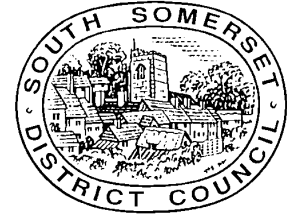


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 26th October 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 Tuesday 18 October 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
Crispin Raikes
Jo Roundell Greene

Dean Ruddle
Sylvia Seal
Sue Steele
Derek Yeomans

South Somerset District Council – Council Aims

South Somerset will be a confident, resilient and flexible organisation, protecting and improving core services, delivering public priorities and acting in the best long-term interests of the district. We will:

- Protect core services to the public by reducing costs and seeking income generation.
- Increase the focus on Jobs and Economic Development.
- Protect and enhance the quality of our environment.
- Enable housing to meet all needs.
- Improve health and reduce health inequalities.

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 26 October 2016

Agenda

Preliminary Items

1. Minutes

To approve as a correct record the minutes of the previous meeting held on 28 September 2016.

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 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 23 November 2016** (venue to be confirmed).

5. Public question time

6. Chairman's announcements

7. Reports from members

Items for Discussion

8. Annual Licensing Report to Area North Committee (Pages 9 - 13)

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

10. Planning Appeals (Pages 17 - 24)

11. Schedule of Planning Applications to be Determined By Committee (Pages 25 - 26)

12. Planning Application 16/03605/FUL - Land East of Ablake. A372, Pibsbury, Langport (Pages 27 - 34)

13. Planning Application 16/03175/FUL - Highfield Farm, Windmill Lane, Pibsbury, Langport (Pages 35 - 41)

14. Planning Application 16/03176/OUT - Highfield Farm, Windmill Lane, Pibsbury, Langport (Pages 42 - 48)

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

Annual Licensing Report to Area North Committee

Assistant Director: Laurence Willis, Assistant Director (Environment)
Service Manager: Nigel Marston, Licensing Manager
Lead Officer: Nigel Marston, Licensing Manager
Contact Details: nigel.marston@southsomerset.gov.uk or (01935) 462150

Purpose of the Report

The report provides an annual update on the activities of the Licensing Service under the Licensing Act 2003, Gambling Act 2005 and Taxi Legislation together with other general licensing matters for the financial year 2015/16

Public Interest

The report gives an overview of the work of the Licensing department of the Council. The report shows the various types of licenses, permissions and consents that are issued by the Council.

Recommendation

That the Committee note the report. Future reports will be provided on an annual basis.

Report Detail

Licensing Act 2003

Within the Licensing Authority's district there are currently 698 licensed premises. 670 of those hold Premises Licences while the remaining 28 benefit from Club Premises Certificates. In addition the authority is responsible for the issue and continued administration of 2,207 personal licences.

The Licensing Team also deal with approximately 550 Temporary Event Notices per year.

165 of these licensed premises are within Area North.

Inspections

Licensed premise inspections are carried out using a risk based approach. The higher the premise scores the more frequently it will be inspected. There are no premises in Area North that are considered to be high risk. The majority of premises are graded as medium to low risk, this will generally mean that they will be inspected every 2 to 3 years. There are currently 81 premises scheduled for inspection in Area North during this current financial year.

In order to further develop working relationships with premises in Area North, there is now a dedicated licensing officer for the area. That officer is Rachel Lloyd. It is very much hoped that by having a dedicated officer for the area, businesses will find it easier to discuss any issues, concerns or questions they might have in relation to licensable activities.

Enforcement

The pro-active educational partnership approach to enforcement with the aim of compliance through consent continues to be successful. Formal action against licensed premises following inspection visits has not been necessary.

Hearings

In the last financial year there were 12 applications for licences that were the subject of objections and were therefore scheduled to be heard by a licensing sub-committee. Hearings were only required in 7 cases as licensing officers were able to negotiate with the applicants and objectors to agree conditions that were suitable to both parties. Of the 7 hearings that took place, two were refused in their entirety and the remaining 5 were permitted with conditions. Only 1 of these hearings was in relation to a premise situated in Area North.

The Council has not received any applications to review any licenses this year.

In addition there are no outstanding appeals to the Magistrates' Court against the decisions of this Council's licensing sub committees.

Licensing Officers continue to offer advice and guidance to applicants and liaise regularly with partner agencies to ensure the best possible service is provided by the Licensing Authority.

Gambling Act 2005

Within the Licensing Authority's area there are now 25 premises licensed under the Gambling Act. None of these premises are situated in Area North. There are also 220 Small Society Lotteries registered.

Premises Inspections

The Licensing Authority is required to inspect premises licensed under the Gambling Act in accordance with the advice given by the Gambling Commission. I can report that all premises licensed under the Gambling Act were inspected this year.

Enforcement

Currently the Authority's role remains one of education and assistance. To date no formal enforcement action has been required and it is anticipated that as with the Licensing Act close working with partner agencies will prove most beneficial.

Hearings

Since the last update report there has been no requirement for any hearing relating to applications made under the Gambling Act. As is the case with the Licensing Act 2003 if there are no representations made against an application and in all other respects the application is properly made then there is no requirement for a hearing.

Taxis

Within the Licensing Authority's district there is currently a fleet of 285 licensed vehicles, the split between the various vehicle types is shown below:

	April 2016	WAV %	2015 DfT return¹	WAV %	2013 DfT return	WAV %
Total Fleet HCV's & PHV's (WAV's in brackets)	285 (29)	10.1	326 (13)	3.98	246 (12)	4.8
HCV's (WAV's in brackets)	175 (20)	11.4	234 (13)	5.5	181 (11)	6.07
PHV's (WAV's in brackets)	110 (9)	8.1	92 (0)	0.0	65 (1)	1.5

(WAV = Wheelchair Accessible Vehicle)

There are currently 351 licensed drivers and 45 licensed private hire operators across the district.

Enforcement

The Licensing Team has continued the education based enforcement and monitoring approach to the Hackney Carriage and Private Hire drivers and vehicles we have used with the Licensing Act. Again close liaison is maintained with partner agencies and the taxi trade to ensure that the principles of consistency, transparency and proportionality are maintained.

The Licensing Service's taxi enforcement operations are continuing with the police and other partner agencies, although due to police resources we are unable to undertake as many of these operations as we would like. Two large-scale stops were organised in the last year along with several smaller scale operations. Further dates are currently being arranged.

The Enforcement Officer continues to carry our regular weekly day time checks and late night checks on taxis. These checks are carried out across the district.

Sixty three taxi/private hire related complaints were received in the past six months, which resulted in the issuing of seven stop/prohibition notices, three for vehicle damage, two for tyres at or below minimum tread level and two for failure to provide proof of insurance.

The Enforcement Officer has issued penalty points on thirty occasions for more minor issues in line with the Taxi Licensing Policy & Guidance:-

- Eight for failing to notify licensing of driving endorsements.
- Ten for failing to declare endorsements on application for renewal of drivers badge.
- Three for leaving vehicle unattended on a taxi rank.
- Three for failing to display rear plate correctly.
- Two for failing to notify licensing of change of address.
- Two for failing to display a roof sign on a Hackney Carriage Vehicle
- One for failing to notify Licensing of an accident involving a Hackney Carriage Vehicle.
- One for not having badges whilst working.

1

DfT = Department for Transport

Hearings

There has been one hearing relating to Hackney Carriage and Private Hire licensing during 2015/16. As a result of the hearing the applicant was refused the renewal of his hackney carriage drivers badge.

