

Area West Committee – 19<sup>th</sup> December 2012

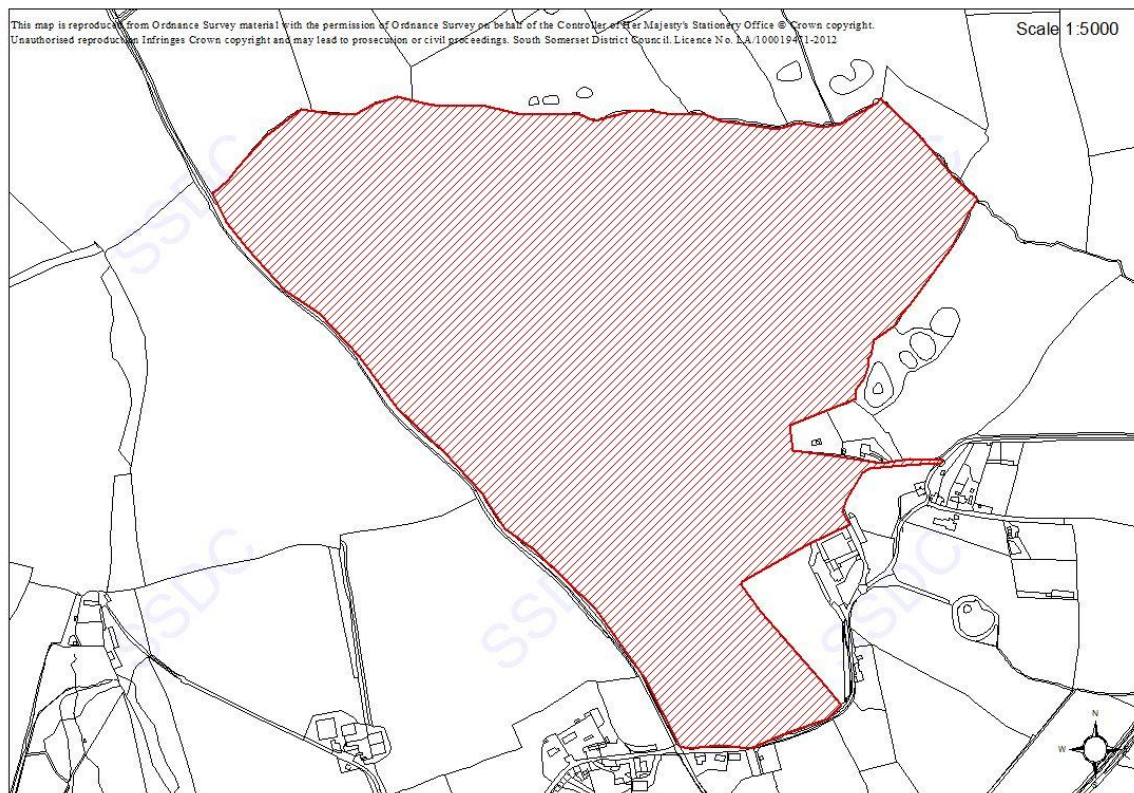
**Officer Report On Planning Application: 12/03902/FUL**

<b>Proposal:</b>	Change of use from agricultural to a mixed use of agricultural and deer rescue centre to include the erection and siting of associated building (Retrospective). (GR 340837/107168)
<b>Site Address:</b>	Mahe Farm Dunsham Lane Wayford
<b>Parish:</b>	Wayford
<b>WINDWHISTLE Ward (SSDC Member)</b>	Cllr S Osborne
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date:</b>	1st January 2013
<b>Applicant:</b>	Mr & Mrs B Titchener
<b>Agent: (no agent if blank)</b>	Paul Dance Foxgloves 11 North Street Stoke Sub Hamdon Somerset TA14 6QR
<b>Application Type:</b>	Major Other f/space 1,000 sq.m or 1 ha+

**REASON FOR REFERRAL TO PLANNING COMMITTEE**

This application is referred to the Committee as the application comes under the definition of a 'major major' and therefore has to be considered by the Area Committee.

**SITE DESCRIPTION AND PROPOSAL**



The application site comprises the entire farm holding of 44 hectares which occupies a relatively isolated location to the north-east of the main hamlet of Wayford. The land rises from south to north and runs alongside the Chard Road. The farm is currently accessed from Dunsham Lane.

This is a retrospective application for the retention of the mixed use of the farm for agricultural uses along with that of a deer rescue centre. The agricultural use comprises hay and silage-making with the rearing of deer for breeding and venison. This has been combined with use of the land for deer rescue which includes visitors coming to the site to see the rescued animals, currently there are 6 rescued deer at the site. A number of small ancillary buildings have been erected on various parts of the farmland to provide hides, shelter and feeding stations for the rescued deer. In addition, a number of buildings and storage containers have been clustered at the entrance to the site and these provide facilities for watching the deer as well as a small education building and toilets. It is understood that visitors are allowed on an appointment only basis and there are no more than 10-12 visits a week. A small parking area is provided as part of the visitor centre.

The site is situated within the open countryside and there are no landscape or wildlife designations. There are no public rights of way through the site.

## **HISTORY**

12/03903/FUL – The installation of 16 No. free standing solar panels (Retrospective). Approved 26/11/2012.

02/03352/FUL – Erection of single storey extension to house swimming pool. Approved 2003.

