

Appendix A

Extract from Area South Committee minutes – 7th November 2012

12/03202/OUT** – Outline application for the erection of a dwelling (GR 352898/113152), Land at Witches Way Holywell East Coker – Mr & Mrs Miller

(Having earlier declared a Personal & Prejudicial Interest Councillors Peter Gubbins and Tony Fife left the room during consideration of this item. Councillor David Recardo deputised as Chairman for this item).

The Chairman explained that this application was 2 starred because if approved contrary to officer's recommendation, it could have district wide implications and therefore would have to be referred to the Regulation Committee.

The Planning Officer then presented the report and with the aid of slides highlighted to members:

- Location Plan and nearest property known as 'Brooke House'
- Indicative Site Plan
- Plan showing residential curtilage
- Map showing site located between East and West Coker
- Flood Zone Area
- Various photographs including:
 - Aerial view of site
 - Varying street views from site
 - Existing gate and vehicular access
 - Alignment of highway from site
 - Varying levels of site
 - Applicants current residence known as 'Witches Way'

He reported to members that the site was approximately 5 metres above street level and although appreciated the special circumstances he did not consider these outweighed the planning reasons as set out in his agenda report and therefore his recommendation was to refuse the application.

Mr Brian Rousell then addressed the committee and spoke in support of the application. He said that as Mr & Mrs Miller were in their twilight years they wanted to safeguard the future care and accommodation for their son to ensure that he can continue to live in the local community that he justifiably needs. He hoped that members would support this application.

Mr Philip Crowther, the applicant's solicitor, also spoke in support of the application. He felt that the applicant's son Paul, who had a significant medical condition, should be able to continue to live in his local community. He felt this would not set a precedent as this was a very rare case and therefore should be classed as a significant consideration.

Mrs Moira Brunt, an independent advocate, addressed the committee. She explained the health issues associated with Aspergers Syndrome and that routines were extremely important for the sufferer, as were safeguarding their familiar surroundings and that any changes to these would have a huge impact on their mental health. She also explained the need for a large network of support and because of Paul's condition any changes in these matters would have a huge impact for him should he be forced to move away. She

also supported the positive steps his parents were taking now in order to safeguard and provide for their sons long term future care.

Mr Dudley Miller the applicant then addressed the committee. He enlarged on the severe mental health issues his son suffers and his intention to provide a home for Paul to live in long term. He explained the objective was to sell their existing home in order to fund the build and secure a trust fund for their son's future.

Councillor Cathy Bakewell, Ward member sympathised with the applicant's situation. She felt these were special circumstances and would not set a precedent should this application be approved. She agreed that the applicants existing dwelling cannot meet their needs and therefore the best alternative was to erect suitable accommodation within the grounds of their own property. She referred to Highways comments as set out in the agenda report over concerns that the site was remote from adequate services but reported that the village had an hourly bus service and therefore she would support this application.

Councillor Gina Seaton, Ward member reiterated and fully agreed with the previous Ward member's comments and would also look to support the application.

During members' discussion, several points were raised including the following:

- These are special circumstances and at present the existing dwelling cannot meet the needs of the applicant
- Appreciate the sons condition and the health issues of Aspergers Syndrome and understand the need for him to stay within the local community and familiar surroundings
- Encourage the dwelling to be built to a high standard and of an innovative design
- Site is within a sustainable location and did not agree with Highways comments that the site was remote from adequate services and facilities
- Planning policies should be put aside if circumstances merit it
- Appreciated the applicant's circumstances but should be mindful to follow planning policy guidance
- May set a precedent for future applications located outside development limits

The Development Control Manager also informed members that it would not be reasonable to limit the occupation of the dwelling to the applicant/applicant's son through either a legal agreement or a planning condition and therefore once built, the dwelling could be sold on the open market.

The Solicitor also clarified to members that personal and financial circumstances were material considerations that members were entitled to take into account.

It was then proposed and seconded that the application be refused as per the Officer's recommendation as set out in the agenda report. On being put to the vote this was lost by 6 votes in favour and 7 against. Members noted that the application would therefore be referred to the Regulation Committee for determination.

