

Annex A**4. Erection of single storey dwelling on Land at Slow Court Farm Slow Court Lane West Camel Yeovil**

OFFICER: Pauline Tillett (01963) 435074

APPL.NO: 04/00976/OUT APPLICATION TYPE: Outline Application

PARISH: West Camel WARD: CAMELOT

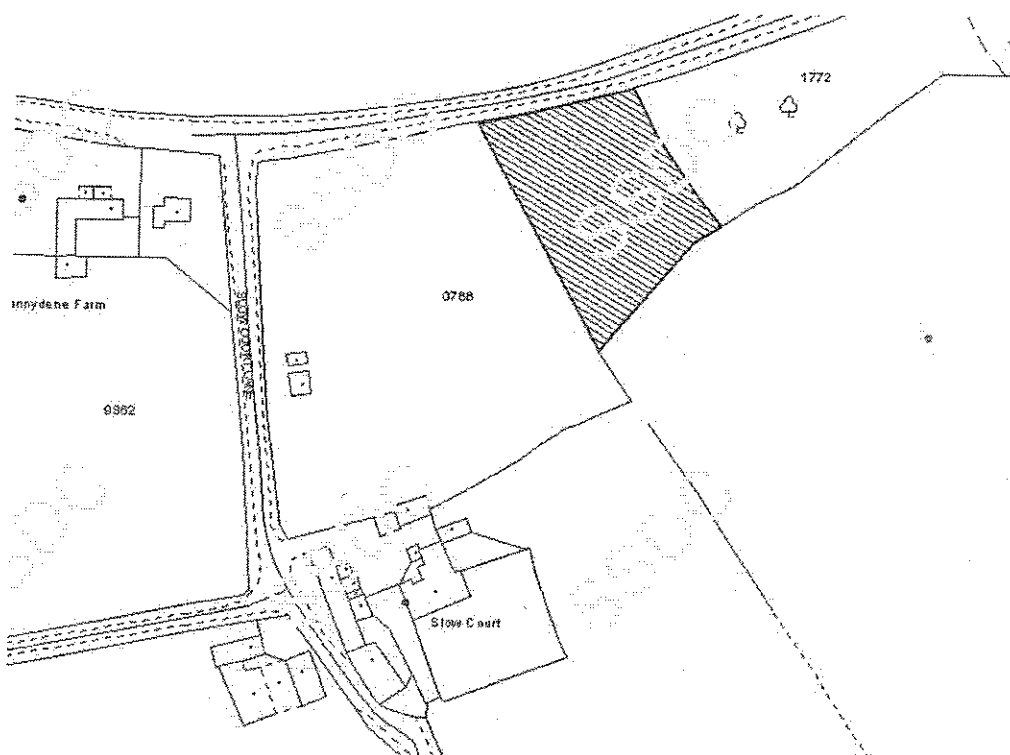
DESCRIPTION: Erection of single storey dwelling

LOCATION: Land at Slow Court Farm Slow Court Lane West Camel Yeovil

APPLICANT: J and A Down

AGENT: A K Tingey Beechfield House Fore Street West Camel

DATE ACCEPTED: 5 April 2004



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Reasons for Referral to Regulation Committee

At its meeting of 11 August 2004 the Area East Committee resolved to refer the application to the REGULATION COMMITTEE mindful to approve, as an exception to policy and subject to the signing of an appropriate legal agreement relating to the non-fragmentation of the dwelling from the farming unit known as Slow Court Farm.

THE FOLLOWING REPORT WAS CONSIDERED AT THE AREA EAST COMMITTEE MEETING ON 11th August 2004

LOCATION:

The site is located on the eastern edge of West Camel, approximately 100 metres to the northeast of Slow Court Farm.

PROPERTY:

The site is a vacant field which slopes from north to south.

