

## Area West Committee – 14th December 2011

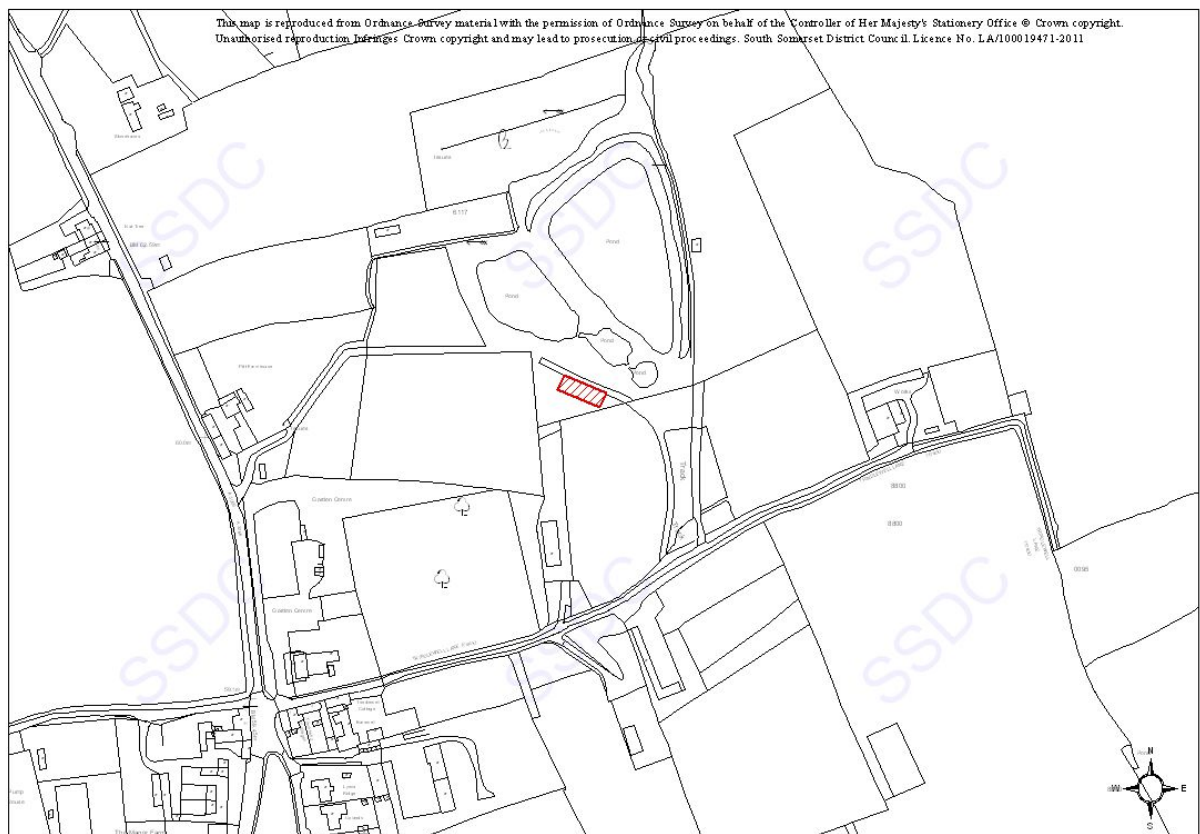
### Officer Report on Planning Application: 11/03247/FUL

<b>Proposal:</b>	The erection of a dual purpose log cabin for use as manager's accommodation/holiday reception for holiday lodges and coarse fishing lakes (Revised Application). (GR 347591/110133)
<b>Site Address:</b>	Watermeadow Fisheries North Perrott Road North Perrott
<b>Parish:</b>	North Perrott
<b>PARRETT Ward (SSDC Member)</b>	Mr R J T Pallister (Cllr)
<b>Recommending Case Officer:</b>	John Millar Tel: 01935 462465 Email: john.millar@southsomerset.gov.uk
<b>Target date:</b>	19th October 2011
<b>Applicant:</b>	Mr Nigel Pike
<b>Agent: (no agent if blank)</b>	
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASONS FOR REFERRAL TO COMMITTEE

The application is to be considered by Area West Committee at the request of the Ward Member, with the agreement of the Area Chair. It is felt that the issues should be given further consideration by members, as a result of local support for the proposal and to allow the need to be fully assessed.

