

## ANNEX C

Draft minute from Joint Area East Committee on 9<sup>th</sup> December 2009

### **09/03706/ FUL\*\* (pages 45 – 69) the erection of a bungalow at Land At Slow Court Farm Slow Court Lane West Camel for Miss J & A Down**

The planning officer presented the report and explained that there were serious issues that needed to be addressed with this application, but it was important to understand the actual limits of planning policy when considering this application. If the recommendation were to go against the officers' recommendation it would need to be referred to the Regulation committee.

The officer showed slides of the :

- detail of the design;
- lane and the hedge that would need to be cut down;
- the general topography looking towards the south and
- view across the site.

The officer explained that the report in the agenda was very detailed and covered all the issues raised. He had received an update from the agent and 16 letters from neighbours who were all in favour of the application. However he explained that there was no policy for disabled persons' accommodation in an unsustainable locality, there was no recommendation in any planning policy. There was a need to protect the countryside and a strong presumption against any building not related to farming or other economic activity. The personal circumstances of the applicants had been tested before in two previous applications. In the previous application (outline permission for a dwelling on this exact site) there had been clear reasons for refusal then and none of those reasons had been dealt with in this application. The design and appearance of the new dwelling was too large and of a design not sympathetic to the setting and local vernacular architecture. It would be conspicuous on the site, and harmful to the local setting and landscape. It was considered contrary to policy; therefore the officers' recommendation was one for refusal of this application.

It was noted that the Landscape Architect had objected to the application, partly due to the fact that part of an ancient hedge would have to be removed, but there was a policy in the Local Plan which protects local boundary hedges

Mary Gamble of West Camel Parish Council addressed members and spoke in support of the application, she explained that the applicants were an integral part of the church and village life, they had lived in the village all of their lives and they needed the support of a caring community and their friends.

Disability Advocate Dr R Lees spoke in support of the application and explained that the applicants were 2 vulnerable ladies and the farmhouse where they lived was not suitable for their disabilities, they needed a purpose built property and it was important for them to remain within the community in order to be able to continue living independently.

Janet Montgomery the applicants' agent, spoke in support of the application and explained that the applicants' Doctor had sent a letter that explained their need for a bungalow with disabled access on the land that they were currently living on. She commented that she felt that planning policy could take personal needs and circumstances into account and referred to Planning Policy Statement 3 and PPS7 page 8 that states that needs should be recognised. She understood that the Governments'

advice had changed since the last application and asked that members gave their support for this application.

The chairman reminded members that this application had been 2 starred and would be referred to regulation committee if the recommendation went against the officer.

Councillor Mike Lewis spoke as ward member in support of the application and said that he understood that if the application was approved it could be conditioned to remain for people with disabilities in perpetuity; he felt that it was a material consideration to ensure access to homes for all elements of the community.

The Principle Planner advised that the key planning issues in the consideration of this proposal could be identified to include:

1. Has a robust case been proven which confirms and establishes a special need for a dwelling as an exception to the normal planning policy constraints against new development in the open countryside, and, if so
2. has it been properly established that it is the most appropriate way to meet the proven need and the site selected is the most appropriate and available site, and if so
3. can the proposed development be secured in perpetuity to meet the identified special needs and, if so
4. does the proposed development meet the key planning principles and deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities.

The question of whether planning policies should seek to give weight to the fact that proposed housing is for the occupation of those who could demonstrate a local need has always been a matter of some controversy. In the context of established planning policy and Government advice and guidance a local need criteria would relate to housing within or adjoining a village which would otherwise be proscribed by planning policy and could be allowed if there are strong enough local needs in terms of employment or other local ties. In general the thrust of Government policy would appear to be against the use of local need as a material consideration, except in the context of justified evidenced based local plan policies.

The Senior Solicitor advised members that an appeal was dismissed in 2005 for an application for a dwelling by the same applicants, on another site near the village. This appeal decision should carry considerable weight on the basis that the applicants' personal circumstances had been tested at appeal and not found to be exceptional enough to justify going against policy. She advised that this decision was recent enough to be highly relevant, especially as there had been little, if any, material change in their circumstances since the appeal decision.

During the following discussion members were mainly supportive of the application and hoped it would be possible to set up an agreement for the property to remain as a disabled dwelling. It was felt that this application was an exception, the applicants were held in high regard by the community and there was a proven need for the proposed dwelling that fitted into corporate aims.

It was proposed and seconded to refer the application to the Regulation Committee with a recommendation to approve, voting was 5 in favour and 2 abstentions.

**RESOLVED:**

That application reference 09/03706/ FUL be referred to the Regulation Committee with a recommendation for approval on the basis that:

1. a robust case been proven which confirms and establishes a special need for a dwelling as an exception to the normal planning policy constraints against new development in the open countryside;
2. it has been properly established that it is the most appropriate way to meet the proven need and the site selected is the most appropriate and available site;
3. the proposed development can be secured in perpetuity to meet the identified special needs and;
4. the proposed development meets the key planning principles and deliver high quality housing that contributes to the creation and maintenance of sustainable rural communities.

*(Voting: 5 in favour, 2 abstentions)*

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