841403 – Outline: The erection of a farmhouse.  
Reserved matters (841403): The erection of a farmhouse and garage

## **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 decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

### Relevant Development Plan Documents

Somerset and Exmoor National Park Joint Structure Plan (April 2000):  
STR1 - Sustainable Development  
Policy 5 - Landscape Character

South Somerset Local Plan (April 2006):  
ST5 - General Principles of Development  
ST6 - The Quality of Development  
EC3 - Landscape Character  
ME5 – Farm Diversification  
CR8 – New Recreational Uses in the Countryside

### Policy-related Material Considerations:

National Planning Policy Framework (March 2012):

Chapter 3 - Supporting a Prosperous Rural Economy  
 Chapter 7 - Requiring Good Design  
 Chapter 10 - Climate Change and Flooding

South Somerset Sustainable Community Strategy  
 Goal 5: High Performance Local Economy  
 Goal 8: Quality Development  
 Goal 11: Environment

## CONSULTATIONS

### Wayford Parish Council:-

'Despite the planning application being retrospective the Parish Council have no objections to the buildings. The only comment being if the number of visits by the public to the deer park increase drastically traffic congestion on the narrow lanes could potentially be a problem. Should this happen a new entrance could be considered on Chard Lane as opposed to Dunsham Lane.

It was helpful to visit the site.'

### County Highway Authority:-

No observations.

### Landscape Architect:-

'I have reviewed the proposals seeking a COU from agriculture to mixed use (agriculture/deer rescue) with attendant buildings on the above holding. I understand that this is retrospective.

I note the change of use will not bring about a change in the pasture cover and associated land management of the fields and its margins; hence there is no landscape issue with the COU. With regard to the buildings, noting them to be small-scale, and sited close to existing hedging, then at the level of the current proposal, I see no substantive landscape issues.'

### Environment Agency:-

No objections in principle, requests the imposition of informatives regarding drainage.

### Ecologist:-

No objections or recommendations to make.

### Area Engineer, Technical Services Department:-

No observations.

## REPRESENTATIONS

A letter of support has been received from a local Progressive School in Taunton who work with children with social and emotional difficulties. They advise that the Park is a very relaxing and calming place and it has a therapeutic effect on the students.

## CONSIDERATIONS

The main planning issues are considered to be; the principle of the proposed change of use; landscape impact; impact upon neighbouring residential amenity and highway safety.

## 1) Principle

The proposal is for retention of the mixed use of the land retaining both the existing agricultural use and combining it with use of the land as a deer rescue park. The current agricultural use includes hay and silage-making with the rearing of deer for breeding and venison. In the light of the nature of the additional use and the lack of any significant impact upon the running of the unit as a farm it is considered that the application represents an acceptable form of farm diversification which is supported by both local plan and national policies. There are no landscape or wildlife designations at the site and as such the proposed change of use is considered to be acceptable in principle.

## 2) Landscape Impact

The application includes retention of a number of small buildings that are spread through the site most of which are used as field shelters for the rescued deer. There is a small cluster of buildings at the entrance to the site which are used in connection with the visitors visiting the deer rescue centre. The buildings are all well sited adjacent to existing mature hedgerows and none are more than three metres high, as such, they have no adverse impact upon the rural landscape. The Landscape Architect has confirmed that he has no objection to the application and it is therefore considered that the proposal is acceptable in terms of its landscape impact.

## 3) Impact upon neighbouring residential amenity

There are no dwellings within the immediate vicinity of the farm and the mixed use does not result in any significant noise or disturbance. There are however a number of residential properties situated on the lane serving the site and as such the issue of traffic is a material planning consideration. Currently, the activity is at a relatively low level and as such does not result in significant traffic movements to and from the site. However, it is important to recognise that levels of activity may increase at the site and as such a condition requiring a travel plan to include details of the running of the centre on an appointment only basis; the type of vehicles used to visit the site; and hours of operation; would be appropriate.

## 4) Highway Safety

As described above the current levels of activity are so low as to not result in any significant traffic issues at the site. In light of this low level of activity the County Highway Authority have no observations regarding the application. It will, however, be important to ensure that the activity remains low level and a condition requiring a travel plan is recommended.

## Summary

The deer rescue centre operates alongside the existing agricultural use without significantly impacting upon the working of the farm. The centre has very limited landscape impact and the current level of activity ensures that neighbours are not adversely impacted or high levels of traffic generated. As such, the proposal is considered to be an acceptable form of farm diversification.

## RECOMMENDATION

Approve

01. The mixed use forms an appropriate use within the countryside that does not

adversely impact upon landscape character, neighbouring amenity or highway safety. The deer rescue centre is an appropriate form of farm diversification. As such, the application is in accordance with Policies ST5, ST6, EC3, ME5 and CR8 of the South Somerset Local Plan (2006) and the aims and intentions of the NPPF.

**SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 3 October 2012.

Reason – To comply with Section 73A of the Act.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.'s 2781; 2781:2; and 2781:3 received 2 October 2012.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. Within three months of the date of this permission a Traffic Management Scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the running of the centre on an appointment only basis; the type of vehicles used to visit the site; and hours of operation. The use shall be carried out at all times in accordance with the agreed scheme unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan (2006).

04. 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), no means of external illumination shall be operated on any part of the subject land (or buildings) without the prior express grant of planning permission.

Reason: To safeguard the amenities and character of the area in accordance with policies 5 and STR1 of the Somerset and Exmoor National Joint Structure Plan Review and saved policies ST5, ST6 and EC3 of the South Somerset Local Plan 2006.

05. No system of public address, loudspeaker, amplifier, relay or other audio equipment shall be operated in any building or otherwise on any part of the subject land.

Reason: To safeguard local residents from noise and disturbance in accordance with policy ST6 of the South Somerset Local Plan 2006.

**Informatives:**

01. The applicants attention is drawn to the advice of the Environment Agency in their letter dated 24 October 2012:-

'The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off.

The subsequent disposal of collected wastes must be undertaken in accordance with, Protecting our Water, Soil and Air, DEFRA 2009.

There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.'

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