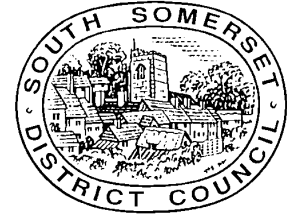


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 27th January 2016

2.00 pm

**Edgar Hall
Cary Court
Somerton Business Park
Somerton TA11 6SB**

(Disabled access and a hearing loop are available at this meeting venue)



Members listed on the following page are requested to attend the meeting.

The public and press are welcome to attend.

Please note: Consideration of planning applications will commence no earlier than 2.45pm.

If you would like any further information on the items to be discussed, please ring the Agenda Co-ordinator, **Becky Sanders, Democratic Services Officer 01935 462596**, website: www.southsomerset.gov.uk

This Agenda was issued on Monday 18 January 2016.

Ian Clarke, Assistant Director (Legal & Corporate Services)

This information is also available on our website
www.southsomerset.gov.uk



Area North Committee Membership

Clare Aparicio Paul
Neil Bloomfield
Adam Dance
Graham Middleton
Tiffany Osborne

Stephen Page
Shane Pledger
Crispin Raikes
Jo Roundell Greene
Dean Ruddle

Sylvia Seal
Sue Steele
Derek Yeomans

South Somerset District Council – Council Plan

Our focuses are: (all equal)

- Jobs – We want a strong economy which has low unemployment and thriving businesses.
- Environment – We want an attractive environment to live in with increased recycling and lower energy use.
- Homes – We want decent housing for our residents that matches their income.
- Health & Communities – We want communities that are healthy, self-reliant, and have individuals who are willing to help each other.

Scrutiny procedure rules

Please note that decisions taken by Area Committees may be "called in" for scrutiny by the council's Scrutiny Committee prior to implementation. This does not apply to decisions taken on planning applications.

Consideration of planning applications

Consideration of planning applications for this month's meeting will commence no earlier than 2.45pm, following a break for refreshments, in the order shown on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered. Anyone wishing to raise matters in relation to other items on the agenda may do so at the time the item is considered.

Highways

A representative from the Area Highways Office will normally attend Area North Committee quarterly in February, May, August and November – they will be usually be available from 15 minutes before the meeting to answer questions and take comments from members of the Committee. Alternatively, they can be contacted through Somerset County Council on 0300 123 2224.

Members questions on reports prior to the meeting

Members of the committee are requested to contact report authors on points of clarification prior to the committee meeting.

Information for the Public

The council has a well-established area committee system and through four area committees seeks to strengthen links between the Council and its local communities, allowing planning and other local issues to be decided at a local level (planning recommendations outside council policy are referred to the district wide Regulation Committee).

Decisions made by area committees, which include financial or policy implications are generally classed as executive decisions. Where these financial or policy decisions have a significant impact on council budgets or the local community, agendas will record these decisions as “key decisions”. Members of the public can view the council’s Executive Forward Plan, either online or at any SSSC council office, to see what executive/key decisions are scheduled to be taken in the coming months. Non-executive decisions taken by area committees include planning, and other quasi-judicial decisions.

At area committee meetings members of the public are able to:

- attend and make verbal or written representations, except where, for example, personal or confidential matters are being discussed;
- at the area committee chairman’s discretion, members of the public are permitted to speak for up to up to three minutes on agenda items; and
- see agenda reports

Meetings of the Area North Committee are held monthly, usually at 2.00pm (unless specified otherwise), on the fourth Wednesday of the month (except December) in village halls throughout Area North (unless specified otherwise).

Agendas and minutes of area committees are published on the council’s website www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

The council’s Constitution is also on the web site and available for inspection in council offices.

Further information about this committee can be obtained by contacting the agenda co-ordinator named on the front page.

Public participation at committees

This is a summary of the protocol adopted by the council and set out in Part 5 of the council’s Constitution.

Public question time

The period allowed for participation in this session shall not exceed 15 minutes except with the consent of the Chairman of the Committee. Each individual speaker shall be restricted to a total of three minutes.

Planning applications

Comments about planning applications will be dealt with at the time those applications are considered, rather than during the public question time session.

Comments should be confined to additional information or issues, which have not been fully covered in the officer's report. Members of the public are asked to submit any additional documents to the planning officer at least 72 hours in advance and not to present them to the Committee on the day of the meeting. This will give the planning officer the opportunity to respond appropriately. Information from the public should not be tabled at the meeting. It should also be noted that, in the interests of fairness, the use of presentational aids (e.g. PowerPoint) by the applicant/agent or those making representations will not be permitted. However, the applicant/agent or those making representations are able to ask the planning officer to include photographs/images within the officer's presentation subject to them being received by the officer at least 72 hours prior to the meeting. No more than 5 photographs/images either supporting or against the application to be submitted. The planning officer will also need to be satisfied that the photographs are appropriate in terms of planning grounds.

At the committee chairman's discretion, members of the public are permitted to speak for up to three minutes each and where there are a number of persons wishing to speak they should be encouraged to choose one spokesperson to speak either for the applicant or on behalf of any supporters or objectors to the application. The total period allowed for such participation on each application shall not normally exceed 15 minutes.

The order of speaking on planning items will be:

- Town or Parish Council Spokesperson
- Objectors
- Supporters
- Applicant and/or Agent
- District Council Ward Member

If a member of the public wishes to speak they must inform the committee administrator before the meeting begins of their name and whether they have supporting comments or objections and who they are representing. This must be done by completing one of the public participation slips available at the meeting.

In exceptional circumstances, the Chairman of the Committee shall have discretion to vary the procedure set out to ensure fairness to all sides.

The same rules in terms of public participation will apply in respect of other agenda items where people wish to speak on that particular item.

If a Councillor has declared a Disclosable Pecuniary Interest (DPI) or a personal and prejudicial interest

In relation to Disclosable Pecuniary Interests, a Councillor is prohibited by law from participating in the discussion about the business on the agenda that relates to this interest and is also required to leave the room whilst the relevant agenda item is being discussed.

Under the new Code of Conduct adopted by this Council in July 2012, a Councillor with a personal and prejudicial interest (which is not also a DPI) will be afforded the same right as a member of the public to speak in relation to the relevant business and may also answer any questions, except that once the Councillor has addressed the Committee the Councillor will leave the room and not return until after the decision has been made.

Area North Committee

Wednesday 27 January 2016

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 16 December 2015.

2. Apologies for absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (adopted July 2012), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting. A DPI is defined in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 (SI 2012 No. 1464) and Appendix 3 of the Council's Code of Conduct. A personal interest is defined in paragraph 2.8 of the Code and a prejudicial interest is defined in paragraph 2.9.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. As a result of the change made to the Code of Conduct by this Council at its meeting on 15th May 2014, where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council. If you have a prejudicial interest you must comply with paragraphs 2.9(b) and 2.9(c) of the Code.

In the interests of complete transparency, Members of the County Council, who are not also members of this committee, are encouraged to declare any interests they may have in any matters being discussed even though they may not be under any obligation to do so under any relevant code of conduct.

Planning Applications Referred to the Regulation Committee

The following members of this Committee are also members of the Council's Regulation Committee:

Councillors Clare Aparicio Paul, Shane Pledger, Dean Ruddle and Sylvia Seal.

Where planning applications are referred by this Committee to the Regulation Committee for determination, in accordance with the Council's Code of Practice on Planning, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not

finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

4. Date of next meeting

Councillors are requested to note that the next Area North Committee meeting is scheduled to be held at 2.00pm on **Wednesday 24 February 2016** at the **Village Hall, Norton Sub Hamdon**.

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. The Bell Hotel, Curry Rivel (Pages 9 - 10)

9. Environmental Health Service Update Report (Pages 11 - 13)

10. Area North Committee Forward Plan (Pages 14 - 16)

11. Planning Appeals (Pages 17 - 30)

12. Schedule of Planning Applications to be Determined By Committee (Pages 31 - 32)

13. Planning Application 15/02218/FUL - Crimson Orchard, Top Road, Curry Mallet. (Pages 33 - 53)

14. Planning Application 15/05004/FUL - Proposed Retail Unit, Brunel Shopping Centre, West Street, Somerton. (Pages 54 - 59)

15. Planning Application 14/03171/DPO - Ex Showroom/Garage and Land Rear of Long Orchard, Water Street, Martock. (Pages 60 - 64)

16. Planning Application 15/05407/FUL - 50 St James Street, South Petherton. (Pages 65 - 72)

17. Planning Application 15/05408/LBC - 50 St James Street, South Petherton. (Pages 73 - 77)

18. Planning Application 15/02269/FUL - OS0062 Mildmays Road, High Ham. (Pages 78 - 90)

19. Planning Application 15/05132/FUL - The Old Vicarage, Knole Causeway, Long Sutton. (Pages 91 - 95)

Please note that the decisions taken by Area Committees may be called in for scrutiny by the Council's Scrutiny Committee prior to implementation.

This does not apply to decisions taken on planning applications.

Recording and photography at council meetings

Recording of council meetings is permitted, however anyone wishing to do so should let the Chairperson of the meeting know prior to the start of the meeting. The recording should be overt and clearly visible to anyone at the meeting, but non-disruptive. If someone is recording the meeting, the Chairman will make an announcement at the beginning of the meeting.

Any member of the public has the right not to be recorded. If anyone making public representation does not wish to be recorded they must let the Chairperson know.

The full 'Policy on Audio/Visual Recording and Photography at Council Meetings' can be viewed online at:

<http://modgov.southsomerset.gov.uk/documents/s3327/Policy%20on%20the%20recording%20of%20council%20meetings.pdf>

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Agenda Item 8

The Bell Hotel, Curry Rivel

Assistant Director: Martin Woods, Assistant Director (Economy)
Service Manager: David Norris, Development Manager
Lead Officers: Adron Duckworth, Conservation Manager
Greg Venn, Conservation Officer
Contact Details: greg.venn@southsomerset.gov.uk or (01935) 462595

Purpose of the Report

To update members on the Bell Hotel, Curry Rivel.

Public Interest

Listed buildings maybe neglected and fall into disrepair for many reasons. These buildings are included on South Somerset's Register of Buildings at Risk. Their condition is monitored and sometimes the planning authority will use its powers to require repairs to be carried out by an owner who is unwilling to take proper responsibility for their upkeep, or to allow them to become detrimental to amenity.

Recommendation

That members note the update.

Report

Members will recall that they received a report on the listed buildings in Area North that are at risk in November 2015. Members were particularly concerned regarding the condition of the Bell Hotel in Curry Rivel, and options were discussed in confidential session at the meeting.

Update

In early December, the Conservation Manager wrote to the owners to highlight the concerns raised by members at the November meeting of Area North Committee.

The letter requested that works be carried out to remedy the poor external condition of the former hotel buildings in the very near future, and that if prompt progress is not made to remedy the poor external condition of the buildings, the Council intends to take enforcement action under Section 215 of the Town and Country Planning Act 1990. The Council wishes to avoid doing this if possible, but failure to comply with the request will leave the Council with no option.

A draft schedule of the works considered necessary to improve the external appearance of the buildings was included with the letter.

A positive response has been received from the owners, indicating they intend to carry out the works as requested in the Conservation Manager's letter. However as yet the exact date for completion of the works is unknown, the owner indicating on the 5th of January *"Our project manager is currently seeking quotes for the works. He will get these as soon as possible. We won't be able to confirm exact timeframes for any repair work until we get the quotes back so we will be in touch asap."*

At this time they have not indicated how we might arrange for an internal inspection, but they have not been obstructive in the past.

A brief verbal update will be provided by the Area Development Manager (North) at the meeting.

Financial Implications

If the owner of the building fails to carry out the works as required by a section 215 notice, the enforcement of the notice by the Council is either prosecution in the Magistrates court, or to carry out the works itself and recharge the owner. Both have financial implications. It is most likely that we would seek the latter approach as this does ensure the works take place. Non-payment of an invoice for the works would be pursued as any other debt to the Council, and could result in a charge being placed on the property. There remains a risk that we would not recover the costs in whole or in part.

Council Plan Implications

Focus 2 – Environment
Focus 3 - Homes

Carbon Emissions Climate Change Implications

No adverse implications. Repairing and reusing buildings is inherently sustainable.

Equality and Diversity Implications

None

Agenda Item 9

Environmental Health Service Update Report

Assistant Director: Laurence Willis, AD Environment
Service Manager: Alasdair Bell, Environmental Health Manager
Lead Officer: As above
Contact Details: alasdair.bell@southsomerset.gov.uk or 01935 462056

Purpose of the Report

To provide members with a brief update of the work of the Environmental Health Service in the last twelve months and to look forward to future challenges. The Environmental Health Manager will attend the meeting to give a presentation and answer any questions.

Recommendation

That Members note the report

Public Interest

The Environmental Health Service is a frontline service committed to protecting public health and safeguarding the environment. The majority of work undertaken by the service is required by law with very little discretionary work. The Environmental Health Service Plan that outlines the work of the service along with key service standards and the service action plan can be found on the council website at:
http://www.southsomerset.gov.uk/media/569271/service_plan_eh_15-16.pdf

Report

The work of the service continues to go well with staff dealing with a wide variety of matters including routine inspections and enforcement activity. In spite of budgetary pressures the level of service provided to the public is still good albeit we can only deal with essential statutory requirements.

Food and Safety Team

The Food & Safety Team both enforces legislation and provides advice and assistance to food and other businesses. The main emphasis of the team is to contribute to the success of the local economy by helping food businesses avoid problems of food poisoning etc and the severe economic consequences that can result. The food safety element of the work of the team includes the approval and audit of food manufacturers, food sampling, premises inspections, the investigation of food complaints and food poisoning as well as responding to national food alerts. The health and safety element includes inspection, advice, complaint and accident investigation. In Area North in the last 12 months 328 food inspections have been carried out, 87 cases of suspected food poisoning have been investigated and 13 accidents reported/investigated. Much of the work carried out is routine 'behind the scenes' and the public is generally unaware of what is going on until something significant happens such as a major food poisoning outbreak. Key achievements to note;

- The continued roll out of the National Food Hygiene Rating scheme ('scores on the doors'). This is a national scheme whereby all food catering businesses are given scores dependant on their food hygiene and management practices.
- All planned interventions and complaints successfully dealt with
- National Food Safety Week 2015 supported
- Development of the Better Business for All (BBfA) project.
- Delivery of business information covering new Food Information Allergen regulations.
- Ongoing management of 'Flexible Warranting' scheme to allow cross boundary working throughout Somerset
- Programme of advice and guidance on 'working at height' delivered to local businesses as part of the Health & Safety Action Plan.
- Maintaining a multi-agency Safety Advisory Group(SAG) for events being held in South Somerset
- Adoption of new Enforcement Procedures to reassure the public about the way enforcement is dealt with.

Environmental Protection Team (EP)

The EP Team deals with pollution control and environmental monitoring as well as the enforcement of environmental legislation. The Team checks local air quality and investigates a range of complaints about nuisance, in particular noise and smoke. The Team issues permits and inspects premises under the Pollution Prevention and Control regime (PPC). The Team also undertakes private water supply sampling, contaminated land assessment and the investigation of private drainage complaints as well as acting as a statutory consultee on planning and licensing applications. The delivery of the Pest Control service and public health burials are also part of the service provided. The Streetscene enforcement team is now part of the EP Team and deals with a range of issues including dog control and fly tipping. During the past 12 months 45 noise complaints have been investigated and 473 calls were taken regarding pest control in Area West. Significant points to note;

- The Private Water supply sampling and risk assessment programme has been successfully completed.
- The Permitted installation inspection programme(PPC) has been fully completed
- All actions from Streetscene audit have been implemented.
- Active participation in new multi -agency Yeovil One project.
- Somerset wide work with Councils and Police to implement new Anti-social behaviour provisions
- New EP Enforcement procedures introduced.

Housing Standards Team

The Housing Standards Team deal with private sector housing advice and enforcement. This includes investigating complaints about sub-standard rented housing, the inspection and licensing of houses in multiple occupation (HMOs) and the licensing of caravan sites. The team also provides advice/assistance/grant aid to improve energy efficiency and tackle fuel poverty. The team also processes applications for home repairs assistance grants, disabled facilities, HMO and empty property grants, and helps administer the WRT home loan scheme. The team works closely with the Housing Options Team in seeking to tackle the potential housing crisis that is developing in South Somerset. Significant points include;

- The running of two Landlord Forum events held at Holy Trinity Community Centre, Yeovil with over 70 local landlords attending.
- The future impact of Housing Benefit changes on rented accommodation

- Increased enforcement action to do with substandard housing and HMOs.
- £600,000 of Disabled Facilities Grants paid
- Over £250,000 of flood resilience Grants paid to flooded premises
- HMO Licensing scheme completed
- Over eighty empty properties brought back into use.

Financial Implications

There are none attached to this report

Council Plan Implications

The work of the unit helps contribute towards Focus 3 – Homes, and Focus 4 – Health and Communities.

Carbon Emissions and Climate Change Implications

The work of the unit contributes towards minimising implications through it's work on fuel poverty

Equality and Diversity Implications

As part of the Environmental Health service plan a full equalities and diversity assessment was undertaken.

Background Papers: *Environmental Health Service Plan 2015/16*
Food & Safety Service Plan 2015/16
Health & Safety Action plan 2015/16
Private Sector Housing Strategy 2115-20
Housing Implementation Strategy 2015 update
SSDC Corporate Plan 2012-15
Regulatory Services Enforcement Plan 2015-15

Agenda Item 10

Area North Committee – Forward Plan

Strategic Director: Rina Singh, Place and Performance
Assistant Directors: Helen Rutter & Kim Close, Communities
Service Manager: Charlotte Jones, Area Development (North)
Lead Officer: Becky Sanders, Committee Administrator
Contact Details: becky.sanders@southsomerset.gov.uk or (01935) 462596

Purpose of the Report

This report informs Members of the Area North Committee Forward Plan.

Public Interest

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area North Committee agenda, where members of the committee may endorse or request amendments.

Recommendation

Members are asked to:

Note and comment upon the Area North Committee Forward Plan as attached, and identify priorities for further reports to be added to the Area North Committee Forward Plan.

Area North Committee Forward Plan

Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the Agenda Co-ordinator.

Items marked *in italics* are not yet confirmed, due to the attendance of additional representatives.

To make the best use of the committee, the focus for topics should be on issues where local involvement and influence may be beneficial, and where local priorities and issues raised by the community are linked to SSDC and SCC corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders.

Background Papers: None

Area North Committee Forward Plan

Further details on these items, or to suggest / request an agenda item for the Area North Committee, please contact the Agenda Co-ordinator; Becky Sanders, becky.sanders@southsomerset.gov.uk

Items marked in italics are not yet confirmed, due to the attendance of additional representatives. Key: SCC = Somerset County Council

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
24 Feb '16	Highways Update	Service update report	Chris Weeks, Assistant Highway Service Manager, SCC
24 Feb '16	Affordable Housing Programme – Area North	Update report on affordable housing in Area North.	Colin McDonald, Corporate Strategic Housing Manager
24 Feb '16	Licensing Service	Update report on the Licensing Service.	Nigel Marston, Licensing Manager
24 Feb '16	Area North Priorities and Area Development Plan	Update report.	Charlotte Jones, Area Development Manager (North)
23 Mar '16	Countryside Service	Update report on the work of the Countryside Service	Katy Menday, Countryside Manager
23 Mar '16	<i>Community Health & Leisure</i>	<i>Update report on the work of the Community Health & Leisure Service.</i>	<i>Lynda Pincombe, Community Health & Leisure Manager</i>
25 May '16	Tourism Service	Update report on the work of the Tourism Service	Justine Parton, Tourist Information Centres Operations Supervisor

<i>TBC</i>	<i>Endorsement of Community led Plans</i>	<i>Curry Rivel Parish Plan</i> <i>South Petherton Parish Plan and Neighbourhood Plan</i>	Charlotte Jones, Area Development Manager (North)
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Agenda Item 11

Planning Appeals

Assistant Director: Martin Woods, Economy
Service Manager: David Norris, Development Manager
Lead Officer: As above
Contact Details: david.norris@southsomerset.gov.uk or (01935) 462382

Purpose of the Report

To inform members of the appeals that have been lodged, decided upon or withdrawn.

Public Interest

The Area Chairmen have asked that a monthly report relating to the number of appeals received, decided upon or withdrawn be submitted to the Committee.

Recommendation

That members comment upon and note the report.

Appeals Lodged

15/01486/FUL – Windy Ridge, Butchers Hill, Fivehead TA3 6PX
The erection of a four bedroom dwelling and change of use of agricultural land to residential curtilage.

Appeals Dismissed

14/05118/PAMB – Stonegate Farmers Ltd, Portfield Lane, Curry Rivel TA10 0NJ
Conversion of part of former poultry farm to form 3 no. dwelling houses that have a cumulative floor space of no more than 450 square metres.

14/04971/PAMB – Beacon Bottom, Peak Lane, Compton Dundon TA11 6NZ
Removal of 1 bay from existing building and conversion of remainder to a 5 bedroom dwelling.

14/04975/PAMB – Meadow View, Street Rood, Compton Dundon TA11 6PU
Removal of two lean-to's and conversion of central section to a 4 bedroom dwelling.

Appeals Allowed

None

The Inspector's decision letters are shown on the following pages.

Appeal Decision

Site visit made on 4 November 2015

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06/01/2016

Appeal Ref: APP/R3325/W/15/3119202

Stonegate Farmers Ltd., Portfield Lane, Curry Rivel, Langport TA10 0NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Gubblecote Property Ltd against the decision of South Somerset District Council.
 - The application Ref.14/05118/PAMB, dated 6 November 2014, was refused by notice dated 6 January 2015.
 - The development proposed is conversion of part of former poultry farm to form 3 no. dwelling houses that have a cumulative floor space of no more than 450 square metres.
-

Preliminary Matters

1. The originating application was made under the auspices of Part 3, Class MB, of the Town and Country Planning (General Permitted Development Order 1995 (as amended)). However, in April 2015, the Town and Country Planning (General Permitted Development) (England) Order 2015¹ came into effect. It is against the provisions of Schedule 2, Part 3, Class Q of the 2015 Order that the appeal must be determined.
2. In the appeal documentation, the appellant requests that determination of the appeal be made on the basis of the scheme depicted on drawing 1716-021 B, submitted with it. I sought views on this matter from the main parties after the site visit was completed. Having considered the responses, I see that what this drawing shows is markedly different to the version of the drawing (1716-021 A) that the Council took its initial decision upon. In simple terms, version B shows the remainder of the building beyond the 450 square metres proposed for conversion removed, while version A shows much of it retained for storage, though the two smaller outlying buildings are shown to be removed.
3. I recognise that what is before me is not an appeal that follows a refusal of planning permission. However, the Council consulted on the originating application, and drawing 1716-021 A, and a number of representations were received as a result. It seems to me that were I to deal with the appeal on the basis of drawing 1716-021 B, there is a real danger that the interests of those contributors would be prejudiced. On that basis, I am proceeding on the basis of what is shown on drawing 1716-021 A.

Decision

4. The appeal is dismissed.

¹ Referred to hereafter as the 2015 Order

Main Issue

5. This is whether the proposal is permitted development in accordance with the requirements of Part 3, Class Q of the 2015 Order.

Reasons

6. Class Q of the 2015 Order defines development consisting of (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the building referred to in paragraph (a) to a use falling within Class C3 (dwellinghouses) of that Schedule, as permitted development.
7. Under Q.1, the Order says that development is not permitted by Class Q if, of relevance here, (i) the development under Class Q(b) would consist of building operations other than - (i) the installation or replacement of - (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse; and (ii) partial demolition to the extent reasonably necessary to carry out building operations allowed by paragraph Q.1(i)(i).
8. It is clear that what is proposed includes the raising of the internal floor level of the part of the building intended for conversion to 9.16m AOD. While, in normal parlance, such an alteration would not constitute development, it would without doubt, be a building operation. Most importantly in the context of the appeal, it would not be a building operation falling under the ambit of (i) the installation or replacement of (aa) windows, doors, roofs, or exterior walls, or (bb) water, drainage, electricity, gas or other services, to the extent reasonably necessary for the building to function as a dwellinghouse.
9. Moreover, as set out above the proposal includes the complete removal of two existing buildings on the site. That could be construed as partial demolition of the complex overall. However, the partial demolition proposed appears to be necessary to facilitate the construction of a raised external ground level to assist with emergency access/escape in case of flooding. That is not a building operation covered by Q.1(i)(i)(aa) or (bb) and as such, the partial demolition proposed does not accord with the requirements of Q.1(i)(ii).
10. For those reasons, the development proposed is not one that is permitted by Class Q of the 2015 Order. I recognise that the Council raised a series of other issues in relation to the scheme but given my findings above, there is no need for these to be explored.
11. For the reasons given above I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR

Appeal Decision

Site visit made on 7 December 2015

by Robert Mellor BSc DipTRP DipDesBEnv DMS MRICS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th January 2016

Appeal Ref: APP/R3325/W/15/3129012

Beacon Bottom, Peak Lane, Compton Dundon, Somerset TA11 6NZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr J Rowland against the decision of South Somerset District Council.
 - The application Ref 14/04971/PAMB, dated 5 November 2014, was refused by notice dated 2 January 2015.
 - The development proposed is described on the application and appeal forms as: *'Removal of 1 bay from existing building and conversion of remainder to a 5 bedroom dwelling'*.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

Description and Location

2. The proposal is described by the Council as: *'Prior approval for the change of use of agricultural storage building to dwelling'*. That is a more concise and relevant description and has been used for the purposes of this appeal determination.
3. According to the appeal form the site is at grid reference GR 348315/131860.