The applicant appealed the decision to the Magistrates Court and the case was heard before District Judge Taylor on the 4th October. The judge dismissed the applicants appeal and awarded cost of £4,321.12 to be paid by the appellant. The judge praised the Council's preparation and evidence during his judgement. He was also complimentary of the Council's Taxi Licensing Policy.

Street Trading Consents

A total of 150 Street Trading Consents have been issued, these are 7 permanent consents and 143 casual consents.

Animal Welfare

The table below shows the number of licenses issued in the year.

	Area North	Area East	Area South	Area West	Total
Animal Boarding	20	11	9	16	56
Pet Shops	2	1	0	0	3
Dangerous Wild Animals	0	1	1	0	2
Dog Breeding Establishments	1	0	0	1	2
Riding Establishments	2	2	1	1	6

All animal welfare establishments' are subject to annual inspection. 100% of these premises were inspected during 2015/16

Scrap Metal Dealers

The licensing enforcement officer carried out bi-monthly compliance inspections on all scrap metal collectors and three monthly inspections for scrap metal site licence holders to ensure they are compliant with the requirements of the Scrap Metal dealers Act.

Due to police restructuring the assistance of a dedicated Police Officer to accompany and assist the Enforcement Officer on these inspections is no longer available.

SSDC currently licence seventeen sites and thirteen collectors. Five sites are located within Area North and 4 registered collectors reside within the area.

Road Closures

SSDC issued 46 road closures in the last year. These are issued to allow events, processions, carnivals etc. to take place safely. Of the total issued 16 were in Area North.

Legal Implications

There are no legal implications contained within the report.

Financial Implications

The Licensing Section generated an annual income of £297,436 in 2015/16, against a budgeted income of £312,050. Expenditure was £262,088 against a budgeted expenditure of £246,060.

Expenditure was high due to the costs of legal advice and appeals. This accounts for approximately £13k of additional expenditure.

Income was down as predicted and stated in last year's final figures. This was due to preventing out of area drivers from licensing with South Somerset. This was a loss of approximately £16k of income when compared to the previous year.

Corporate Priority Implications

Increase economic vitality and prosperity – The Licensing service contribute to this priority by ensuring businesses are not overburdened by inspections, and that all inspections are targeted based on a risk assessment protocol.

Ensure safe, sustainable and cohesive communities – The Licensing service are at the forefront of balancing the needs of the night time economy with the needs of local residents and ensuring the safety of the public.

Deliver well managed, cost effective services valued by customers – The Licensing service provide valuable help and guidance on all licensing matters, which is valued by customers. The service also generates a substantial income, which enables it to be virtually self-funding. It is not possible for the service to be fully self-funding as several licences and permits do not require a fee to be paid or the statutory fee set by Government does not adequately cover the cost of the particular licensing regime.

Carbon Emissions and Climate Change Implications

None

Equality and Diversity Implications

None

Background Papers

None

Agenda Item 9

Area North Committee – Forward Plan

Assistant Directors: Helen Rutter, Communities
Service Lead Sara Kelly, Area Development Lead (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
23 Nov '16	Area North Development Plan	Half-yearly update report including financial statement.	Sara Kelly, Area Development Lead (North)
23 Nov '16	Rural Transport	Update report	Nigel Collins, Transport Strategy Officer
23 Nov '16	Somerton Town Council Grant Application	Grant application for upgraded projector equipment & signage.	Chereen Scott, Neighbourhood Development Officer
<i>14 Dec '16</i>	<i>Area North Committee Arrangements</i>	<i>Review of Area North Committee Arrangements</i>	<i>Helen Rutter, Assistant Director (Communities)</i>
<i>14 Dec '16</i>	<i>Policing and Community Safety</i>	<i>Update report / presentation</i>	<i>Steve Brewer, Community Safety Co-ordinator / Representative from Avon and Somerset Police</i>
<i>25 Jan '17 or 22 Feb '17</i>	<i>Arts & Entertainment Service Update Report</i>	<i>Annual Update Report</i>	<i>Adam Burgan, Arts & Entertainments Manager</i>

Meeting Date	Agenda Item	Background / Purpose	Lead Officer(s) SSDC unless stated otherwise
<i>9 Feb '17</i>	<i>Annual Area North Meeting 6.00pm to 8.00pm</i>	<i>For parish and town councils to discuss issues of mutual interest with SSDC and other key agencies and create a networking opportunity.</i>	<i>Helen Rutter, Assistant Director (Communities)</i>
<i>March '17</i>	<i>Feedback from the Annual Area North Meeting</i>	<i>Members to discuss issues raised at the Annual Area North Meeting</i>	<i>Helen Rutter, Assistant Director (Communities) Sara Kelly, Area Development Lead (North)</i>
<i>TBC</i>	<i>Rural Housing Needs</i>	<i>Update report</i>	<i>Alice Knight, Welfare and Careline Manager</i>
<i>TBC</i>	<i>Endorsement of Community Led Plans</i>	<i>Curry Rivel Parish Plan South Petherton Parish Plan and Neighbourhood Plan</i>	<i>Sara Kelly, Area Development Lead (North)</i>

Agenda Item 10

Planning Appeals (For information)

Assistant Director: Martin Woods (Economy)
Service Manager: David Norris, Development Manager
Lead Officer: David Norris, Development Manager
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

15/04864/COL - West End Stores, West Street, Stoke Sub Hamdon, Somerset TA14 6QL
Certificate of lawfulness for the existing use of mixed storage and residential purposes with ancillary retail.

16/00773/FUL – Land Adjoining 4 Broadbridge Road, Beercrocombe, Taunton, Somerset
Concessional siting of private mobile home on former residential vacant plot.

Appeals Dismissed

15/02894/FUL - Old Mill Cottage, Langport Road, Huish Episcopi, Langport TA10 9QT
Erection of a mixed use shed building to house historic tractors and business storage. Change of use from agricultural land to commercial use. Replacement of some sheds, and the erection of an open-fronted car port for mixed use of B8 (Storage or Distribution) and domestic storage.

The Inspector's decision letter is shown on the following pages.

Appeal Decision

Site visit made on 5 September 2016

by Thomas Bristow BA MSc MRTPI

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

Decision date: 26 September 2016

Appeal Ref: APP/R3325/W/16/3146588

Old Mill Cottage, Langport Road, Huish Episcopi, Langport TA10 9QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Chris Macklin against the decision of South Somerset District Council.
 - The application Ref 15/02894/FUL, dated 22 June 2015, was refused by notice dated 29 February 2016.
 - The development proposed is described on the application form as *'to erect a mixed use shed building to house historic tractors and to allow for the storage of items relating to the applicant's part-time and informal online trading business. As such, the application also entails a change of use from agricultural land to allow for the commercial element of the building's use. A number of existing sheds in poor repair will be replaced as part of the process. The proposals also specify the erection of an open-fronted car port. It is proposed that half of the development will be designated as B8 (Storage or Distribution) space, whilst the remaining will be designated C3 (Dwelling House) space.'*
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) whether or not it has been demonstrated that the proposal would be acceptable in relation to the safe operation of the highway network in the vicinity of the appeal site, and
 - 2) the effect of the proposal on the character and appearance of the area, with particular regard to the setting of the Grade II Listed Rose and Crown public house.