RESOLVED:

That Planning Application 12/03202/OUT ** be referred to the Regulation Committee with a recommendation to approve, contrary to the officer's recommendation, on the basis that:

The proposal would represent a new home in the countryside for which an overriding essential need has been justified based on the personal circumstances of the applicant. The proposal would not represent an unjustified and undesirable intrusion into an attractive area of open countryside detrimental to the visual appearance and character of the landscape and would represent sustainable development. The proposal is therefore in accordance with the National Planning Policy Framework and policies ST5 and EC3 of the South Somerset Local Plan (adopted April 2006).

(Voting: 6 in favour, 7 against, 0 abstentions)

APPENDIX ONE

Somerset Partnership



NHS Foundation Trust

Glanville House
Church Street
BRIDGWATER
Somerset TA6 6AT

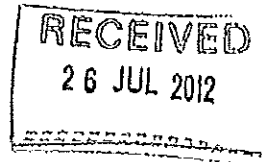
01278 720220
Direct Line: 01278 720288

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Our ref: KG/JH/A023254
Your ref: pc/sw/098545.1

25 July 2012

Mr P Crowther
Associate Solicitor (Planning)
Baltens Solicitors Limited
Mansion House
54-58 Princes Street
YEOVIL
Somerset
BA20 1EP



Dear Mr Crowther

Re Paul Miller – Wilches Way, East Coker

I am writing in response to your letters dated 30 May 2012 and 2 July 2012, in which you asked for more information regarding Paul Miller.

I am a Registered Mental Health Nurse (RMN) and at present working in the Aspergers Team as a Community Psychiatric Nurse (CPN) specializing in Aspergers. I have a good understanding of Autism and Aspergers evolving over the past twenty years.

I have care co-ordinated Paul for over a year, we are making slow but steady progress, however it appears we have a good working relationship as Paul will now see me on his own and is less distressed after my visits.

Paul has Aspergers Syndrome, which is a lifelong disability that affects how a person makes sense of the world, processes information and relates to other people. Aspergers Syndrome is mostly a 'hidden disability', which means that you can not tell that someone has the condition from their outward appearance. People with the condition have difficulties in the following area.

Social Communication, Social Interaction, Social Imagination. These are often referred to as the Triad of Impairment. Paul has difficulties in each area.



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A health and social care organisation, in partnership with Somerset County Council
Chairman: Linda Nash Chief Executive: Edward Coates

Paul is, at times, very disabled by this diagnosis, and without support he would not be able to function. This is mainly around his daily living skills. He would also more than likely stay in his room, or his bed. At present, his parents provide this support, this can be twenty four hours, seven days a week. As both parents are at retirement age they can no longer cope with the demands that Paul puts on them. They have to think of future plans they need to put in place to keep Paul safe. This has to include him always having some kind of support.

People with Aspergers do like not like CHANGE. Keeping Paul in an environment that he knows would lessen his anxieties. Paul has always lived in Witches Way, surrounding neighbours are also aware of Paul's needs and would be able to provide further support, if needed, as on occasions they have been able to this already. Keeping Paul in the surroundings he is used to will help him stabilise to his new life quicker and lessen anxieties, which are a major problem to people with Aspergers.

Providing Paul with a home that is especially adapted for his needs would be beneficial as Paul's present home, with his parents, would be far too big to manage. He would struggle with the financial side of things and up keep.

Witches Way is an ideal situation for someone with Aspergers as they tend to like to live in a quiet environment the less people about is ideal, as noise and people they do not know can cause huge problems for them. Witches Way provides this environment for Paul. Changing this would probably cause Paul great anxiety and stress. He would isolate himself. This would cause great strains on his health and wellbeing.

Paul does manage to go to work, at a local night club collecting glasses and refilling the bottles. This is morning work. Paul would like to work more hours. This again is only workable if Paul is supported.

Paul will always need support. He needs constant reminding to do things, he would not be able to manage his medication and he would fall vulnerable to his peer group. Paul cannot see the consequence of any of his actions.

Providing a home which would incorporate living quarters for supporters to live in, would be an asset to Paul. It would also give him some independence. Keeping the home within the surroundings he knows will also provide Paul with some stability of his past, and of things that feel safe and are a comfort for him.

Yours sincerely

Ms K Griffin
Aspergers Specialist Team



If you are interested in mental health or learning disability services or issues and would like to become a prospective member of our Trust, please contact the NHS Foundation Trust Office on 01278 - 432073 or visit our website on www.somerset.nhs.uk/sonpar.