Amended Legislation

4. After the application was determined a new consolidated Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) came into force on 15 April 2015. Under the new GPDO, permitted development rights for the change of use of agricultural buildings to dwelling houses now fall under Class Q, rather than Class MB. However, the legislation provides that any applications made under the provisions of the previous GPDO shall be treated as if made under the new GPDO. The new GPDO was accompanied by revised national Planning Practice Guidance (PPG) issued on 5 March 2015.
5. Schedule 2 Part 3 Class Q of the GPDO defines permitted development as development consisting of: Q(a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within

Class C3 (dwellinghouses); and Q(b) building operations reasonably necessary to convert the building to a use falling within C3 (dwellinghouses).

6. Paragraph Q.1 provides a list of exclusions as to when development would not be permitted by Class Q. Paragraph Q.2 sets out matters for which prior approval may still be required for development which satisfies the criteria of Q.1.

Revised Reasons for Refusal

7. Because of changes in the wording of the GPDO and the PPG the Council has amended the original reasons given for not granting approval for the development. In particular the PPG at paragraph 13-109-20150305 advises that there is now no test in relation to the sustainability of location. It follows that the Government does not intend that the Q.2(e) location criterion should be applied in this way. The Council has therefore withdrawn the associated reason for refusal whilst still maintaining that the location and siting would be impractical and undesirable by reason of the introduction of a residential use, exacerbated by a poorly detailed design that would be harmful to the character and appearance of the countryside.
8. The Council has added a new reason for refusal which relates to the definition of building operations in Q.1(i). That definition allows for partial demolition and for the installation or replacement of windows, doors, roofs or exterior walls, all of which are proposed here. However, as confirmed by the PPG at paragraph 13-105-20150305, the permitted development right is not intended to include the construction of new structural elements. The Council considers that there is a lack of convincing evidence that the conversion would not require new structural elements such as foundations. Consequently the Council now considers that these would not be qualifying building operations for the purposes of Q(b). The Appellant has responded to the Council's new reason by submitting supplementary evidence on which the Council has commented.

Curtilage

9. Class Q(a) relates to the change of use, *'of a building and any land within its curtilage'*. *'Curtilage'* means, for the purposes of Class Q, *'(i) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (ii) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.'*
10. In this case the application site has been defined to include the area of land between the retained part of the building and the southern field boundary as a garden together with room to park 2 cars adjacent to the north side of the building. I consider that these areas of land would qualify as curtilage under definition (i) above. However the combined area may marginally exceed the area as defined under (ii). The red line also includes the access track from the highway and a turning area but these would continue to be shared with the farming operation and I do not consider that they qualify as part of the curtilage.

Main Issues

11. The first main issue is considered to be: whether the development would require building operations that would not qualify as permitted development and would therefore exclude the development from the provisions of Class Q. Subject to the conclusions on that matter, a second main issue would be whether the location and siting would be impractical or undesirable having regard to the design or external appearance of the building and the effect of the overall development on the character and appearance of the area.

Reasons

Building Operations

12. The building is of steel portal-framed construction. There is surface rusting to the frame. The roof and upper parts of the elevation are covered in rusty steel sheeting which would be removed. The building is currently used to capacity to store straw bales. This limits access for inspection.
13. The application was accompanied by drawings which show that one of the building's 4 bays would be demolished and that the remaining 3 bays would be converted to a 2 storey dwelling. Q.1(i)(ii) would exclude from permitted development those demolition operations that are not '*reasonably necessary*' to carry out the building operations allowed by paragraph Q.1(i)(i). In that regard the Council considers that the proposed demolition of one bay of the building goes beyond that which is reasonably necessary. However the west elevation with its main lounge and bedroom windows would otherwise either remain within the enclosed structure or there would be an incongruous exposed steel frame without cladding to the west of that elevation. In these particular circumstances I consider that the demolition works are reasonably necessary.
14. More significant here is that the PPG advises at paragraph 13-105-20150305 that: '*it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.*'
15. At the appeal stage the Appellant submitted a structural engineer's survey. This noted amongst other things that the submitted drawings: '*indicate a building of a layout and form that will be self supporting, and that will not impose additional loading onto the existing structure*'. It concluded: '*This survey has found the barn to be capable and suitable for conversion into habitable accommodation, without altering, or imposing additional load on the existing structure of the building*'. The report notes that the foundations had not been exposed by excavation. It makes no comment on the design or condition of the foundations.
16. Following the Council's appeal statement which raised building operations as an issue, the Appellant submitted an amended survey report by the same engineer. Again this does not describe the construction of the floor or foundations. However it comments that the 'floor' has been used annually to support hay bales at 2.2 tonnes per square metre and a 4 tonne tractor. It also comments that the steel frame '*currently supports about 2 tonnes of roof sheet and snow when required*' and that as there has been no distortion or settlement it was concluded that the foundations were well-constructed and

capable of a 'modest' increase in loading. There is a separate comment that the steel frame would be capable of supporting 20-55 tonnes but that would necessarily depend upon the adequacy of the foundations to support an increased load. An increase from 2 tonnes to 20 or 55 tonnes would not be a modest increase.

17. Whilst referring to the description of the self-supporting design in the submitted drawings, the amended report suggests that: '*an alternative arrangement would consist of a suspended ground floor, first floor and new external wall framing secured to, and supported by the existing stanchions, which, as has been demonstrated above, are clearly adequate*'. However the report has not demonstrated that the foundations would be adequate to support more than a 'modest' increase in loading. Also no estimate was provided of the weight of the completed structure. The report concludes: '*This survey has found the barn to be capable and suitable for conversion into habitable accommodation, within the context of permitted development right, without altering the structure of the building.*'
18. The Council points out that there remains a lack of evidence concerning the foundations or how the significant weight of the floors, walls and windows would be supported, particularly given the span widths and the extensive proposed glazing. They consider that additional foundation support would be needed.
19. On the site visit it was established that there appeared to be a concrete foundation close to the base of one of the frames. This is likely to be a pad foundation as that there did not appear to be a more extensive concrete slab floor. It is thus likely that the straw bales are stored directly on the ground. In any case the survey report confirms that a suspended ground floor would be needed and thus it is not relevant what weight might have been supported by the existing 'floor'. Consequently both of the floors, all internal and external walls and ceilings, the windows, the doors and all the fixtures and furniture and other contents of this 5 bedroom dwelling of over 200sqm floor area would need to be supported by the steel frame and foundations that were only originally intended to support the existing steel sheeting.
20. Of particular note is that the span across the width of the building between the retained portal frame would be over 9m. That suggests that unusually long and thick supporting joists would be needed. There are no submitted drawings of such a scheme or other evidence to demonstrate that this would be a practical arrangement. Neither is there evidence of whether the foundations could support the additional weight or to show how the elements would be attached to the frame without increasing the dimensions of the building, (another requirement to qualify as permitted development).
21. The Appellant has referred to 2 other appeal decisions where it was concluded that a development could qualify as permitted development where only the steel frame was retained, as here. However the Inspector in the first case¹ in Brough considered that the frame would be adequate to support the structure without additional structural works. I do not consider that has been demonstrated in this case. In the second appeal² concerning a steel framed building in Kings Lynn, the Inspector noted that new brick plinth walls would be

¹ APP/E2001/W/15/3012005

² APP/V2635/W/15/3005848

included in the development. That would not be possible in the present case without creating new foundations for those walls.

22. It is concluded that it has not been demonstrated that the building could be successfully converted without significant new building operations outside the definition at Q.1(i). Therefore the scheme would not qualify as permitted development. Consequently, it is development for which an application for planning permission is required. An application for planning permission would be a matter for the local planning authority to consider in the first instance and cannot be addressed under the prior approval provisions set out in the GPDO.
23. As the development would not qualify as permitted development it is not necessary or appropriate to determine the second main issue. Accordingly, the appeal should be dismissed.

Robert Mellor
INSPECTOR

Appeal Decision

Site visit made on 7 December 2015

by Robert Mellor BSc DipTRP DipDesBEnv DMS MRICS MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th January 2016

Appeal Ref: APP/R3325/W/15/3129002

**Meadow View, Street Road (B3151), Compton Dundon, Somerset
TA11 6PU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).
 - The appeal is made by Mr J Rowland against the decision of South Somerset District Council.
 - The application Ref 14/04975/PAMB, undated but received by the Council on 30 October 2014, was refused by notice dated 2 January 2015.
 - The development proposed is described on the application form and appeal forms as '*Removal of two lean-to's and conversion of central section to a 4 bedroom dwelling*'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

Description

2. The proposal is described by the Council as: '*Prior approval for the change of use of a covered cattle yard to residential*'. That more concise and relevant description has been used for the determination of the appeal.
3. The site is on land with the OS reference OS 7314. According to the appeal form the site is at grid reference GR 348315/131860.

Amended Legislation

4. After the application was made a new consolidated Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) came into force on 15 April 2015. Under the new GPDO, permitted development rights for the change of use of agricultural buildings to dwelling houses now fall under Class Q, rather than Class MB. However, the legislation provides that any applications made under the provisions of the previous GPDO shall be treated as if made under the new GPDO. The new GPDO was accompanied by revised nation Planning Practice Guidance (PPG) issued on 5 March 2015.
5. Schedule 2 Part 3 Class Q of the GPDO defines permitted development as development consisting of: (a) a change of use of a building and any land within its curtilage from use as an agricultural building to a use falling within

Class C3 (dwellinghouses); and (b) building operations reasonably necessary to convert the building to a use falling within C3 (dwellinghouses).

6. Paragraph Q.1 provides a list of exclusions as to when development would not be permitted by Class Q. Paragraph Q.2 sets out matters for which prior approval may still be required for development which satisfies the criteria of Q.1.

Amended Reasons for Refusal

7. The Council maintains that the location and siting would be impractical and undesirable by reason of the introduction of a residential use, exacerbated by a poorly detailed design that would be harmful to the character and appearance of the countryside.
8. Since the changes to the legislation and guidance the Council has added a new reason for refusal which relates to the definition of building operations in Q.1(i). That definition allows for (*reasonably necessary*) partial demolition and for the installation or replacement of windows, doors, roofs or exterior walls, all of which are proposed here. However, as confirmed by the PPG at paragraph 13-105-20150305, the permitted development right is not intended to include the construction of new structural elements. The Council considers that there is a lack of convincing evidence that the conversion would not require new structural elements such as foundations. Consequently the Council now considers that these would not be qualifying building operations for the purposes of Q(b). The Appellant has responded to the Council's new reason by submitting supplementary evidence to which the Council has responded.

Curtilage

9. Class Q(a) relates to the change of use, "*of a building and any land within its curtilage*". *'Curtilage'* means, for the purposes of Class Q, "*(i) the piece of land, whether enclosed or unenclosed, immediately beside or around the agricultural building, closely associated with and serving the purposes of the agricultural building, or (ii) an area of land immediately beside or around the agricultural building no larger than the land area occupied by the agricultural building, whichever is the lesser.*"
10. In this case the application site has been tightly defined by a red line to include only the land covered by the existing structure and a narrow driveway connecting the building to the highway across the existing open concrete yard. One lean-to wing of the building would be replaced by open space and the other is indicated as a parking area for 2 cars. As the driveway would be shared with the continuing farming operation I do not consider it to be part of the curtilage. The curtilage otherwise qualifies under definition (i).

Main Issues

11. The first main issue is considered to be: whether the development would require building operations that would not qualify as permitted development and would therefore exclude the development from the provisions of Class Q. Subject to the conclusions on that matter, a second main issue would be whether the location and siting would be impractical or undesirable having regard to the design or external appearance of the building and the effect of the overall development on the character and appearance of the area.

Reasons

Building Operations

12. The building is a Dutch barn of steel portal-framed construction with a curved metal main roof and two extensive lean-tos that are supported on their outer edge by block walls.
13. The application was accompanied by drawings which show that the 2 lean-to's would be demolished and that the remaining central portion would be converted to a 2 storey dwelling. Whilst the partial demolition would be relatively extensive as a proportion of the building's present floor area I consider that it would be *'reasonably necessary'* in order to allow for the creation of vertical flank elevations to the retained structure with windows to provide light and outlook to the habitable rooms.
14. The PPG advises at paragraph 13-105-20150305 that: *'it is only where the existing building is structurally strong enough to take the loading which comes with the external works to provide for residential use that the building would be considered to have the permitted development right.'*
15. At the appeal stage the Appellant submitted a structural engineer's survey. This noted amongst other things that the submitted drawings: *'indicate a building of a layout and form that will be self supporting, and that will not impose additional loading onto the existing structure. The roof structure is in satisfactory condition and capable of supporting similar new sheeting.'* It concluded: *'This survey has found the barn to be capable and suitable for conversion into habitable accommodation, without altering, or imposing additional load on the existing structure of the building'*. The report notes that the foundations had not been exposed by excavation. It makes no comment on the design or condition of the foundations or the existing floor slab.
16. The Council's appeal statement claimed that the proposal could not be carried out without new structural elements, such as foundations. Following that statement, the Appellant submitted an amended survey report by the same engineer on which the Council has commented.
17. The amended report again does not describe the construction of the floor or foundations. Although the building is described as a cattle yard the report comments that the floor has been used annually to support hay bales at 1.8 tonnes per square metre and a 4 tonne tractor. It also comments that the steel frame *'currently supports about 1 tonne of roof sheet and snow when required'* and that as there has been no distortion or settlement it was concluded that the foundations were well-constructed and capable of a *'modest'* increase in loading. It is unclear what is meant by a modest increase but I would not interpret that as a multiple increase over the present 1 tonne load. There is a separate comment that the steel frame would be capable of supporting 10-44 tonnes but that would necessarily depend upon the adequacy of the foundations. An increase from 1 tonne to 10 or 44 tonnes would not be modest.
18. Whilst referring to the description of the self-supporting design in the submitted drawings, the amended report suggests that: *'an alternative arrangement would consist of a first floor and new external wall framing secured to, and supported by the existing stanchions, which, as has been*

demonstrated above, are clearly adequate'. However the report has not demonstrated that the foundations would be adequate to support more than a modest increase in loading.

19. The report concludes: *'This survey has found the barn to be capable and suitable for conversion into habitable accommodation, within the context of permitted development right, without altering the structure of the building.'* However there are no revised drawings to replace the drawings that were submitted with the application and which show a different form of construction.
20. The Council points out that there remains a lack of evidence concerning the foundations or how the significant weight of the floors, walls and windows would be supported, particularly given the span widths and the large glazed units. They remain of the view that additional foundation support would be needed.
21. On the site visit it was established that there is a concrete slab floor beneath the building. There is also an extensive concrete yard that extends well forward of the building and beyond the red line of the application site. That is closely associated with the building but has not been included in its curtilage. The concrete slab is not explicitly referred to in the survey report and no information has been provided as to its construction or depth. However it appears to have been used as the base for some of the blockwork and sleeper walls. The amended survey report does not refer to any need for a suspended ground floor and only refers to the need to support the first floor off the existing stanchions. That implies that the ground floor could be supported directly on the concrete slab. It is also possible that some of the weight of the ground floor walls and windows, fittings and furniture could also be supported on that slab. That would leave only the ceilings, roof, and first floor walls and windows to be supported by the steel frame.
22. Whilst the Appellant's evidence lacks full information on the foundations or the weight of the elements that would be supported by the frame, there appears to be a possibility that the building might be capable of conversion to a dwelling using the existing frame and foundations including the floor slab. If so that it would therefore qualify as permitted development under Q(b). However, in the event that additional new foundations or other structure were to be required to carry out the development that would not so qualify. The submitted information is insufficient to allow a firm conclusion that this would qualify as permitted development under Q(b). However in case that could be demonstrated by further information I have also given consideration to the second main issue.

Location, Siting, Design and Appearance

23. In cases of permitted development the development plan policies do not apply in respect of the principle of development but they may be of relevance to more detailed matters of implementation such as design and appearance. No relevant development plan policies have been drawn to my attention. However paragraph W(10)(b) of the GPDO requires regard to the National Planning Policy Framework (the Framework) so far as relevant to the subject matter of the prior approval, as if the application were a planning application.
24. Paragraph 55 of the Framework seeks to promote sustainable development in rural areas. However whilst this advises that authorities should *'avoid new*

isolated homes in the countryside unless there are special circumstances' the PPG provides at paragraph 13-109-20150305 that the associated tests set out in the Framework are unlikely to be relevant here. Neither would similar objectives of the development plan to restrain development in the countryside be material.

25. Potentially relevant considerations would here include core planning principles at Framework paragraph 17 such as: *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'* and *'take account of the different roles and character of different areas ... recognising the intrinsic character and beauty of the countryside'*. Section 7 includes more detailed design criteria such as that: *'decisions should aim to ensure that developments: will function well and add to the overall quality of the area; [and] respond to local character and history, and reflect the identity of local surroundings and materials while not preventing or discouraging appropriate innovation'*.
26. The Council's main concerns may be summarised as:
- The limited garden and parking area is unrealistic for a building of this size
 - The potential for domestic impact on a larger section of the land is great and virtually impossible and impractical to control
 - The proposal would be at odds with the essentially rural character and appearance of its setting
 - The design emphasises the domestic intrusion and exacerbates this harmful impact
27. The building stands alone in a field. It is a typical functional agricultural structure which one expects to see in a rural area. There are similar buildings in the wider landscape. It is not in itself remarkable or unsightly as the Appellant suggests. As the submitted building design is for a self-supporting structure which would not be permitted development it is not possible to draw firm conclusions about the building's design and appearance. That might change as a result of the *'alternative arrangement'* for conversion described in the amended survey report.
28. The submitted drawings provide only a general idea of the intended appearance for the dwelling elevations. In that regard the existing building has plain elevations with no windows or doors and it has an open east elevation. With the proposed demolition and the creation of completely new elevations and roof covering almost all visible parts of the converted building would be new and finished in different materials and finishes that would make it unrecognisable as a former agricultural building. The most striking features would be the 28 door and window openings including 6 triple full height patio windows, at least one of which may directly abut land used by livestock (which would be impractical). These very numerous and over large windows to all elevations would entirely replace the building's functional barn character with an incongruous urban design that would be alien to the local character and history of this rural landscape.
29. The impact of these changes would be exacerbated in that the building would be prominently located in full view of the busy main road and would also be

- seen from nearby public footpaths. Because the appeal site is so tightly defined there would be no opportunity for appropriate landscaping within the appeal site to screen, soften or filter views in a way that would help it to blend into its surroundings. Whilst these matters might be capable of being addressed in a revised design there is no such design before me.
30. The area surrounding the building is untidy and unsightly with mud, concrete and piles of bales covered in polythene, all of which is highly visible from the busy adjacent road. Such scenes are to be expected in a working farm but would provide poor living conditions for the occupier of the dwelling as well as impeding access to the subject building unless improvements are made in the management of the land around the building. However no information has been provided to show how the land around the dwelling would be managed after the development including what would happen to the extensive concrete open yard at the front or to the unused land between the building and the hedgerow to the north. The access is currently used by farm vehicles and animals and would apparently continue to be shared by the dwelling. The appeal statement refers to the possible use of an alternative access for agricultural traffic but that is not clearly described or defined in the current proposal.
31. If implemented as proposed the building would be surrounded on all sides by land in active agricultural use. It is unlikely that the occupiers would be content with a small garden enclosed by a concrete block wall with a concrete slab base and I consider that the garden and parking arrangements would be impractical and undesirable. The tandem parking arrangement would be inconvenient for the occupiers and would not allow for visitors. Visitors would be heavily dependent on access by car and could not park on the main road without creating an obstruction and hazard. I agree with the Council that it is highly likely that sooner or later there would be encroachment of parking and domestic use onto the land surrounding the building. That would be difficult to control by planning condition and it could exacerbate the harmful visual impact of the development if it were not suitably designed and laid out.
32. The definition of curtilage allows that land around an agricultural building and closely associated with it and serving its purposes can be included. That might allow for a larger curtilage than is proposed and would help to resolve some of the issues with parking and outside space. However none of these matters can be addressed in the current appeal because of the very limited site and curtilage defined in the application. Neither are there any proposals before me to secure the future management of the agricultural land around the building.
33. It is concluded based on the submitted scheme that the design and appearance of the building conversion in this rural location would be incongruous and undesirable and that the siting and layout of the parking and garden would be undesirable and impractical. This would be harmful to the character and appearance of the building and the countryside and contrary to relevant objectives of the Framework. The conditions under Q.2 of the Regulations are not met. Neither has it been demonstrated that additional structural work would not be needed. The appeal should therefore be dismissed.

Robert Mellor

INSPECTOR

Agenda Item 12

Schedule of Planning Applications to be Determined by Committee

Strategic Director: Rina Singh, Place and Performance
Assistant Director: Martin Woods, economy
Service Manager: David Norris, Development Manager
Contact Details: david.norris@southsomerset.gov.uk or 01935 462382

Purpose of the Report

The schedule of planning applications sets out the applications to be determined by Area North Committee at this meeting.

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 2.45pm.

Members of the public who wish to speak about a particular planning item are recommended to arrive for 2.40pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
	ISLEMOOR	15/02218/FUL	Change of use of land to provide 2 additional Traveller pitches etc.	Crimson Orchard, Top Road, Curry Mallet.	Mr J Carson
	WESSEX	15/05004/FUL	Erection of a new retail unit.	Proposed Retail Unit, Brunel Shopping Centre, West Street, Somerton.	The Ruddle Group Ltd
	MARTOCK	14/03171/DPO	Modify a S.106 Agreement dated 20/5/14 relating to housing development.	Ex Showroom/Garage and land rear of Long Orchard, Water Street, Martock.	Westco Properties Ltd
	SOUTH PETHERTON	15/05407/FUL	Demolition of outbuilding, alterations to vehicular access and the erection of a new dwellinghouse.	50 St James Street, South Petherton.	Dr G Glendinning

	SOUTH PETHERTON	15/05408/LBC	Demolition of outbuilding and alterations to vehicular access.	50 St James Street, South Petherton.	Dr G Glendinning
	TURN HILL	15/02269/FUL	Change of use of land for two additional gypsy pitches.	OS0062 Mildmays Road, High Ham	Mr A Hughes
	TURN HILL	15/05132/FUL	Conversion of outbuilding into a two bed annexe, the erection of a garage and two storey rear extension to dwelling.	The Old Vicarage, Knole Causeway, Long Sutton.	Mr & Mrs S Pledger

Further information about planning applications is shown on the following page and at the beginning of the main agenda document.

The Committee will consider the applications set out in the schedule. The Planning Officer will give further information at the meeting and, where appropriate, advise members of letters received as a result of consultations since the agenda has been prepared.

Referral to the Regulation Committee

The inclusion of two stars (**) as part of the Development Manager's recommendation indicates that the application will need to be referred to the District Council's Regulation Committee if the Area Committee is unwilling to accept that recommendation.

The Lead Planning Officer, at the Committee, in consultation with the Chairman and Solicitor, will also be able to recommend that an application should be referred to District Council's Regulation Committee even if it has not been two starred on the Agenda.

Human Rights Act Statement

The Human Rights Act 1998 makes it unlawful, subject to certain expectations, for a public authority to act in a way which is incompatible with a Convention Right. However when a planning decision is to be made there is further provision that a public authority must take into account the public interest. Existing planning law has for many years demanded a balancing exercise between private rights and public interest and this authority's decision making takes into account this balance. If there are exceptional circumstances which demand more careful and sensitive consideration of Human Rights issues then these will be referred to in the relevant report.