### SITE DESCRIPTION AND PROPOSAL



The application is seeking planning permission for the erection of a 'dual purpose' log cabin for use as manager's accommodation with reception area and additional holiday let accommodation during the summer, in relation to the holiday lodges and coarse fishing lakes at Watermeadow Fisheries, North Perrott, Crewkerne. The site is located outside any Development Area in the open countryside towards the north of the village with an access off Trindlewell Lane. The access to the site leads from Trindlewell Lane by means of an unconsolidated track. Permission has been obtained for the erection of 5 holiday lodges at the site, of which three have now been erected and are in operation. More recent applications for manager's accommodation have been refused.

The application proposes a 6x17m single storey log cabin to be faced in wood with Breckland black tiles. It would have a ridge 3.8m high and would include two bedrooms and an office. This proposal is very similar to the previously refused schemes of 2010 and early 2011. In support of this scheme, the applicant has proposed entering into a legal agreement, thereby agreeing not to fully implement planning permission 05/03082/FUL. This will involve not building the fifth holiday lodge that has been granted permission under this previous consent and building the unit proposed by this application instead.

## **HISTORY**

11/00973/FUL - The erection of a log cabin for use as manager's accommodation for holiday lodges and coarse fishing lakes (Revised Application) - Refused (no justification, unsustainable location and landscape objection).

10/03512/FUL - Erection of a log cabin for use as manager's accommodation for holiday lodges and coarse fishing lakes - Refused (no justification, unsustainable location and landscape objection).

07/02357/FUL - Erection of a log cabin for use as manager's accommodation for holiday lodges and coarse fishing lakes - Refused (no justification, unsustainable location and landscape objection).

05/03082/FUL - Erection of 5 Holiday Lodges - Revised design of application no 04/00741/FUL - Permitted with conditions and subject to Section 106 Agreement to prevent fragmentation of the site and to restrict the use of the lodges to holiday makers.

04/00741/FUL - Erection of 5 holiday lodges - Application permitted with conditions and subject to Section 106 Agreement to prevent fragmentation of the site and to restrict the use of the lodges to holiday makers.

98/00479/COU: Siting of mobile home for animal feed and swimming pool - Refused.

903306: Construction of angling lake and parking facilities - Approved.

903240: Erection of dwelling (outline) - Refused.

901205: Alterations to access - Approved.

900074: Alterations to access and erection of dwelling (outline) - Refused.

## **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.

Somerset and Exmoor National Park Joint Structure Plan

STR1 - Sustainable Development

STR6 - Development outside villages

5 - Landscape Character

23 - Tourism Development in the countryside

South Somerset Local Plan (Adopted April 2006)

ST6 - Quality of Development

ST3 - Development Areas

ST5 - General Principles for Development

HG15 - Agricultural and forestry dwellings

EC3 - Landscape character

ME10 - Tourist Accommodation

Policy-related Material Considerations:

Planning Policy Statement 1 - Delivering Sustainable Development

Planning Policy Statement 4 - Planning for Sustainable Economic Growth

Planning Policy Statement 7 - Sustainable Development in Rural Areas

Planning Policy Guidance 13 - Transport

CLG's Good Practice Guide - Planning for Tourism

South Somerset Sustainable Community Strategy

Goal 4 - Low carbon, quality services and facilities (including transport and ICT) that are designed around the needs of the community, enabling everyone to have fair and equitable access to what they need.

Goal 5 - A competitive high performing economy that is diverse and adaptable.

Goal 8 - Sustainably sited and constructed high quality homes, buildings and public spaces where people can live and work in an environmentally friendly and healthy way.

Goal 11 - Protection and enhancement of our natural environment and biodiversity.

## **CONSULTATIONS**

**North Perrott Parish Council:** Cllrs viewed the above application and visited the site. Cllrs voted unanimously to support the application as it stood.

**SSDC Technical Services:** No comment.

**County Highway Authority:** The proposed development lies outside any Development Boundary Limits and is therefore distant from services and facilities, whilst public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on their private vehicles. 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), and Policy ST3 of the South Somerset Local Plan, and would normally receive a recommendation of refusal from the Highway Authority as a result.

However, it is noted that the application is for a tourism use and as such the proposed development must be viewed in conjunction with other policies as set out in National, Regional, County and Local policies. It is therefore a matter for the Local Planning Authority to decide whether the development is appropriate in these terms.

In detail, you will be aware that the Highway Authority in the previous applications at this site raised no objection to the erection of a log cabin for use as a manager's accommodation. This was on the basis that the increase in traffic was unlikely to be significant when compared to the existing levels generated by the permitted use. It is considered that these previous comments are still relevant to this current application and as such I would advise you that from a highway point of view there is no objection to the proposal.