Reasons

Highway network

3. Old Mill Cottage (the 'Cottage') is set within a narrow lengthy plot. There are presently two vehicular accesses to the land associated with it from the A372, one directly in front of the property and the other beyond its easterly side

elevation.¹ The latter provides access by means of a gravelled area of land to the location of the buildings proposed, and is the access subsequently referred to in this decision. The access also serves parking provision associated with the Rose and Crown, which is also presently advertised as Eli's Inn and which is served by a further vehicular access.²

4. The Council's officer report associated with the original applications (the 'officer report') sets out that the South Somerset District Council Highway consultant expressed concerns regarding the potential increased use of the access resulting from the development proposed. The appellant was consequently invited to provide further information related to the visibility from which the junction benefits and details of the likely additional intensity and type of vehicular movements that would arise. I am satisfied that the appellant has had the opportunity to provide relevant information in this respect.
5. The appellant has explained that, although it is not the intention that the proposal would generate additional traffic, between an additional 5 and 10 vehicular movements a week may result.³ Whilst the Council ultimately arrived at a different view than the recommendation made within their officer report,⁴ therein it is nevertheless indicated that '*the primary use of the buildings would be for the extended domestic use of the site*', and that the access currently benefits from a reasonable level of visibility.
6. I understand that the appellant already conducts some commercial activity from the appeal site, which he describes as a hobby related to the trading of household items. The officer report similarly summarises that this activity amounts to a small scale '*almost ancillary level of activity*'. However there is no evidence before me to indicate that any of the appeal site benefits from extant permission for a commercial or business use, and it therefore follows that the commercial trading presently undertaken is secondary in nature to the established residential use. There is no indication as to the extent of land or floorspace currently given over to these commercial activities.
7. Although the appellant contends that any existing buildings within the appeal site are now immune from enforcement,⁵ the appeal site encompasses a far more extensive area of land than is established domestic curtilage. Application Ref 98/01620/COU set the extent of domestic curtilage associated with the property, which falls only slightly beyond the furthestmost elevation of the proposed car port. This is significant as the entirety of what is described as the 'mixed use shed' would be located beyond the established domestic curtilage.
8. According to the stated dimensions on drawing entitled AB5258-2/4 supporting application Ref 15/02894/FUL, the floorspace of this element of the proposal would amount to approximately 142 square metres. Section 18 of the associated application form indicates that 102 square metres of use class B8

¹ Notwithstanding condition 6 of planning permission Ref 98/01620/COU, the access directly in front of the property was open and appeared to be available for vehicular use at the time of my site visit.

² I note that the appellant explains that access to the parking provision associated with the public house is by way of an informal agreement, and that the access itself is within the same ownership as the Cottage.

³ With reference to paragraphs 6.11.1 and 6.9.2 of his appeal statement.

⁴ Members are not bound to accept the recommendations made by their officers, but must act reasonably on the basis of valid material planning reasons in doing so.

⁵ With reference to the provisions of Section 171B of *The Town and Country Planning Act 1990* as amended.

'storage or distribution' floorspace would be created.⁶ Therefore whilst a proportion of the mixed use shed is intended to relate to domestic use, the vast majority would relate to commercial use.

9. Policy TA5 '*Transport impacts of new development*' of the *South Somerset Local Plan 2006-2028* adopted on 5 March 2015 (the 'Local Plan') establishes that development should be served by safe access, and that the nature and volume of traffic generated must not compromise the safe operation of the road network. Likewise the Framework sets out that decisions should take account of whether safe and suitable access to the site can be achieved for all people, and that severe residual cumulative impacts of development may justify refusal of permission on transport grounds.⁷
10. The mixed use shed represents a significant increase in the capacity of the appeal site to host commercial activity, of a scale which appeared to me to compete with rather than being subservient to that of the Cottage. I appreciate that it is not the current intention of the appellant to significantly increase the intensity of commercial activity conducted on site as a result of the proposal. However this intention may not be enduring, shared by future owners, and in my view could not be directly limited by a suitably precise or enforceable condition.⁸
11. As described above, the commercial element of the proposal would be beyond the established residential curtilage of the property and may be accessed separately from the Cottage. For these reasons, and in the absence of any evidence as to how the predicted increase in vehicular movements that may result from the proposal has been calculated, it appears to me that the proposal clearly has the potential to result in a significant additional intensity of commercial use and consequently substantially higher number of vehicular movements than that which presently occurs or that which has been predicted.
12. Whilst the existing access appears to offer a reasonable level of visibility, there is also no information before me to establish definitively whether it accords with the relevant standards set in Section 7 of the Government's *Manual for Streets* (MFS).⁹ There is likewise no information before me in respect of the type of vehicular movements that would be associated with the commercial element of the proposal, or indeed as to whether there are any previous recorded safety incidents in this location. Whilst the relevant access was approved in 1998, this pre-dated the publication of MFS and the Framework, and in any event it does not follow that an access suitable for residential use is also appropriate to accommodate commercial vehicular usage.
13. I would further note that that the recommendation for approval within the officer report is predicated on the proposal representing a modest change compared to the existing situation, which is not in my view demonstrably the

⁶ As established in the Schedule to *The Town and Country Planning (Use Classes) Order 1987* as amended (the 'UCO'). The proposed car port is variously described as for the '*domestic storage of historic cars*', i.e. within use class C3 '*dwellinghouses*' as defined by the UCO and for 'mixed use' in the evidence before me.

⁷ At paragraph 32 of the Framework.

⁸ With reference to the tests in paragraph 206 of the Framework.

⁹ Whilst there are photographs of this access within the appellant's appeal statement, no visibility splays are indicated within any information before me. The *Planning Practice Guidance*, Reference ID 21a-015-20140306, further sets out that a location plan accompanying an application should '*include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays...*'.

case, and moreover on the basis of imposing various conditions. The suggestion is made that the intensity of commercial use could be tied by condition *'to the occupier of the main dwelling'*. The *Planning Practice Guidance* (the *'Guidance'*) however, clearly establishes that *'planning permission runs with the land and it is rarely appropriate to provide otherwise'*.¹⁰ Moreover such a condition would not be effective in limiting the intensity of use of the commercial element of the proposal or associated vehicle movements: any intensity of commercial use could result provided that it was connected with the occupant of the Cottage. Similarly a condition requiring that the commercial use of the building was ancillary to the Cottage would in my view fail the test of enforceability given the scale and relatively independent location of the development proposed as identified above.

14. Prohibiting the sale of cars or tractors from the site via condition would not be relevant to the development proposed nor effective in limiting vehicular movements, given that the commercial use is stated as relating to the sale of *'household items'*. Whilst it is also suggested in the officer report that a condition could define the *'parts of the site that can be used for domestic or commercial purposes'*, there is no such specificity in the information presently before me, and as such a condition could not reasonably be imposed in this respect.¹¹
15. For the above reasons, particularly the lack of robust evidence in relation to the vehicular movements that may arise as a consequence of the nature of the development proposed, I cannot reasonably find that the proposal would not entail severe impacts or that suitable access would be achieved. Therefore on the basis of the evidence before me it has not been demonstrated that the proposal would be acceptable in relation to the safe operation of the highway network in the vicinity of the appeal site. Accordingly the proposal conflicts with the relevant provisions of policy TA5 of the Local Plan and with relevant elements of the Framework.

