

curtilage; the majority of which is a 3 acre open field to the north of the dwelling. Access to the dwelling is via a narrow unclassified country lane, known as Chilthorne Hill. This terminates at the access to the property and continues as an unclassified Restricted Byway - a track not available for motorised traffic use by the general public.

The application proposes the change of use of a small part of the field to the north of the dwelling for the siting of a holiday lodge. In support of the application the applicant advises:

The proposed holiday lodge is to be located on a north facing escarpment of a grassed field which is attached to the applicants dwelling. The lodge will be built to BS 3632, will meet the definition of a mobile caravan and provide 3 bedroom accommodation comfortable for a family of six. The lodges design is contemporary with base materials of natural timber cladding, glazing and decking. A full solar roof to be fitted to the lodge will serve both the lodge and the dwelling.

The lodge shall be set within a generous plantation of broadleaf trees, native hedging and shrubs and the escarpment will be graded to enhance the rolling aspect of the existing land contour.

The site lies within the parish of Chilthorne Domer and benefits from many local footpaths and bridleways. The Monarch`s way footpath traverse north - south less than a mile to the west. Local pubs in Chilthorne Domer and Tintinhull are easily accessed using the paths. The area is predominantly agriculture with many dairy and arable farms amongst them a water buffalo farm and a shop. Several B&B`s and local hostelrys provide accommodation but self contained holiday lets are notably sparse around the area. Reference is made to a 2005 planning approval allowing the conversion of a farm building to an annexe or holiday let at Sock Farm, Chilthorne Domer (05/01633/FUL).

The applicant has also supplied a Business and Marketing Plan, in support of the application.

HISTORY

63941 - Erection of dwelling - Refused 1963.
 63941/A - Siting of caravan - Refused 1964.
 63941/B - Erection of bungalow and Farm Buildings - Refused 1965.
 63941/C - Erection of bungalow and Farm Buildings - APPROVED 1965.
 63941/C/1 - Erection of house and Farm Buildings - Approved 1965.
 882753 - Erection of bungalow - Refused 16.11.88.
 94/00572/COL - Continued occupation without complying with agricultural occupancy condition - Approved 27.01.95.
 96/02821/FUL - Two storey extension - Approved 09.01.97.
 97/01964/FUL - Further two storey extension - Approved 07.10.97.
 12/01537/FUL- Siting of two holiday lodges - Withdrawn.

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.

In March 2012 the existing national Planning Policy Statements and Guidance Notes (PPS's and PPG's) were superseded by the publication of the National Planning Policy Framework.

The development plan comprises the Somerset and Exmoor National Park Joint Structure Plan Review, and the South Somerset Local Plan (adopted April 2006).

The policies of most relevance to the proposal are:

Somerset and Exmoor National Park Joint Structure Plan (adopted April 2000):

STR1 - Sustainable Development
STR4 - Development in Towns
STR5 - Development in Rural Centres
STR6 - Development outside Towns, Rural Centres and Villages.
Policy 5 - Landscape Character.
Policy 23 - Tourism Development in the Countryside
Policy 49 - Transport Requirements of New Development
Policy 50 - Traffic Management

South Somerset Local Plan (adopted April 2006):

ST3 - Development Areas
ST5 - General Principles of Development
ST6 - The Quality of Development
ST7 - Public Space
ST8 - Sustainable Construction
EC3 - Landscape Character
EU3 - Water Services
EU4 - Drainage
ME10 - Proposals for New Tourist Accommodation
TP1 - New Development and Pedestrian Movement
TP7 - Car Parking

National Planning Policy Framework - March 2012
Chapter 3 Supporting a Prosperous Rural Economy
Chapter 7 - Requiring Good Design

Other Relevant Documents:

The Good Practice Guide for Tourism. This Government guidance is to be read alongside national planning policies.
Value of Tourism 2010 South West Tourism Alliance 2011.

CONSULTATIONS

Chilthorne Domer Parish Council –

The Clerk has advised: "Chithorne have yet to make their comments on 12/02772/FUL The change of use of land for the siting of a holiday lodge Chilthorne Knapp, Chilthorne Hill, Chilthorne Domer. (The date was 22 August). I hope to get them to you by Tuesday. (4th Sept.) I suspect they will be the same as on the original application. NO FORMAL COMMENTS RECEIVED TO DATE.

SSDC Tourism and Business Development Officer -

Advise that no statistical knowledge is known about local demand for this type of accommodation but anecdotal information from self-catering owners indicates that demand is healthy. Opinions that the situation and outlook for the proposed lodge would be appealing for the type of visitors who come to South Somerset for short breaks but that a concern applies over the access lane which is said to be off putting.

SSDC Landscape Architect -

Refers to the recent earlier application to site two holiday lodges here. Turning to this revised proposal opinions that the proposed siting of the lodge is satisfactory in terms of its relationship with the existing buildings at the site and subject to a need for the accommodation being established raises no landscape objections subject to imposition of a landscaping condition.

