development Policy E - High Quality Design

Development Policy G - Sustainable Construction

Somerset and Exmoor National Park Joint Structure Plan 2000

STR1 - Sustainable Development

STR6 - Development Outside Towns

South Somerset Local Plan 2006

ST3 - Development Areas

ST5 - Principle of Development  
ST6 - Quality of Development  
EH6/ 7 - Conversion of Buildings in the Countryside  
ME4 - Small Scale Extensions of Employment Sites.  
EC3 - Landscape Character

South Somerset Sustainable Community Strategy  
Goal 3 – Healthy Environments  
Goal 7 – Distinctiveness  
Goal 8 – High Quality Homes

Other Relevant Documents:  
None

## CONSULTATIONS

**High Ham Parish Council** - have no objections in principle to the proposal subject to the following recommendations being taken into account and the following additional information/ confirmation being received in due course should South Somerset Council support the application:

- 1. The Parish Council recommends that the proposed dwelling should be tied to the land by making it subject to a Section 106 Agreement;*
- 2. The Parish Council would wish to see more detailed scale plans of the dwelling showing all elevations, layout and information relating to finished materials proposed;*
- 3. The Parish Council would wish to receive confirmation relating to the additional improvement works the applicant has stated he will carry out within the existing storage yard that will greatly improve the current environment. For instance, it has been proposed the applicant will undertake landscaping works as well as reduce the size of the nearest storage building to the proposed dwelling, via its replacement with a new building. This will have a very positive impact for local residents, improving visual amenity;*
- 4. The Parish Council would recommend that the hours of working are restricted to what can be considered reasonable to ensure no inconvenience, or any other associated nuisance, is caused to local residents at weekends/national holidays. This should be part of the conditions attached to the site should the plans be approved.*

**County Highway Authority** – recommend refusal:-

*The proposed development site is remote from any urban area and distant from adequate services and facilities, such as, education, employment, health, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted: April 2000).*

*In detail, visibility from the access is adequate in both directions given that the speed of passing traffic is restricted to 30mph. The Highway Authority is also content that there is sufficient room within the site for vehicles in connection with the dwelling to enter and leave the site in a forward gear. The Highway Authority also considers that there is also sufficient land else where within the ownership of the applicant for vehicles in connection with the existing use to park and turn.*

*As a result, whilst the Highway Authority is satisfied with the detail aspects of the proposal given the concerns regarding the suitability of the site in sustainable transport terms the Highway Authority would recommend that the application be refused.*

**SSDC Technical Services** – No comment

**Landscape Architect** – considers the main landscape issues to be the principle of development (policy ST3) and the impact upon landscape character (policies ST5 para 4, and EC3). Does not support the proposal on the grounds of:-

1. *an erosion of the countryside (PPS7 and ST3) - by virtue of domestic expansion into agricultural land, and;*
2. *adverse impact on landscape character (ST5 and EC3) - due to erosion of the open field pattern alongside a rural road.*

*Picts Hill lays outside the nucleus of Langport and Huish Episcopi, and in this vicinity, there are a scattering of roadside dwellings interspersed by fields that form part of the wider landscape pattern. Development of this site would not only be at variance with this pattern, but also establish development on a site that is clearly visible from wider surrounds, from which the adverse character impact is viewed.*

*Additionally, there is no inherent environmental benefit in the development of grassland with buildings and hardstanding, thus enhancement sought by policy ST3 is not satisfied. Consequently there is no landscape support for this proposal.*

**Environmental Protection** – no objection subject to a tie to the business by planning obligation (S106 agreement) as future occupiers would be subject to noise and other general disturbance.

## **REPRESENTATIONS**

14 Neighbour notifications were issued. There have been two responses in support of the proposal:-

- it would improve our outlook and the entrance to our development.
- I would prefer a house to the builder's yard that is on site at the moment.

**Applicant's Case** (paraphrased from their Design and Access Statement)

The site has become well established as a builder's store and yard under planning permission 07/00155/COU and 08/00367/FUL in respect of the new plant and machinery store. The applicant lives at Low Ham but operates his business from Picts Hill. His business is a growing construction business. It is very difficult to manage his growing business from both Low Ham and Picts Hill and there are also security problems.

From a business point of view on site accommodation would be ideal as it would provide security for the business which has already experienced a number of break-ins. Also there would be improved management of the business, and the management of workers who may need to work on site. There is the importance of being on site to receive deliveries and the ability to hold greater stock. The benefits of Mr Dunlop living on site would save journeys to and from his current property to open the premises to allow deliveries and to manage workers.

