

**OFFICER: Liz Arnold (01935) 462286 [Item 6]**  
**APPL.NO: 07/00917/S73 APPLICATION TYPE: Section 73 Determination**  
**PARISH: Horton WARD: NEROCHE**  
**DESCRIPTION: Application to remove condition 4 of decision notice 00/02569/FUL dated 3rd November 2000 i.e. relating to the annexe remaining as permanent ancillary accommodation to the dwelling known as Old Inn. (GR 332256/114457)**  
**LOCATION: Jubilee Cottage Pottery Road Horton Ilminster Somerset TA19 9QN**  
**APPLICANT: Mr & Mrs Taylor**  
**DATE ACCEPTED: 8 March 2007**

**REASON FOR REFERRAL TO COMMITTEE:**

This application has been brought before the committee at the request of the Chair who would like the opportunity for the highway safety issues to be discussed more fully.

**SITE DESCRIPTION AND PROPOSAL:**

Jubilee Cottage is a small stone building to the rear of the Old Inn that has been used as annex accommodation to the main house. There is an existing access and parking area from Brooms Lane, there is also additional parking provision for the Old Inn off Pottery Road.

This application is for the removal of condition 4 of decision notice 00/02569/FUL relating to the annex remaining as permanent ancillary accommodation to the dwelling known as the Old Inn.



**PLANNING HISTORY:**

- 00/02569/FUL - Demolition of existing outbuildings and erection of a single storey annex (approved November 2000)
- 45939/B - Demolition of outbuildings and erection of 3 garages and formation of access (approved March 1973)
- 45939/A - Change of use of skittle alley to store for oil (approved January 1963)
- 45939 - Change of Use of public house to private dwelling (approved October 1959)

## 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, VIS2, EN4  
Somerset and Exmoor National Park Joint Structure Plan STR1  
ST2 - Villages, South Somerset Local Plan (Adopted April 2006)  
ST3 - Development Areas, South Somerset Local Plan (Adopted April 2006)  
ST6 - Quality of Development, Landscape and Architectural Design South Somerset Local Plan (Adopted April 2006)

## CONSULTATIONS AND REPRESENTATIONS:

### *Parish Council*

Support the application.

### *County Highway Authority*

Objection - recommend refusal.

### *SSDC Technical Services*

No comments.

### *Building Control*

Building Regulations approval is required.

### *Neighbours*

No response.

## KEY ISSUES:

This application is for the removal of condition to allow the occupation of Jubilee Cottage as an independent residential unit. The site is situated inside the development limits of the village of Horton where there is a presumption for development, subject to the usual planning considerations.

However the proposal has failed to demonstrate how the annexe would be divided from the existing house. There is no site plan indicating any proposed amenity area, it is therefore difficult to access whether the annexe can be occupied as an independent dwelling without overlooking or loss of amenity issues.

Concern has also been raised by the Highway Authority, whilst the visibility from the site onto Brooms Lane is adequate, there are serious concerns regarding the level of visibility achieved from the junction of Brooms Lane with Pottery Road. Visibility in either direction is restricted but especially to the south, which is the nearside for oncoming vehicles, where the visibility is restricted to several metres.

The access to the site is via a vehicular track of singular width with no opportunity for two vehicles to pass. There are concerns that in times of two vehicles meeting in the lane,

vehicles may be forced to manoeuvre on the highway, at a point where visibility is seriously restricted and would be prejudicial to highway safety.

**CONCLUSION:**

In view of the above, this application is considered unacceptable and is recommended for refusal.

**RECOMMENDATION:**

**Application Refused**

1. The proposal fails to demonstrate how the site could accommodate two dwellings without overlooking to either property, or the provision of adequate parking and turning provision and suitable amenity space and would therefore be contrary to policy ST6 of the South Somerset District Local Plan (adopted April 2006)
  2. The potential increase in traffic that would be generated by a permanent dwelling, on a substandard access track with restricted width and visibility would be prejudicial to road safety. Accordingly the proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.
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