SCC Highways –

Point out that the site is beyond any development limit is remote from services and facilities and that as users will rely on use of private motor vehicles there will be an increase in traffic over and above what exists currently. Also make reference to the single width long trackway which serves as the only vehicle access - that this has no footways or street lighting and its junction at Yeovil Road is restricted in terms of visibility. Taking the "highway deficiencies" into account the Highway Authority have "concerns regarding the increase in any vehicular or pedestrian traffic in this location, and whilst it may not be significant over and above what currently occurs here, it could set a precedent if permitted for further development, and the increased use of the site will incrementally increase the risk to the safety of road users in this location".

In conclusion, the Highway Authority recommends a refusal for the following reason:

The approach road by reason of its restricted width, poor alignment and substandard junction 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 ST5 of the South Somerset Local Plan.

Other –

A site Notice has been posted and neighbouring householders have been notified and invited to comment on the application. One email received from the owner of the Carpenters Arms in Chilthorne Domer gives full support to the application advising that the public house are asked by "a lot of passing trade" for local accommodation. That whilst they are supported by local guest houses already the area can easily support an addition.

CONSIDERATIONS

The NPPF emphasizes that planning should support economic growth in rural areas by taking a positive approach to sustainable new development. Rural tourism and leisure developments should be supported provided they respect the character of the countryside and they meet a need that is not being met by existing facilities in "rural service centres".

Guidance on the approach to be taken to tourism development is currently set out in the

Good Practice Guide on Planning for Tourism (2006), which replaced PPG21 Tourism (1992).

The guide places great emphasis on the benefits of tourism to the national and local economy, and the social and environmental well being of the whole country. The particular value of these benefits to rural areas is noted. The guide recognizes the role of the planning system in facilitating the development and improvement of tourism in appropriate locations and encourages a pro-active approach in order to achieve expansion of this important industry. Examples of local authority best practice in planning for tourism are given in the guide.

The guide focuses on broad principles that are relevant to most types of tourist development and does not deal in detail with individual types of development. Key planning considerations for all types of visitor and tourist developments are given as location, design and fit with surroundings:

Location: this should be accessible, ideally by a variety of means of transport, and not cause harm to a sensitive environment. New developments should be as sustainable as possible in transport terms but the guidance also recognizes that there will be instances, some due to functional need, where the choice of location cannot meet this objective.

Design: this should be attractive, functional and sustainable in terms of energy efficient construction and operation, or involve the re-use of existing buildings;

Fit with surroundings: development should conserve and enhance local environmental qualities, whether that quality lies in the historic built environment, natural landscape or nature conservation.

The good practice guide provides specific advice on tourism in rural areas. It states that the provision of essential facilities for visitors is vital for the development of tourism in rural areas and that RSS and LDF policies should engender a positive approach to rural tourism proposals, within the context of certain principles such as:

- Wherever possible, tourist and visitor facilities should be housed in existing or replacement buildings, particularly where they are located outside existing settlements.

At the local level reference needs to be had to the policies and advice contained in the Structure and Local Plan which reflect national policy and advice; namely:

1. The protection of the countryside against unjustified proposals with a priority to reuse existing buildings and brownfield land.
2. Requiring good design to reflect local distinctiveness that is appropriate to its setting and is sustainable.
3. Requiring a satisfactory and safe means of access.

Having regard to the above three main headings can be identified in the assessment of the application as follows:

1. Need and reuse the existing large outbuilding. Whilst no views were expressed in respect of the potential use of the outbuilding the applicants had initially advised that only three key competitors in the locality applied. Whilst the Councils Tourism Officer could not comment on this a "Google" search revealed that a further eight sites can be considered as local competitors, not including the Halfway House, existing B&B's and the new hotel development recently allowed in the Town Centre. The applicant has provided the following comments:

There is no self catering accommodation in Chilthorne Domer. The Halfway House offers B & B only.

There is 1 apartment which offers daily rates, self catering, in Yeovil.

In a scattering of villages around Yeovil there is mainly single cottages, namely,

East Coker, Barwick, Montecute, East Chinnock, Tintinhull, Queen Camel, Martock.

Of these, only one offers accommodation for a family larger than 4. Some do not allow children under 18 or pets.

None are detached lodges, which have their own desirability.

The "Farmyard", I now understand is aimed more at the Corporate Sector, this reflected in their rates.

I have checked availability for all of the cottages I can find, and there is none for the whole of September (not high season), and many already have bookings for xmas and next year.

We have also learned this weekend, that a letter of support for our application was sent to you on the 7th August, from the owner of The Carpenters Arms. We were not aware of the letter since it had not appeared on the Planning website, but it further supports the demand in this locality for our venture.

We believe we have done everything we could possibly do to ensure a successful venture and we are confident we will have a profitable business if we are permitted to go ahead.

Mary Ostler (Tourism) was very positive when I met with her, and in her appraisal of our application. She stated that the demand was "buoyant" and the location "striking and unusual". On the day she visited, we had torrential rain and the hedgerows were encroaching on the lane way as they needed trimming. This was done only a few days later. Mary's issues with the lane are different from the those raised by Highways, who are concerned with the junction splays.