Agenda Item 13

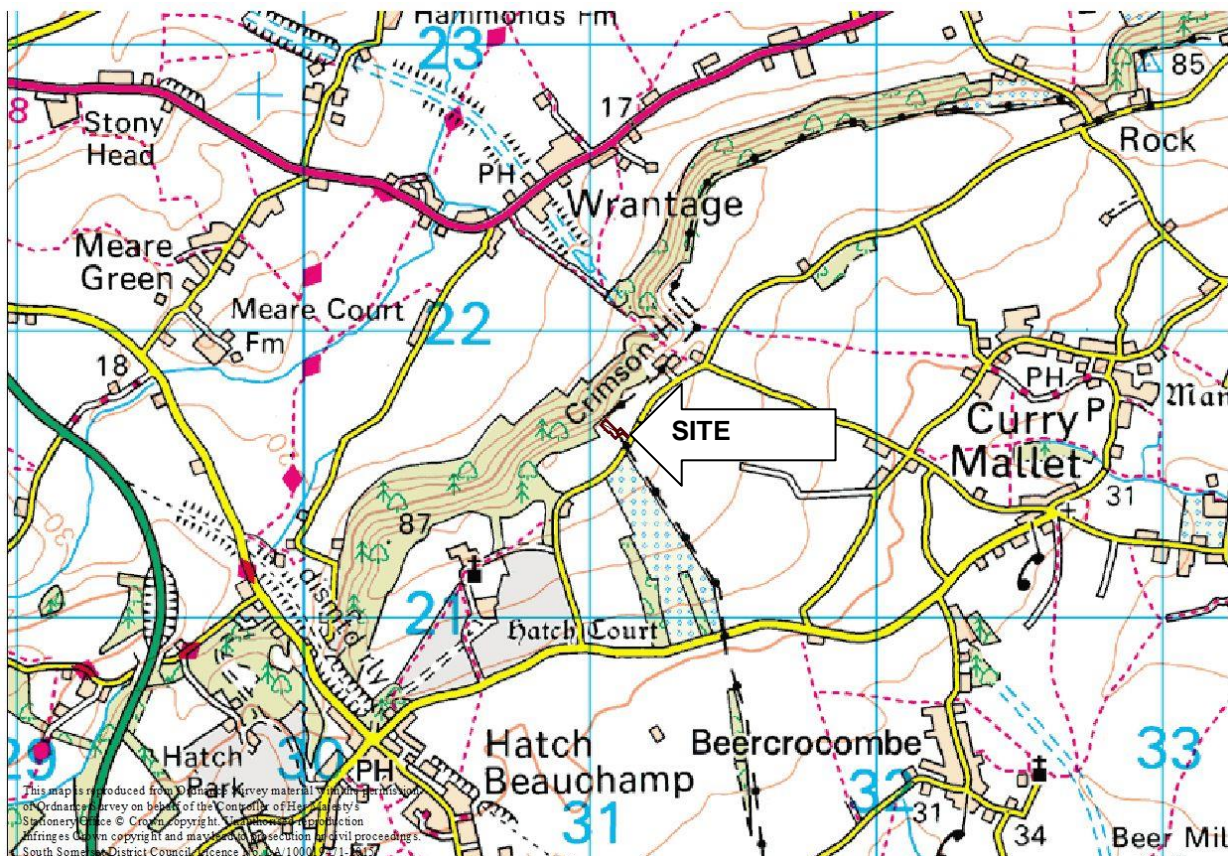
Officer Report On Planning Application: 15/02218/FUL

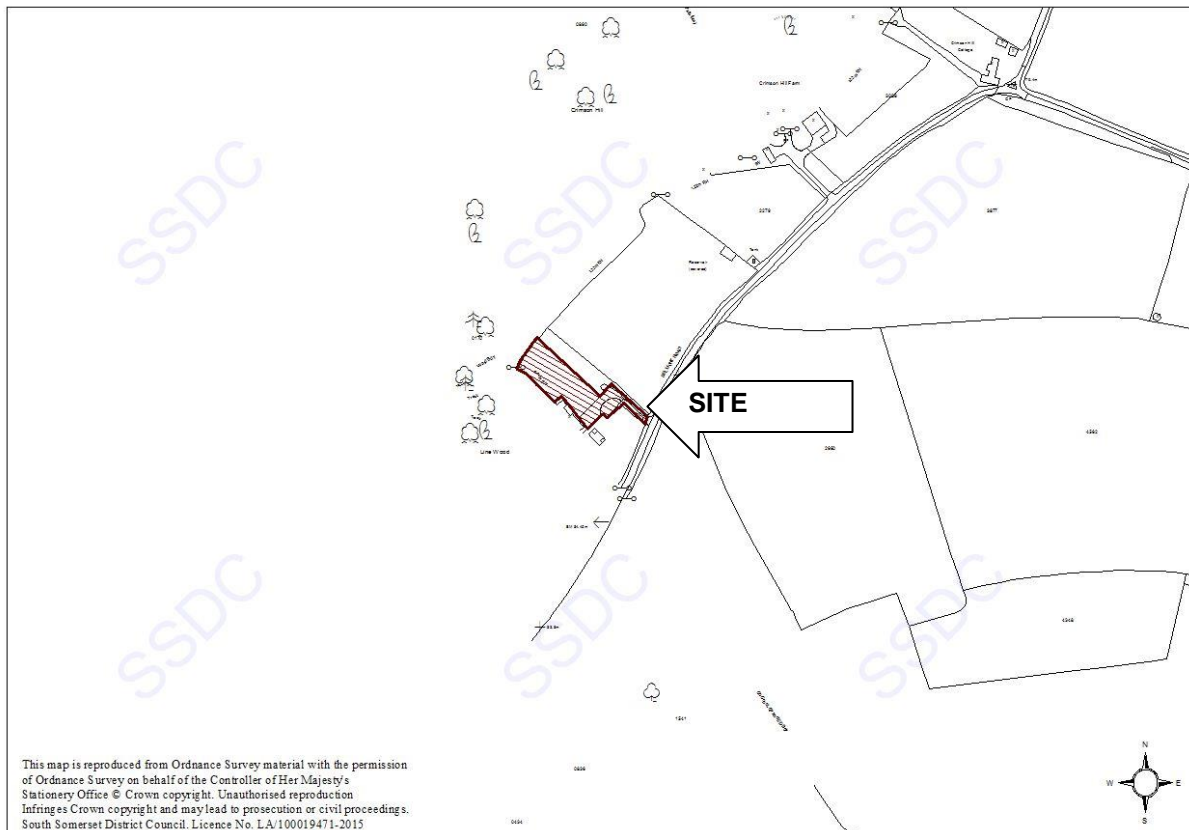
Proposal :	Application for Change of use of land to provide 2 additional Traveller pitches comprising 2 No mobile homes; 2 No Touring Caravans and associated hardstanding. (GR 331100/121615)
Site Address:	Crimson Orchard, Top Road, Curry Mallet.
Parish:	Curry Mallet
ISLEMOOR Ward (SSDC Member)	Cllr Sue Steele
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	13th July 2015
Applicant :	Mr J Carson
Agent: (no agent if blank)	Dr Simon Ruston, Ruston Planning, The Picton Street Centre, 10-12 Picton Street, Montpelier, Bristol BS6 5QA
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is to be considered by Area North Committee following deferral at the meeting of November 25th 2015, to allow formal consultation with the adjoining Parish Councils of Hatch Beauchamp, North Curry and Beercrocombe.

SITE DESCRIPTION AND PROPOSAL





The location is part of the wider countryside setting beyond any development area. The nearest settlement is Hatch Beauchamp about 1.6kms away. Access to the A358 (Taunton to Ilminster road) and the A372 (Wrantage to Curry Rivel road) offers access to centres with enhanced services and facilities.

The site is on the north west side of the Belmont Road, a quiet narrow rural lane with hedgerows to either side. Planning permission was granted for use of part of the site as a single pitch traveller site in 2007 (07/01853/FUL). A further two pitches have been occupied on site since 2011, without the benefit of planning permission. The nearest neighbouring residential dwelling is a little over 200m to the north east of the site, although their land holding abuts the application site to the north west. The application site is adjacent to the District boundary with Taunton Deane Borough Council. The site also adjoins Line Wood, a County Wildlife Site, and is a little less than 1km from Hatch Court, a grade I listed property to the south west, both of which are within Taunton Deane area.

The proposal is a retrospective application seeking the provision of two additional traveller pitches comprising two mobile homes, two touring caravans and associated hardstanding. The pitches are proposed to accommodate family and close friends, all of whom are said to fulfil the statutory definition of a Traveller.

HISTORY

11/00690/FUL: A replacement agricultural building - Permitted with conditions 27/04/2011. (NOTE: This application originally sought an additional two traveller/gypsy pitches and compost toilet. Such details were withdrawn from the proposal, leaving agricultural barn to be considered only).
 07/01853/FUL: The use of land as a site for a mobile home to accommodate

travelling family and the erection of two timber buildings to provide bedroom and composting toilet - Permitted with conditions (Committee Decision) 15/02/2008.

06/00275/FUL: Application to change existing access - Permitted with conditions 29/03/2006.

05/00318/FUL: Construction of new access - Application withdrawn.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS1 - Settlement Strategy

SS2 - Development in Rural Settlements

TA5 - Transport Impact of New Development

TA6 - Parking Standards

HG7 - Gypsies, Travellers and Travelling Showpeople

EQ2 - General Development

EQ7 - Pollution Control

National Planning Policy Framework

Core Planning Principles - Paragraph 17

Chapter 4 - Promoting Sustainable Transport

Chapter 6 - Delivering a Wide Choice of High Quality Homes

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Practice Guidance

Conserving and Enhancing the Historic Environment

Design

Natural Environment

Policy-related Material Considerations

Planning Policy for Traveller Sites - August 2015

Policy H - Determining planning applications for traveller sites

Human Rights Act 1998, particularly Article 14

'the right to freedom from discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status.'

Equality Act 2010

Requires the District Council to actively seek to eliminate unlawful discrimination, advance equality of opportunity and promote good race relations.

Somerset County Council Parking Strategy (September 2015)

Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Curry Mallet Parish Council: Curry Mallet Parish Council, at its meeting held on Monday June 22nd 2015, was minded to object most strongly to the application as submitted: This objection also reflected the views of the 24 members of the public (from Curry Mallet, Hatch Beauchamp, North Curry, Fivehead & Beercombe parishes) who attended the meeting and expressed, with reasons, their concerns. Neither the applicants nor their agent were present at the meeting to hear these concerns. Rationale for the parish council's objection was that

1. The National Planning Policy Framework, 2012 (NPPF) paragraph 11 requires that planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The relevant local plan policies are HG7 Gypsies, travellers and Show People, EQ2 General Development, EQ7 Pollution Control and SS2 Development in Rural Areas. The Parish Council felt that the above application was contrary to the named policies for the following reasons:

- The addition of a further two mobile homes and touring caravan pitches would be over development of the site and have a detrimental impact on the visual amenity.
- It was noted from the meeting that the compost toilet approved by the previous application was not working correctly and that raw sewage was leaking onto adjoining properties. The addition of a further two composting toilets could further exacerbate the problem.
- South Somerset District Council has already exceeded its quota for Gypsy and Travellers sites.

2. The applicants had failed to demonstrate any grounds whereby Condition 2 of the original grant of planning approval (S Gale letter dated 15. 02. 08.) should be rescinded such as to allow expansion of dwellings on the site to be increased from that stipulated viz

"Permission is personal to the applicants Rebeka Davies and James Carson and to their dependents and to no other persons."

Imposition of Condition 2 had been sought by this parish council at its meeting held on 30. 7. 07. to reflect the concerns of local residents regarding any future expansion of the site for additional dwellings; point 2(b) of the Council's Observations dated 07. 8. 07., refers. At that July 30th parish council meeting, the applicants had accepted the inclusion of this condition. (Min. 361.1(g)) refers.

3. This application appears to be retrospective to ground works having been undertaken during the month of May 2011, merely a short time after the applicants had withdrawn from their February 2011 application (11/00690/FUL) their request for two traveller pitches; J Carson e:mail dated 24. 3. 11. to Lee Walton of SSDC Planning refers. In its original form, before the March 24th deletion, the February 2011 application had sought permission for two additional traveller pitches "to accommodate family and/or close

friends who fulfil the statutory definition of a traveller."

This wording almost exactly replicates that used for the present 2015 application.

Hatch Beauchamp Parish Council: SSDC has asked the Council (as an adjoining authority) if it has any representations to make about this application. Representatives of the public were present at the meeting and were permitted to express their views.

RESOLVED South Somerset District Council be advised that:

1. The confidence of the public in the ability of the Planning Regime to regulate the development of land is undermined by a failure to properly enforce undertakings and conditions given or imposed when planning permission is given and the Council be asked to satisfy itself that no breaches of a previous consent exist before considering any further applications on this site.
2. The existing consent 07/01853/FUL is a personal consent which means that any structures should be removed should the current occupiers leave the site. The current application cannot therefore be considered as an extension to the existing traveller site but should be treated as the creation of an entirely new traveller site in the open countryside and should be considered in the context of revised general planning policy which states that development in the open countryside should be VERY strictly limited.
3. The fact that works have already been undertaken and may make reinstatement difficult should not influence the granting of consent as this may be seen to be rewarding the carrying out work without consent.
4. The implementation of an exception policy such as policy HG7 which places emphasis on numbers and need means that the Council should have in place open and transparent procedures to ensure that persons seeking to come within the terms of the policy meet the definitions adopted by the policy and that any approved site continues in the future to be available for persons who meet that definition.

North Curry Parish Council: No response received.

Beercrocombe Parish Council: No response received.

SCC Highway Authority: The Highway Authority initially objected on the basis of insufficient information in relation to providing satisfactory access to the site, in terms of width of access and provision of visibility splays. The following comments were made: *"The application would bring minimal traffic impact to the local highway network. The application provides minimal information on the site layout and proposals but it appears that the site proposes to use the existing access to 'Crimson Orchard'.*

Visibility from the site onto the Belmont Road can be inhibited by vegetation. Vegetation will need to be cut back (specifically to the right of the site access) and maintained to ensure visibility onto the adjoining highway. Good visibility splays are possible as long as vegetation is cutback and managed.

The site access itself would also need to be enlarged and improved. Due to the increased traffic to and from the site, the first 5.0 m should be surfaced or consolidated. It should also be 5.0 m wide for 6.0 m back from the edge of highway to allow vehicles to pull off the highway and pass any exiting the site.

Any proposed gates at the site access should be set back 5.0m from the edge of the highway and hung to swing inwards.

Facilities, access and parking provision for the application is already provided on site and is deemed appropriate.

Until further information is provided to demonstrate suitable access proposals for the site, and demonstrating suitable visibility splays are achieved, this application should be sent for refusal."

Further amended plans have been received providing the increased width access required. The Highway Authority have also confirmed that the provision of the visibility splays originally required by the original consent for an amended access at this site (06/00275/FUL) and for the 2007 consent for the provision of a traveller pitch (07/001853/FUL) are appropriate. The previously conditioned visibility splays comprised splays of 60m in each direction, set back 2m from the carriageway edge. Additional plans have been also been submitted showing the necessary realignment and maintenance of roadside vegetation necessary to provide the visibility splays. As a result of these amendments, the Highway Authority raise no objections to the scheme.

SSDC Highway Consultant: Consider sustainability issues (transport). Development unlikely to lead to significant impact on the approach roads. Suggest plan is submitted showing the extent of available visibility splays at the access from 2.4m back commensurate with traffic speeds, along with proper surfacing (not loose stone or gravel) of access, surface water drainage measures, etc. Ensure on-site parking provision seeks to accord with SPS standards.

Wessex Water: The proposal is some distance from public water and sewerage services. The applicant has proposed sewage disposal via composting toilets which will require the approval of your Authority and Building Regulations.

There are no existing connections to the public water supply system and it is assumed that existing arrangements are served by a private water supply.

Taunton Deane Borough Council: No comments received.

SSDC Planning Policy: The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Planning Policy for Traveller Sites, CLG, March 2012 (PPTS) is an important material consideration: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6078/2113371.pdf. The definition of gypsies and travellers can be found in Annex 1 of PPTS and you should satisfy yourself that the proposed occupants of the additional pitches fall within that definition.

The seven site location criteria also set out in Policy HG7 should be used to assess this proposal. As such development should: avoid significantly contaminated land; not result in adverse impact on internationally and nationally recognised designations; not have any significant adverse impact on the landscape character and visual amenity of the area; be reasonably well related to schools and other community facilities; have safe access and occupants should not be at risk from noise pollution or flooding; have adequate space for on-site parking, servicing and turning of vehicles; and where appropriate the option for mixed

residential and business use should be considered. The number of pitches provided on a site should be appropriate to the size of the site and the availability of infrastructure, services and facilities.

In addition to the existing pitch the proposal seeks planning permission for an additional two traveller pitches, each accommodating a mobile home and a touring caravan. The application site is located approximately 1.4 km from Curry Mallet where I believe there is a primary school, shop/post office, pub and church. Doctor's surgeries are located at North Curry (Taunton Deane District) approximately 5 km away, Ilminster approximately 12 km away and Broadway approximately 10 km away. Taunton is approximately 15 km away; on this basis it is considered that the site is reasonably well located to schools and other community facilities.

To conclude, in conjunction with the responses from other consultees on matters such as landscape and highways you will need to satisfy yourself that the proposal is in accordance with the remaining criteria set out in Local Plan Policy HG7; if this is the case there will be no conflict with the development plan.

SSDC Equalities Officer: According to Planning Policy for Traveller Sites, CLG, March 2012 (PPTS), Appendix 1,

'For the purposes of this planning policy "Gypsies and Travellers" means: 'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.'

Having reviewed relevant case law, it would appear that the applicants fall within this definition.

The definition is based on cases such as Mills v Cooper (1967), which identified that Gypsy status was a "material consideration" in planning cases. Circular 1/94 also used this definition, which was seen as a way of defining Gypsies without reference to their ethnicity, but focussing on their way of life.

In Greenwich LBC v Powell, 1989 Lord Bridge of Harwich stated that a person could be a statutory Gypsy if he led a nomadic way of life only seasonally.

R v South Hams District Council, ex parte Gibbs at the Court of Appeal in May 1994, Lord Justice Neil found the 1968 Act redefined Gypsies as; *"Persons who wander or travel for the purpose of making or seeking their livelihood (not persons who move from place to place without any connection between their movements and their means of livelihood)"*. It is this definition which is currently used by Government. It focuses on habitual lifestyle rather than ethnicity and includes both "born" Gypsies and Travellers and "elective" Travellers such as New (Age) Travellers. Lord Neil's judgement is that nomadism within the Gypsy and Traveller community had an economic purpose.

In Maidstone BC v Secretary of State for the Environment and Dunn, 1996, it was held that a Romani Gypsy who bred horses and travelled to horse fairs at Appleby, Stow-in-the-Wold and the New Forest, where he bought and sold horses, remaining away from his permanent site for up to two months of the year, was entitled to be accorded Gypsy status.

The Court of Appeal, in Basildon DC v First Secretary of State and Rachel Cooper, 2004, accepted Gypsy status for a Romani Gypsy woman who travelled to fairs during the summer

months and sold craft items at those events.

SSDC Environmental Protection Officer: The Council's Environmental Protection Officer has been involved in relation to objections received in regard to the appropriateness of the existing drainage arrangements for the originally approved pitch. Investigations took place to ascertain whether the system caused local pollution problems. Following investigation of the existing arrangements, no evidence has been found to suggest that the on-site septic tank is causing pollution problems, although this could be as a result of the tank recently being emptied. It is confirmed that the existing drainage arrangements are acceptable for the existing approved use of the site, however proper management is essential. It is suggested that a drainage condition is imposed to ascertain whether the existing drainage is capable of meeting the needs of all development on site or whether additional drainage arrangements are required.

SSDC Ecologist: I've considered this application and I don't have any comments nor recommendations to make.

SSDC Landscape Architect: As the site is already characterised by built form, and this proposal places the proposed new pitches in a field corner to the north of the current development footprint, I consider landscape impact to be minimal.

(In respect to the widened access) not ideal, but providing the hedge is transplanted to the new location to maintain enclosure of the access then the impact is minor only.

REPRESENTATIONS

40 letters of objection have been received from 29 contributors, comprising local residents from several of the surrounding villages, including Curry Mallet and Hatch Beauchamp. A summary of the comments is given below:

Gypsy/Traveller Policy

- SSDC has already exceeded its provision for Traveller and Gypsy pitches.
- There are a disproportional amount of traveller sites in the area. It would appear that SSDC and TDBC are using the area to house travellers with total disregard to the local residents and amenities
- Other sites outside of SSDC should be considered, as other authorities have not met their targets.
- It is not felt that the occupiers of the approved pitches or the proposed pitches meet the established definition of a traveller.
- In gaining the original consent, it is alleged that the applicant's made false assertions which resulted in the permission being granted wrongfully.
- A lack of information has been submitted with the applicant to demonstrate the applicant's case.
- Granting retrospective permission to those who have flagrantly fluted existing planning conditions would reward and encourage future unauthorised development, increasing tension between the settled and traveller communities, contrary to Planning Policy for Traveller Sites.
- The number of pitches would be inappropriate to the size of the site and available infrastructure.
- The site would dominate the local settled community.

Sustainability

- The site is well outside of the settlement limits of Curry Mallet and Hatch Beauchamp. As

such any expansion of this site would not be granted if submitted by a group of people other than a gypsy or traveller.

- Residential applications have been refused due to highways and sustainability reasons.
- The site does not have easy access to facilities, as required under national and local policy for traveller sites.

Highways

- The roads in and around the site are not suited to any increased use due to their width and lack of appropriate visibility.
- Previously required improvements to visibility arrangements have not been carried out.
- The required visibility splays of 60m in each direction cannot actually be achieved as part of the splay to the south west incorporates land in separate ownership.

Landscape/Visual Impact

- The site adjoins Line Wood, which is a County Wildlife Site, with rare and protected fauna and flora present. Some species on the application site have been lost already.
- The application represents further loss of open agricultural land that would be out of character with the area.
- The proposal would have an adverse impact on the landscape, character and visual amenity of the area. The existing site is already considered to have too great an impact locally due to noise and general deterioration of the local environment.

Local Amenities

- Would harm local tourism to the area, particularly the holiday facilities available on the adjoining Crimson Hill Farm, which has a holiday-let cottage and exempted caravan site. Users of the adjoining facilities have suggested that they will not return.
- The site adjoins woodland owned by other parties. It is suggested that more people on-site will lead to more trespass into these woods with associated damage to local flora, fauna and wildlife.
- There are inadequate drainage and sewerage arrangements on site, which it is alleged have caused pollution of adjoining land, in the form of raw sewage.
- The proposal will detrimentally impact on already struggling businesses in the area, such as the Curry Mallet shop and public house. Any loss of trade due to the proposed site could cause these essential services to close.
- As well considering the human rights of the applicant, consideration must also be given to the human rights of adjoining residents, particularly in this case, which may have an impact on income generated from existing tourist facilities, potentially effecting livelihood and also interfere with the neighbour's right to the peaceful enjoyment of their property.
- The site is located near to Hatch Court, a grade I listed building with grade II listed registered park and gardens. Setting a precedent for significant scale gypsy and traveller sites within the locality could have an adverse impact on the setting and landscape character of these heritage assets.

Other Issues

- The original permission was for a single residential unit for one family on the basis that no further intensification of the site would be allowed. This application goes against that original stipulation.
- The original consent is also personal to the applicant's further expansion or the provision of a permanent site would not have been supported. Should the current occupiers move from the site, there is a requirement to clear the site completely.
- The site is currently in breach as a result of the two proposed pitches already being occupied. It is also alleged that the approved agricultural building and parts of the site are being used in connection with the applicant's business for the maintenance of work vehicles, as well as the business being operated from the site. It is also pointed out that

other conditions imposed on the various consents have not been complied with.

- The site has been in breach since 2011, why has no enforcement action been taken?
- All the rights and freedoms contained within the Human Rights Act must be protected and applied without discrimination. Article 14 requires there to be no discrimination in the application of human rights on any grounds. Discrimination may occur if a public authority treats a person less favourably than others in similar situations on the basis of a particular characteristic, fails to treat people differently when they are significantly different situations and applies apparently neutral policies in a way that has disproportionate impact on individuals or groups. The occupiers of the adjoining land feel that their human rights would be infringed by granting permission, on the basis that they would be a minority and their business would be crippled.

Changes to Planning Policy for Traveller Sites (adopted August 2015)

- The current and proposed applicants have given up travelling permanently; therefore certainly do not fulfil the definition of a traveller. The 2015 revision of the policy omitted those who have permanently ceased to travel from the definition. Ms Davies and Ms Thomson run businesses in South Petherton, Mr Carson attends festivals as a director of a business and the horsebox, which Mr Wood claims to travel in has been on site all summer. How can operating a highly profitable business at a festival for a few days and then returning home amount to a nomadic lifestyle?
- The word 'very' has been added to the statement that "Local Planning Authorities should very strictly limit new traveller site development in open countryside." This is not only in open countryside but next door to a property to which financial viability is dependent on tourism. The site is also not presently a 'traveller site' as it is has personal consent and is granted for a limited basis for one temporary dwelling.
- In August 2015, "the Government also announced a change to national planning policy to make intentional unauthorised development a material consideration that would normally be weighed in the determination of planning applications and appeals. This change applies equally to the settled and traveller communities." The applicant has made a mockery of the planning system by applying for permission in 2011, withdrawing it and then undertaking the work intentionally. Rewarding this intentional unauthorised development now by granting retrospective planning permission would not accord with Government policy.
- The above changes should be applied to this application as it should be assessed in accordance with the relevant up to date planning policy and guidance.

