

## South Somerset District Council

**Minutes** of a meeting of the **Area West Committee** held at **The Guildhall, Chard** on **Wednesday 18 March 2015**.

(6.00pm - 8.10 pm)

**Present:**

**Members:** Councillor Angie Singleton (Chairman)

Mike Best	Paul Maxwell
Dave Bulmer	Nigel Mermagen
John Dyke (to 6.50pm)	Sue Osborne
Carol Goodall	Ric Pallister
Brennie Halse	Ros Roderigo
Jenny Kenton	Andrew Turpin

**Officers:**

Andrew Gillespie	Area Development Manager (West
Chris Cooper	Streetscene Manager
Andrew Gunn	Area Lead (West)
Mike Hicks	Planning Officer
Angela Watson	Legal Services Manager
Jo Morris	Democratic Services Officer

*NB: Where an executive or key decision is made, a reason will be noted immediately beneath the Committee's resolution.*

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**161. To approve as a correct record the Minutes of the Previous Meeting held on 18th February 2015 (Agenda Item 1)**

The minutes of the meeting held on 18<sup>th</sup> February 2015, copies of which had been circulated, were taken as read and, having been approved were signed by the Chairman as a correct record of the proceedings.

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**162. Apologies for Absence (Agenda Item 2)**

Apologies for absence were received from Councillors Linda Vijeh and Martin Wale.

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**163. Declarations of Interest (Agenda Item 3)**

There were no declarations of interest.

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**164. Public Question Time (Agenda Item 4)**

No question or comments were raised by members of the public.

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**165. Chairman's Announcements (Agenda Item 5)**

There were no announcements from the Chairman.

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**166. Area West Committee - Forward Plan (Agenda Item 6)**

Reference was made to the agenda report, which informed members of the proposed Area West Committee Forward Plan.

The Area Development Manager (West) advised that there were no updates to the Forward Plan and that he was happy to take suggestions for future items to be included on the Plan.

In response to member questions, the Area Development Manager advised that it was the intention to have an update on the Making It Local Programme from the Assistant Director (Communities). The Chard Regeneration Board was aware that the Committee had requested regular updates on the Chard Regeneration Scheme and it was hoped that an update would be given after the next Board meeting.

**NOTED.**

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**167. Report for Area West Committee on the Performance of the Streetscene Service (Agenda Item 7)**

The Streetscene Manager summarised the agenda report, which informed members of the performance of the Streetscene Service in Area West for the period April 2014 – March 2015.

During the ensuing discussion, the Streetscene Manager noted the comments of members and responded to questions on points of detail. Members were informed that:-

- In 2014, the Streetscene Service had successfully tendered for two Rights of Way maintenance contracts, both of which had gone well. The Service would know by May 2015 if they would be continuing to deliver the service on behalf of the County Council;
- A member congratulated the Streetscene Service on the litter work that they had undertaken along the A303 and A37;
- A member thanked the Streetscene Manager and his team for their partnership work with Chard Town Council;
- SSDC was responsible for litter clearance on the highway. Litter on the live carriageway of the A303 was the responsibility of the Highways Agency;
- The Streetscene Manager was happy to involve any willing parishes with the Parish Ranger Scheme;
- A revised dog bin policy was currently being worked upon and it was the intention to ask for member comments as it was being developed.

The Chairman expressed her thanks to the Streetscene Service for all their hard work which was very much appreciated. She commented that the service was very much in the public eye and that the response to problems identified had been dramatic.

**NOTED.**

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**168. Area West - Reports from Members on Outside Organisations (Agenda Item 8)**

**Iminster Forum**

Cllr. Carol Goodall gave a presentation updating members on Iminster Forum. She gave an overview of the projects that Iminster Forum had been involved with which included:

- Monthly Market
- Community Website
- Market Town App
- Library Garden Project
- Flower troughs on routes into the town
- Litter Picks
- Future projects planned included a Making It Local Project and a refresh of the Community Plan

**NOTED.**

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**169. Chard Young Peoples Centre - Assessment of nomination under Community Right to Bid (Item for information) (Agenda Item 9)**

Members noted the decision to place “Chard Young Peoples Centre” onto the SSDC Register of Assets of Community Value, following a nomination made by Streetspace South Somerset.

**NOTED.**

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**170. The Portman Arms, East Chinnock - Assessment of nomination under Community Right to Bid (Item for Information) (Agenda Item 10)**

Members noted the decision to place “The Portmand Arms” onto the SSDC Register of Assets of Community Value, following a nomination made by East Chinnock Parish Council.

