

## South Somerset District Council

**Draft Minutes** of a meeting of the **Regulation Committee** held on **Tuesday, 19<sup>th</sup> January 2010** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(10.00am – 11.40am)

### **Present:**

Peter Gubbins (Chairman)

Mike Best	Michael Lewis
Tim Carroll	Pat Martin
Tony Fife	Patrick Palmer
Julian Freke	Linda Vijeh

### **Also Present:**

Tony Capozzoli  
Anna Groskop

### **Officers:**

David Norris	Development Manager
Nick Head	Planning Officer
Paula Goddard	Senior Legal Executive
Jo Boucher	Committee Administrator

## **8. Minutes (Agenda Item 1)**

The minutes of the meeting of the Regulation Committee held on Tuesday, 16<sup>th</sup> December 2008, copies of which had been previously circulated, were approved as a correct record and signed by the Chairman.

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## **9. Apologies for Absence (Agenda Item 2)**

Apologies for absence were received from Councillors Henry Hobhouse, Keith Ronaldson, Sylvia Seal, William Wallace.

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## **10. Declarations of Interest (Agenda Item 3)**

Councillor Mike Lewis declared a personal interest in Agenda item 5, as he used to be Chief Executive Officer and now a vice-president of the organisation of which the applicants were members.

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## **11. Public Question Time (Agenda Item 4)**

There were no questions or comments from members of the public.

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## 12. 09/03706/FUL - The erection of a bungalow, Land At Slow Court Farm Slow Court Lane West Camel (Agenda Item 5)

The Planning Officer presented the report and updated members regarding an email members' of the committee had received from the agent. A copy had been passed on to him by one of the members.

In response he made clear to members that this application was in fact identical to the previous application that was considered at Area East Committee in August 2004. He referred to this previous planning report attached to the agenda stating that the application had not sought any form of agricultural appraisal but consent of the dwelling based on medical grounds. He also informed members of the Planning Inspectors Appeal decision in a subsequent application on a nearby site, which dismissed the appeal indicating that there had been no justification for a 'workplace home' and therefore had been for personal use only.

With the aid of slides the Planning Officer then showed the site highlighting the:

- design and layout of the proposed site
- design and roof height of proposed dwelling
- road network and hedgerows around the site
- general topography and view of the existing site

He reported to members the objections made by the Local Highways Authority and SSDC Planning Policy. He stated that the Landscape Architect had also objected to the application, not only on landscape grounds but also because a section of the hedgerow would be removed.

He concluded that in the previous application there had been clear reasons for refusal and that none of those reasons had been dealt with in this application. He reported that the design and appearance of the new dwelling was too large and of a design not sympathetic to the setting and surrounding area and therefore considered contrary to policy should permission be granted.

Members then raised questions regarding the following:

- distance of proposed dwelling from the main village
- existing road networks and bus routes in relation to the site
- successful removal and re-siting of existing hedgerows
- size of average disabled dwelling

Members also raised the question and sought clarification on whether the proposed development met the key planning principles that contributes to local need and whether the development could be conditioned and secured in perpetuity to meet the identified special requirements.

In response the Planning Officer informed members that:

- the development was considered to be outside of the village and development area
- agreed that some hedgerows have been successfully re-sited on previous occasions
- the size of the dwelling would still be considered large even if sought as agricultural dwelling

The Development Manager also told members that planning policies seek to give weight to the fact that the proposed housing development should be allowed if there is a strong enough local need for this type of development and can demonstrate and defend a planning condition which can justify going against government policy.

He felt that in this case the applicants' personal circumstances had been tested and not found to be exceptional enough to justify going against policy.

He advised members that there had been a comparable previous case with an application submitted to revoke a similar condition in perpetuity and that the District Council could not defend the necessity of the condition and it thus was discharged.

The Senior Legal Executive reiterated to members that should a Legal Agreement be sought for any condition there needed to be strong evidence to confirm and establish a special need for a dwelling in these circumstances and be able to defend why a condition should not be discharged if contested.

Councillor Anna Groskop, Ward Member for Bruton then addressed the committee and spoke in support of the application. She explained that the applicants wanted to remain in the community and needed the support of their community who were all in favour of this development. She reported that the size of the dwelling had taken into account the medical evidence indicating that these were two vulnerable ladies who may require additional care in the future.