CONSIDERATIONS

The main considerations with regard to this application are legal issues relevant to determination of the planning application, suitable alternative sites, the impact of the proposed development on the countryside setting and local amenities, including impact on residential amenity, flooding and drainage issues, highways issues, and accessibility to services and facilities.

Legal issues relevant to the determination of the planning application

The following advice has previously been provided by the Council's legal team in respect of gypsy/and traveller applications.

All applications must be made in accordance with the development plan unless material considerations indicate otherwise. An assessment therefore has to be made as to whether the application site meets the criteria as outlined in HG7 and guidance in Planning Policy for Traveller Sites and specific policies in the NPPF.

This application is for the provision of a private site for use by gypsies / travellers. Subject to the proposed development meeting the criteria of SSDC Local Plan Policy HG7, there is a legal presumption in favour of the decision on the application being made in the applicant's favour if it accords with the latter planning policy, unless other identified material planning considerations (including other Local Plan policies) say to the contrary.

Policy HG7 only applies to sites for 'gypsies and travellers' as defined within government guidance - 'Planning Policy for Traveller Sites' (as amended August 2015).

'Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling showpeople or circus people travelling together as such'.

Thus the status of the occupiers of the site is a condition precedent for use of the site pursuant to a grant of permission under Policy HG7. This means that if this application is granted, SSDC will need to ensure that the occupation of the site is only by gypsies / travellers as defined, and no other persons. The Committee is advised that the way to do this is by a robust occupancy condition as set out in the suggested list of conditions within this report.

Human Rights

In deciding this application, the Committee must consider whether any planning harm caused by the development in question is outweighed by the interference with the applicant(s) human rights and the human rights of other occupiers of the site. Additionally, the Committee must consider the human rights of others (such as local residents) who may be affected by the development and any grant of planning permission.

The Committee's assessment of the human rights issues will need to be based on this legal advice and the evidence presented to the Council in connection with the planning application.

As the Committee will be aware, the Human Rights Act 1998 (HRA) enacted the European Convention on Human Rights into UK domestic law. The Convention imposes duties on public authorities, including local planning authorities, and Section 6 (1) HRA makes it unlawful for an authority to act in a way incompatible with Convention rights, unless specifically mandated to do so by legislation that does not allow the authority to act differently. The most relevant Convention rights with this type of application are Articles 8 and 14, namely, (Article 8) the right to respect for private and family life, home and correspondence and (Article 14) the right to freedom from discrimination on the grounds of sex, race, colour, language, religion, political or other opinion, national or social origin, association with national minority, property, birth or other status. Article 1 of Protocol 1 to the Convention (protection of property) is also relevant, as is Article 2 of Protocol 1 (the right to education). Both Article 8 and Article 1 of Protocol 1 allow proportional interference by the State with the rights expressed for purposes of environmental protection (which includes planning controls) or the control of property in the general interest.

For the purpose of considering Article 8 rights, any decision-maker (such as the Committee) has a duty to carry out an overt and structured assessment of the proportionality of the interference with human rights resulting from the action it proposes by asking itself a series of connected but discrete questions. To this end, the Committee must identify the (perhaps competing) interests that will be interfered with, carry out a balancing exercise of such interests to ensure the proportionality of the interference, decide the matter before it in the

light of that balancing exercise and give reasons for its decision, with those reasons being minuted.

In deciding this application, and for the purposes of the required human rights assessment, the Committee should have regard to the following (particularly if minded to go against the officer's recommendation and refuse permission):

- (a) Does the proposed measure constituting the interference with human rights (a decision to refuse planning permission, contrary to officer advice) serve a legitimate aim of upholding planning policy; that is, is the objective sufficiently important to justify limiting a fundamental right under human rights legislation?
- (b) Is the measure proposed (a refusal of permission) rationally connected to that aim of upholding planning policy; that is, can it in fact serve to further that aim?
- (c) Is it the least restrictive way of achieving the aim; that is, are the means used (a refusal of permission) no more than its necessary to accomplish the objective?
- (d) Is it proportionate in the longstop sense that, viewed overall, the measure does not place too great a burden on the individual for the good of the community?

Some important factual matters that are relevant to the Committee's consideration of the human rights issues pertaining to this application include:

1. The seriousness of the impact of the Committee's decision on the applicant(s) and other occupiers basic rights including their security of accommodation, family life, health, children's education and ability to maintain their traditional travelling way of life. Whilst Article 8 does not create a positive obligation on the authority to provide any individual with a home, it is relevant as regards family life and the gypsy way of life. Gypsy status is viewed as a special aspect of private life, and the applicants' private life is lived from their caravan.
2. The availability of an alternative site, including its suitability for the individuals particular needs, the financial circumstances of those affected, and the efforts made to find an alternative site.
3. Whether there has been a full and fair opportunity for the applicant(s) and other occupiers of the site to make their case for respecting their Article 8(1) rights, including those arising from their gypsy status, before the relevant administrative authorities, including a planning inspector;
4. The strength of reasons justifying an interference with human rights;
5. The views and rights of others such as third party objectors and any other persons who may be affected by the development.
6. What planning conditions can be imposed?
7. What provision for housing homeless persons can be made if this application is refused?
8. Whether a decision to grant permission could arguably amount to a precedent for the district and whether it is desirable or undesirable in planning terms.

The above does not purport to be an exhaustive list. It will also be relevant to some of the material planning considerations to be considered in connection with this application, such as the availability of alternative sites.

Race Relations Act 1976 ('RRA')

Members need to have regard to the legal obligation imposed on SSDC under the RRA when exercising its planning functions. Such considerations are also relevant to ensuring that there is no breach of Article 14 referred to above.

The RRA provides so far as material:

"71(1) Every body or other person specified in Schedule 1A or of a description falling within that Schedule shall, in carrying out its functions, have due regard to the need-

(a) to eliminate unlawful racial discrimination; and

(b) to promote equality of opportunity and good race relations between persons of different racial groups."

72. When policies are changed or new ones introduced, authorities should assess and consult on their likely impact, and where an adverse impact is identified which cannot be justified, changes should be made. It is particularly important that authorities consider all the racial groups served by the authority in order to assess the impact of their policies on those groups. Romany Gypsies and Irish Travellers have been recognised by the courts as being distinct ethnic groups covered by the RRA 1976. Under the general duty mentioned above, there is a requirement that local authorities seek to promote good race relations between Gypsies and Travellers and the settled community. This is important in the context of gypsy and traveller site planning."

Planning Considerations

Principle of Development

Policy HG7 is one of a small number of exceptions to address the specific needs of defined sections of the population, which in this case are travellers. 'Planning Policy for Travellers' (August 2015) provides guidance to Local Planning Authorities in terms of identifying and allocating appropriate sites for travellers. Importantly for consideration of this application, whilst Local Planning Authorities are required to allocate sites, it is made explicitly clear that this document can also be used for determining planning applications. It aims to provide more authorised traveller sites to enable fair access to suitable accommodation, education, health and welfare provision. It should be read in conjunction with policy HG7 that, subject to compliance with other relevant policies, supports traveller sites in rural locations.

The aim of policy HG7 is to facilitate the provision of sites for genuine gypsies and travellers to meet an identified need. For the Local Plan period up to 2028, HG7 identifies the need for site allocations to accommodate at least 23 Residential Pitches , 10 Transit Pitches and 6 Travelling Showpeople plots. The written guidance for policy HG7 does however advise that the identified need for residential pitches in South Somerset to 2015 has been exceeded through implemented private planning consents. Therefore any applications coming forward for residential pitches before the end of 2015 will be considered against the criteria set out within HG7. Following this time, the stated policy target will apply. The relevant assessment criteria of Local Plan policy HG7 are:

- Significantly contaminated land should be avoided;
- Development should not result in an adverse impact on internationally and nationally recognised designations (for example: Natura 2000 sites, Sites of Special Scientific Interest and Areas of Outstanding Natural Beauty);
- The development should not have a significant adverse impact on the landscape character and visual amenity of the area;
- The site is reasonably well related to schools and other community facilities;
- The health and safety of occupants and visitors will not be at risk through unsafe access to sites, noise pollution or unacceptable flood risk;
- There should be adequate space for on-site parking, servicing and turning of vehicles;
- The option of mixed residential and business use on sites will be considered where appropriate.

HG7 also specifies that "the number of pitches provided should be appropriate to the size of the site and availability of infrastructure, services and facilities in accordance with the general principles set out in the settlement hierarchy."

Any site accepted under policy HG7 must be for the purposes of occupation by bona fide gypsies and travellers as defined in Annex 1 of Planning policy for traveller sites (August 2015). In this case, objections have been raised on the basis that it is not believed that the land owners who occupy the site in connection with approval 07/01853/FUL, or the intended occupiers of the two new pitches proposed by this application, fulfil the definition of a traveller. This assertion is reiterated following the August 2015 update to the Government Policy for Traveller Sites, as it is argued that the current occupiers and the proposed occupiers have permanently ceased travelling. In considering whether the applicants' comply with the definition of a traveller it is important to note that the existing occupiers (i.e. Mr J Carson and Ms R Davies) occupy the site subject to a personal consent. Their status is not in question in considering this application. It is relevant to consider whether the proposed occupiers of the two new sites comply.

On originally submitting the application, it was stated that the two pitches were intended for 'friends or family' of the land owners, who fulfil the definition of a traveller. Further information was submitted later to confirm that the current (and intended) occupiers of the pitches, are a Mr J Wood and Ms J Thompson, a couple with a two year old son, and Mr H Davies, the applicant's grown up son who previously lived in the approved residence as a dependent of Mr Carson and Ms Davies. The proposed occupiers' traveller statements are summarised below:

Mr J Wood Started travelling in 1992, at the age of 19. After spending a year on the road, Mr Wood spent a year completing a City and guilds motor mechanics course, after which he found work travelling to different sites in the travelling community to fix vehicles. In 1994, Mr Wood acquired an HGV licence to supplement mechanic work and has travelled widely since. In the summer months, Mr Wood has always found work at festivals doing a variety of jobs including site décor and catering. Mr Wood has been working for an events recycling company since 1999. The events vary from shows and corporate functions to music festivals and sporting events. It is stated that the nature of this work involves continuous travelling around the country for 8 months of the year. Mr Wood states that he lives in a converted horsebox and has to take his home with him. In winter months he works as a mobile mechanic and welder. Mr Wood met his partner, Ms Thompson in 2006 and has been based in Somerset since 2008, after Ms Thompson established a small silver jewellery business. Mr Wood has been steadily establishing a group of clients locally in relation to his work as a mobile mechanic and welder. Since being based in Somerset, the couple have lived on a temporary site on an industrial cow farm, the conditions of which were detrimental to Mr Wood's health. They now have a two year old son and require a safe base in order to offer more security than unauthorised developments/encampments, where they can also maintain local work and social connections. It is however stated that the work that they do in the summer months is an important part of their income and that their lifestyle is inextricably tied with this. The offer by Mr Carson and Ms Davies to apply for permission on their behalf present them with a way in which to continue to travel for economic purposes in the summer months but return to the area in the winter months to raise their family and work locally.

Ms Thompson Has lived on the road in caravans for over 14 years, living where work was available. This work included seasonal fruit picking and summer festival works, such as strawberry picking in Devon at the start of the summer and apple picking in Kent in the autumn. During mid-summer, work was sought at a variety of festivals and events. Ms Thompson states that on numerous occasions, she has worked for festival décor companies,

a travelling café, festival caterers, site service and an events recycling company. Ms Thompson advises that in winter months it was harder to find a legal base so she lived in lay-bys and on various traveller sites in and around Brighton and across the West Country. Ms Thompson moved to Somerset in 2004, where she lived in her trailer on a cow farm, while remaining travelling in the summer for economic purpose. Following this she took up a part time apprenticeship with an established local silversmith and now owns her own business with a local workshop. Ms Thompson converted a caravan into a jewellery workshop and continues to travel during the summer months selling her jewellery and running workshops at various festivals and events. Ms Thompson states that being a 'New Traveller' is a major cultural part of who she is and that this type of cultural community travel/work lifestyle cannot be maintained from living in a house. Since giving birth to her son in 2013, Ms Thompson acknowledges that he will need to be educated both on the road and at a conventional school. She feels that being able to legally live within a small community of travellers at Crimson Orchard, will allow her to bring up her son and live in a way that would enable her to continue to pursue a travelling lifestyle whilst having a secure base to maintain her son's education. It is advised that community and kinship are very important to New Travellers and she would like to remain with people who she considers to be like an extended family. It is further suggested that if they were forced to leave a place that had already been granted consent as suitable for one travelling family, more money would be spent in evicting them from unstable, unauthorised encampments, whereas approval would allow them to be housed in culturally sensitive, stable accommodation.

Mr H Davies *Is the applicant's adult son and has therefore lived on the site as a dependent. He is now seeking accommodation of his own and continues following a travelling lifestyle working as a carpenter on events sites.*

The application's supporting information includes reference to several pieces of case law and associated appeal decisions relating to the issue of traveller status and contends that all three proposed occupiers fulfil the definition of travellers. Further to the changes in the amended national Planning Policy (August 2015), it is advised that none of the occupants have ceased travelling permanently and still continue, or intend to continue, travelling in the manner that they have since taking up this way of life.

The Council's Equalities Officer has reviewed the submitted information and does confirm that on the basis of the submission, and the relevant case law, it does appear that the applicant's fall within the definition of a gypsy and traveller, as defined by Planning Policy for Traveller Sites. Accordingly it is considered that this proposal would meet an identified need for a traveller site. The personal circumstances of the intended users of the proposed pitches, tied in with the occupiers of the approved pitches, is also considered acceptable.

Alternative Sites

There are existing SSDC owned gypsy and traveller sites at Tintinhull, Pitney and Ilton, however at the time of submission there were no available pitches on these sites. Contributors have suggested that other Somerset district councils have failed to meet their allocations for gypsy/traveller sites so the applicant's should first look for alternative sites in either districts, however it is not considered appropriate to determine the application on this basis. The application has been made in this district, with an identified connection to South Somerset. On this basis, it noted that there are no available public alternative sites for the applicants to occupy.

Need for the Development:

It has been pointed out that Local Plan policy HG7 identifies that the need for residential

pitches in South Somerset to 2015 has already been exceeded through implemented private planning consents. Objectors therefore suggest that this means that there is no need to approve any more consent. HG7 simply states that *"any applications coming forward for residential pitches before the end of 2015 will be considered against the criteria set out within HG7. Following this time (i.e. 2016 onwards), the stated policy target will apply."* Contrary to the view that no more sites should be allowed, it is simply the case that there is no pressure to identify any new sites. Where an application comes forward that meets the criteria identified in HG7, and of course the definition of a gypsy and traveller, it is still appropriate to grant consent.

Sustainability

The site is within the countryside away from service centres, within an area where the highways network is noticeably more rural in character, although relatively close to main roads. The Council's Planning Policy Officer has noted that the application site is located approximately 1.4 km from Curry Mallet, which has a primary school, shop/post office, pub and church. There are doctor's surgeries located at North Curry (Taunton Deane District) approximately 5 km away, Ilminster approximately 12 km away and Broadway approximately 10 km away. Taunton is approximately 15 km away. In the context of assessing the proposal against the relevant exception policies relating to gypsies and travellers, it is considered that the site is reasonably well located to schools and other community facilities, so as to be acceptable.

Landscape Character/Visual Impact

Notwithstanding the presence of the two unauthorised pitches, the site is already occupied as a single residential pitch by virtue of planning permission 07/01853/FUL. Present on site is the residential accommodation, along with a timber clad agricultural building and a couple of smaller existing buildings. The two additional pitches are discretely located to the north west of the application site, beyond the existing development, where they are well-enclosed by existing hedge and tree planting along the adjoining site boundaries. In considering the proposal, the Council's Landscape Architect has identified the landscape impact to be minimal.

Consideration has been given to the fact that the existing site is subject to a personal consent and does theoretically have to be cleared should Mr Carson and Ms Davies cease to occupy it, however over the many years since commencement of the residential use of the site, it is considered that the use has become established at this location with associated landscaping treatments also becoming well-established. This is considered to be a natural extension of this site that will have minimal impact on the surrounding landscape, which includes Line Wood, a designated County Wildlife Site, which lies beyond the border with Taunton Deane Borough Council. Due to the discreet nature of the site it is considered to be appropriate for continued occupation and as such, a personal, or other form of temporary permission, is not considered necessary.

It is noted that there is a grade I listed building (Hatch Court) and its listed park and gardens lie a little under a 1km from the site. Considering the scale of the proposed development, limited visibility and distance from this heritage asset, there is considered to be no adverse impact on its setting or character. Taunton Deane Borough Council have been consulted but have made no comments in respect to this application.

Local Amenity

Objections have been received in relation to the number of gypsy and traveller sites in the

wider area, both within South Somerset and Taunton Deane. It is also suggested that granting this permission may have an adverse impact on local tourism and the ability for local services, such as the shop and pub in Curry Mallet, to remain viable. Taking this into account, there is considered to be no reason to assume that granting consent should have any adverse impact on tourism in general, as there are no grounds to take the view that this proposal should be any more harmful than any other residential occupation in the open countryside, especially taking into account the small-scale nature of the proposal.

More pertinent to this application is the location adjoining land relating to the nearest property, Crimson Hill Farm, which is located just over 200m to the north east of the site. The adjoining residents operate a tourism business with a holiday-let cottage and an exempted caravan site. The neighbours have objected to the proposal, particularly on the basis that their human rights could be compromised as the granting of planning permission could adversely affect their business so that their income is significantly compromised. Objection has also been raised on the basis that it would appear that existing drainage provision to serve the application site is not appropriate, and this has allegedly resulted in the contamination of part the neighbour's woodland with raw sewage.

Turning first to the general impact on the adjoining site initially, the main property and the holiday-let cottage are located at over 200m from the site, with the applicant's agricultural field in between. It is not considered that there would be any unacceptable harm to residential amenity or the ability to enjoy these properties. It is noted that there is a narrower strip of field that adjoins the north east corner of the application site, in which it is advised that caravans are often sited in relation to the neighbour's exempted caravan site. While it is noted that this is close to the application site and may potentially be close enough for the proposed development to be apparent, it should be noted that the neighbour has a large landholding, with several places where caravans could be sited that would be at a more desirable distance from the application site so as not to be adversely affected. While it is acknowledged that the area identified has the potential to be the most isolated and tranquil location, it is not considered that it has been demonstrated that granting this permission would lead to the neighbour's business being unacceptably harmed. Of course, Member's may wish to consider this matter in more detail and give the appropriate consideration to the impact on the neighbour's human rights, just as they will have to consider the human rights of the applicant and intended occupiers.

In respect to foul sewage disposal, there is a composting toilet on site, which is a tried and tested feature that should raise no concerns in respect to contamination of the site and adjoining land. It is also noted that drainage provision was provided following the grant of planning permission 07/01853/FUL, in the form of a sewage treatment plant. Following the reports of potential contamination, the Council's Environmental Protection Officer visited the site to investigate further. There was no evidence directly linking the contamination to the application site, however, dye testing was carried out. Following this no dye has appeared on the neighbouring land, however it is also noted that the effluent storage tank was emptied not long before the Environmental Protection Officer's visit. It is therefore possible that the tank may have overflowed, however it is considered that this installed drainage scheme is appropriate to deal with the effluent generation from the approved site, however this is reliant on proper management and regular emptying, in the same way as any similar system would require. This in itself is not a planning matter, with the Local Planning Authority having to assume that the drainage system is properly maintained. The control of such matters falls within the remit of Environment Agency and Environmental Protection Legislation. This does strictly relate to the already approved application and not this proposal, however it is considered that adequate provision either exists or can be provided to address the need of the site. A condition will be imposed to ensure that appropriate drainage provision is provided.

In considering the general wider impact of the proposal, policy contained in 'Planning Policy for Traveller Sites' states that sites located in rural areas should respect the scale of, and not dominate the nearest settled community. If approved, the proposal would lead to the provision of a small-scale site limited to three discretely located pitches. As such, it is not considered that, there is sufficient evidence to indicate that the nearest settled communities would be adversely dominated by this proposal. Moreover, if this application were to be approved, then a set of conditions would be imposed that seek to strictly control the use of the site including the number of caravans and to prohibit business use. If there was any breach of one or more of those conditions, then the LPA may use enforcement powers to regularise the situation.

In respect to enforcement powers, it has been suggested that the applicant has carried out commercial operations from the application site, however no such operation has been evident during officer visits to the site. This does not however preclude action should a future breach be reported and subsequently confirmed.

Highways Safety

The application site is served via an access that was first put in place following planning permission 06/00275/FUL. As part of the approval, a properly consolidated access track and visibility splays of 60m set back 2m from the carriageway edge were required by condition. In the submission of later applications for the residential use of the site and the provision of an agricultural building, these requirements were repeated by the County Highway Authority.

In considering this application, the Highway Authority consider that the proposal will have minimal traffic impact on the local highway network and that there are already appropriate parking and turning facilities on site to serve the development. As such no objections are raised in principle. It however requested that the access needs to be widened to 5m over its first 6m and that appropriate visibility splays need to be put in place. At present the visibility is inhibited by vegetation, however the Highway Officer has confirmed that good visibility splays are possible with the cutting back and management of the vegetation. It is advised that the provision of the originally approved splays (i.e. 60m by 60m) will be acceptable. It has been brought to the attention of the Local Planning Authority that the originally approved viability splay has not been put in place, as such amended plans were sought to provide the increased width access and also to provide the visibility originally required. Should permission be granted, it is suggested that a condition be imposed to require these splay to be provided within two months of the decision.

An objection has been raised on the basis that 60m cannot be achieved to the south west of the access as part of the visibility splay shown on the submitted drawing actually crosses land not in the applicant's ownership. This is noted and it is indeed clear that the frontage in this direction that is in the applicant's control extends to approximately 53m. While this does not meet the full 60m requirement, this is still a considerable distance and it is felt that this would provide an acceptable level of visibility to address any highway safety concerns associated with this development.

Conclusion

The provision of two additional pitches for use by travellers, subject to the proposed development meeting the criteria of SSDC Local Plan policy HG7 is considered to be acceptable as there is a presumption in favour of the proposal, subject to acceptance by any relevant policy and other material considerations. In this case, it is considered that the applicants have satisfactorily demonstrated that they fulfil the legal definition of a gypsy/traveller and that this way of life has not permanently ceased. On balance the

recommendation is to approve the application.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

Not relevant to this application.

RECOMMENDATION

Approve planning permission with conditions

01. Notwithstanding the concerns raised in respect of sustainability, local landscape character, highway safety, flooding, impact on heritage assets, residential and other local amenity, the proposed development of an additional two gypsy/traveller site pitches, would meet a recognised need without detriment to visual or residential amenity or highways safety. The site is reasonably well located relative to schools and other community facilities and can provide for appropriate sewerage disposal and other necessary facilities. As such the proposal complies with policies SD1, TA5, TA6 and HG7 of the South Somerset local Plan and the policies contained in the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be carried out in accordance with the following approved plans: 'Site Location Plan - drawing no. BJC15-SLP', received 14th May 2015, 'Site Layout Plan - drawing no. BJC15-LAYOUT Revision B', received 2nd June 2015 and 'VISIBILITY AND LANDSCAPING - drawing no. BJC15-VSL', received 1st September 2015.

Reason: For the avoidance of doubt and in the interests of proper planning.

02. The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Travellers.

Reason: To avoid any ambiguity as to who can occupy the site hereby permitted as an exception to policy.

03. There shall be no more than 2 pitches on the whole of the application site contained within the area outlined in red on the submitted location plan, drawing no. 'BJC15-SLP'. Each pitch shall be limited to the areas identified as 'Plot 1' and 'Plot 2' on submitted site layout plan, drawing no. 'BJC15-LAYOUT Revision B'. On each of the 2 pitches hereby approved, no more than 2 caravans shall be stationed at any time, of which no more than one caravan shall be a residential mobile home.

Reason: To ensure that the Local Planning Authority have control with regard to the number and type of caravans on the site in the interests of visual amenity and highway safety in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapters 4, 7 and 11 of the National Planning Policy Framework.

04. No commercial activities, including the storage of materials, shall take place on the land.

Reason: In the interests of visual and residential amenity and highway safety in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapters 4, 7, 11 and the core planning principles of the National Planning Policy Framework.

05. 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), no buildings or structures shall be erected on site other than those expressly authorised by this permission.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

06. 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), all means proposed external lighting shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development hereby approved. Such details, as may be approved, shall be retained and not varied or added to without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity and to prevent unnecessary pollution of the night sky in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapters 4, 7 and 11 of the National Planning Policy Framework.