**NOTED.**

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**171. Planning Appeals (Agenda Item 11)**

The Committee noted the details contained in the agenda report, which informed members of two planning appeals, which had been received.

**NOTED.**

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**172. Schedule of Planning Applications to be Determined by Committee (Agenda Item 12)**

Members noted the Schedule of Planning Applications to be determined by the Committee.

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**173. Planning Application 14/05126/FUL - Little Brympton, Allotment Road, Chiselborough (Agenda Item 13)**

***Application Proposal: Retention of wooden building for residential use for temporary period of 3 years (retrospective)***

The Planning Officer introduced the report and with the aid of slides and photographs summarised the details of the application as set out in the agenda. Particular reference was made to the history of the site and the previous permissions. He advised that additional correspondence had been received from the Chair and Clerk of Chiselborough Parish Council in support of the application subject to personal permission only and the protection of future development. He further updated that twelve letters of support had been submitted with the application which had not been mentioned in the agenda report. The key considerations were:

- Isolated location - paragraph 55 of the NPPF requires 'special circumstances' to allow isolated homes
- Does the proposal constitute 'special circumstances'?
- Setting a precedent

The Planning Officer's recommendation was for refusal.

In response to questions from Members, the Planning Officer confirmed that:

- The photographs shown had been taken just before Christmas;
- The applicants had been on site since June 2014 and the site was working progress;
- The applicants were renting the land;
- He was unsure why the suffixes on the previous planning applications were different and confirmed that all permissions were temporary and all applications were identical;
- Guidance stated that successive temporary permissions should not be granted however in this instance there were specific circumstances to the applicant;
- The Legal Services Manager advised that three of the previous permissions were granted prior to the current policy guidance;
- For unknown reasons the structure had remained on the site and it had only been brought to the Council's attention that the structure was occupied in summer 2014;
- Because of the change in policy he felt that it was only fair to give the applicants a chance for the application to be looked at afresh;
- He had concerns over the lack of justification in terms of functional need for the applicants to live on the site;
- It was noted that a number of years had lapsed with their being no permission on the site;
- Policy SS2 was now adopted but could have been given significant weight because of the stage of preparation of the emerging local plan;

- He was of the opinion that Policy SS2 did not apply as the building was outside the rural settlement and was approximately 200 metres from the nearest dwelling;
- The issue of isolated dwellings was not defined under planning guidance and was subjective to judgement based upon individual circumstances. He had made the judgement that the temporary building was significantly far from the nearest dwelling.

The Committee was then addressed by Rhys Davies, Amy Stroup-Allen, Sue Hasell and Carolyn Milner in support of the application. Their comments included:

- Support for the educational element of the proposal;
- Support for low impact and environmentally sustainable lifestyle;
- Support for the applicants providing the village and local area with flowers and vegetables;
- There was a high level of support from the local community;
- The owner of the land fully supported the applicants living on the site;
- It was essential for the applicants to live on site.

The Committee was then addressed by Patrick Tucker, the applicant. His comments included:

- His family needed to live on the site in order to make the enterprise viable;
- SSDC supported Tinkers Bubble and he hoped that the Committee would take on board those values when considering his application;
- Reference was made to the Business Plan and the evidence on functional need;
- It was sustainable to live on the site off of a small income;
- Consideration should be given to Policy SS2 Development in Rural Settlements;
- There was clearly a local demand for the produce;
- He welcomed any conditions with the exception of restrictions to the building.

The Ward Member, Councillor Ric Pallister commented that the application was about a family wishing to lead a simple rural lifestyle. He did not feel that the application was setting a precedent as it had been set many years ago by the previous applications. He believed that Policy SS2 supported the application and that the Council should be responsive to local circumstances and that every application must be considered on its own merits. The site was in close proximity to the edge of the village; the application was supported by the Parish Council and added to the quality of life in the local community. He expressed his support for the application on the basis of a personal permission subject to appropriate conditions without the temporary period of 3 years.

The Legal Services Manager advised that the Council could be at risk of being challenged if the Committee were to agree a personal permission without the temporary period of 3 years, as this was not part of the application before members and the Council had not consulted on that basis. She advised that if the Committee were to give a clear indication of their support for the proposal the applicant could resubmit an application without the 3 year time limit. In response to a member question, she confirmed that the resubmission would be free of charge because of the similarities between the applications.