Councillor Tony Capozzoli, Ward Member for Ivelchester also addressed the committee and spoke in support of the application indicating the need to support and help people in all communities and that West Camel Parish Council, neighbours and the Area East Committee fully supported this application.

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. She also confirmed that the Nippy Bus operated within the area and therefore the applicants could use this facility if they wished.

Disability Advocate Dr R Lees spoke in support of the application and explained that the applicants were two vulnerable ladies whose mother had recently passed away and the farmhouse where they lived was not suitable for their disabilities. They needed a purpose built property and that 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 explaining their need for the disabled bungalow and their emotional well being to remain in the village. She also understood that the Governments planning policies had changed since the last application and understood the wish for District Councils to recognise and help Parish Councils in supporting themselves.

She explained that the personal circumstances of the applicants were very different of that of four years ago and that personal needs and circumstances should be taken into account. She felt it reasonable a planning condition could be imposed regarding a disabled dwelling and that the village would benefit from this type of dwelling in the future.

Councillor Mike Lewis spoke as ward member in support of the application and felt that the application could be conditioned to remain for people with disabilities in perpetuity and that it was a material consideration to ensure access to homes for all elements of the community. He reported that they had looked at ways of redeveloping the existing listed building and outlying buildings but found they could not meet the applicants needs.

During the following discussion members raised the following points:

- sought clarification and confirmation that a robust case could be proven to confirm and establish a special need for a dwelling in exception to the normal planning policy constraints against new development in the open countryside.
- considered the most appropriate way to meet the proven need of the applicants
- suitability of the proposed site with regard to ground levels and locality
- questioned whether the proposed development could be secured in perpetuity to meet the identified needs
- felt this application was an exception and therefore a proven need for this development
- expressed sympathy for the applicants situation and that there was a need to support people within their communities to help them remain within their communities

Members again reiterated their main concern on whether the proposed development met the key planning principles that contributes to local need and whether a disability condition secured in perpetuity to meet the identified special requirements could be defended should it be contested in the future.

The Development Manager explained that there was no policy for disabled persons' accommodation in an unsustainable locality. He felt that due to the location of the site and limited access to other community facilities such as doctors, shops etc. the chance of a housing association requiring a single disabled dwelling of this size was very limited. Furthermore the Development Manager indicated that the size of the dwelling and its curtilage would mean that the cost of acquisition would be a significant issue as would the standard of construction.

The Senior Legal Executive also highlighted to members the relevance of the previous application and the decision to dismiss the appeal. She advised members that she felt it would not be possible to defend the proposed condition should the condition be challenged in the future.

Councillor Mike Lewis then proposed that the application be approved subject to the condition to secure in perpetuity the identified disability requirements, this was subsequently seconded. On being put to the vote the motion was lost by 3 votes in favour and 6 against.

The Chairman then moved the Officers' recommendation to refuse permission and on being put to the vote the motion was carried by 6 votes in favour and 3 against.

**RESOLVED:** That permission be refused against application reference:09/03706/FUL.

Reason: 01. The proposal represents an unjustified development outside of the development area, which would provide no identifiable economic benefit, and would not maintain or enhance the environment, contrary to Policy ST3 of the South Somerset Local Plan, 2006.

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 PPS1, PPS7, PPG 13, Policy STR6 of The Somerset and Exmoor National Park Joint Structure Plan Review, and Policy ST3 of the South Somerset Local Plan, 2006.

03. The proposal, by reason of its design, siting, layout and scale would cause unacceptable harm to the distinctive character and quality of the local landscape, and would be contrary to Policy EC3 of the South Somerset Local Plan, 2006.

04. The proposal, by reason of its scale, design and the size of its residential curtilage, fails to respect the form, character and setting of the local environment. It neither preserves nor complements the key characteristics of the location and fails to maintain its local distinctiveness, and is contrary to the aims and objectives of Policy ST6 of the South Somerset Local Plan, 2006.

05. The proposal, by reason of its design and layout, would adversely affect the integrity and continuity of natural habitats by the removal of important sections of hedgerow, contrary to Policy EC7 of the South Somerset Local Plan, 2006.

*(Voting:6 in favour, 3 against,)*

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### **13. Date of Next Meeting (Agenda Item 7)**

Members noted that the next meeting of the Committee would take place on Tuesday, 16<sup>th</sup> February at 10.00am in the Council Chamber, Brympton Way.

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Chairman