07. The area identified as 'car park' on the submitted site layout plan, drawing no. 'BJC15-LAYOUT Revision B', shall be kept clear of obstruction at all times and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted and that approved by planning permission 07/01853/FUL.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

08. Visibility splays shall be provided in accordance with details, as indicated on submitted visibility splay and landscaping plan, drawing no. 'BJC15-VSL'. There shall be no obstruction to visibility greater than 900mm above the adjoining road level in advance of said visibility splays in so far as they are within the applicant's land ownership, as indicated by the areas of land outlined in red and blue on submitted site location plan, drawing no. 'BJC15-SLP'. Such visibility shall be provided within two months of the date of this decision and shall be maintained at all times thereafter.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

09. A properly consolidated and surfaced access (not loose stone or gravel), measuring 5.0m in width and 6.0m back from the edge of the adjoining carriageway, in accordance with details as indicated on the submitted site layout plan, drawing no. 'BJC15-LAYOUT Revision B', shall be constructed within two months of the date of this

decision, or within an agreed timeframe to be approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

10. Any proposed gates at the site access shall be hung to open inwards and shall be set back a minimum distance of 5.0m from the adjoining carriageway edge. Said gates shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety, in accordance with policy TA5 of the South Somerset Local Plan (2006-2028) and the provisions of chapter 4 of the National Planning Policy Framework.

11. A scheme of landscaping shall be carried out Landscaping in accordance with the details indicated on the submitted visibility splay and landscaping plan, drawing no. 'BJC15-VSL'. Such approved scheme of landscaping shall be implemented in its entirety during the first planting season (October to March inclusive) following the date of this decision. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity in accordance with policy EQ2 of the South Somerset Local Plan and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

12. Details of foul and surface water drainage to serve the development, shall be submitted to and approved in writing by the Local Planning Authority. Such approved drainage details shall be completed and become fully operational within two months of the date of this decision, or within an agreed timeframe to be approved in writing by the Local Planning Authority. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of residential amenity and highway safety in accordance with policies TA5, TA6 and EQ2 of the South Somerset Local Plan and the provisions of chapter 4 and the core planning principles of the National Planning Policy Framework.

Agenda Item 14

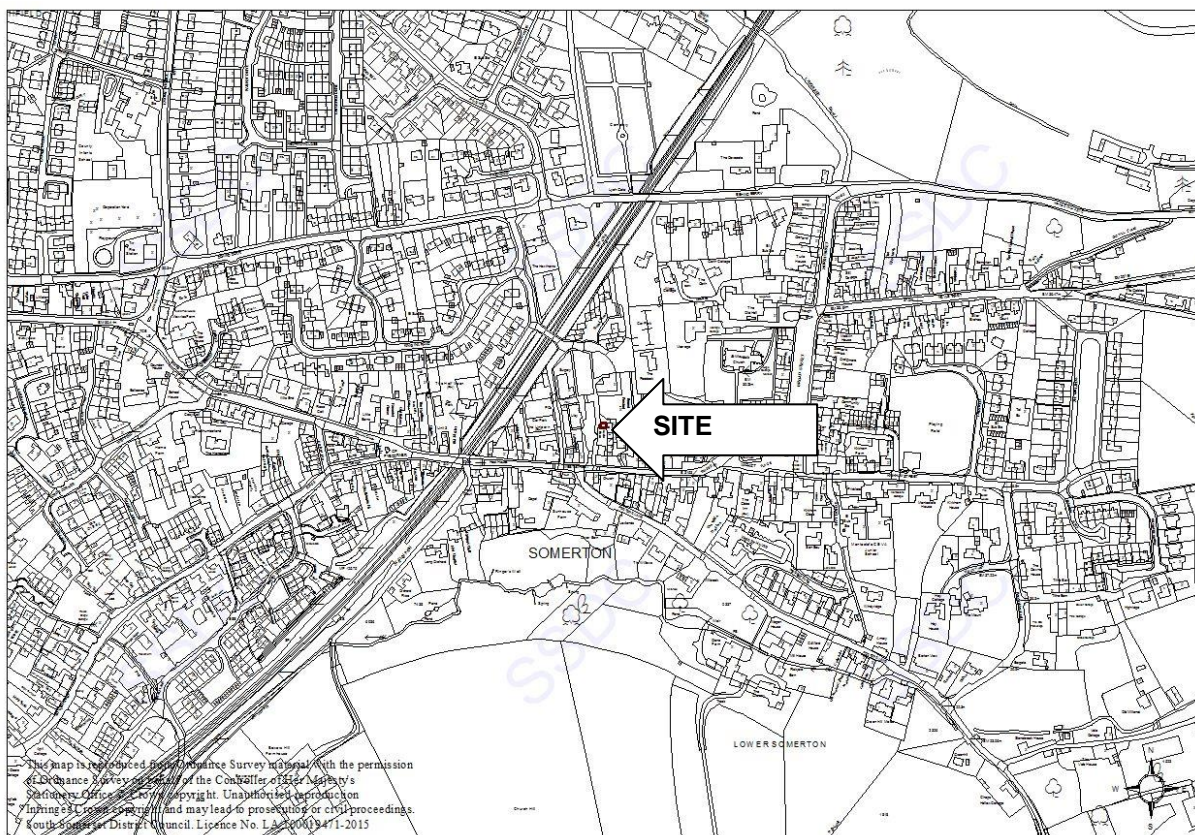
Officer Report On Planning Application: 15/05004/FUL

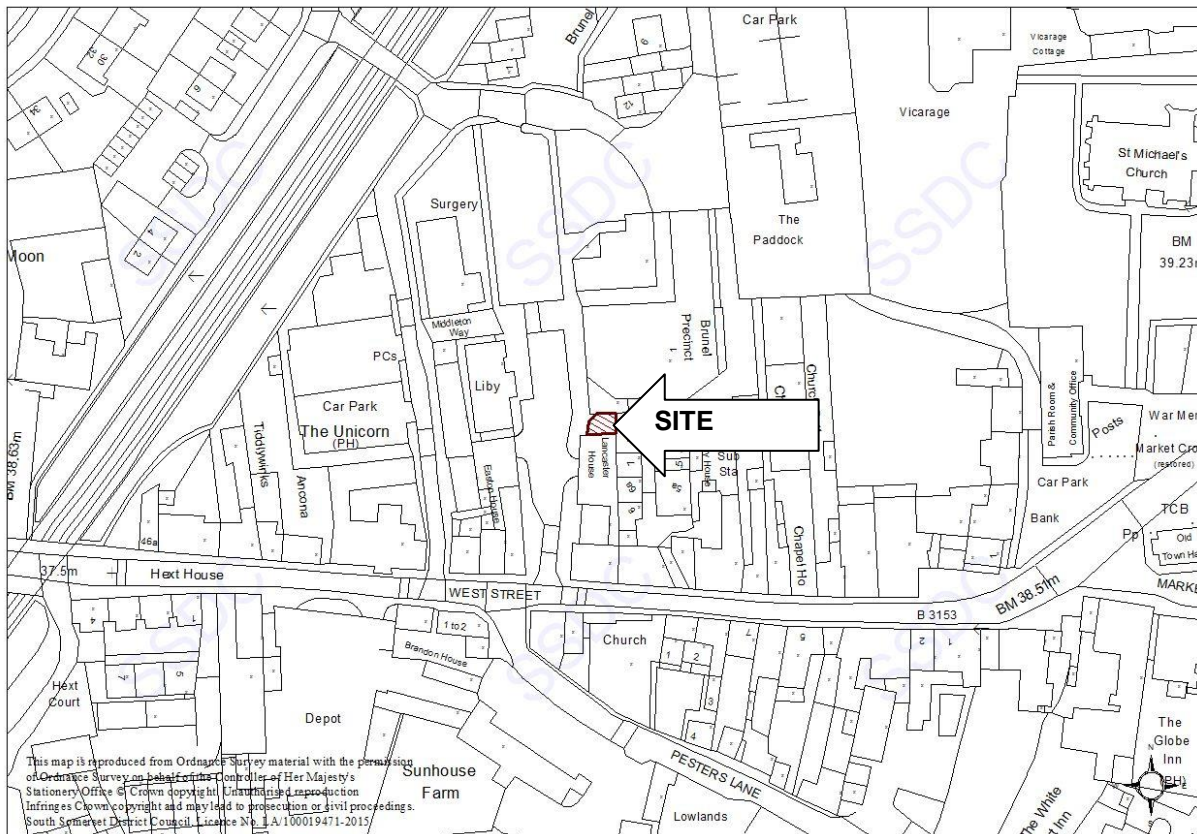
Proposal :	Erection of a new retail unit (between Williams supermarket and Lancaster House) (GR 348911/128554)
Site Address:	Proposed Retail Unit, Brunel Shopping Centre, West Street, Somerton.
Parish:	Somerton
WESSEX Ward (SSDC Members)	Cllr Stephen Page Cllr Dean Ruddle
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	8th January 2016
Applicant :	The Ruddle Group Ltd
Agent: (no agent if blank)	Joanna Fryer, The Town And Country Planning Practice Ltd, Home Orchard, Littleton, Somerton TA11 6NR
Application Type :	Minor Retail less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Committee as a Ward Member is a director of the applicant company.

SITE DESCRIPTION AND PROPOSAL





The site is located centrally within the town centre of Somerton, adjoining the Brunel Shopping Centre on its western side. It falls within the Conservation Area and the Primary Shopping area. The site currently is an open paved area, partially covered by a steel staircase leading up to the access to the flats above the supermarket. Immediately south of the site, separated by a raised stone planter, as a car private car park. The portion of the building immediately to the east of the site contains a ground floor shop with first floor (loft) storage space.

Permission is sought for the erection of a 25 sq m shop, and new external staircase to replace the access stairs to the upper storey flats.

HISTORY

No relevant recent history on this site, although there is an extensive history to the adjacent supermarket and shopping centre site.

POLICY

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

Policies of the South Somerset Local Plan (2006 - 2028)

SD1	Sustainable Development
SS1	Settlement Strategy
EP9	Retail Hierarchy
EP11	Location of Main Town Centre Uses (The Sequential Approach)
EP12	Floorspace Threshold for Impact Assessments
TA5	Transport Impact of New Development
TA6	Parking Standards
EQ2	General Development
EQ3	Historic Environment

National Planning Policy Framework (March 2012):

1. Building a strong, competitive economy
2. Ensuring the vitality of town centres
3. Supporting a prosperous rural economy
4. Promoting sustainable transport
7. Requiring good design
8. Promoting healthy communities
12. Conserving and enhancing the historic environment

National Planning Practice Guidance - Department of Communities and Local Government, 2014.

Policy-related Material Considerations

Somerset County Council Parking Strategy, March 2012 and September 2013.
Somerset County Council Highways Standing Advice, June 2013.

South Somerset Sustainable Community Strategy (2008-2026)

CONSULTATIONS

Somerton Town Council: Support

Highways Authority: Standing Advice Applies.

SSDC Highways Consultant: *No significant highways issues for such a small-scale retail unit. Proposal unlikely to generate a need for significant additional car parking, and any parking requirements are likely to be met by the existing town centre public car parking provision.*

SSDC Conservation Officer: No objection.

SSDC Environmental Protection Officer: No observations.

SSDC Economic Development Officer: No comment received.

County Archaeologist: No objections.

Natural England: No comments.

REPRESENTATIONS

One letter of representation was received, from a person stating the wall between the site and the private parking area is not in the ownership of the applicant.

CONSIDERATIONS

Principle of Development

Policy EP11 of the Local Plan seeks to protect and enhance the vitality and viability of the town centre. The site falls within the defined town centre, and the defined Primary Shopping Area, and is therefore an appropriate place for additional retail floorspace, subject to compliance with other policies and material considerations.

Proposals in such localities are required to be of a scale appropriate to the size and function of the town centre and suitable to help to sustain and enhance the vitality and viability of the centre. Parking should be considered in the context of the town centre.

The principle of small-scale new retail floorspace is accepted.

Visual Impact

The context of the new extension is the existing shopping centre, which is a modern stone building with tiled roof. The proposal would create a contrasting, flat-roof cube of an extension, over the current paved pedestrian area. The elevations to north and east are glazed, the southern elevation, broken by the new staircase up to the flat entrance, is to be finished in natural timber applied in vertical strips.

The proposal is set against buildings of no particular design distinction, even using faux pitched-roof sections over part of the supermarket section. The applicant remarks that it is the intention to create a more 'honest' distinctive modern addition to the existing complex, and it is accepted that, subject to appropriate finishes and materials, this approach does make a positive contribution to the setting, representing something new which nevertheless blends with the existing.

The proposal would replace the existing metal staircase arrangement, which wastes the space beneath it, and contributes poorly to the appearance of the complex as a whole.

The proposal is considered to be visually acceptable, enhancing the general setting and the conservation area.

Pedestrian Access

Although the new structure will narrow the available space for pedestrians moving through the shopping centre, it is considered that adequate space would remain to allow free flow of pedestrians.

Listed Buildings

There are listed buildings along West Street. However, these front the street and are partially screened from the site by other structures. It is not considered that their setting would not be negatively affected by this proposal.

Impact on Residential Amenity

The building does not directly relate in any way to the existing nearby flats, other than to provide an amended stairway to the access door. It is not considered that there is any amenity harm represented by the proposal.

Parking

The proposal would increase the existing floorspace in the centre by 25 sq m. In the context of the existing shopping centre, and the town centre as a whole, this is an insignificant change. It is not considered that it could be regarded as changing shopping or movement patterns within the town centre, or dramatically increase parking demand, as any retail activity in the shop would be against the background of a complex existing pattern of shopping throughout the town centre. The Somerset Parking Strategy suggests a ratio of 1 parking bay per 20 sq m for food retail uses. However, there is no obligatory minimum stipulated. Under the circumstances, it is considered that there is adequate parking available within the town centre as a whole, and particularly within the immediate vicinity of the shopping centre. Given that the use of the premises would be part of larger shopping trips in the town centre, it is not considered that the lack of one additional parking bay would indicate a refusal of the application.

Highway Safety

The proposed shop would exist, as state above, in the context of a large, vibrant existing shopping complex. It is not considered that the additional 25 sq m would in any way affect the existing traffic flows, or harm the safety of the various access points to the parking areas from the public highway.

Letter of Representation

It appears that there is a dispute over ownership of the land at the southern edge of the site. Satisfactory evidence has been presented by the applicant to indicate that they reasonably believe the land to be in their ownership. If there is a dispute, this is not a material planning consideration, but the requirement to consider the procedural issue has been met.

Conclusion

The proposal seeks to make use of under-utilised space within the existing shopping precinct to create an additional 25 sq m of retail floorspace. Such development would enhance the vitality of the shopping centre and the town centre generally. No amenity or highway safety harm has been identified. The design is considered acceptable in the context of the conservation area and the general setting. The proposal is recommended for approval.

RECOMMENDATION

Grant permission.

The proposal, by reason of its scale, design and materials, respects the character and appearance of the setting, and causes no demonstrable harm to residential amenity. The addition of this small single unit of retail accommodation would enhance the vitality of the existing shopping centre and the town centre, and cause no harm to highway safety. In these respects, the proposal accords with the aims of the NPPF and Policies SD1, EQ2, EQ3, TA5 and TA6 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: the drawings ref. DRSO-GA numbers 001, 201 and 202.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. No development hereby permitted shall be commenced unless particulars of the following have been submitted to and approved in writing by the Local Planning Authority:

- a) details of the materials (including the provision of samples where appropriate) to be used for external walls, including design details of timber cladding;
- b) full design details and material and external finish to be used for all windows and external doors;
- c) design and materials details of the railings/bannisters to the staircase on the south elevation of the building;
- d) details (including dimensions and materials) of the sign boards shown on the submitted elevation drawing ref. DRSO-GA202.

Reason: To safeguard the character and appearance of the area and to accord with the NPPF and Policies EQ2 and EQ3 of the South Somerset Local Plan.

04. The subject land including any building thereon shall be used for retail (A1) use and for no other purpose (including any other purpose in any use class of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To safeguard the vitality of the shopping area and the character of the setting, in accordance with the aims of the NPPF and Policies SD1, EQ2 and EQ3 of the South Somerset Local Plan.

Informatives:

01. The applicant's attention is drawn to the possible need to apply for separate advertisement consent for the signage attached to the proposed building. Details to be submitted prior to commencement will enable final checking as to whether these signs would have deemed consent, or need consent under the The Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Agenda Item 15

Officer Report On Planning Application: 14/03171/DPO

Proposal :	Application to Modify a Section 106 Agreement dated 20 May 2014 relating to housing development (GR: 345972/118927)
Site Address:	Ex Showroom/Garage & Land Rear Of Long Orchard, Water Street, Martock.
Parish:	Martock
MARTOCK Ward (SSDC Members)	Cllr Neil Bloomfield Cllr Graham Middleton
Recommending Case Officer:	Nick Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	29th August 2014
Applicant :	Westco Properties Ltd
Agent: (no agent if blank)	Clarke Willmott LLP, Blackbrook Gate, Blackbrook Park Avenue, Taunton, Somerset TA1 2PG
Application Type :	Non PS1 and PS2 return applications

Update

This application was considered by Area North Committee at their meeting in March 2015 when it was resolved to agree a variation to the S106 agreement in relation to the erection of 35 houses and a youth centre and pavilion (12/04897/OUT) that would allow for the lowering of the affordable housing contribution from 12 to 10 houses. This reflected the then viability and the request for a larger family unit of affordable housing.

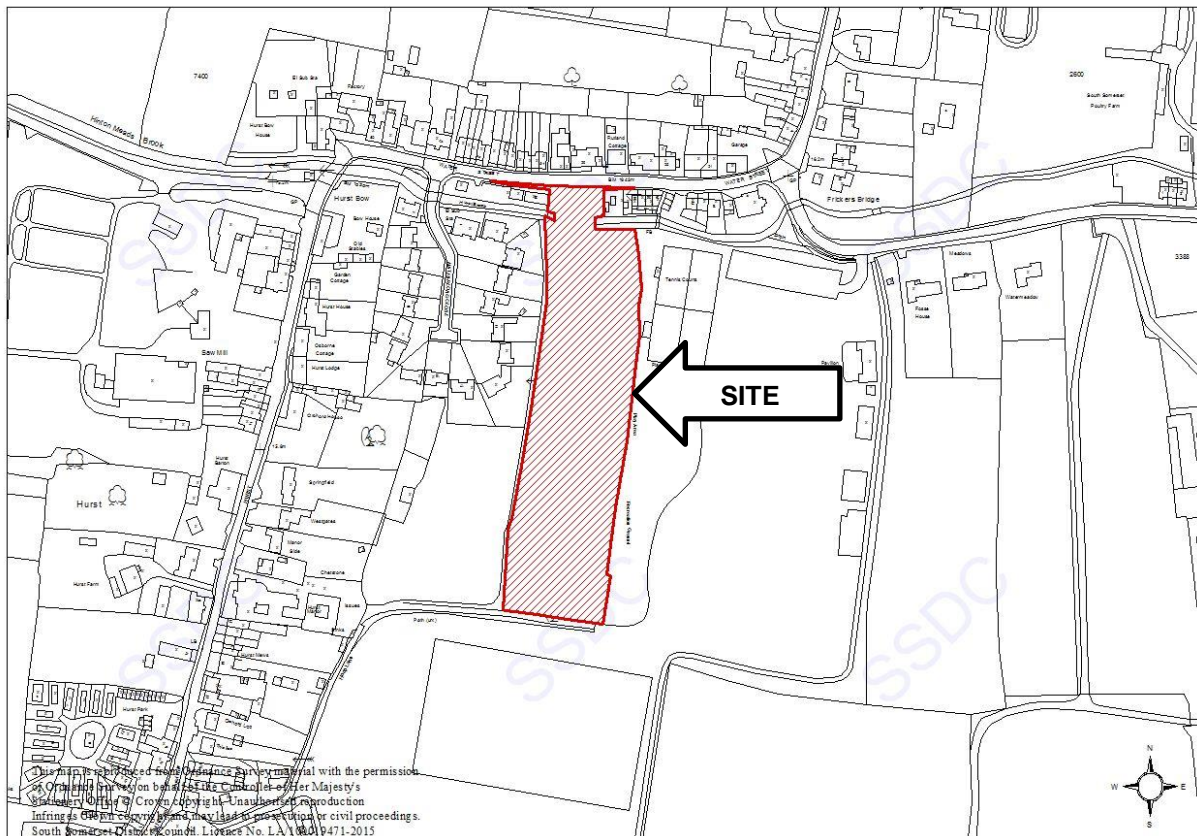
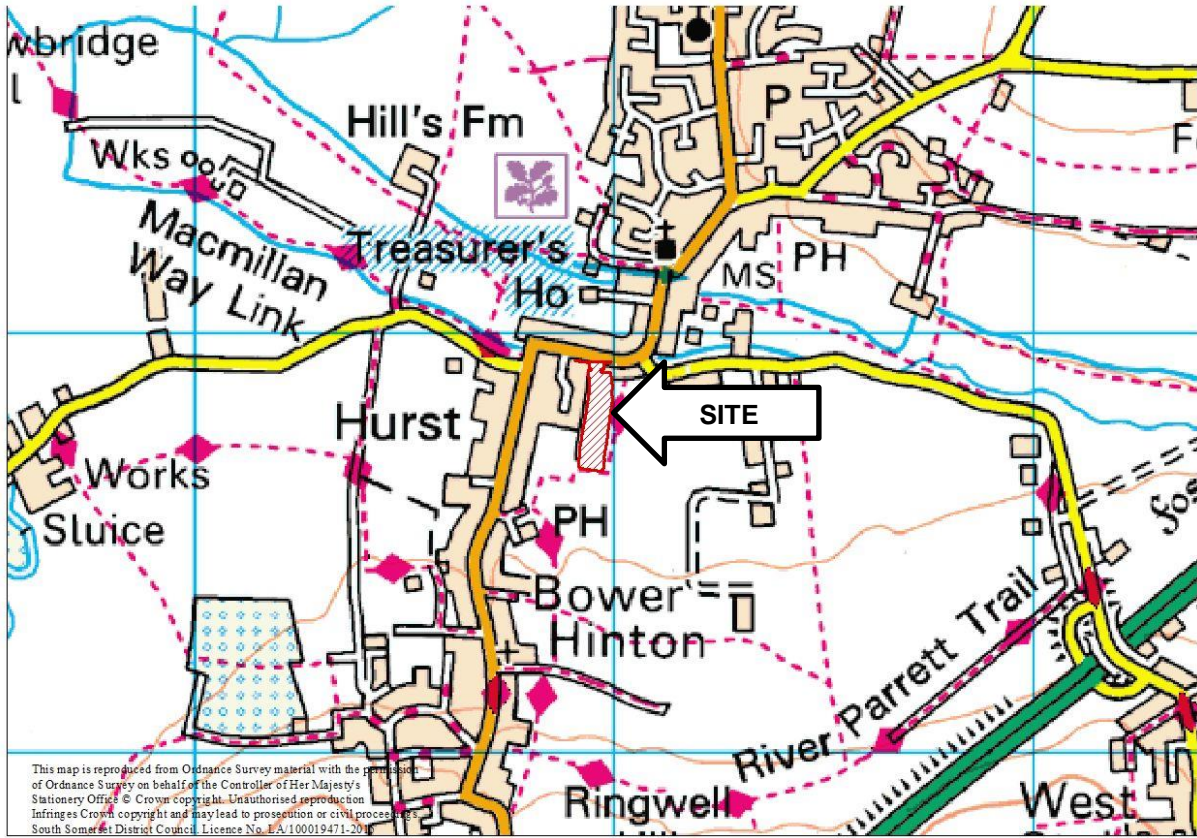
Since then, although the varying agreement was not signed, the development has commenced with most dwellings started. Unfortunately the contractor went into liquidation and the development has been put on hold pending re-tendering. Along with money paid to the contractor (and is not recoverable), costs have increased and the affordable housing provider has lowered the offer for the affordable housing. Accordingly the developer has asked the District Council to reconsider the viability of the scheme; initially it was contended that the development cannot provide any affordable housing, although the leisure obligations remain viable.

Following discussions with the applicant and the District Valuer (DV), the applicants have agreed to provide 4 two- bed shared equity units and the DV has been asked to revisit the case. The previous officer report has been updated and is presented as follows.

Reason for Referral

The application is before the committee as it relates to a proposal to reduce planning obligations that were originally agreed by the Committee.

SITE DESCRIPTION AND PROPOSAL



This proposal relates to a site where permission has been granted for the erection of 35 dwellings and a youth centre/pavilion with associated parking and site access arrangements, subject to a S106 agreement to deliver appropriate planning obligations. The site was a flat area of agricultural land and a former car show room separated by a stream. Most of the land was formerly used as a poultry farm.

It is proposed to vary the terms of the s106 agreement to reduce the affordable housing provision to 4 intermediate units; all other obligations would remain. The insertion of a mortgagee in possession (MIP) clause is also requested.

The developer justifies these amendments on the basis of commercial viability and has provided a detailed breakdown of the scheme's finances. This has been considered by the District Valuer.