The Ward Member commented that if the view of the Committee was to support the proposal the applicant could withdraw his application. In response, the Legal Services Manager confirmed that there was no harm in seeking an indication from the Committee. However, if the Committee were minded to consider the application as applied for but outside of any requirement to prove a functional and financial need, they would need to

consider what would happen after the end of the 3 year period. In particular, it could be difficult to withhold permission for a different style of dwelling as policy allowed for replacement dwellings.

During discussion, varying views were expressed. Comments raised included the following:

- It was felt that the site was not isolated;
- Concern that the application could be setting a precedent;
- Concerns over economics and the need for a more robust Business Plan;
- Support for low impact living and the lifestyle of the applicants;
- Benefits to the community;
- The need for protection of future development;
- Concerns over viability of the site;

The Legal Services Manager advised that it would be difficult to enforce a condition for low impact living on the site as there was no definition of what such a lifestyle involved and monitoring compliance would be an issue. However, a condition could be attached to prevent alterations to the structure.

The Legal Services Manager advised that the Committee could determine the application as applied for and agree to a personal permission for the applicant only. Another option would be for the Committee to not determine the application and defer it in order to give the applicant time to resubmit another application without the 3-year time limit.

It was proposed and seconded to approve the application as applied for subject to the following conditions:

- Personal permission to the applicant only;
- Withdrawal of Permitted Development Rights;
- Retention of Hedgerow on the northern boundary;
- Use of site for child education limited to 28 days;
- Farm gate sales to be restricted to products on the site;
- Foul water drainage details;
- Time limit

In response to a member question, the Planning Officer confirmed that the 3 year permission would commence from the date of the issue of the planning decision.

The reasons given for approval were community benefit, sustainable location and support from the community. On being put to the vote, the proposal was carried by 9 votes in favour and 1 against.

**RESOLVED:** That Planning Application No. 14/05126/FUL be **APPROVED** contrary to the Officer's recommendation for the following reason

01. The proposal by reason of its proximity to the village is in a sustainable location, meets an identified housing need, will enhance community facilities, has gained community support and would not harm landscape character in accordance with policies EQ2 and SS2 of the South Somerset Local Plan (2006-2028).

**SUBJECT TO THE FOLLOWING CONDITION(S):**

01. The residential unit hereby permitted shall only be occupied by Mr Patrick Tucker and Mrs Tasha Elena Tucker-Vallecillo (along with any dependants) in association with the running of the enterprise at Little Brympton and shall be for a limited period of three years from the date of this decision.

Reason: The Local Planning Authority is only prepared to grant a personal permission on a temporary basis in order to review the matter at the end of the period specified and in view of the need put forward by the applicant.

02. When the residential unit ceases to be occupied by those persons named in condition 1, or at the end of three years from the date of this decision, whichever shall first occur, it and all associated domestic structures shall be removed from the land.

Reason: The Local Planning Authority is only prepared to grant a temporary permission and therefore requires that the land is returned to its original condition following the expiry of the use hereby permitted.

03. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification, there shall be no works to the building hereby approved under Schedule 2, Part 1, Classes A, B, C, D, E, F, G, H without the prior express grant of planning permission.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. The existing hedgerow to the northern (roadside) boundary shall be maintained at a minimum height of 2.0 metres unless otherwise agreed in writing by the Local planning Authority. Any part(s) of hedges or hedgerows removed without the Local Planning Authority's consent or which die or become, in the opinion of the Local Planning Authority, seriously diseased or otherwise damaged within five years following contractual practicable completion of the approved development shall be replaced as soon as is reasonably practicable and, in any event, by not later than the end of the first available planting season, with plants of such size and species and in such positions as may be agreed in writing with the Local Planning Authority.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028).

05. The use of the site for children's education shall be limited to a maximum of 28 days within each calendar year.

Reason: The Local Planning Authority are only prepared to grant an

ancillary educational use on the site in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028).

06. Within 2 months of the date of this decision, details of foul and surface water drainage details to serve the development, shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational within 2 months of the approval of such details. Following its installation the approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of general amenity and safety in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028).

07. Farm gate sales from the site shall be restricted to goods produced from within the application site.

Reason: In order to prevent a general retail use being carried out from the site in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028).

*(Voting: 9 in favour, 1 against)*

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**174. Date and Venue for Next Meeting (Agenda Item 14)**

Members noted that the next meeting of the Area West Committee would be held on Wednesday 15<sup>th</sup> April 2015 at the Henhayes Centre, Crewkerne.

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Chairman