**SSDC Planning Policy:** Having considered the information submitted from the applicant there is no new information to justify manager's accommodation on site - the policy comments that were made on 13th April 2011 (11/00973/FUL) are still applicable to this application.

My concern is that swapping the holiday lodge for 'dual use' accommodation, will lead to a future application for another holiday lodge, and then the applicant would have obtained the accommodation by default without a sufficient justification which is contrary to national guidance.

Previous comments of 13th April 2011 As you are aware, there have been a number of planning policy objections in the past to the development of managers accommodation at Watermeadow Fisheries, the basis of which, have been that the applicant had failed to provide justification for a new dwelling in this countryside location.

This current application again seeks to develop manager's accommodation, and states 'there is a clear functional and financial need for the proposed building with 24 hour on call health and safety and protection for the property, people and livestock at this site'.

PPS7 is clear that new house building (including single dwellings) in the countryside, away from established settlements or from areas allocated for housing in development plans should be strictly controlled. Isolated new houses in the countryside will require special justification for planning permission.

Saved Policy ST3 of the South Somerset Local Plan seeks to control and resist development in the countryside to that which benefits economic activity, maintains or enhances the environment and does not foster the growth in the need to travel.

Annex A of PPS7 identifies the circumstances where a special justification relating to the essential need for a worker to live permanently at or near their place of work, can be satisfied. Given the importance of establishing that the needs of the enterprise require one or more of the people engaged in it to live nearby, PPS7 stipulates that a functional and financial test should be satisfied. A functional test establishes whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. A financial test confirms that the enterprise is economically viable. A functional test must be satisfied before a financial test.

In relation to the functional test above, the applicant states that for safety and security reasons it is essential for a manager to be on site 24 hrs. The fisheries (without accommodation) have been in operation since 1989, and there has been no need for a manager to be on site until recently, yet presumably people would have been exposed to the same level of danger (from deep water) when fishing in the past, albeit they were not sleeping on site. The same argument applies to the need for a manager on site for security reasons, additionally on this point, there are alternative ways to secure the fisheries (CCTV cameras or the like) and PPS7 is clear that the protection of livestock from theft is not in itself sufficient justification for a dwelling.

On the basis of the above, I do not believe that the reasons put forward by the applicant fulfil the functional test and therefore there is no justification for the development of a dwelling in this location. A planning policy objection is raised to the application, as it is contrary to PPS7 and Saved Policy ST3 of the South Somerset Local Plan.

**SSDC Landscape Officer:** I note this further re-application proposing a manager's accommodation at Watermeadow Fisheries, to the east of the A356, North Perrott road.

The application site lays outside the development area of Haselbury, and North Perrott has no development area, hence the site can be regarded as being in a countryside location, where `development will be strictly controlled to that which ... maintains or enhances the environment ... (policy ST3). The proposal before us intends the establishment of a sizeable log cabin, with the attendant surfacing and movement associated with domestic use. Such land cover and use does not inherently add to or sustain the local environment, thus policy ST3 is not satisfied.

I have previously raised concerns over this proposal in terms of its impact upon landscape character, and this is fully set out in my memo to Diana Watts of 20 July 2011. In that response, it was noted that the site is poorly related to the local settlement pattern, and an increase to the building footprint within the valley setting, with the resultant increase in built form, will exacerbate development presence in this rural location. This is at variance with the open, little-developed character of the valley landscape. It will also further erode the open countryside currently separating the two villages of Haselbury and North Perrott.

As a consequence, my assessment was that the application was contrary to the objectives of PPS7 and local plan policy relating to landscape character and the principle of development, thus providing grounds for a landscape objection. I note that this resubmission now refers back to the 5 no. holiday lodges consented by an earlier application (no. 05/03082) and intends to relinquish one of those lodges in favour of this site's development. Whilst this reduces the overall landscape impact of the previous application, the resultant layout would be disaggregated, with a loss of cohesion that was a characteristic of the approved layout. Additionally, at 17.00 metres, this is an uncharacteristically lengthy structure. Hence on balance, grounds for a landscape objection remain, if less emphatic than previously - though if the application were to simply use the footprint of the original 2005 consent as a basis for this application, then there would be no landscape issue.

## **REPRESENTATIONS**

A site notice was posted (General Interest) and one neighbour was notified. No observations have been received.