Character and appearance

16. The Cottage is a modest detached dwelling of relatively modern appearance located within the village of Huish Episcopi which is characteristic of the prevailing type and design of nearby properties. Its narrow linear plot, which is generally demarcated by hedgerows and mature trees, slopes down steeply from west to east and leads to the countryside bounding the settlement towards the north. The dispersed form of Huish Episcopi, the presence of undeveloped land falling irregularly between buildings, and views of the surrounding countryside from many locations within the village lend the area a clearly rural character.
17. Four outbuildings are currently present arranged in a line alongside the eastern boundary of the appeal site: a substantial stone-faced garage and three modest timber-clad sheds. All appeared at the time of my site visit to be variously used for the storage of tractors, vehicles and miscellaneous

¹⁰ Reference ID: 21a-015-20140306.

¹¹ The Guidance, Reference ID: 21a-012-20140306, establishes that conditions that would make development *'substantially different from that set out in the application'* should not be used, which would be the case here were such a condition to be imposed.

household items. Several further cars and tractors were openly stored to the front of the Cottage and scattered around the appeal site.

18. To the east the appeal site abuts a hardsurfaced area providing parking associated with the Rose and Crown which lies a short distance away, and an open flat field which is served by an access from this area (hereafter referred to simply as 'the field'). The historically intact principal elevation of the public house facing the A372 incorporates rough-cut stone courses, and the property features a thatched roof, features which are commensurate with its rural origins.
19. There are relatively few locations from which the appeal site and the Rose and Crown are visible in conjunction with one another, being separated by the field, intervening hedgerow and a stream. Whilst certain elements of the public house facing westwards towards the appeal site are more modern additions, and the area around the public house incorporates recently installed hardsurfacing and fencing, the presence of such features does not justify unacceptable development in the present.
20. I understand that the field is used for both community events and for functions which provide a direct income associated with the public house. Many nearby residents have explained that the field is as a consequence of significant importance to the village, and its value as such derives from its natural and open character. The Rose and Crown, which dates from around 1800,¹² would have emerged originally to serve residents of the surrounding rural community. Whilst the surrounding area is predominantly residential, I have nevertheless identified that it retains a rural character which is reflected in, and reinforced by, the characteristics of the field. As such the field, in my view, contributes to a historic understanding of the origins of the public house.
21. Policy EQ2 '*General Development*' of the Local Plan establishes that development must promote local distinctiveness and preserve or enhance the character and appearance of its surroundings. Policy EQ3 '*Historic Environment*' further sets out that all development must safeguard or enhance the significance, character, setting and local distinctiveness of heritage assets. Similarly Section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires me to have special regard to the desirability of preserving the setting of a Listed Building. Likewise The *National Planning Policy Framework* (the 'Framework') sets out that great weight should be given to the conservation of designated heritage assets, that any harm that would result from proposed development should be balanced against the public benefits that would arise.¹³ Neither the Framework,¹⁴ nor advice produced by Historic England confines the setting of a heritage asset to visual matters alone.¹⁵
22. On account of its limited height and the screening that would be afforded by the Cottage and the existing garage which would be unaffected by the development proposed, the car port would be barely perceptible from most

¹² As indicated on the Historic England List (entry Number: 1235466), although a number of nearby residents have indicated that its origins may be more distant.

¹³ Including at paragraphs 132- 134.

¹⁴ Annex 2 of the Framework defines 'setting' in this context as '*the surroundings in which a heritage asset is experienced*'.

¹⁵ *Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets*.

- public vantage points. However the mixed use shed would be significantly greater in scale and bulk, measuring approximately 27 metres in length and achieving a maximum height at certain points of approximately 3.8 metres, and would be situated very close to the eastern boundary of the appeal site. It would be timber clad with a sheet roof coloured green and of utilitarian design commensurate with that of many prefabricated agricultural buildings.
23. Only a small element of the mixed use shed would be visible between the flank elevation of the Cottage and its associated garage from vantage points along the A372. As a consequence, and on account of its understated design, from these locations in my view the shed would not appear to unduly encroach into the surrounding countryside or be readily perceived as incongruous with reference to the built form of its surroundings.
24. At the time of my site visit partial views existed of the outbuildings currently present from the field and parking area associated with the Rose and Crown through less dense sections of the hedgerow bounding the appeal site. It therefore appeared to me that as a consequence of its height and scale, the mixed use shed would be apparent from vantage points towards the east, particularly when deciduous tree cover is reduced during winter months (notwithstanding that the proposal includes the augmentation of existing planting along its eastern boundary with indigenous species matching those currently present).¹⁶
25. I have identified above that the proposal clearly has the potential to result in a significant additional intensity of commercial use compared to the present situation, which cannot reasonably be tempered by the imposition of associated conditions. As a consequence of this finding, and of the proximity of the mixed use shed to the field, it is highly likely that vehicular movements and commercial noise would be apparent to those making use of the field in addition to some degree of greater visual enclosure.
26. The development would therefore erode the natural rural characteristics of the field, which are both held to be important locally and significant in respect of an understanding of the historic origins of the Rose and Crown. Some harm to the historic rural setting of the Listed Building would therefore result. However in my view this harm cannot reasonably be described as substantial for the reasons identified in paragraph 19 of this decision. I am consequently not convinced on the basis of the evidence before me that this effect can be described as amounting to a '*significant or total loss*' of the public house as is the test set by policy EP15 '*Protection and provision of local shops, community facilities and services*' of the Local Plan. Nevertheless it is necessary to consider whether the public benefits of the proposal outweigh the harm that would result.
27. I acknowledge that the proposal would be beneficial to the appellant, and that the Framework both encourages flexible working practices and supports the sustainable growth of all types of business in rural areas. Critically, however the appellant sets out in final comments submitted at appeal that some level of commercial activity '*is likely to occur irrespective of the outcome of this*

¹⁶ Figure 3 of the appellant's appeal statement clearly shows that screening afforded by trees is significantly reduced in winter months.

application'. As such the economic benefits of the proposal do not carry significant weight in its favour.

28. The appellant further avers that the development proposed would allow for cars presently parked to the front of the Cottage to be relocated behind the dwelling and enable the various tractors currently stored openly behind the property to be suitably accommodated, thereby improving the general appearance of the site. However there is no evidence before me to indicate that improving the appearance of the appeal site in this respect is reliant on the proposal before me, and in any event there are other powers available to the Council to remedy adverse effects resulting from the condition of land.¹⁷ There is likewise nothing to indicate that the improvement of drainage provision on site is dependent on the outcome of this appeal.
29. Therefore whilst the proposal would have a comparatively limited visual effect in the wider area, it would nonetheless fail to preserve the setting of the Listed Building, resulting in harm which is not outweighed by the limited public benefits that would arise. For the above reasons I therefore find that the proposal would not have an acceptable effect on the character and appearance of the area with particular regard to the setting of the Grade II Listed Rose and Crown public house. Consequently in this respect the proposal fails to comply with the relevant provisions of policies EQ2 and EQ3 of the Local Plan and with relevant elements of the Framework.

Other Matters

30. I have noted the representations that have been made by many interested parties in relation to the potential effects of the proposal in respect of surface water run-off and contamination. However these matters do not form part of the Council's case, and there is nothing in the evidence before me to indicate that, subject to suitable mitigation measures, the proposal would be unacceptable in these respects. I have also noted representations made in relation to alleged breaches of planning control related to the appeal site, however have determined the appeal based on the cases that have been put to me, and it is for the local planning authority to consider whether or not any associated action is necessary here.