RELEVANT HISTORY

- 25/03/15 Area North Committee resolved to vary S106 agreement attached to 12/04897/OUT to:-
- Reduce the affordable housing from 12 to 10 units
 - To vary the tenure of the affordable units from 67% rented / 33% intermediate to a 60/40 split.
 - The insertion of a Mortgagee in possession (MIP) clause.
- 12/04897/OUT Permission granted (21/05/14) for a mixed use development comprising 35 dwellings and site access arrangements (full details) and a youth centre and pavilion with associated parking (outline details, access, layout and scale). This permission as subject to a section 106 agreement that:-
- Ensured the provision of 12 affordable homes in perpetuity.
 - Secured a contribution towards off-site open space provision in lieu of on-site POS,
 - Secured a contribution towards strategic and local outdoor playing space, sport and recreation facilities (£4,746.82 per dwelling).
 - Ensured that the land necessary to enable the development of the pavilion and the proposed car park is ceded to the parish council, and a pedestrian and vehicular access to the site from Water Street is fully constructed prior to the occupation of any of the approved dwellings.
 - That a travel plan is agreed with Somerset County Council.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

The policies of most relevance to the proposal are:

Policies of the South Somerset Local Plan (2006-2028)

HG3 – Provision of Affordable Housing

SS6 – Infrastructure Delivery

National Planning Policy Framework

Chapter 6 - Delivering a Wide Choice of High Quality Homes

CONSULTATIONS

Martock Parish Council – primary concern is to see this site built out to a good quality as soon as possible. However the PC are concerned that the applicant is seeking to re-invest any profit in its own affordable housing programme, presumably in Devon and Cornwall, rather than investing in provision in Somerset. The Parish request that SSSDC ensure that an equitable balance is struck.

SSDC Housing Officer –

District Valuer – suggests that:-

- Fully open market housing accepting the c£1m insolvency cost as an abnormal - £547,865 or £176,162 per acre = unviable against adopted benchmark land value
- Fully open market housing NOT accepting the c£1m insolvency cost as an abnormal - £1,596,142 or £513,229 per acre = viable against adopted benchmark land value, and suggests that some AH may be able to be provided.
- Revised 10 AH unit Yarlinton offer accepting the c£1m insolvency cost as an abnormal - negative land value of - £171,594 or - £55,175 per acre = unviable
- Revised 10 AH unit Yarlinton offer NOT accepting the c£1m insolvency cost as an abnormal - £876,683 or £281,892 per acre = just unviable against adopted benchmark land value

However a final appraisal suggests that on a fully open market basis if accepting the £1m abnormal costs the scheme would be viable if the developer accepted a profit return of some 12.22% - which is above the figure DCH state they seek and would suggest that development could recommence on this basis.

REPRESENTATIONS

One letter has been received to the original proposal objecting to the youth/community centre and raising concerns about traffic and flooding

CONSIDERATIONS

The sole issue is whether or not it would be reasonable to insist on maintaining the previously agreed level of planning obligations in light of the case the applicant now makes and the advice offered by the District Valuer (DV).

Whilst the original agreement covered a range of obligations the applicant has sought to vary only the affordable housing component. Whilst the proposed reduction from 12 to 4 affordable units is regrettable, government advice in this respect is clear – the delivery of development on

sites with planning permission for should not be held up by an insistence of planning obligations that jeopardise the viability of this proposal.

In this case the developer has provided a detailed financial appraisal of the site that is accepted by the DV. This includes a profit of 12.22%, whereas the DV suggests that it would normally be reasonable to factor in a profit of 17.5 - 20%. In this case the applicant has indicated that they would be prepared to accept a return of 10.4%.

It is stated that the collapse of the original contract has costed the applicant c. £1M in additional costs and that these costs are non-recoverable. Such costs are attributed to increase on building costs plus the need to ensure that work carried out by the original contractor is of a sufficient quality and has not degraded as a result of standing incomplete for a considerable period.

It is considered that the full recovery of this cost at the expense of affordable housing is not fully justified given that 'contractor insolvency' is a normal risk and can be insured against. Nevertheless in this case it seems that the applicant for whatever reason was not fully covered, and, without apportioning blame, the end result is a stalled site that will not be completed unless a way forward is found. To avoid blighting the locality, a fear expressed by the Parish Council, officers have sought to achieve appropriate balanced solution that will ensure the site is completed, with reasonable planning obligations being balanced against the need to incentivise the developer.

The 'offer' of 4 shared ownership homes plus the previously agreed leisure contributions is considered to be a reasonable offer given the DV's advice. The addition of a MIP at the request of the affordable housing provider clause does not give rise to any planning concerns.

Other Matters

Whilst a local resident remains concerned about the impacts of the development, planning permission has been granted for the scheme and it is not considered that the proposed variation of the planning obligation would in any way change the impacts of the proposal.

Conclusion

It is regrettable that the original, policy compliant planning obligations cannot now be delivered without adversely affecting the commercial viability of the scheme. Government advice and policy HG3 are clear that it is unreasonable to resist a reduction in affordable housing provision where that has been justified by an open book submission in accordance with policy SS6.

RECOMMENDATION

That the Section 106 agreement be amended to:-

- reduce the affordable housing contribution to 4 intermediate affordable units
- insert a mortgagee in possession clause
- retain all other previously agreed obligations.

Justification:

The revisions to the affordable housing provision, for which a financial justification has been made, would not unacceptably undermine the benefits to the community of this development. As such the scheme is considered to comply with the policies of the local plan and the aims and objectives of the NPPF.

Agenda Item 16

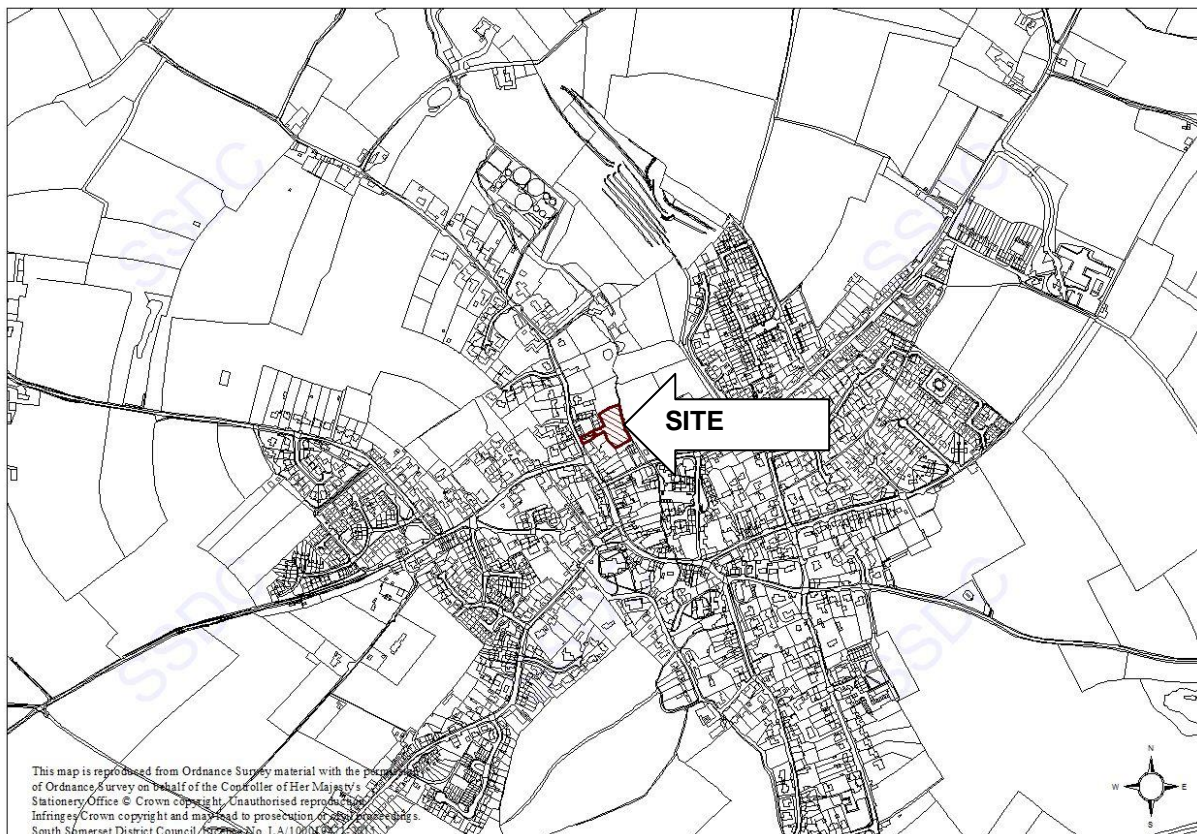
Officer Report On Planning Application: 15/05407/FUL

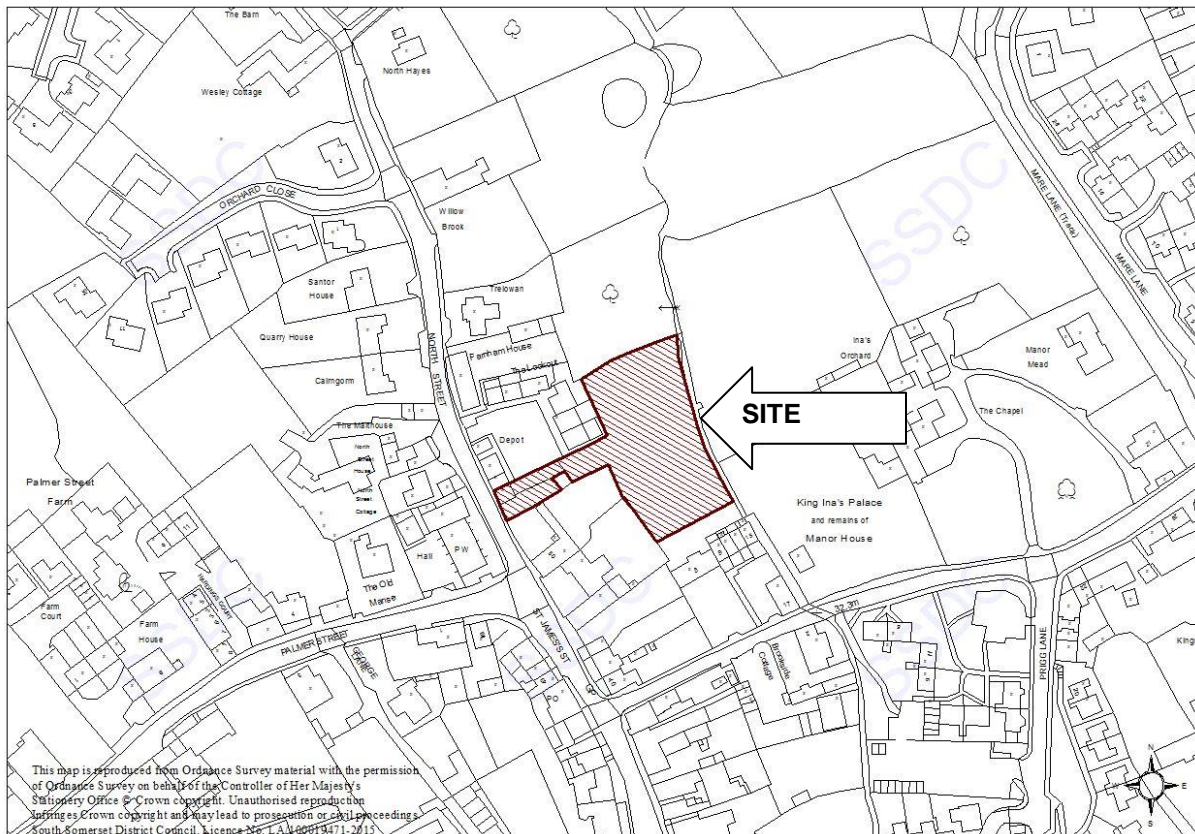
Proposal:	Demolition of outbuilding, alterations to existing vehicular access and the erection of a new dwellinghouse (Revised Application)(GR 343206/117054)
Site Address:	50 St James Street, South Petherton, Somerset.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Adam Dance Cllr Crispin Raikes
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	28th January 2016
Applicant :	Dr Gill Glendinning
Agent: (no agent if blank)	Mr Mark Merer, Welham Studios, Charlton Mackrell, Somerset TA11 7AJ
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application is referred to Area North Committee at the request of the Ward Member and with the agreement of the Chair in light of the local support and to allow the highways issues to be debated.

SITE DESCRIPTION AND PROPOSAL





This application relates to land that forms the relatively large curtilage of 50 St James Street within the centre of South Petherton. The property is a very attractive Grade II* listed detached house of mostly hamstone ashlar with a slate roof. Access to the site is made from St James Street via a narrow access in the high hamstone wall that forms the eastern boundary of the site.

This is a revised application following the refusal of a similar application on grounds that the proposal would interfere with highway safety. As before, the application proposes the demolition of an outbuilding and the erection of a detached dwellinghouse but it is now proposed to slightly widen the existing access in the boundary wall. The proposed dwelling would be situated within the rear part of the curtilage directly adjacent to the modern high wall that forms the boundary to Coach Court. The outbuilding proposed for demolition is situated at the front of the site and its removal will allow for parking and turning space for both the existing and proposed dwelling (three parking spaces for each dwelling) behind the historic wall along St James Street.

The proposed dwelling will have three bedrooms and is of contemporary flat-roofed design that will wrap around the boundary with Coach Court. It is proposed to finish the building in Red Cedar cladding with a grass ('living') roof, windows and doors are to be of charcoal grey aluminium. The dwelling will be situated on a stilt platform due to the sloping nature of the site.

An associated listed building application accompanies the application (15/0408/LBC), this relates to the demolition of the outbuilding and the widening of the access in the historic boundary wall. It should, however, be noted that the demolition of the outbuilding has already been approved under 15/03425/LBC.

The site is within the conservation area of South Petherton.

The Design and Access Statement advises:

- The design is a response to the high boundary wall on the boundary with Coach Court and will provide an enhancement of the area. It will be a single storey, modular, factory made timber framed building supported on stilts.
- The building is lower than the boundary wall and to be finished with a flat green meadow roof. The cedar finish will ensure the new dwelling sits appropriately within its surroundings.
- The current vegetable garden will provide pedestrian access from the garage to the new dwelling. A new 1.8m boundary wall with landscaping will integrate with the existing house.

In addition, an Archaeological Assessment of the outbuilding to be demolished accompanies the application and this concludes that the outbuilding is of twentieth century origin and is not part of the original outbuildings of the property which is sixteenth century in origin.

HISTORY

15/03424/FUL - Demolition of outbuilding and the reception of 1 No. detached dwellinghouse. Refused 14/10/2015 for the following reason:

'The development would lead to an increase in vehicles entering and exiting the site through the existing access which is considered to be substandard due to its restricted visibility. Increased use of the access will lead to potential vehicular/pedestrian conflicts that could compromise highway safety. As such, the proposal is detrimental to highway safety, and is therefore contrary to policy TA5 of the South Somerset Local Plan (2006-2028), Somerset County Council Highways Standing Advice and the National Planning Policy Framework 2012.'

15/03425/LBC - Demolition of outbuilding. Approved 6/10/2015.

13/03807/LBC - The carrying out of internal and external alterations to include the replacement of window with door. Approved 3/12/2013.

96/02861/FUL and 96/02732/LBC - The erection of conservatory on east elevation. Approved 16/4/1997.

94/02087/LBC - Removal of white paint from bow windows on front elevation with wood preservative treatment to return windows to original state. Refused 24/2/1994 subsequent appeal allowed.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

Relevant Development Plan Documents

South Somerset Local Plan 2006 - 2028:

Policies:-

SD1 - Sustainable Development

SS1 - Settlement Strategy (South Petherton is designated as a 'Rural Centre')

SS5 - Delivering New Housing Growth

SS6 - Infrastructure Delivery

HG4 - Provision of Affordable Housing - Sites of 1-5 Dwellings

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ3 - Historic Environment

It should be noted that the housing supply policies within the Local Plan have been impacted by the recent recognition that the Council does not have a five year supply of housing sites. Paragraph 49 of the NPPF states that relevant local plan policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. In addition, paragraph 14 of the NPPF advises that this has an impact upon decision making stating that 'where the development plan is absent, silent or relevant policies are out-of-date' permission should be granted unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or

- Specific policies in this Framework indicate development should be restricted."

Listed Building Control

The starting point for the exercise of listed building control is the statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses' (section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990).

Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works that affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function.

Section 72 of the Listed Buildings Act requires that special attention shall be paid in the exercise of planning functions to the desirability of preserving or enhancing the character or appearance of a conservation area. This requirement extends to all powers under the Planning Acts, not only those that relate directly to historic buildings. The desirability of preserving or enhancing the area should also, in the Secretary of State's view, be a material consideration in the planning authority's handling of development proposals that are outside the conservation area but would affect its setting, or views into or out of the area.

National Planning Policy Framework (NPPF):

Chapter 6 - Delivering a wide choice of high quality homes

Chapter 7 - Requiring Good Design

Chapter 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance:

- Design
- Conserving and enhancing the historic environment

CONSULTATIONS

South Petherton Parish Council: Recommend approval

County Highway Authority: Advise that Standing Advice is applicable.

Highways Consultant (SSDC): The Highways Consultant has visited the site with the agent and applicant and fully considered the amended plans, he comments:

'I acknowledge the efforts made by the applicant to find a solution. I think the proposed angling of the end walls on both sides of the access would improve pedestrian/vehicular inter-visibility. However, I do not believe it would provide any significant improvement to visibility between vehicles emerging from the access to other vehicles travelling on the public highway. The main concern is that vehicles emerging from the site have to pull out a significant distance before drivers are able to see in both directions, and I do not believe that drivers on the public highway have the sufficient stopping sight distance to an emerging vehicle - hence the need for appropriate visibility splays in line with the visibility criteria set out in Manual for Streets.

Therefore, I do not believe the improvements proposed go far enough to alter my view on the development proposal which would lead to an increase in use of the access.'

As such, the Highways Consultant does not consider that the scheme provides safe access for all people and therefore advises that the scheme should be refused on highways grounds.

Historic England: Note that the building proposed for demolition are most likely to be of C20 construction and that their demolition will not be detrimental to the understanding of the Old Courthouse or its setting. They comment that the setting of both the existing dwelling and the nearby King Ina's Palace need to be taken into consideration.

They advise that their pre-application advice acknowledged that the principle of a modern single storey development on this site appeared acceptable and note that the supporting information provided with the application confirms that the new dwelling will have minimal impact on the setting of the Old Court House due to its single storey design and position within the plot. They consider that the visual impact of the proposed dwelling will be minimal.

They are however concerned about the lack of consideration that has given to the potential impact of the development on the setting of the Grade II* King Ina's Palace. They are relatively confident that any views of the proposed building would be seen against a background of modern residential development, and therefore be minimal. However, given that they have been unable to conduct a site visit they request that South Somerset District Council verifies that these views have been appropriately assessed and that their conclusion is accurate.

Historic England recommends that the issue regarding the setting of King Ina's Palace is addressed and that the application be determined in accordance with national and local policy guidance, and on the basis of the Council's expert conservation advice.

Conservation Officer (SSDC): Considered that providing there is substantial tree cover between the site and King Ina's Palace then the impact of the new dwelling upon the setting of the Palace would be low.

In terms of the setting of No.50, the Conservation Officer considers that the existing tall boundary wall to its garden is severely intrusive and of an unsympathetic colour and finish which is not beneficial to the setting of the house. He considers that this proposal provides for enhancement potential to be gained by improving the appearance of the wall.

With regard to the proposed access and removal of the outbuilding, the Conservation Officer is content with the proposals.

The Conservation Officer believes that the proposed dwelling is well designed and quite appropriate for the site as it will hide the unattractive rear boundary wall whilst having a suitably subdued appearance. Overall, he considers that the proposal will be an enhancement and an improvement to the setting of the heritage assets. He recommends control over any development in the newly formed garden area in order to preserve its character.

In terms of the widening of the access, the Conservation Officer confirms that he has no objections to the alterations and considers that the enlargement of the dated entrance will not have any detrimental impact upon historic assets. He has requested details of the proposed lintel through the imposition of a condition.

Senior Historic Environment Officer: 'As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.'

Environment Agency: Note that part of the site falls within Flood Zone 3 (FZ3) but the building will be on the highest part of the site outside of FZ3. They do not therefore object to the application but advise that the applicant should not develop or change the ground level of the land within FZ3.

REPRESENTATIONS

None received.

CONSIDERATIONS

Background and Principle of Development

This site lies outside of but directly adjacent to the development of South Petherton. It is considered that the permissive approach (as advised) by Policy SS5 and the implications of the lack of a five year housing land supply mean that the principle of residential development can be supported. South Petherton is a large village containing a variety of shops, services, facilities, and employment opportunities. Given that the site is within the centre of the village and adjacent to the development area of South Petherton, the site is considered to be a sustainable location for residential development.

Setting of Listed Buildings and Conservation Area

The application proposes a modern design for the dwelling on this site and this is felt to be an appropriate response to the constraints of the site. As the building is single storey with a flat roof, it will have only a very limited visual impact. The site is well screened and even with the sloping nature of the site it is not felt that the new dwelling will appear intrusive within the wider landscape or conservation area.

The proposed materials are considered to be suitable mix that will further ensure that the dwelling has a subdued appearance in relation to both the setting of the listed buildings and the conservation area.

In the circumstances, it is not considered that the proposal will result in harm to the surrounding

heritage assets and as such the proposal is in accordance with policy EQ3 and the statutory duties set out in the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact on Residential Amenity

The site is considered to be well chosen in terms of its relationship with neighbouring dwellings and due to its orientation will not result in any significant overlooking of any neighbouring gardens.

Due to its single storey design, it is not considered that the new dwelling will cause any loss of light to residential properties. The proposed building will be slightly lower than the existing wall and only a small amount of the building will be visible from the upper floors of the adjoining dwellings in Coach Court.

The proposal is therefore considered to be in accordance with Policy EQ2 of the Local Plan.

Affordable Housing

Policy HG4 of the Local Plan requires a contribution towards affordable housing. This takes the form of a commuted sum equivalent to 5% of the floor area of the development, at rates identified in the Local Plan. The total relevant floor area of the development is 127 sq. m, and the contribution would be £5080. The contribution is to be secured by Agreement, which would need to be signed prior to grant of permission. The applicant is agreeable to this requirement.

Highway Safety and Parking

The Highway Authority has advised that Standing Advice is applicable in this instance. The Council's Highways Consultant has therefore examined the application and has expressed concerns about the proposal due to the increase in the use of the existing access which is considered to be substandard and does not include acceptable pedestrian/vehicular inter-visibility splays. Whilst improvements have been made through the enlargement of the existing access the Highways Consultant remains concerned about the visibility.

Therefore, the Consultant whilst recognising that the development will only result in a small number of movements per day, believes that the current access deficiencies (even with the widening of the access) mean that the proposal would compromise highway safety and lead to potential vehicular/pedestrian conflicts. He does not consider that the proposal provides a safe access and the development should therefore be refused as being contrary to policy TA5 and advice contained within the NPPF.

EIA Regulations

Not relevant.

Conclusion

This is considered to be a suitable site for an additional dwelling being located directly adjacent to the development area of South Petherton. Its form, scale and design ensure that it will form an appropriate development that respects the setting of the nearby listed buildings and will enhance the character and appearance of the conservation area.

However, there is clear concern about the use of the existing substandard access and therefore the proposal cannot be supported due to its adverse impact upon highway safety.

Whilst in all other respects the development is considered to be acceptable, the issue of highway safety cannot be dismissed. As such, the recommendation has to be to refuse the

application on the grounds of its adverse impact upon high safety due to the potential for vehicular/pedestrian conflicts.

S.106 AGREEMENT

A commuted sum of £5,082 would need to be secured by Agreement as a commuted sum towards affordable housing provision, in terms of Policy HG4 of the Local Plan, the Agreement to be signed before any grant of permission.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. The development would lead to an increase in vehicles entering and exiting the site through an access (even with the improvements proposed) which is considered to be substandard due to its restricted visibility. Increased use of the vehicular access will lead to potential vehicular/pedestrian conflicts that could compromise highway safety. As such, the proposal is detrimental to highway safety, and is therefore contrary to policy TA5 of the South Somerset Local Plan (2006-2028) and the aims and objectives of National Planning Policy Framework 2012.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.