Your comments to my husband when you visited last, regarding the conversion of our stables being preferable, makes no sense to us. It would only carry a much greater timescale and financial burden, which we simply cannot afford.

2. Design and impact on landscape setting. The current application follows on from a withdrawn proposal to provide two holiday modular buildings here. The Councils Landscape Officer had concerns over the earlier application and this current proposal follows advice he gave to the applicants; the Landscape Officer raises no objections to this resubmission for one holiday lodge subject to landscape planting being carried out. The proposed building comprises a single storey modular building finished in timber boarding and fitted with a flat roof. It has three bedrooms with space for 3 double beds and measures a total of 14 m x 7.7 m x 3.94 m (high). Of a low key configuration, the building is considered to be attractive and whilst not conforming to the local vernacular, it should not appear harmful to its immediate setting.

3. Highways. The County Highway Authority have recommended a refusal of the application due to the restricted width of Chilthorne Lane its limited passing places and lack of footways and street lighting and its substandard junction with Yeovil Road. The Councils Tourism Officer has raised a concern over the "off-putting" nature of the Lane. In reply the applicant has stated:

The lane is similar to most single track lanes all over the country. It is 0.52 miles of no through road, with 8 good passing places. To our knowledge, and that of other locals, our lane junction does not have an accident record. People seek out remote locations for holidays, accepting that the road is likely to be single track and rural. If an assessment of all holiday accommodation access was carried out, I believe many would be far worse than ours, and I am tired of having to defend our lane way throughout this process.

CONCLUSIONS

Both national and local planning policy positively support proposals for new tourist related facilities subject to such proposals meeting a known need and being compatible in terms of the landscape setting and highway safety. In this case whilst a known need may not have been completely and robustly proven and an existing building on the site may be capable of conversion, it is considered that the siting of this single modular structure can prove successful and should not adversely impact on other local tourist accommodation in the area. In terms of highway safety whilst the site has good linkage with the main highway public footpaths and nearby facilities, the Highway Authority point out that main junction onto Yeovil Road suffers from restricted visibility. The other point made is that Chilthorne Lane is not ideal for pedestrians; a point that can be made in respect of most rural lanes.

In this case the Lane provides access to a handful of properties only and the addition of this one holiday Lodge unit should not impact significantly on traffic users and the Highway Officers reason for a refusal is not supported.

On balance the application is reported for a conditional approval.

Finally, having regard to the strong policy support for existing tourist facilities to develop and thrive, should this proposal prove successful then future applications to expand with additional accommodation would be unlikely to receive support due to the impact on the landscape setting and the highway concerns that would undoubtedly be raised.

RECOMMENDATION

Grant Permission

01. The proposal is of a size, scale, design and nature which preserves the areas rural appearance, is not prejudicial to highway safety and provides tourist accommodation of a scale consistent with its rural surrounds and is therefore in accordance with policies STR1, STR6, 5, 23 and 49 of the Somerset and Exmoor National Park Joint Structure Plan (Adopted 2000) and saved policies ST3, ST5, ST6, ST8, EC3, TP7 and ME10 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Location plans reference LP1 and 2 Rev 4, Site Plan Elevations reference Rev2, Lodge Elevations reference Rev2 Lodge Floor Plan reference Rev2 and Solar Array Detail dated stamped 20th July 2012.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual and rural amenity and further to saved policy ST6 and EC3 of the South Somerset Local Plan.

04. The occupation of the holiday accommodation hereby permitted shall be restricted to bona fide holidaymakers for individual periods not exceeding 4 weeks in total in any period of twelve weeks. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the Local Planning Authority at all reasonable times.

Reason: The accommodation provided is unsuitable for use as a permanent dwelling because of its relationship with the main dwelling, and inadequate facilities on site and the Local Planning Authority wish to ensure that the accommodation is available for tourism, to accord with saved policy ME10 of the South Somerset Local Plan.

05. The approved holiday let unit shall not be sold or disposed of separately from the remainder of the farm known as Chilthorne Knapp. There shall be no fragmentation of the planning unit to facilitate the separation of the uses comprised in this mixed use.

Reason: In view of the proximity to the main dwelling and shared access and parking facilities and in accordance with saved policy ST6 of the South Somerset Local Plan.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) as defined in Classes A, B, D and E of Part 1, Schedule 2 there shall be no extensions to the holiday lodge unit or outbuildings erected on the site of the holiday lodge without the prior express grant of planning permission.

Reason: To safeguard the rural character and appearance of the area, in accordance with saved policy EH3 of the South Somerset Local Plan.

07. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no fences, gates or walls erected on the site of the holiday lodge without the prior express grant of planning permission.

Reason: To safeguard the rural character and appearance of the area, in accordance with saved policy EC3 of the South Somerset Local Plan.

08. There shall be no direct access, either vehicular or pedestrian, from the application site onto Chilthorne Lane other than by the existing access serving Chilthorne Knapp, as detailed on the approved plans.

Reason: In the interests of highway safety and rural amenity in accordance with saved policy EC3 and ST5 of the South Somerset Local Plan.