## **CONSIDERATIONS**

### **Planning Policy and Special Justification**

The site lies outside the Development Area where planning policies aim to strictly control new development in order to safeguard the character and appearance of the countryside. In accordance with PPS7, new agricultural/forestry or 'certain other full-time' workers dwellings are one of the few circumstances where new house building may be justified. In determining such planning applications, regard must be paid to Annex A of PPS7 and functional and financial tests applied. Annex A states that it will often be as convenient and more sustainable for workers to live in nearby towns or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside. However, there will be some cases where the nature and demands of the work concerned make it essential for one or more people engaged in the enterprise to live at, or very close, to the site of their work. Whether this is essential will depend on the needs of the enterprise concerned and not on the personal preferences or circumstances of any of the individuals concerned. A functional test establishes whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. A financial test confirms that the enterprise is economically viable. A functional test must be satisfied before a financial test.

It goes on to say that it is essential that all applications are scrutinised thoroughly with the aim of detecting attempts to abuse the concession that the planning system makes for such dwellings. New permanent dwellings should only be allowed to support existing rural based enterprises on well established units, providing:

- a) there is a clearly established functional need i.e. whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times e.g. to be on hand day and night to deal quickly with emergencies and provide essential care to animals at short notice.
- b) the need relates to a full-time worker, or one who is primarily employed in agriculture /rural enterprise
- c) the unit and the rural enterprise have been established for at least three years, have been profitable for one of them, are currently financially sound and have a clear prospect of remaining so
- d) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned. The recent history of the holding, including whether or not there are any buildings suitable for conversion or any dwellings have been recently sold off, which could indicate evidence of a lack of need, should be investigated. The new dwelling should also be of a size commensurate with the established functional requirement. Dwellings that are unusually large in relation to the needs of the unit, should not be permitted. It is the requirements of the enterprise, rather than those of the owner or occupier, that are relevant in determining the size of the dwelling that is appropriate to a particular holding; and
- e) other planning requirements are met e.g. in relation to access or impact on the countryside.

PPS 7 goes on to advise that if a new dwelling is essential to support a new enterprise even on an established unit, it should normally be provided by a caravan, a wooden structure, which can be easily dismantled, or other temporary accommodation for the first three years.

### **Applicants Case**

The previous applications for manager's accommodation have been refused due to the lack of adequate justification for a dwelling outside of defined development limits and the impact on local landscape character.

The most recent application (11/00973/FUL) was supported by accounts covering an 18 month period from April 2009 to September 2010, with the agent stating that the business had been operating for 3 years. The accounts showed that from April 2009 to March 2010, the business operated at a loss. From April 2010 to September 2010 they indicated a small profit. The list of bookings provided for 2011 indicated a reasonably good year for the holiday business. The information received in support of this new application shows the updated list of bookings for the three lodges, with more dates filled and bookings into 2012. While this does indicate that the business appears to be running successfully and on a sound footing, no updated financial information has been submitted in support of the proposal.

Notwithstanding the financial viability of the business, there are still concerns relating to the functional need for manager's accommodation. The application states that the dwelling would provide a base for the business to meet and greet customers, wash linen for the lodges, provide full-time first aid and security, and that it would be essential for a manager to be on site day and night to prevent accidental drowning. In addition, it is now

stated that the lakes have been subject to burglary of fish by poachers in the past, with the cost of replenishing fish stocks being over £50,000. It is argued that the proposed accommodation, which is proposed to be sited along the entrance track, will help to deter would-be thieves.

Whilst it might be more convenient to live on site in order to welcome customers, it is not considered necessary for the proper functioning of the business. Holiday makers would usually only need to be met on arrival and possibly on departure, with the provision of clean linen to coincide with this. Full-time first-aid is again helpful but not essential and basic provisions could be provided in the lodges, with contact details for someone living locally who could attend to any emergencies. The danger of deep water is appreciated but seems to be a rather spurious argument particularly since the fisheries have been operating for over 20 years without any drowning accidents. Unless the manager is in a position to observe the lakes at all times, it is unlikely that the risk of drowning would be removed. As far as security and the fishery business is concerned, PPS 7 states that the need to protect against theft or injury of stock is not justification in itself. This is specified in paragraph 6 of Annex A, which states that protection of livestock from theft or injury by intruders will not in itself be sufficient to justify a new dwelling. It is not clear why, with the aid of security systems and CCTV, someone living locally could not patrol the lakes, attend to emergencies and manage the business effectively in terms of checking permits, cutting grass, bait control etc. Appropriate security provision, i.e. regular night patrols, does not require people to live on site.