Conclusion

31. For the above reasons, and taking all other matters into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. The proposal does not represent sustainable development, and I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

¹⁷ For example notices served under Section 215 'Power to require proper maintenance of land' of the Town and Country Planning Act 1990 as amended.

Agenda Item 11

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 2.35pm.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	LANGPORT & HUISH	16/03605/OUT	Erection of two dwellings and garage block	Land East of Ablake A372, Pibsbury Langport TA10 9EJ	Mr & Mrs Morris
13	LANGPORT & HUISH	16/03175/FUL	Redevelopment of existing agricultural building to provide two 1.5 storey semi-detached dwellings	Highfield Farm, Windmill Lane, Huish Episcopi	Mr & Mrs David
14	LANGPORT & HUISH	16/03176/OUT	Outline application for the erection of two detached bungalows	Highfield Farm, Windmill Lane, Huish Episcopi	Mr & Mrs David

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 12

Officer Report on Planning Application: 16/03605/FUL

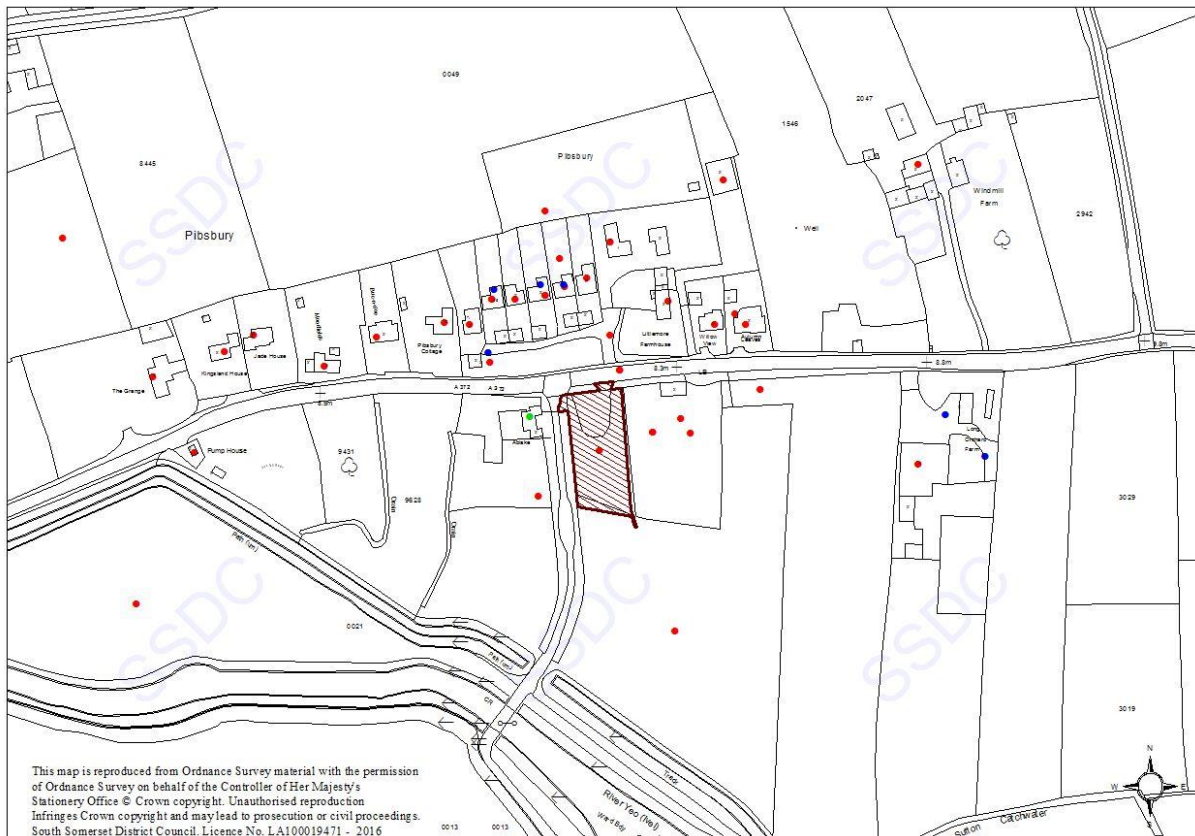
Proposal :	Erection of two dwellings and garage block
Site Address:	Land East of Ablake, A372, Pibsbury, Langport
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Cllr Clare Aparicio Paul
Recommending Case Officer:	Nicholas Head Tel: (01935) 462167 Email: nick.head@southsomerset.gov.uk
Target date :	28th October 2016
Applicant :	Mr & Mrs Morris
Agent: (no agent if blank)	Michael Williams, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The report is referred to the Committee at the request of the Ward Member to allow a full discussion of the issues raised by the application and local residents.

SITE DESCRIPTION AND PROPOSAL





The site is located on the south side of the A372, within the small settlement of Pibsbury, located between Long Sutton and Huish Episcopi / Langport. Pibsbury is a linear settlement of houses along the north side of the road, with few developments on the opposite side. The site itself is located between an existing dwellinghouse to the west (Ablake) and a site which currently had a single stone workshop building, but where permission was granted for the erection of 2 double storey houses. It formerly housed a service station. To the south of the site is open agricultural land and the Environment Agency's pumping station, access via a track running along the western boundary of the site.

Two previous applications for single dwellinghouses have been refused on the site. The current application is for the erection of two dwellings and a garage block.

HISTORY

15/05024/FUL: Construction of new dwelling house and garage. Resubmission of application 15/02517/FUL. The application was refused for the following reasons:

01. *The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local key services and as such will increase the need for journeys to be made by private vehicles. The proposal fails to enhance the sustainability of the settlement, and constitutes unsustainable development that is contrary to Policy SD1 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.*

02. *The proposal, by reason of its design, scale and massing, represents a dominant and visually intrusive development that fails to respect the established character and appearance of the locality, or to reinforce local distinctiveness of the setting, contrary to the aims of the*

NPPF and Policy EQ2 of the South Somerset Local Plan (2006 - 2028).

15/02517/FUL - Erection of a dwelling house and detached garage - refused

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
EQ2 General Development

National Planning Policy Framework (March 2012):

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.

CONSULTATIONS

Parish Council: *No objections in principle, although one larger dwelling might be more appropriate, and concerns remained regarding proximity to flood area.*

Highways Authority: No objection, subject to conditions.

SSDC Landscape Officer: *the revised proposal before us intends the construction of two sizeable residential units, sited between an existing modestly-scaled property, and to the west of the site of two recently consented detached units (application 15/00514).*

Pibsbury lays in a countryside context outside the built-up areas of Langport and Huish Episcopi, and is characterised by a limited ribbon of development, which is primarily to the north side of the road (the A372) and residential in character, whilst to the south of the A372, the land is primarily a mix of small fields/paddocks, along with a couple of sporadic small building groups irregularly interspersed along the roadside amongst the field systems. It is on this southern side of the road that the application site lays.

In consideration of the earlier application (15/00514) I viewed this southern side of the road to be characterised less by residential form, more by the mix of fields and pastures that act as a buffer and transition from the wider open moor to the south. As such, I considered the introduction of two substantial two-storey buildings to be both contrary to the local settlement pattern - to thus be at variance with local character (LP policy EQ2) - and at two-storey plus, to be visually intrusive in views toward the moors, and not in-keeping with the rural character of the locality.