PROPOSAL:

This application seeks outline consent for the erection of single storey dwelling on land to the northeast of Slow Court Farm, West Camel. The site is currently a vacant field bounded by a mature hedgerow along the northern (roadside) and eastern boundaries. The indicative block plan shows the proposed dwelling located centrally within the site with a detached garage to the north. A vehicular access is proposed from the north of the site. The agent has indicated that the dwelling will be constructed from natural or artificial stone with concrete tiles.

RELEVANT HISTORY:

No relevant history.

POLICY:

South Somerset Local Plan
ST3- Proposals outside development areas
EC2 –Landscape character

Structure Plan
STR6 – Development outside towns, villages
PPG 7 - The Countryside
PPG 3 Housing.

CONSULTATIONS:

Parish Council

The application has the full support of the Parish Council.

Highway Authority

The Highway Authority recommend refusal on sustainability grounds.

Other Statutory Consultees

Planning Policy – In the absence of any justification, the application should be refused.

The Environmental Health officer has raised no objections subject to sound insulation.

REPRESENTATIONS:

5 letters have been received from local residents with 4 supporting and 1 against the proposal.

The writers in favour of the proposal state that the applicants have lived in the village all their lives, have carried on farming despite both suffering from some disability, a smaller dwelling would enable them to continue to work and live in the village, a bungalow would not be visible in the position indicated and the family are a great asset to the village. This would accord with creating sustainable communities. The dwelling would not harm the environment and would fit in with the character of linear development within villages.

The objector raises the following concerns:

- No hedgerow exists along the western boundary as shown on the plans.
- Too close and visible to adjoining property
- Outside development area and would set a precedent for similar applications.
- Should be located closer to existing farm buildings.
- Is there an agricultural need?

CONSIDERATIONS:

Members will recall that this application was considered at the June meeting of the Area East Committee. It was resolved to defer the decision for further information regarding the disability of the applicants and whether this justifies an exception to policy. Following the meeting, a letter was sent to the agent requesting these details, in particular a report from the applicant's doctor. The Case Officer has since received a letter from the applicant's doctor outlining the medical condition and housing need. The doctor concludes that the applicant's will not be able to manage in their current farmhouse in the future and will require a specially adapted bungalow. The doctor is fully supportive of the applicant's desire to stay within the same geographical area.

The applicant's originally submitted a statement with the application outlining the reasons for this proposed new dwelling. Ms J & Ms A Down currently live with their mother at Slow Court Farm and wish to build a new dwelling which would be 'far more manageable and enable us to continue with some farming activities and look after our mother. The farm comprises 72 acres and has been in the family for 80 years. Due to economic reasons, dairy farming stopped in 2000 and this was replaced with beef rearing'. The applicant's state that they both have disabilities and this makes it difficult to continue working. Labour is employed to undertake some tasks. The applicants further state that 'a bungalow would be ideal as it would give us facilities at ground floor level which would help us'.

The application was not originally supported with any form of agricultural appraisal or any other justification statement. Indeed, the applicant's do not require a farm worker's dwelling but are seeking an exception to countryside policies and thus consent for a dwelling based on medical grounds. The contents of the letter received from the applicant's doctor have been carefully considered. Furthermore, the local authority are sympathetic both to the applicant's needs and desire to continue living within the village which has had family connections for many years. However, local and national planning policies seek to strictly control development in the countryside unless an exceptional planning need has been proven. Whilst the needs of the applicant's have been carefully assessed, it is not considered that a planning justification has been proven for a dwelling to be specifically located on this site.

Furthermore, there is strong concern at the proposed location of the dwelling. It is considered that the proposed site is not well related to the existing farm house and associated outbuildings which are located to the southwest of this site. Moreover, it is considered that the rural character and appearance of the site would be harmed by a new dwelling. The proposal is therefore considered to be unacceptable in terms of its harmful impact upon the landscape. Furthermore, it has not been demonstrated that alternative sites have been assessed in terms of reducing its landscape impact.