It is noted that this more recent scheme includes the provision of manager's accommodation, which can be used for holiday-let purposes in the summer. Other than the functional justification put forward by the applicant, which is not supported by the Local Planning Authority, it is argued that the building will increase the business' contribution to the local economy. This argument is also not accepted but it is acknowledged that a management presence on site could assist in the effective management of the site and improve the quality of the holiday accommodation provided. By assessing the application in this respect it may be possible to require the applicant to enter into a legal undertaking that any accommodation be removed in the event of the business ceasing to operate. While this could possibly lead to approval without setting a precedent for a functional need on the site, which as a result may have raised the potential for a permanent dwelling, it is still deemed appropriate to recommend refusal as there is still no overriding need identified for a management presence on site 24 hours a day.

## **Landscape**

As pointed out by the Council's Landscape Architect, the proposed building would be positioned in a location, which is distinctly rural and little-developed. It would be some distance from the approved lodges, the site is poorly related to the local settlement pattern, and an increase to the building footprint within the valley setting, with the resultant increase in built form, would exacerbate development presence in this rural location. This is at variance with the open, little-developed character of the valley landscape. It would also further erode the open countryside currently separating the two villages of Haselbury and North Perrott. The Landscape Officer acknowledges that this proposal includes relinquishing one of the five lodges approved under planning permission 05/03082/FUL, however this is not considered to alter the previous view. While reducing the overall landscape impact of the previously approved scheme, the resultant layout will still be disaggregated, with a loss of cohesion that was characteristic of the approved scheme. The length of the proposed log cabin, being 17m long, is considered uncharacteristically lengthy. It is the view of the Landscape Officer that if the proposed manager's accommodation was sited on, and retained the originally approved

footprint of the fifth lodge, there would be no objection on landscape grounds. It is noted that prior to the submission of this application, the applicant had carried out further discussions with officers and was advised that if they were intent on resubmitting, they should consider applying to use either one of the as yet unbuilt lodges as managers accommodation or apply for a new building, whilst entering into a unilateral undertaking to agree to not fully implement the 2005 scheme for the provision of 5 lodges. Whilst the applicant is happy to enter into a legal agreement to only build four of the five approved log cabins, they have still applied for a considerably larger structure than those originally approved and one that is poorly related to the existing building group, hence the landscape objection. On further consideration, it would not be unreasonable to approve a larger lodge than the others on site, as it is quite feasible that the building could contain a reception area or be used to sell feed, accessories, etc that may be ancillary to the holiday accommodation or use of fishing lakes on site. The main objection of landscape grounds is likely to remain the siting of the building.

In general terms, it is considered that the landscaping issues could be reduced were the need for the building to be established but as the justification of need is not supported by officers, there is still an in principle landscape objection.

### **Highway Safety**

The County Highway Authority have raised no objection to the proposal on highway safety grounds. It is noted that no objection was raised to the previous application for a holiday-let either, as it is considered that any increase in traffic is unlikely to be significant in comparison to existing levels generated by the current approved use of the site. However, the site lies outside any Development Area where policy ST3 states that development should be strictly controlled and should not foster growth in the need to travel. It is a key objective of national planning policy to ensure that development is located where it would minimise the need to travel. North Perrott is a small village with very limited employment, services or local facilities. It is noted that the agent previously referred to the bus route and a local shop but it is considered that the residents of the proposed dwelling would be heavily reliant on the use of their private vehicles for the majority of their domestic needs. Therefore the proposal would represent an unsustainable form of development contrary to advice contained within PPG 13, policies STR1 and STR6 of the Structure Plan, and saved policies ST3 and ST5 (point 1) of the Local Plan and no special justification has been demonstrated to override this objection.

### **CONCLUSION**

Overall, the proposed development is still considered to be unacceptable as it fails to meet the requirements of Annex A of PPS7 to justify the provision of an occupational dwelling, thus providing an unjustified residential unit outside of defined development limits and is considered to have a detrimental impact on local landscape character. As such, the recommendation to Members is to refuse permission.

### **RECOMMENDATION**

Refuse permission

### **FOR THE FOLLOWING REASON:**

1. The application fails to demonstrate by means of a functional and financial test any justification for the proposed development, which would be outside any Development Area as defined in the South Somerset Local Plan. As a consequence, the proposal is considered to be tantamount to a new dwelling in a



location remote from any urban area and therefore distant from adequate services and facilities, such as, education, employment, health, retail and leisure. Occupiers of the new development would be likely to be dependant on private vehicles for most of their daily needs, fostering growth in the need to travel. The poor relationship of the proposed building to the local settlement pattern, where it would increase the built form, exacerbating development presence and eroding landscape character, would have a detrimental impact on the quality and character of the rural landscape. The proposal is therefore contrary to the aims and objectives of government advice given in PPG13, saved policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan, policies 49, STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan and Annex A of PPS7 - Sustainable Development in Rural Areas.