To some extent, that view remains valid for this site, and whilst the recent consent now places this application between two residential plots, to provide an immediate built context, it also aggregates built form in a way that is at variance with the character of Pibsbury's housing between the road and the open moors. Whilst the plot in itself has no inherent landscape value, and the presence of the current hardstanding to the fore of the plot somewhat erodes its rural character, on balance there remains a landscape case against this proposal due to its likely impact upon local character & distinctiveness, LP policy EQ2.

SDDC Ecologist: No comment.

Natural England: No objection.

Lead Local Flood Authority: No comment received.

County Planning and Minerals: No comment received.

Parrett Drainage Board: No objection.

REPRESENTATIONS

Two letters of general support have been received:

- letter of support has been received from the manager of the EA depot to the south of the site, noting that development of this site would be helpful in removing the existing openness of the site, which would reduce visibility of the EA site, and thereby possibly the theft of equipment that has taken place.
- a neighbour generally supports the development as it would ensure that the site is developed and not used as a waste ground.

Six letters of objection have been received, raising the following main points:

- the proposal represents over-development of the site;
- a single dwelling would be supported;
- there is no east elevation to enable assessment of overlooking [note: this is incorrect];
- views from opposite the site would be harmed;
- there are highway safety concerns;
- the site could be subject to flooding;
- the proposal would result in excessive development on the south side of the A372
- the reasons given for the rejection of the two previous applications on the site remain pertinent;
- the design is not in keeping with the more traditional style in the area, and has unusual window design and relative sizing of the two dwellings;
- the proposal is out of character with the setting and settlement;

- the development is cramped - the houses are 'squeezed' onto the plot.

CONSIDERATIONS

Principle of Development

The site is effectively in open countryside, being on land peripheral to a small settlement with no services or facilities (Policy SS2 of the Local Plan is not applicable). The principle of development is therefore to be determined on the basis of whether the proposal represents sustainable development.

Two previous applications on the site have recently been refused (each for a single dwellinghouse) on the basis that the site is unsustainably located, and the development would foster growth in the need to travel by private vehicular transport.

In this respect, the principle of development for a single dwelling on the site has been clearly established, which is considered to be even more applicable to the two dwellinghouses proposed.

Five-Year Housing Land Supply

The Council cannot currently demonstrate an adequate 5-year housing land supply. In such cases, the NPPF advises that policies relevant to the supply of housing should be regarded as out of date. The NPPF notes (paragraph 49): Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant 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.

As with the previous two applications on the site, the application falls to be determined on the basis of its sustainability.

Sustainability

The application site is located in a rural settlement with no local services. The nearest key services available are those in Huish Episcopi / Langport, the developed edge of which is approximately 1km to the west. The nearest service, the public house at Huish Episcopi, is approximately 1.4km away, with Huish Episcopi Academy and the centre of Langport further away.

Paragraph 7 of the Framework advises that there are three dimensions to sustainable development: economic, social and environmental. To promote sustainable development in rural areas, paragraph 55 of the Framework advises that housing should be located where it will enhance or maintain the vitality of rural communities.

The economic role of sustainability includes contributing to the creation of a strong, responsive and competitive economy. There would be some economic benefits during the construction phase of the development, but these would be limited.

Social Role: The provision of two new dwellings, under the circumstances of an identified shortfall in overall housing provision, carries weight in favour of the proposal.

A further aspect of the **social role** of sustainability is accessible local services. The village has no services, and occupants would be largely dependent for their day-to-day needs on private vehicular transport. As set out above, and taking into account the previous refusals of

permission, the application fails to contribute towards sustainable development in this respect.

The **environmental role** of sustainability includes making a contribution towards the protection of the natural and built environment. Policy EQ2 of the Local Plan requires development to achieve a high quality of design which promotes local distinctiveness and preserves or enhances the character and appearance of the District. This Policy broadly accords with the NPPF's core planning principles relating to high quality design and the emphasis to be given to the different roles and character of different areas, and the conservation and enhancement of the natural environment.

The Landscape Officer has set out an objection to the proposed development of 2 large dwellings on this site. Notwithstanding recent development, the main development of the settlement has taken place on the north side of the Langport Road. The current proposal effectively develops the site from boundary to boundary (east to west), there being only 1.5m between the two buildings. The proposal would be harmful in that:

- it would significantly increase residential form on the south side of the road, contrary to the established character and pattern;
- the development would be visually intrusive in views towards the open moors, contrary to established character;
- built form is aggregated significantly at this point, contrary to the inherent character of the settlement.
- the massing of the two buildings, combined with the additional garage building at the front of the site, would be visually imposing, and out of character with the more dispersed nature of development on this side of the A372.

Note: Whilst the latter of the two recent refusals did not consider that the landscape harm was sufficient to warrant a refusal, the current application is for two dwellings rather than one. Under these circumstances, the Landscape Officer has assessed the harm to be sufficiently great to raise an objection.

The design has details which draw attention to the massing of the buildings, and which are not characteristic of the setting (especially the fully-glazed dormer windows on the principal elevation.)

The proposal is considered to represent a poor design response to the site, and harmful to the character of the setting of village within the open landscape to the south, and in this respect, the proposal is not considered to represent sustainable development.

Possible Precedents

The applicant quotes various other sites in the area as representing precedents for sustainable development. There are two sites to the east of this site on which development has been approved as 'sustainable'. However, these decisions have been based on particular circumstances. The site immediately to the east offered an enhancement of a previously developed site used for B1/B8 uses - this was the original reason for allowing residential development on this side of the A372 and on this site. Area North Committee subsequently extended this permission to two dwellings, after an Appeal Inspector had allowed retention of outbuildings in addition to a newbuild house. On the north side of the A372, a permission was similarly allowed (Former Atkins Garage) on the basis of a previous non-residential use.

Highfield Farm is also referred to. This site is at the western edge of Pibsbury, and significantly closer to Huish Episcopi. 'Walkability' to services and facilities is considered to be significantly better than this current site.

It is not considered that any of these cases indicate that this site should automatically be regarded as 'sustainable' - in all the various aspects referred to above.

Impact on Residential Amenity

The development leaves a gap of approx. 3m between the easternmost dwelling and the new development on the adjacent site. The buildings are placed within a similar building line. There is a single bathroom window on the east elevation, facing towards similar bathroom and kitchen windows on the adjacent development. Whilst the gap is narrow, it is not considered to result in demonstrable blocking of light. As the buildings are within the same general building line, it is not considered that this proximity would result in unacceptable overbearing of habitable living areas or outdoor space. Subject to a condition requiring obscure glazing, it is not considered that harmful overlooking would occur.

The gap between the proposed two dwellings is also narrow, but has no impact on light or outdoor space.

There are not considered to be any harmful amenity impacts that would indicate a refusal of the application.

Highway Safety and Parking

The application has been assessed by the Highway Authority, who raise no objections, subject to conditions. Adequate on-site parking can be provided.

Flood Risk

The site is outside of the flood zones where development would be constrained (i.e. it falls within Flood Zone 1). There is therefore no reason to object to the proposal on the basis of flood risk, subject to appropriate drainage arrangements being made on site.

Ecology

The site is within the 1Km consultation zone for the Wet Moor SSSI, located to the south of the site. No objection is raised by Natural England or the Council's Ecologist.

Parish Council Comments

As noted above, the site falls within Flood Zone 1 and there is no flooding reason for refusal of the proposal.