CONCLUSION:

The proposed dwelling is located in open countryside for which no justification has been proven. In addition, the development would be remote from adequate services, and facilities with limited access to public transport. This would result in dependence upon the private car which is contrary to local and national policy in terms of achieving sustainable forms of development. Furthermore, it is considered that the rural character of the site would be harmed by the development. Therefore, for the reasons outlined above, it is considered that the proposed development is contrary to national and local policies and should be refused. Should members be minded to consider granting permission for this proposal as an exception to policy, it will require reference to the Regulation Committee.

**RECOMMENDATION:

Application refused for the following reasons:

01. The site is located outside any development area for which no justification has been proven. The Policy is therefore contrary to Policy ST3 of the South Somerset Local Plan Deposit Draft 1998.

02. The application site is located in an area which is remote from services, facilities, education, employment opportunities and public transport etc, and will therefore increase the need for journeys to be made by private vehicles which is non-sustainable and contrary to advice given in PPG 13 and Policy STR6 of The Somerset and Exmoor National Park Joint Structure Plan Review.

03. The proposed development would harm the character and quality of its landscape setting. It is therefore contrary to Policy EC2 of the South Somerset Local Plan.

MINUTES FROM THE AREA EAST COMMITTEE MEETING HELD ON 11TH AUGUST 2004

The Planning Team Leader reminded Members that consideration of the application had been deferred in order that further information was sought regarding the disability of the applicants and whether the disability was such as to justify an exception to policy. A letter in support of the proposal had now been received from the applicants' doctor.

She referred to a letter received from a supporter, Mrs Gordon, who challenged the officer's recommendation of refusal, as she could see no justification for this.

With the aid of slides the Planning Team Leader indicated the site in relation to Slow Court Farm. She informed Members that the proposed development site was a green-field site and, having taken the medical information into account, she could find no justification in planning terms to amend her original recommendation of refusal. She added that, if Members wished to approve the application, the application would need to be referred to the Regulation Committee.

Councillor Lewis, Ward Member, spoke strongly in support of the application for the following reasons:-

- the applicants have lived on the farm all their lives and wish to remain there;
- their disabilities mean that they will have to down-size their farming activities;
- they wish to find a style of living that maintains their farming way of life and their independence;
- they have made, and wish to continue to make, a significant contribution to village life;
- the medical opinion confirms their need for a single storey dwelling.

He considered the above reasons demonstrated an exceptional local need and thus justified making an exception to policy.

Although Members were sympathetic to the needs of the applicants and in general concurred with the Ward Member's view, they were not unanimous in the view that the application should be approved. Concern was expressed that the application, as it stood, did not demonstrate an exceptional or local need to warrant an exception to policy.

Prior to voting on the application Members took account of:

- The lack of an agricultural appraisal. Members noted that the proposed reduced agricultural activity would not warrant justification of an agricultural dwelling.
- The opportunity to convert a barn within the farm complex. Members noted that the applicants were reluctant to convert the barn as they wished to seek someone else to live in the farmhouse and also have use of the outbuildings.
- Whether alternative accommodation had been sought – this was confirmed but no suitable near-by accommodation had been found.

The officer's recommendation to refuse the application was put to the vote and was lost. Members voted 3 in favour, 5 against.

It was proposed and seconded that the applicants should be given time to provide additional information to justify an exception to policy. That upon receipt of the additional information the application should be referred to the Regulation Committee with a recommendation of approval. and, on being put to the vote was declared to be carried by 5 votes in favour with 5 abstentions.

On receipt of additional information justifying exception to policy the application be **REFERRED** to the **REGULATION COMMITTEE** with a recommendation of approval, subject to the signing of an appropriate legal agreement relating to the non-fragmentation of the dwelling from the farming unit known as Slow Court Farm.

Update

Following the August meeting a letter was sent to the applicant to require additional information and explaining the need for a legal agreement. A letter has now been received from the applicant agent which declines to enter into a legal agreement and fails to offer any further information to justify an exception to policy. A copy of the officer's letter and the applicant response is attached as Appendix 1.

Officers' Recommendation

The Officers' recommendation remains to refuse the application for the reasons set out above.

Background Papers: Planning Working File