Agenda Item 17

Officer Report On Planning Application: 15/05408/LBC

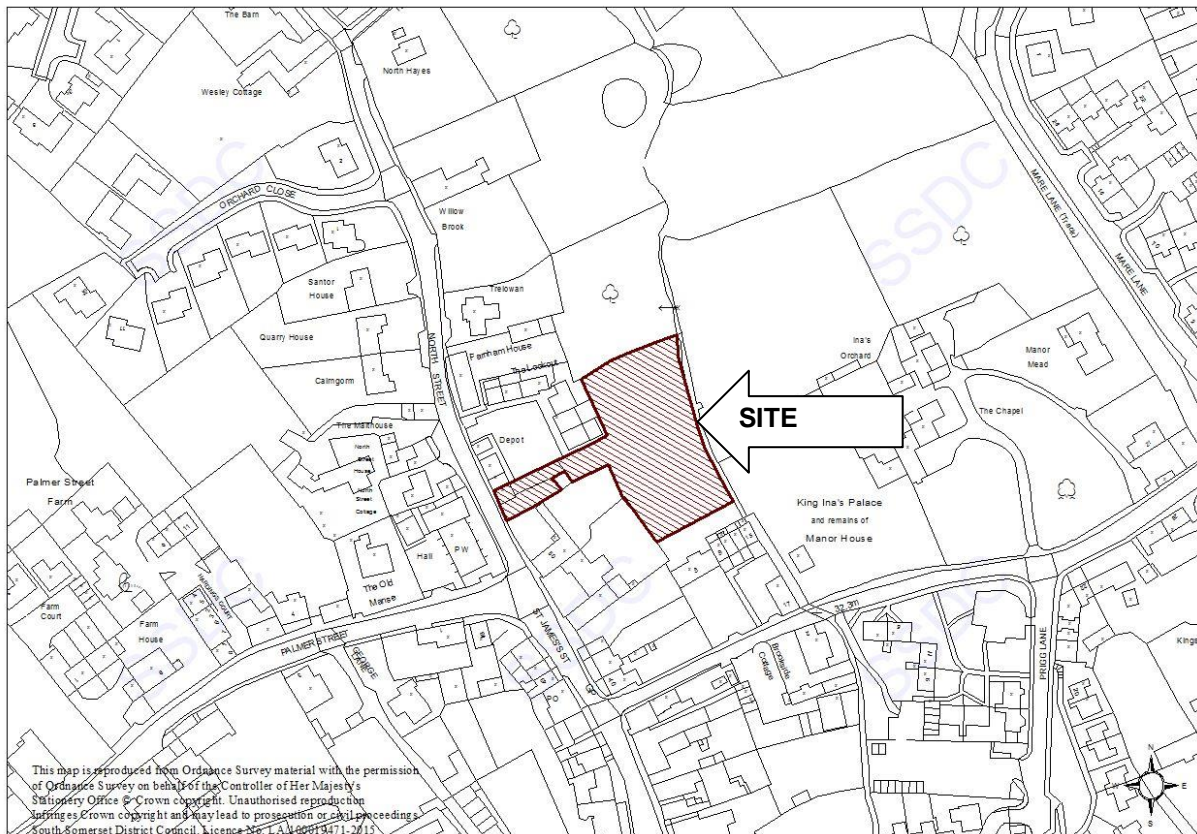
Proposal :	Demolition of outbuilding and alterations to existing vehicular access.(Revised Application)(GR 343206/117054)
Site Address:	50 St James Street, South Petherton, Somerset.
Parish:	South Petherton
SOUTH PETHERTON Ward (SSDC Members)	Cllr Adam Dance Cllr Crispin Raikes
Recommending Case Officer:	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
Target date :	28th January 2016
Applicant :	Dr Gill Glendinning
Agent: (no agent if blank)	Mr Mark Merer, Welham Studios, Charlton Mackrel, Somerset TA11 7AJ
Application Type :	Other LBC Alteration

REASON FOR REFERRAL TO COMMITTEE

The application is referred to the Area North Committee in order that it can be considered alongside the associated planning application 15/05407/FUL.

SITE DESCRIPTION AND PROPOSAL





This application relates to an outbuilding and boundary wall within the curtilage of 50 St James St, an attractive Grade II* listed property situated within the centre of South Petherton. The outbuilding is situated at the front of the site and it is proposed to be partially demolished in order to allow for the creation of a larger parking area (associated planning application for new dwelling 15/05407/FUL). It should be noted that Listed Building Consent was granted for the demolition of the outbuilding under ref 15/03425/LBC (6/10/2015) but it is now also proposed to slightly widen the existing access in the historic boundary wall in order to improve visibility at the entrance.

The site is within the conservation area of South Petherton.

An Archaeological Assessment of the outbuilding to be demolished accompanies the application and this concludes that the outbuilding is of twentieth century origin and is not part of the original outbuildings of the property which is sixteenth century in origin.

HISTORY

15/03425/FUL - Demolition of outbuilding and the erection of 1 No. detached dwellinghouse. Refused 14/10/2015.

15/03425/LBC - Demolition of outbuilding. Approved 6/10/2015.

13/03807/LBC - The carrying out of internal and external alterations to include the replacement of window with door. Approved 3/12/2013.

96/02861/FUL and 96/02732/LBC - The erection of conservatory on east elevation. Approved 16/4/1997.

94/02087/LBC - Removal of white paint from bow windows on front elevation with wood preservative treatment to return windows to original state. Refused 24/2/1994 subsequent appeal allowed.

POLICY

Section 16 of the Listed Building and Conservation Areas Act is the starting point for the exercise of listed building control. This places a statutory requirement on local planning authorities to 'have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'

National Planning Policy Framework: Chapter 12 - Conserving and Enhancing Historic Environment is applicable. This advises that 'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.'

Whilst Section 38(6) of the 2004 Planning Act is not relevant to this listed building application, the following policies should be considered in the context of the application, as these policies are in accordance with the NPPF.

South Somerset Local Plan (2006 - 2028):

Policy EQ3 - Historic Environment

National Planning Policy Framework (March 2012):

Chapter 12 - Conserving and enhancing the historic environment

National Planning Practice Guidance:

- Conserving and enhancing the Historic Environment

CONSULTATIONS

South Petherton Parish Council: Recommend approval

Historic England: Note that the building proposed for demolition is most likely to be of C20 construction and that its demolition will not be detrimental to the understanding of the Old Courthouse or its setting.

Conservation Officer (SSDC): Conservation Officer has no objections to the proposed alterations to the access to the street and considers that the enlargement of the gated entrance will not have any detrimental impact upon historic assets. Has requested a condition to ensure that the material for the proposed lintel is agreed before works commence.

REPRESENTATIONS

No representations received.

CONSIDERATIONS

The historic assessment of the outbuilding to be removed indicates that it is of 20th century origin and therefore not part of the original curtilage buildings of the dwelling. As such, neither Historic England nor the Conservation Officer objects to its removal. This is subject to a condition ensuring the remaining walls are made good following the demolition. The alterations to the boundary wall are considered to be modest and have been carefully designed to ensure the minimal impact upon the appearance of the historic wall. The proposal will see the removal of 50cms of wall to either side of the access with a curved finish to match others in the vicinity. With appropriate finishing of the walls and a traditional lintel it is felt that there will be no appreciable harm caused to the appearance of the wall.

In terms of the conservation area, very little of the building is publicly visible being hidden behind the high stone wall at the frontage of the site. The alterations to the boundary wall have been thoroughly considered and evidence has been submitted of similar detailing on accesses within the vicinity of the site. As such, it is considered that the proposals will preserve the character and appearance of the conservation area.

RECOMMENDATION

That Listed Building Consent be granted.

01. The proposed demolition and alteration to the boundary wall will not result in the loss of significant historic fabric and, as such, the proposals by reason of their limited/informed intervention are considered to respect the historic and architectural interests of the setting of the listed building and will preserve the character and appearance of the conservation area. This is in accordance with policy EQ3 of the South Somerset Local Plan and advice contained within the NPPF.

SUBJECT TO THE FOLLOWING:

01. The works hereby granted consent shall be begun before the expiration of three years from the date of this consent.

Reason: As required by Section 16(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250), Block Plan (1:250), Details of Opening (1:100) and Parking Arrangements (1:100) all stamped 15/05408.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. No work shall be carried out on site unless details of the materials of the proposed lintel and the making good of the existing structure abutting that to be demolished, have been submitted to and approved in writing by the Local Planning Authority. Such approved

details, once carried out shall not be altered without the prior written consent of the Local Planning Authority.

Reason: in the interests of the special architectural and historic interests of the listed building and in accordance with policy EQ3 of the South Somerset Local Plan 2006-2028.

Agenda Item 18

Officer Report On Planning Application: 15/02269/FUL

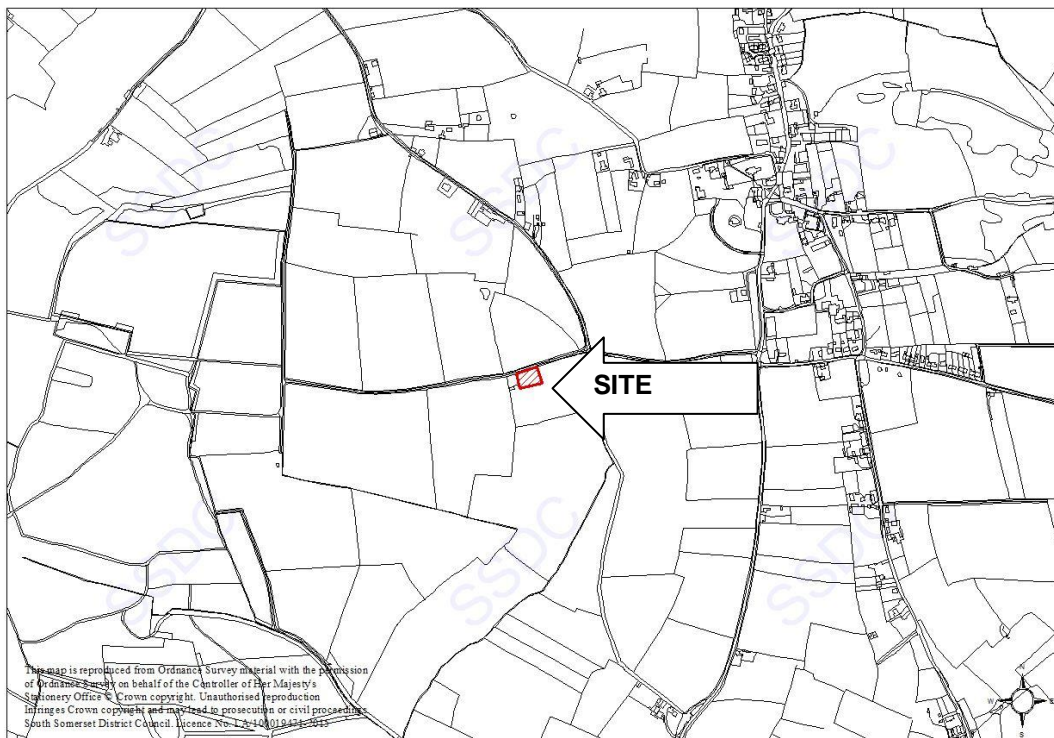
Proposal :	Change of use of land for the creation of two additional gypsy pitches for occupation by family members of the applicant (GR: 342092/130602)
Site Address:	OS 0062 Mildmays Road, High Ham.
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Cllr Shane Pledger
Recommending Case Officer:	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
Target date :	6th July 2015
Applicant :	Mr Arthur Hughes
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

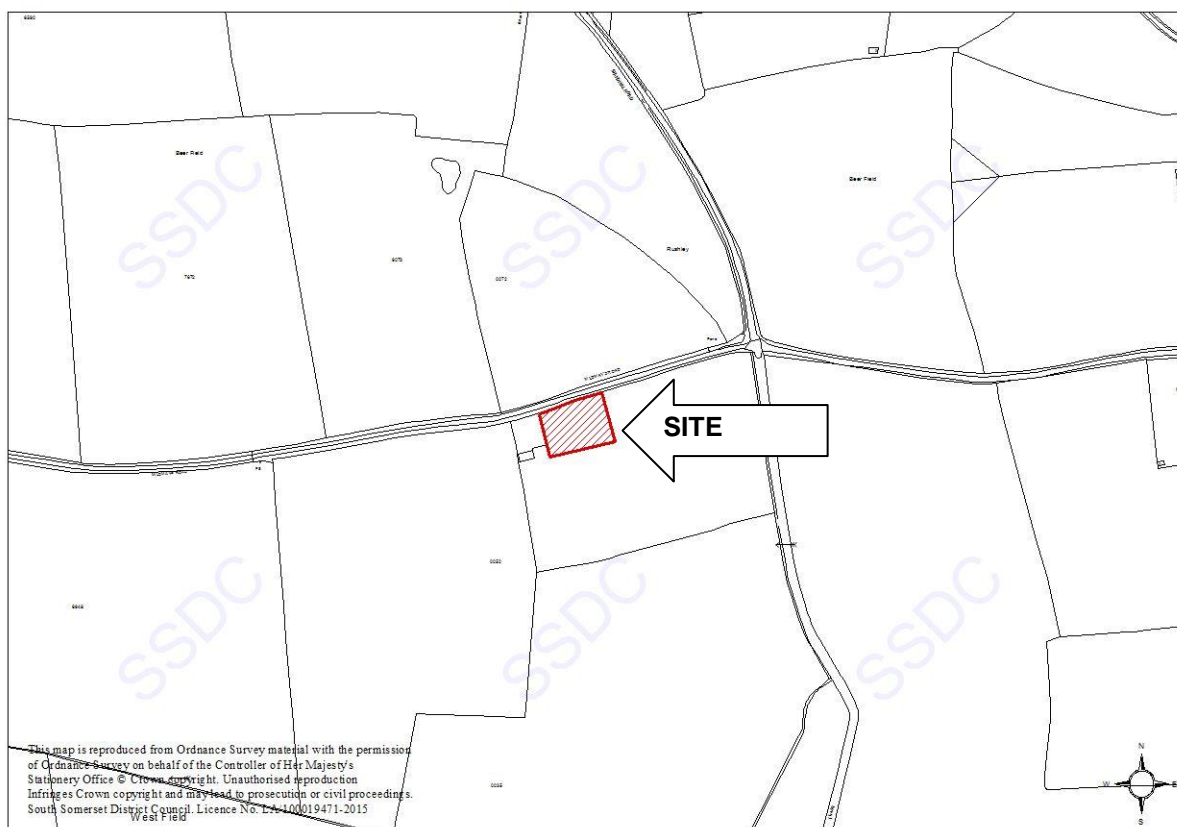
REASON FOR REFERRAL TO COMMITTEE

The application is referred to Area North committee at the request of the Ward Member and with the agreement of the Vice Chair in order for the merits of the extended site to be fully debated.

Members will recall that a decision on this application was deferred at the December meeting of the Area North Committee in order to clarify the position regarding the availability of services and proposals to deal with foul water. Following the committee meeting, a site meeting was held with the applicant. The site is connected to mains water and a cess pit has been installed to deal with foul sewage, with a capacity for 3 households. The waste would be collected when full. Connection to mains electricity will need to be undertaken.

SITE DESCRIPTION AND PROPOSAL





The site is located 1km southwest of the village of High Ham and is accessed via a no through road (Mildmays Road). The site is located in the northwest corner of larger field, the eastern boundary of which is directly adjacent to the junction of Mildmays Road, Standhill Road and Tauntons Lane. Direct access into the site is gained in the north west corner of the site, off Mildmays Road.

Planning permission was granted in 2010 for the change of use of land for 1 gypsy pitch. This current application seeks planning permission to provide an additional 2 gypsy pitches on land to the east of the existing site, on the southern side of Mildmay's Road.

HISTORY

Relevant Planning History

10/03068/COU - Change of use of land for siting of one mobile home and one touring caravan for one traveller/gypsy residential pitch (Approved November 2010).

Enforcement

Back in 2003 and 2009, the Council had received complaints and enforcement cases set up in connection with the occupation of a caravan and storage of vehicles respectively. It is not clear if those cases have any connection with the current applicant/owner, but those cases were resolved and the cases closed.

In 2011, a complaint was received about the erection of a building and gates/walls in non-compliance with the 2010 planning approval for the gypsy site. The keeping of horses was

also investigated. The building is the concrete block structure that currently exists on site alongside the roadside hedgerow. The walls are those at the entrance to the site. Given the approval for a gypsy site, it was not considered expedient to take any further action and the case was closed.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents
South Somerset Local Plan (adopted March 2015).
SD1 - Sustainable Development
HG7 - Gypsies, Travellers and Travelling Showpeople.

Other Relevant Material considerations:
Planning Policy for Traveller Sites

CONSULTATIONS

High Ham Parish Council:

The Parish Council fully discussed the above application at its meeting of 9 May 2015. Consultation was also undertaken with residents close to the site prior to the meeting.
Background:

The Planning Authority will be aware that the Parish Council recommended REFUSAL in respect of the original planning application submitted in 2010 (Planning Application: 10/03068/COU refers) and details can be found of the Parish Council's views in its letter to the Planning Authority dated 17 August 2010 located on the District Council's planning website. The Parish Council is concerned that some of the conditions attached to the original approval documentation do not appear to have been complied with. The paragraphs that follow are direct lifts from the original approval notice and provide what the Parish Council consider to be relevant examples:

01. The development hereby permitted shall be begun before the expiration of one year from the date of this permission'.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990'.

As far as the Parish Council are aware, the site has not been occupied since the date of the approval notice and has not changed in any way since that date (25 November 2010)?

What is the point of attaching a condition such as this when no enforcement action has been taken as a consequence of no development of the site being commenced or any change to the site evidenced since the date of the approval notice?

The Parish Council did make contact with the District Council's Development Manager at the expiry of one year from the date of permission to confirm that no development had taken place in that timescale. Unfortunately, no action was taken!

Additionally, why is it that, generally, planning approval notices state that:

'The development hereby permitted shall be begun before the expiration of three years from the date of this permission'.

If work has not been commenced within the timescale stated then the permission granted is deemed to have expired and the applicant has to reapply. Why is this not the case with the original application (10/03068/COU) as no development has taken place since the approval notice was issued?

02. The site shall not be occupied by any persons other than gypsies and travellers, as defined in paragraph 15 of ODPM Circular 01/2006'.

'Reason: The Local Planning Authority would not wish to see a caravan site established in this locality except to meet the particular need to provide facilities for gypsies and travellers in accordance with Policy HG11 of the South Somerset Local Plan'.

The Parish Council believes that the reason given in item 02 above is at odds with the current application (15/02269/FUL) in that, surely, any increase beyond what can be considered/understood as one Gypsy/Traveller pitch constitutes a caravan site being established in this locality? What did the Planning Authority mean in this statement as anything beyond one pitch (one mobile home/static caravan and one touring caravan) could be understood to constitute a caravan site?

03. The residential use hereby permitted shall be restricted to the stationing of no more than one pitch at any time (one pitch being one mobile home/static caravan and one touring caravan)'.

'Reason: In the interests of visual amenity and highway safety in accordance with Policy EC3 of the South Somerset Local Plan and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review'.

Again, this is in conflict with the current application (15/02269/FUL). Why did the Planning Authority choose to restrict the site to no more than one pitch back in 2010 when approved? Surely, the same logic should apply now? Did the Planning Authority think the site was only suitable for one Gypsy/Traveller pitch when approved in 2010? If so, what has changed?

'05. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no further gate, fence, wall, building or other means of enclosure or structure shall be erected on the site without the express grant of planning permission'.

'Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with South Somerset Local Plan Policy EC3 and ST6'.

As far as the Parish Council are aware, the existing permanent buildings on site were erected without planning permission. This means, therefore, that this condition has no merit at all due to the circumstances prevailing at the time of approval!

'06. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority'.

'(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority'.

'(iii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority'.

'Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with South Somerset Local Plan Policies ST6 and EC3'.

As far as the Parish Council are aware, no such landscaping scheme has been submitted and no landscape changes introduced to the site evidenced over the last five years since original approval.

The following paragraphs also formed part of the Decision Notification letter under the heading 'Notes' and 'Notice of Commencement'. The Parish Council is concerned that the Planning Authority place great emphasis on the need for applicants to fully comply with the conditions imposed. Why has no enforcement action been taken?

'NOTES:

(1) Please read the above condition(s) very carefully. This permission has only been granted on the basis that all of the conditions are fully complied with. Applicants are advised that failure to comply with the requirements of each and every condition as detailed may become the subject of enforcement action by the Council'.

'NOTICE OF COMMENCEMENT

You are requested to notify the Planning Authority 21 days prior to commencement of development or use of land approved under planning permission 10/03068/COU. Many planning permissions have conditions imposed upon them which require the submission of details prior to commencement of development or use of land. Failure to comply with such conditions prior to commencement may mean that the development becomes the subject of enforcement action by the Council'.

Did the Planning Authority actually receive notification within the 21 days specified in the Notice of Commencement?

What follows is an extract from the Landscape Architect's report at the time of the original application in 2010 (10/03068/COU):

"This site lays outside the village of High Ham as described above, and is some distance from settlement form. There is a general lack of development presence in the locality of the application site, and traditional farming is the prime land-use. The application site is not related to the settlement pattern, nor characterised by established development form. The presence of a mobile home, and an area of hardstanding, along with the seasonal presence of a touring caravan, are not elements that are characteristic of this part of the High Ham plateau. Hence I

view the proposal as contrary to local landscape character, and thus failing to meet landscape policy objectives. Consequently I offer landscape grounds for refusal based upon policies ST3, ST5 and EC3".

The Parish Council are keen to learn why this conclusion was reached back in 2010 and a contrary view recorded by the Landscape Architect now when the current proposal is to increase the number of pitches on site?

Parish Council Decision:

The Parish Council have given this application a great deal of thought and, once again, acknowledges the difficulty the District Council faces in providing appropriate sites to meet the needs of people following a Gypsy/Traveller lifestyle.

However, the Parish Council believes the points made above under 'Background' are relevant and these points have informed the decision reached. The Parish Council recommends REFUSAL of this application on the following additional grounds:

- 1) No justification has been provided by the applicant as to why these additional pitches are required;
- 2) The site has not been developed under the terms of the original planning permission granted (Planning Application: 10/03068/COU refers);
- 3) In light of item 2) above, the original application should be deemed to have expired as no development has commenced within the timescale specified;
- 4) The site has not been the subject of a landscaping scheme as required under the terms of the original planning permission granted (Planning Application: 10/03068/COU refers);
- 5) The current report submitted by the Landscape Architect is at odds with the actual site. The following is stated:

"Now a gypsy/traveller plot is established, the character of the field is changed accordingly, and it is noted that the presence of the existing plot is little perceived outside the site's confines. I consider that two additional plots within the same quarter of the field are unlikely to result in significant change to the immediate landscape context. Hence, whilst my initial view remains that in principle this is not an appropriate site for development, now that the current site is established, to provide an anchor for this further development, with minimal landscape impact beyond the site's confines, I am not inclined to raise a landscape objection".

It would appear to the Parish Council that this statement has been made without undertaking an actual site visit? The plot is in no way established as a bona fide Gypsy/Traveller pitch as the pitch has not been set up as intended for the last five years so how can someone consider that two additional plots within the same area are unlikely to result in significant change as there is nothing there to base this conclusion on?

- 6) The location of the site does not meet the needs of current thinking in terms of its sustainability. Issues surrounding sustainability are deemed to be very important by the Parish Council such as access to local services. Whilst High Ham is fortunate to have a very successful Primary School located within its boundary there are no local shops or access to GP/health services which means that the use of cars etc., are the only alternatives to accessing such services. To increase the number of pitches on site will only exacerbate this situation;

- 7) The junction of Mildmays with Standhill Road has been badly flooded in the past to such an extent that it becomes impassable. This was pointed out to the Planning Authority in our previous letter dated 17 August 2010 but, unfortunately, was ignored by the Case Officer at that time. If the Planning Authority are serious about the merits of local consultation, then this point should be taken fully on board when considering this as an appropriate site for any additional pitches. The Parish Council genuinely believes that the occupiers' Health and Safety could be jeopardised in the event of heavy rainfall in the future particularly with regard to 'means of escape' and 'rescue' in an emergency situation. The extent of flooding in this area has been considerable over the last couple of years and continues to be a very real concern for local residents;
- 8) Due to the flooding potential identified in item 7) above, it is thought prudent to recommend a sewerage treatment plant to ensure that waste can be safely discharged without fear of it emerging in the areas with a propensity to flood, should approval of this application be granted.
- 9) The original planning permission granted stated: 'The proposal would provide a site for a family with bona fide gypsy/traveller status, will cause a modest rise in daily vehicle movements and will have limited impact on the local roads and visual amenity of the rural area'.

The Parish Council believes that the sentiment of this statement applies to one Gypsy/Traveller pitch and the number of people you would reasonably expect to occupy such a pitch. The proposal for an additional two pitches is, therefore, not in compliance with the original approval.

Likewise, the number of daily vehicle movements will significantly increase and the associated impact on local roads, and visual impact, will not be 'limited' should the number of pitches be increased as proposed;

- 10) The Parish Council is concerned that only two addresses appeared on the neighbour notification list when a far greater number of residents live within a reasonable distance of the site in question. This situation needs to be addressed by the Planning Authority to ensure all local residents near the site receive the relevant information and have the opportunity to respond. This also appears to indicate that the Planning Authority is not fully familiar with the site and the properties located in the near vicinity;
- 10) Finally, the Parish Council find it difficult to understand why the site has not been fully developed and occupied by the applicant over the last five years. The justification of need does appear to be in question, both in the case of the original and current application, and the exact number of people ultimately occupying the site is not clear which makes any informed appraisal of the potential impact of increasing the density of the site entirely guess work!