Neighbour Comments

The concerns raised by local residents have been considered and largely dealt with above. As discussed, there is not considered to be a level of amenity harm that would warrant refusal of the application. Whilst the positive impact of development is noted (i.e. tidying up and using the site) it is not considered that this outweighs the level of harm identified.

Conclusion

The proposal for two dwellings is of a design and scale that is out of character with the immediate setting and the locality. The massing of the proposed buildings would present an intrusive presence out of scale with and contrary to the established local character, increasing

built form along the south side of the A372.

Furthermore, the site is remote from services and facilities, in a rural settlement with no key services. Occupants of the proposed development would rely for day-to-day needs on private motor vehicle transport, and the dwelling would make no direct contribution to enhancement of the sustainability of the village.

The harmful impacts of the development have been weighed against the benefits of contributing two new dwellings towards the overall supply of housing in the district, and the small economic benefit of some local construction work resulting from the development. It is not considered that these benefits demonstrably outweigh the harm. The proposal is considered, on weighing this balance, to represent unsustainable development, and is recommended for refusal.

RECOMMENDATION

Refuse.

FOR THE FOLLOWING REASONS:

01. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local key services and as such will increase the need for journeys to be made by private vehicles. The proposal fails to enhance the sustainability of the settlement, and constitutes unsustainable development that is contrary to Policy SD1 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.

02. The proposal, by reason of its design, scale and massing, represents a dominant and visually intrusive development on the south side of the A372, that fails to respect the established character and appearance of the locality, or to reinforce local distinctiveness of the setting, contrary to the aims of the NPPF and Policy EQ2 of the South Somerset Local Plan (2006 - 2028).

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, the applicant was advised that the proposal did not accord with the development plan in important respects. There are not considered to be any material planning considerations to outweigh these problems.

Agenda Item 13

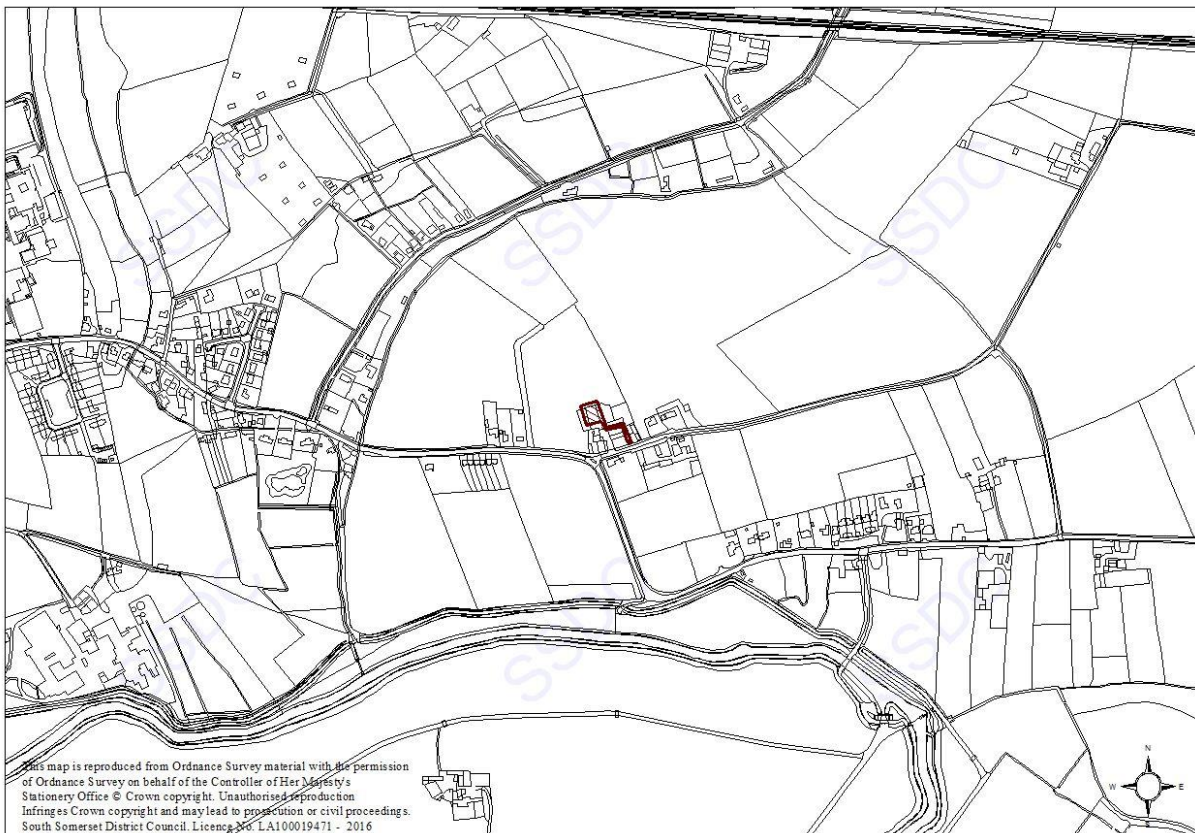
Officer Report on Planning Application: 16/03175/FUL

Proposal :	Redevelopment of existing agricultural building to provide two 1.5 storey semi-detached dwellings
Site Address:	Highfield Farm, Windmill Lane, Pibsbury
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Cllr Clare Aparicio Paul
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	15th September 2016
Applicant :	Mr & Mrs David
Agent: (no agent if blank)	Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Area Chair with the agreement of the Vice Chair to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The application relates to a former farm site situated on the north side of Windmill Lane in Pibsbury, a loose linear collection of properties located along the A372 to the east of Huish Episcopi. The site comprises a large portal frame agricultural building to the north of the former farmhouse. The remainder of the site to the south and south east is currently being developed following the grant of planning permission for the erection of two new dwellings and a barn conversion. Neighbouring properties are located to the east and south with open land to the north and west of the site. The site is also located approximately 585m from Wet Moor SSSI and 325m from Muchelney level County Wildlife Site. A concurrent application has been made on the land immediately to the east for outline planning permission for the erection of two single storey dwellings.

This application is made for the demolition of the existing agricultural building and replacement with a pair of semi-detached dwellings. The proposed dwellings are to have the appearance of an L shaped barn conversion and be constructed from natural stone with double roman roof tiles. Access is proposed via the new access arrangements provided for use by the new development to the south east.

HISTORY

- 16/03755/S73A: Application to vary condition 2 (approved plans) to planning permission 15/00931/FUL to allow for slight repositioning of plot 2 and single storey veranda to plot 1 - Pending consideration.
- 16/03716/OUT: Outline application for the erection of two detached bungalow - Pending consideration.
- 16/01490/S73: Application to vary condition 2 (approved plans) of planning permission 15/000931/FUL by substitution of revised plans 6408 - 01B,04B,05B and 02A - Permitted with conditions.
- 15/00931/FUL: Detailed design and layout for two dwellings, alterations to approved access

- and parking arrangements and the erection of a car port - Permitted with conditions.
- 14/04241/S73: Application to vary Condition 2 of planning permission 13/05050/FUL, with revised plans no's 6407-02, and 6407-01a (Porch enlargement) - Permitted with conditions.
- 13/05051/OUT: Conversion of redundant farm building to a dwelling - Permitted with conditions.
- 13/05050/FUL: Conversion of redundant farm building to a dwelling - Permitted with conditions.
- 13/03902/FUL: Proposed alterations and extensions to Highfield House - Permitted with conditions.
- 03/01738/AGN: Erection of an agricultural storage barn - Permitted with conditions.