## CONSIDERATIONS

The proposal seeks a new dwelling in the countryside. The key issues are considered to be:

1. Principle and Precedent, and
2. Visual Impact.

### Principle and Precedent

The site is located outside settlement boundaries where, to prevent unsustainable development and the countryside for its own sake, there is a general presumption against new residential development. There are however a number of exception, namely:-

- Affordable housing (policy HG9) can be supported on sites adjoining settlements of less than 3,000 where it would meet a proven local need subject to appropriate management arrangements
- Agricultural Workers Dwellings (HG15), where the functional and financial tests as set out in Annex A of PPS7 are addressed and an essential need is established.
- Re-use and conversion of existing buildings (policies EH6/7).

None of the above policies have been cited in support of this workplace home. Policy ST3 is therefore considered most relevant. This states that outside the defined development areas of towns, rural centres and villages, development will be 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*”.

Whilst the applicant's supporting statement claims that there is an essential need to support the existing builders yard, this reflects the security needs of the site and the preferences of the applicant rather than a genuine economic benefit to the locality. PPS 7 advises that security on its own is rarely sufficient, given the type of business, to overcome strong policy objections to a particular development. In this case no evidence has been put forward to demonstrate that other security options or the acquisition of a nearby dwelling have been considered.

Given that the builders yard, with any associated benefits, already exist it is not considered that a manager's dwelling would generate such additional economic benefit that permission should be forthcoming. Furthermore it is clear from the Design and Access Statement that there would be little if any benefits in terms of reduced car use - the 8 employees would be unaffected and the applicant would still be dependant on vehicle use to get to his construction sites and in relation to home life.

### Precedent

There are numerous employment sites in rural locations that might argue a similar case of need, and the needs cited by the applicant could be all too often repeated in support of a home in the countryside. It is not considered that the proposal identifies a unique or essential requirement to be resident on site. If approved a precedent could be created for many other sites that might put forward a similar case.

### **Character and Appearance**

The Landscape Architect opposes the development and considers that the site's development would consolidate the built form in this locality. The existing pattern of development includes irregular plots and gaps which reinforce the rural character of the locality and offer wide open views from the roadside to distant views across the countryside to the South. It is considered that the development of this site would erode this character and would neither maintain nor enhance the local environment. As such this aspect of the proposal is contrary to policies ST3, ST5, ST6 and EC3.

Members are reminded of a appeal decision at Hillside Cottage, Picts Hill ref: 05/00321/OUT, located across the road, a little way towards Langport. This sought a new dwelling and the inspector considered that this would have an adverse impact on the character and appearance of the area and would conflict with policies, which aim to control residential development within the countryside.

### **Other Matters**

There are not considered to be any concerns for the amenities of existing residents or highways safety and technical matters such as drainage and levels could be conditioned if, in other respects, the proposal were considered acceptable. There would be a concern for the amenities of future occupiers of the dwelling as identified by the environmental health officer and Parish Council, however on the basis that a manager's dwelling is proposed it would be reasonable to tie the dwelling to the planning unit to ensure no third parties are affected.

In response to the outstanding Parish Council's comments the following observations are offered:

1. The detailed finishes would be subject of an application for Reserved Matters.
2. The PC do not clarify the improvement works they are concerned about, however landscaping of this site would be considered at reserved matters stage.
3. The application seeks a dwelling. Activities on the adjoining site do not form part of this application and are governed by conditions attached to the permission relating to that site.

With regard to the neighbour's comments it is pointed out that this application would not remove the builder's yard, rather it is intended to facilitate its further use.

### **CONCLUSION**

Notwithstanding the general acceptability of the proposal in terms of any impact on highways safety and residential amenity it is not considered that there are any policy exceptions that would justify a work place home in this rural location remote from services and facilities, where future occupiers would be largely dependant on the private motorcar. Furthermore it is considered that the development would constitute the undesirable and unsustainable consolidation of development in this otherwise rural location and it has not been demonstrated that the development would generate sufficient economic development to over ride the longstanding policy objective to restrict rural development to that for which a rural location is essential. In the absence of such justification an approval could set an unwelcome precedent for similar development not just in the locality, but also across the district at similar low-key employment sites.

## **RECOMMENDATION**

### **REFUSE PLANNING PERMISSION FOR THE FOLLOWING REASON**

01. The proposal for which no special essential need has been established constitutes the undesirable and unsustainable consolidation of development beyond the recognised limits of a designated settlement to the detriment of the visual amenity and the rural character and appearance of the locality, fostering the growth in private car use contrary to policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan, and policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan, and Planning Policy Statements 3 and 7.