Officer comment:

The Parish Council has raised a number of points about the earlier consent in addition to the current application. In terms of the implementation of the consent, concern has been raised that the applicant has not occupied the site since the approval. Having asked the applicant about this issue, he stated that he did occupy the site shortly after the permission was granted but only for limited periods since then. There is a caravan currently on site, as was the case at the time of the original application. It is difficult to conclude either way as to whether occupation occurred within the first year. The site is served by a no through road and is relatively detached from the village. Therefore, it would only be very infrequently passed by vehicles, and unless a

pedestrian walked passed the site, it wouldn't be necessarily obvious that occupation had occurred. Notwithstanding this position, having spoken to one of the Council's solicitor's in the context of considering this current application, the advise is that Council granted consent for the use of the adjacent site as a gypsy site in 2010 and therefore, the principle of the use of this land for a gypsy site has previously been supported.

The imposition of the condition that restricts occupation to a gypsy and traveller is a standard condition applied to approvals for such a use. It is not accepted that a caravan site would be established by the addition of a couple of pitches, rather a site to meet the need for gypsy/traveller sites. The Council may not accept the site to be used as a generic caravan site, however, this is different from the use as the site to meet the need for gypsies and travellers.

In terms of restricting the number of pitches permitted under the previous permission to 1 pitch only, this was acceptable and reasonable given that the application was for 1 pitch. It is usual practice to limit any consent to the number of pitches being applied for. The assessment back in 2010 considered the merits of 1 pitch as this was the number being sought at that stage. An applicant is entitled to submit an application to increase the number of pitches and the LPA has a duty to assess the merits of the current proposal.

In terms of the condition restricting further development on site, it is understood that there was an outbuilding on site at the time of the original application and this condition sought to prevent further buildings being erected on site. A complaint was received in 2011 about a building being constructed alongside the roadside hedge on site along with construction of a wall and gates. These were investigated at the time, and relate to the buildings/structures currently on site, but, in light of the approval for a gypsy site, it was not considered expedient to take enforcement action.

With regard to landscaping, the officer can find no record of a submitted scheme. However, the applicant has verbally advised the case officer that he had undertaken planting but that this has proved unsuccessful. The applicant has been advised by the case officer that a condition shall be attached to any consent for this current application to seek planting to serve both the original and extended sites. Advice would also be sought from the landscape officer as to the appropriate plant species.

In terms of the notice of commencement, this was not received in this case. However, it is not a legal requirement to return this document but it does assist the LPA in alerting the applicant/developer if there are any pre-commencement conditions that need to be discharged prior to the start of the development.

In respect of the landscaper officer's comments, it is correct that he did not support the original application. His position with regard to the principle of development on this site has not changed. However, the original approval has established a landscape context and on this basis, does not consider that there would be a significant change to the immediate landscape context that justified a landscape objection.

In respect of the need for the additional pitches, the Local Plan clearly outlines that there is an identified need for pitches within the district. No personal circumstances have been put forward by the applicant. Accordingly, the LPA will consider the merits of the individual application against relevant national and local policies.

With regard to sustainability, the site lies approximately 1km from the centre of the village, 4km from Langport and 8km from Somerton. Whilst it is accepted that the village contains very few facilities, and the site would not be considered in a sustainable location, it is consistently the case that, in considering gypsy sites at appeal, Inspectors conclude that travel distances of up

to 10 km in rural areas to access key services and facilities is acceptable. On this basis and the Council's previous acceptance of this location for a gypsy site, it is not considered reasonable to refuse this application on sustainability grounds.

The enlargement of the site to accommodate an additional 2 pitches would clearly result in additional traffic movement and thus would be different from the original approval. However, as can be viewed from the comments of the Highway Authority and the Council's highway consultant, no highway objection is raised.

In terms of neighbour notification, 2 site notices were erected and an advert placed in the local press. 2 of the closest neighbours were directly notified although those do not adjoin the site and there was no formal or legal requirement to notify them. With regard to the number of potential occupants, the original approval was for 1 pitch. In reality, this would mean 2 adults and any children/dependants. With the current application, it is for 2 pitches, thus 4 adults with children/dependants.

Highway Authority:

In traffic impact terms it is unlikely that the proposal will result in a significant increase in vehicle movements although it should be noted that no details have been provided to as part of the application.

The proposal will have access onto an unclassified road, which is subject to a 60mph speed limit although due to the nature of the highway it is unlikely that vehicles will be able to achieve this. Turning to the point of access it is apparent that visibility hasn't been shown on the submitted plans. Due to this section of highway being subject to the National Speed Limit the Highway Authority would usually refer to Design Manual for Roads and Bridges (DMRB). However as it is unlikely that vehicles will do able to achieve these speeds coupled with the fact that Mildmays Road is lightly trafficked the Highway Authority can refer to the design principles set out in Manual for Streets and Manual for Streets 2. Therefore splays of 2.4m x 33m should be provided in either direction.

The access itself will need to be properly consolidated and surfaced over the first 5.0m with suitable surface water drainage provided to stop any surface water runoff onto the adopted highway. The applicant should also note that if there will be an element of two-way movement through the access then it will need to be a minimum width of 5.0m.

In regards to the internal layout the area for parking and turning appears to be sufficient and appears to be in accordance with South Somerset Local Plan Policy HG7.

Therefore taking into account the above information the Highway Authority raises no objection to this proposal and if planning permission were to be granted the following conditions will need to be attached. (3 conditions and explanatory note are recommended and shall be attached to any consent).

SSDC Highway Consultant:

Consider sustainability issues (transport). Development unlikely to have a significant impact on the approach roads to the site but suggest an assessment is made of the Field Road/Mildmays Road junction in respect of the extent of available visibility splays commensurate with traffic speeds at the junction.

Landscape Officer:

I previously commented upon this site when the first plot was mooted. At that time I provided the following landscape view:

The settlement form of High Ham is primarily concentrated on the roads and lanes that converge in the vicinity of the church, with the emphasis on the north-south through route of Main Road. Further intermittent development follows the alignment of Standhill Road to the west, and Long Street to the south, both being slightly detached from the village core, but within close proximity of it.

This site lays outside the village of High Ham as described above, and is some distance from settlement form. There is a general lack of development presence in the locality of the application site, and traditional farming is the prime land-use. The application site is not related to the settlement pattern, nor characterised by established development form. The presence of a mobile home, and an area of hardstanding, along with the seasonal presence of a touring caravan, are not elements that are characteristic of this part of the High Ham plateau. Hence I view the proposal as contrary to local landscape character, and thus failing to meet landscape policy objectives

Now a gypsy/traveller plot is established, the character of the field is changed accordingly, and it is noted that the presence of the existing plot is little perceived outside the site's confines. I consider that two additional plots within the same quarter of the field are unlikely to result in significant change to the immediate landscape context. Hence, whilst my initial view remains that in principle this is not an appropriate site for development, now that the current site is established, to provide an anchor for this further development, with minimal landscape impact beyond the site's confines, I am not inclined to raise a landscape objection.

REPRESENTATIONS

1 email has been received making general observations stating that since the approval of the previous application, the site has remained derelict, an authorised building has been erected, flooding at Rushley every winter makes the easterly exit from the site impassable as well as preventing vehicle access to westerly gate for much of the season, and household rubbish has frequently been dumped by the site with documents containing applicant's name and address.

CONSIDERATIONS

Principle and Need

The adjacent site has previously been granted consent for a gypsy pitch and accordingly it is considered that the principle of extending the current site to provide a further 2 pitches is acceptable, subject to meeting relevant local and national policies. The adopted Local Plan states a requirement for 23 gypsy pitches in the plan period up until 2028. Whilst it is accepted that the Council has met its pitch requirement up to 2015, (as outlined in the GTAA), there is a clear need for pitches. The Local Plan does not phase the delivery of pitches and this application would make a contribution towards meeting the need for pitches.

Gypsy status

The applicant is from a long established gypsy family in the area and the Council does not dispute his or his family's gypsy status. Following the recent revision to the Government's 'Planning Policy for Traveller Sites' in particular, in regard to the definition of a gypsy/traveller, the applicant confirmed that both he and his sons still maintain a nomadic way of life.

Moreover, a condition shall be attached to any consent restricting the use of the site to gypsy and travellers.

Landscape

The Landscape Officer objected to the previous application and maintains an in principle objection on landscape grounds to this current application. However, he accepts that the original approval has established a landscape context and that there would be no significant change to the immediate landscape context that justified a landscape objection. On this basis, it is not considered that there are any sufficient landscape grounds to refuse the application.

Concern is raised that there is no landscaping around the east and southern boundaries of the previously approved site. The applicant has orally stated that planting had been undertaken but has not proved successful. It is proposed that if this application is approved, then a condition shall be attached to secure appropriate screening of this site along with the boundary of the adjacent site.

Highways

The existing access to the west of the site will be used to serve the two additional pitches. Access is taken from a dead end road and thus, is very lightly trafficked. The Highway Authority has advised that the scheme would not generate a significant increase in vehicle movements and accept that guidance in Manual for Streets is acceptable for the visibility at the site entrance. Moreover, there is sufficient room within the site to park. Accordingly, the Highway Authority does not object to the proposed development subject to conditions.

Residential amenity

The application site does not adjoin any residential property and therefore, the scheme would not cause any adverse harm to residential amenity.

Flooding

The site is located in Flood Zone 1, thus the site has a low probability of flooding. Concern has been raised that the junction of Mildmays road and Standhill road has been flooded previously and become impassable. Whilst this point is not disputed, there is no evidence that this is a regular occurrence. Moreover, as with a recently approved gypsy site in Ashill, again in Flood Zone 1 but with evidence of occasional localised flooding, a condition shall be imposed on any consent to seek submission of a Flood Emergency Plan. This will detail what the occupants would be expected to do in the future should a flood event occur.

SECTION 106 PLANNING OBLIGATION/UNILATERAL UNDERTAKING

Not applicable to this application.

RECOMMENDATION

Grant Permission.

01. The proposal would make a contribution towards meeting the Council's identified need for gypsy/traveller pitches. It would not cause any severe highway impact and will have limited impact on the visual amenity of the rural area. The proposal is considered to be in accordance with policy advice in Planning Policy for Traveller Sites and Policy HG7 of the South Somerset Local Plan.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The site shall not be occupied by any persons other than gypsies and travellers, as defined in Planning Policy for Traveller Sites.

Reason: The Local Planning Authority would not wish to see a caravan site established in this locality except to meet the particular need to provide facilities for gypsies and travellers in accordance with Policy HG7 of the South Somerset Local Plan and policy guidance in Planning Policy for Traveller Sites.

03. The residential use hereby permitted shall be restricted to a maximum of 2 pitches, with a maximum of one mobile home/static caravan and one touring caravan per pitch.

Reason: In the interests of visual amenity and highway safety in accordance with Policy EQ2 and TA5 of the South Somerset Local Plan.

04. No business activities shall be conducted at the site without the express grant of planning permission.

Reason: In the interests of the character and amenities of the locality in accordance with Policy EQ2 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), no further gate, fence, wall, building or other means of enclosure or structure, other than those approved by this permission and as part of condition 6, shall be erected on the site without the express grant of planning permission.

Reason: The Local Planning Authority wish to exercise control over the matters referred to in the interests of visual amenity in accordance with South Somerset Local Plan Policy EQ2.

06. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and block plan date stamped 11th May 2015.

Reason: For the avoidance of doubt and in the interests of proper planning.

07. (i) Before any part of the permitted development is commenced, details of the boundary treatment which shall include the southern boundary of the adjacent pitch, details of the species, siting and numbers to be planted, and in the case of any fencing/walling to be erected, details of the materials to be used, shall be submitted to and approved in writing by the Local Planning Authority.

(ii) The details as referred to above, shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

(iii) For a period of five years after the completion of any landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and

species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Policy EQ2 of the South Somerset Local Plan.

08. No external lighting shall be installed within the site without the details having first been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan.

09. The development hereby approved shall not be commenced until a Flood Emergency Plan has been submitted to and approved in writing by the Local Planning Authority. Once approved, the applicant should follow the procedure in the event of flooding.

Reason: To ensure that any future residents of the site are aware of the procedure to follow in the case of a flooding event.

Agenda Item 19

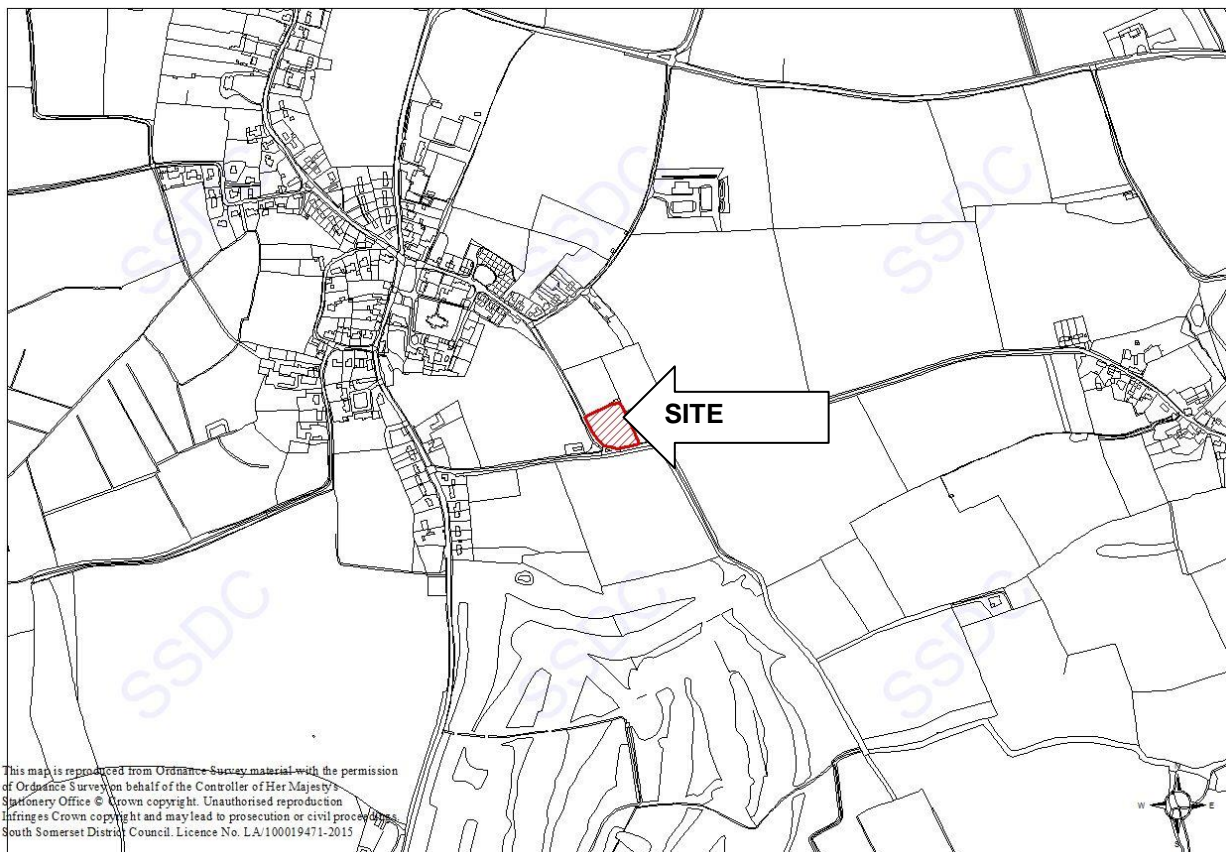
Officer Report On Planning Application: 15/05132/FUL

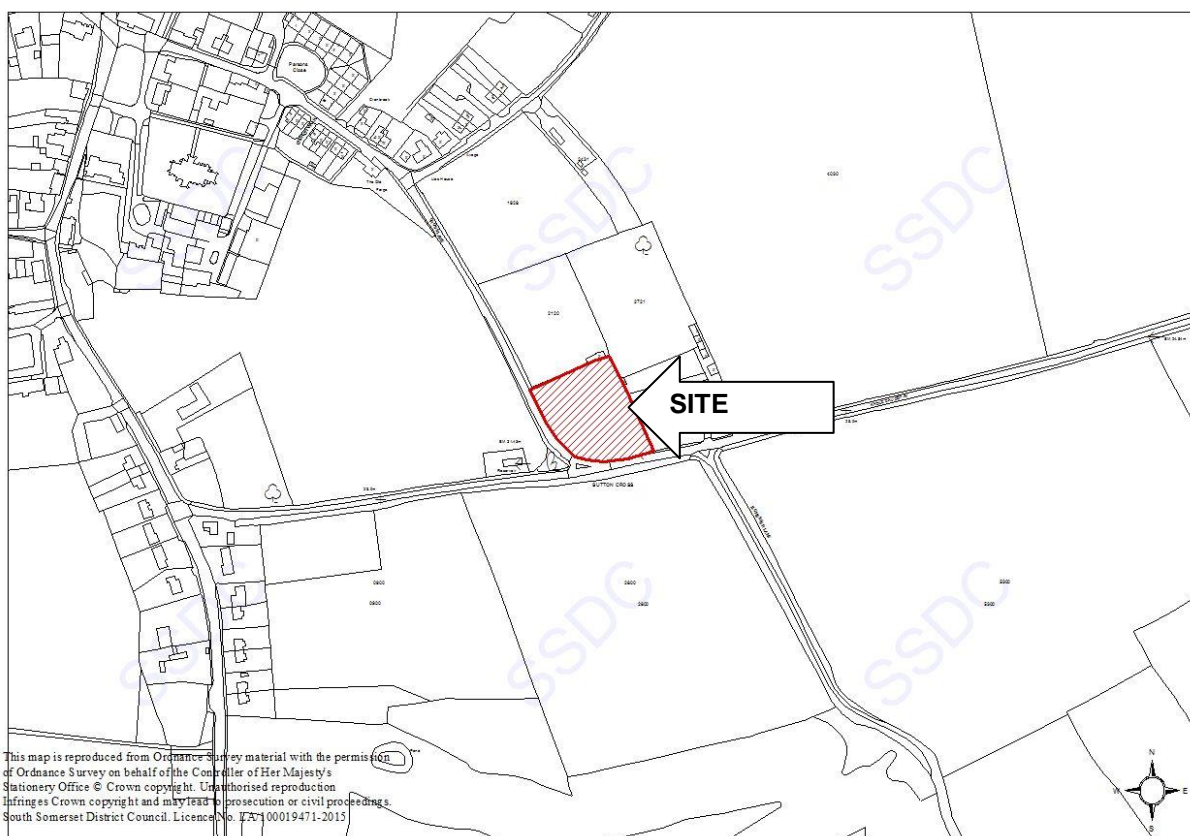
Proposal :	The conversion of outbuilding into a two bed annexe, the erection of a garage and proposed two storey rear extension to dwelling. (GR 347244/125128)
Site Address:	The Old Vicarage, Knole Causeway, Long Sutton.
Parish:	Long Sutton
TURN HILL Ward (SSDC Member)	Cllr Shane Pledger
Recommending Case Officer:	Stephen Baimbridge Tel: 01935 462321 Email: stephen.baimbridge@southsomerset.gov.uk
Target date :	14th January 2016
Applicant :	Mr And Mrs S Pledger
Agent: (no agent if blank)	Mr Francesco Della Valle Lake View, The Maltings, Charlton Estate, Shepton Mallet BA4 5QE
Application Type :	Other Householder - not a Change of Use

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the Area North Committee due to the position of the applicant within the Council, in-line with the Scheme of Delegation process.

SITE DESCRIPTION AND PROPOSAL





The site is located on the corner of Knole Causeway and Cross Lane, in Long Sutton.

The property is a characterful detached, two-storey dwelling, constructed of natural stone with some rendered elevations.

This application seeks permission for the conversion of an existing outbuilding into a two bedroom annex, the erection of a garage, and proposed two-storey rear extension to the dwelling.

HISTORY

None relevant.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the Emerging South Somerset Local Plan (2006-2028)

Policy SD1: Sustainable Development

Policy SS1: Settlement Strategy
Policy EQ2: General Development
Policy EQ3: Historic Environments
Policy TA5: Transport Impact of New Development
Policy TA6: Parking Standards

National Planning Policy Framework

Chapter 7: Requiring Good Design
Chapter 12: Conserving and Enhancing the Historic Environment

CONSULTATIONS

Long Sutton Parish Council - No objection to the application subject to the annexe being tied to the house.

County Highway Authority - Standing Advice applies.

Highways Consultant - No highways issues provided use of outbuilding is for ancillary purposes only.

REPRESENTATIONS

None received

CONSIDERATIONS

Principle of Development

The principle of providing an annex, garage, and extension to the dwelling, is acceptable as they are all to be used as ancillary to the existing dwelling. Accordingly, to avoid the proposed annex being extended to such a degree of self-contained accommodation that its nature as an ancillary building becomes altered, it is considered reasonable that any permission granted removes its permitted development rights to be extended.

The site is approximately 150 metres to the south-west of the Conservation Area, so the development is not considered to impact on the historic environment; therefore, Policy EQ3 is not considered relevant.

Visual Amenity

Extension to Dwelling

The proposed two-storey extension is considered to be of an appropriate design and detailing that respects the scale and design of the dwelling. The materials are stated as being to match the existing property, and characteristics of the property are well replicated, especially in relation to the proposed openings and their stone surrounds. On this basis it is not considered that the extension would harm the character of the property or have a detrimental impact on the visual amenity of the area.

Garage

The garage reflects the character of a coach house, well suited to its environs. Although it is a sizeable garage, it would not compete, visually with the main property, and as such maintains a subservient form, whilst not being of an out of keeping scale with the other buildings in the curtilage. The pantile roof and natural stone elevations are in-keeping with the materials

vernacular.

Annex

The existing outbuilding to be converted to residential accommodation would be largely unaltered from an external visual standpoint. The alterations primarily pertain to the replacement of some existing windows and doors, and the insertion of a rooflight. The minor alterations do not result in harm to the character of the building or vicinity.

In light of the above deliberations, it is not considered that the application would result in harm to the visual amenity of the area, in accordance with Policy EQ2.

Residential Amenity

It is not considered that the annex, garage, or extension result in a loss of privacy, loss of light, or an overbearing relationship with neighbouring properties. This is predominantly due to the isolated nature of the area, with only one immediate neighbour to the east, and the abstention of any clear-glazed east-facing windows in the garage or annex, it is not considered that there is any overlooking or loss of privacy. Accordingly, it is considered reasonable to remove permitted development rights for the creation or alteration to openings on the east elevation of the annex by reason of its situation on the boundary of curtilage. As a result, the proposal would not harm local residential amenity, in accordance with Policy EQ2.

Highways

The Highways Authority states that its Standing Advice applies to the application. There is no proposal to alter the access, so solely the impact of the additional accommodation - of the annex and dwelling extension - on parking provision will be considered. Further to the dimensionally compliant garage parking spaces, there is ample provision of parking to serve the planning unit. The application is considered to be compliant with the Standing Advice and policies TA5 and TA6.

Conclusion

The proposals are considered not to result in harm to local amenities or highways safety, and comply with policies SD1, SS1, EQ2, TA5 and TA6 of the South Somerset Local Plan, and the provisions of the NPPF.

RECOMMENDATION

Permission be granted subject to conditions.

The conversion of the outbuilding into an annexe, and the erection of an extension to the dwelling, and the erection of a garage are of appropriate designs, detailing, and size and would have no adverse impact on visual or residential amenity, or highway safety. As such the proposals comply with policies SD1, SS1, EQ2, TA5 and TA6 of the South Somerset Local Plan, and the provisions of the NPPF.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the following approved plans (except where directed otherwise by the conditions below): Drawing Number: F1270/100C; Drawing Number: F1270/101B; Drawing Number: F1270/102B.

Reason: In the interests of proper planning and for the avoidance of doubt.

03. The annex hereby permitted shall remain as ancillary to the principal dwelling and shall not at any time be used by way of independent living accommodation (even if occupied by persons of same household) and there shall be no subdivision of this single residential planning unit either by way of being let, or given or sold as a separate unit.

Reason: To ensure the accommodation remains ancillary to the existing dwelling and remains as a single planning unit.

04. Notwithstanding the provisions of Class E, Part , Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) no openings shall be created or altered on the east elevation of the annex hereby permitted without the prior benefit of planning permission.

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

05. Notwithstanding the provisions of Class E, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order) the annex hereby permitted shall not be extended without the prior benefit of planning permission.

Reason: In the interests of local amenities, in accordance with Policy EQ2 of the South Somerset Local Plan (2006-2028), and ensure that the annex remains ancillary to the main dwelling, as one planning unit.
