

## South Somerset District Council

**Draft Minutes** of a meeting of the **Regulation Committee** held on **Tuesday 18<sup>th</sup> December 2012** in the Council Chamber, Council Offices, Brympton Way, Yeovil.

(10.00am – 11.00am)

### **Present:**

Tim Carroll (Chairman)

|               |                 |
|---------------|-----------------|
| Mick Best     | Sylvia Seal     |
| Nick Colbert  | Gina Seaton     |
| Ian Martin    | Angie Singleton |
| Terry Mounter | Linda Vijeh     |
| Ros Roderigo  |                 |

### **Officers:**

|              |                             |
|--------------|-----------------------------|
| Jo Boucher   | Committee Administrator     |
| David Norris | Development Control Manager |
| Simon Fox    | Planning Officer            |
| Amy Cater    | Solicitor                   |

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

The minutes of the meeting of the Regulation Committee held on Tuesday, 17<sup>th</sup> July 2012, copies of which had been previously circulated, were approved as a correct record by the Chairman.

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

Apologies for absence were received from Councillors Tony Fife, Peter Gubbins, Shane Pledger and William Wallace.

In the absence of the Chairman, the Vice Chairman, Councillor Tim Carroll assumed the Chair for the meeting. Councillor Ian Martin was then proposed and seconded to position of Vice Chairman with the agreement of all members of the committee.

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

There were no Declarations of Interest

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

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

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**11. 12/03202/OUT Outline application for the erection of a dwelling (GR 352898/113152) Land at Witches Way Holywell East Coker – Mr & Mrs Miller**

The Planning Officer presented the report as set out in the agenda and explained to members that at the meeting of the Area South Committee on 7<sup>th</sup> November 2012 it was resolved that the application be referred to the Regulation Committee with the recommendation to approve contrary to the officer's recommendation.

He reported that this report had been slightly amended from that presented to Area South Committee 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
- Various photographs including:
  - Aerial view of site
  - Varying street views from site
  - Existing gate and vehicular access in relation to Brooke House
  - Alignment of highway from site
  - Varying levels of site and existing boundaries
  - Applicants current residence known as 'Witches Way'
- Plan showing comparison of dimensions of Witches Way and indicative drawing of proposed new dwelling
- The application was located outside of the development limit.

The Planning Officer also informed members that at the meeting of Area South Mrs Moira Brunt (an independent advocate) and Mr Rousell both spoke in support of the application.

He also referred to comments made by the local Parish Council's stating that East Coker Parish Council did not support the application as they considered it an inappropriate location to build on agricultural land but West Coker Parish Council had raised no objections.

In conclusion the Planning Officer referred members to the powerpoint slide detailing the Key Considerations for members, this included:

- Application is in outline with all matters reserved for later determination
- Due to the fact that occupancy cannot be controlled by any means the application effectively seeks approval for an open market dwelling in the open countryside
- Has the continued use of the existing house been suitably proved not to be an option?
- The sole justification for this application is based on the personal circumstances of the applicant's son
- Is it possible to suitably differentiate between these circumstances and those that could be presented by someone else in the future?
- Would the granting of this application based on the personal circumstances alone create an unacceptable precedent across the district?
- Previous refusal in 2001

The Planning Officer also clarified to members the voting procedure taken at Area South Committee. He explained that the Officer's recommendation for refusal was proposed and seconded and on being put to the vote was lost by 6 votes in favour and 7 against, hence the reason why the application was referred to this Regulation Committee for determination.

Mr Stan Shayler, East Coker Parish Council representative then addressed the committee. He told members that the applicant had not attended the appropriate Parish Council meeting although evidence had been provided by Mr Miller for the application. It was felt that the applicant's son Paul was able to carry out daily responsibilities such as work, ride a motorcycle and understood that he holidayed with his parents. He said the current location was isolated, would set a precedent for others to build in open countryside and that the alternative of purchasing a smaller dwelling nearby would be a more suitable option.

Mr Brian Rousell then addressed the committee and spoke in support of the application. He said that he had known the applicant for many years and that all they wanted was to safeguard the future care and accommodation for their son as their present home was not suitable. He expressed the neighbour's local support and hoped the members would also support the application.

Mr Philip Crowther, the applicant's solicitor, also spoke in support of the application. He referred to the National Planning Policy Framework (NPPF) stating it made clear the support for development outside of development area for special circumstances. He felt this would not set a precedent as this was a very rare case and therefore should be classed as a significant consideration. He said in an ideal world they wouldn't want to move but unable to adapt the current home.

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 felt the need for a more user friendly home and with the support of his parents would aid in the transition process which would be extremely important.

Mr Dudley Miller the applicant then addressed the committee. He enlarged on the severe mental health issues his son suffers responding to the comments made by East Coker Parish Council maintaining that his son does not ride his motorcycle to work and is no longer able to go on holiday. He said Paul had great support from friends and neighbours and that his only objective was to secure his sons long term future care.

Councillor Gina Seaton, Ward member reiterated comments made at Area South Committee. She felt these were special circumstances that would not set a precedent should this application be approved. She agreed that the applicants existing dwelling could not 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 over concerns that the site was remote from adequate services but reported that the village had an hourly bus service. She also referred to the NPPF stating it made clear the support for planning for the future including people with disabilities and therefore she would support this application.

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

- Sought clarification regarding the justification of a new property over the existing dwelling
- Appreciated the applicant's circumstances but should be mindful to follow planning policy guidance
- Site not within a sustainable location and remote from adequate services and facilities
- Occupancy cannot be controlled therefore property could be sold on the open market
- This was a unique case and appreciated the need to sell their existing home in order to fund the build and secure a trust fund for their sons future
- Not given any real reason why the existing property could not be modified to meet the sons needs as moving home could cause further anxiety
- Would like to see a full detailed application and due to undergoing planning policy changes could be a matter for the Planning Inspector to decide.

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 carried by 6 votes in favour, 3 against and 1 abstention.

**RESOLVED:**

**Refuse permission for the following reasons:**

01. The proposal would represent a new isolated home in the countryside for which an overriding essential need has not been justified. The application site is remote from services, facilities, education, employment opportunities and sufficient public transport links, and will therefore increase the need for journeys to be made by private vehicles. The proposal would, in addition, represent an unjustified and undesirable intrusion into an attractive area of open countryside to the detriment of the visual appearance and character of the landscape and would not represent sustainable development and is therefore contrary to The National Planning Policy Framework and policies ST5 and EC3 of the South Somerset Local Plan (adopted April 2006).

*(Voting: 6 votes in favour, 3 against and 1 abstention)*

**12. Date of Next Meeting (Agenda Item 6)**

Members noted that the next meeting of the Committee would take place on Tuesday, 15<sup>th</sup> January 2013 at 10.00am in the Council Chamber, Council Offices, Brympton Way.

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Chairman