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

SS4 - District Wide Housing Provision

SS5 - Delivering New Housing Growth

HG4 - Affordable Housing Provision

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

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

National Planning Practice Guidance

Design

Natural Environment

Rural Housing

Planning Obligations

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

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

CONSULTATIONS

Parish Council: No objections.

SCC Highway Authority: I am aware that there are two applications within the blue line site of the application that are being run simultaneously. One is for the erection of 2 detached bungalows and this application is for the redevelopment of an existing agricultural building to provide two 1.5 storey dwellings. The proposed access is to be used by both of the proposed applications.

The average dwelling generates 6-8 vehicle movements per day, however, this application must be considered alongside application 16/0317/OUT as it will have a direct impact on the proposed access. This will mean that there could be an additional 12-16 vehicle movements giving a total of approximately 24 vehicle movements. Between the two applications the proposed level of traffic that the site would generate is not deemed to be severe and it would be unreasonable to recommend refusal on these grounds.

The access is onto Windmill Lane which is an unclassified road that is subject to a 60mph speed limit. Windmill Lane can be considered to be lightly trafficked rural road and although it is within a 60mph speed limit, vehicle speeds are likely to be much lower due to the nature of the road and the proximity of the proposal to the A372. From my onsite observations vehicle speeds were lower than 30mph and as such Manual for Streets (MfS) can be used to establish the required visibility. Drawing number 6525-100A shows that the proposal has provided visibility splays of 2.4x43 metres with no obstruction greater than 600mm. The Highway Authority would not raise an objection to this aspect of proposal as it complies with the specifications as laid out in MfS.

Turning to the internal aspect of the proposal, the applicant must ensure that there is enough provision for parking and suitable space for turning within the application site. The application site sits within Zone C of the Somerset Parking Strategy (SPS). The application is for 2 four bedrooled units and Zone C of the SPS would require there to be 3.5 spaces per four bedrooled dwelling plus visitor parking. Drawing number 6525-100A shows that there will be a total of 3 spaces per dwelling which is below the specified amount in the SPS. However, the SPS offers guidance for parking levels and as such on balance the levels of parking would not draw an objection from the Highway Authority. The SPS also specifies that bicycle storage should be provided for the dwellings and enough space should be allocated for one bicycle per bedroom. This can be with the use of a garden shed but there should be direct access to the rear of the property from the front.

The applicant must ensure that under no circumstance should water be discharged onto the highway.

To prevent any loose material being deposited onto the highway, the applicant must ensure that the first 6 metres of the access as measured from the edge of the carriageway should be fully consolidated, i.e. no loose stone or gravel. This could avoid a potential highway safety concern.

The Highway Authority therefore raise no objection subject to the addition of suggested conditions.

Natural England: No objections.

SSDC Landscape Architect: I recollect the site from earlier applications, and am aware that we have already consented both conversion and new-build residential works here.

The farm site is currently characterised by both traditional and 20th century framed farm buildings. Whilst in a rural context, it has residential properties in close proximity, although these are a small collective that is an outlayer of the main settlement of Huish Episcopi to the west. The earlier consents allowed for the removal of the majority of the farm structures, and their replacement by domestic form and from a landscape standpoint, it was considered that this would bring about some reduction of the scale of built form on the site, and would relate to the adjacent residential properties. With containment of the new build and the extent of their domestic curtilage, and provision of landscape enhancement in the form of orchard planting, on balance I considered the proposals to be acceptable.

The current applications intend further residential development to the rear (north) of the current approved footprint. It would bring about an uncharacteristic concentration of residential form, in an aggregation that is at variance with the loose-grained and low level presence of established dwellings in the vicinity, which in most part address the lane. Mindful of the rural context, I view the proposal as failing to correspond to local character, and thus failing to comply with LP policy EQ2.

REPRESENTATIONS

None

CONSIDERATIONS

Principle of Development

The site is located to the east of Huish Episcopi, approximately 400m from the developed edge of Huish Episcopi, 800m from the public house, 1.3km from the entrance to Huish Episcopi Academy and 2km from Langport town centre (junction of The Hill and North Street/Cheapside). Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning

Authority are currently unable to demonstrate a five year supply of housing sites. As such, several recent appeal decisions have confirmed that in the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, the main consideration will be whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

As a starting point, the site forms part of a small group of buildings separate from the main settlement of Pibsbury to the south, and Huish Episcopi to the west. As such, this is not generally a sustainable location, however it is noted that it is within walking distance of several key services within Huish Episcopi, and there is a fully formed public footway that runs all the way to Huish Episcopi. Despite policy SS2 being viewed as out of date, the site has access to several key services referred to in this policy. Taking the above into account, the application site is considered to be adequately well located in relation to the key local services. As such, it is considered that the development of housing in this location may be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

Scale, Design and Appearance

This part of Windmill Hill contains a small group of housing predominantly in a linear pattern of development characterised by a loose-grained and low level presence of established dwellings in the vicinity, which in most part address the lane. There has been further development recently that broadly respects this established development character. This development, as proposed, will extend northwards beyond the existing residential development to the south, encroaching further into adjoining countryside. The proposal does include the removal of an existing barn, however this is an open frame building of agricultural form that is seen as part of the rural context of the area. Replacing this with residential development that includes domestic curtilage, parking and associated domestic paraphernalia, fails to respect the local character leading to an uncharacteristic extension of built form into open countryside, contrary to the prevailing pattern of development. The lack of 5 year land supply is noted, however the limited benefits associated with the development proposal are not considered to outweigh the harm to local distinctiveness caused by the encroachment into adjoining countryside.

Residential Amenity

The proposed dwellings are located at an appropriate distance, and orientated to avoid direct overlooking at close proximity and also avoid overshadowing or overbearing impact. It is therefore considered that there will be no unacceptable harm caused to the residential amenity of existing and future residents within the immediate area.

Highway Safety

The proposal includes making use of the recently constructed access serving the three new dwellings to the south. It is further proposed to provide four parking spaces per dwelling within site, as well as providing turning facilities. The Highway Authority have considered the proposal and raised no objection. While there will be an increase in traffic using this new access, it is not considered that this will cause a severe impact on highway safety. Subject to the imposition of appropriate conditions suggested by the Highway Authority, the proposal is considered to be acceptable from a highway safety point of view.

Other Issues

The site is also near to the Wet Moor Site of Special Scientific Interest (SSSI) and Muchelney

Level County Wildlife Site, however the proposed development is not considered to have any adverse impact on these national and locally important sites.

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district. In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore the Local Planning Authority are not seeking an affordable housing obligation from this development.

In considering this proposal initially, consideration was given to policy HG3 due to the size of the site, however in light of the above, no affordable housing contributions will now be requested.

Conclusion

It is considered that while the site is located within a reasonable distance to services within the nearby settlements of Huish Episcopi and Langport, the proposed development represents an uncharacteristic spread of residential development into adjoining countryside, at odds to the established pattern of development and to the detriment of local character. As such, the scheme is recommended for refusal.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. The proposed development, as a result of its form, scale and siting, introduces an uncharacteristic concentration of residential development at variance with the local pattern of development and thereby fails to preserve or enhance local character. As such, it has an unacceptable impact on the character, appearance and the rural context of the locality. The proposal is therefore contrary to policy EQ2 of the South Somerset Local Plan (2006-28) and provisions of chapters 7, 11 and the core planning principles of the National Planning Policy Framework.
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Agenda Item 14

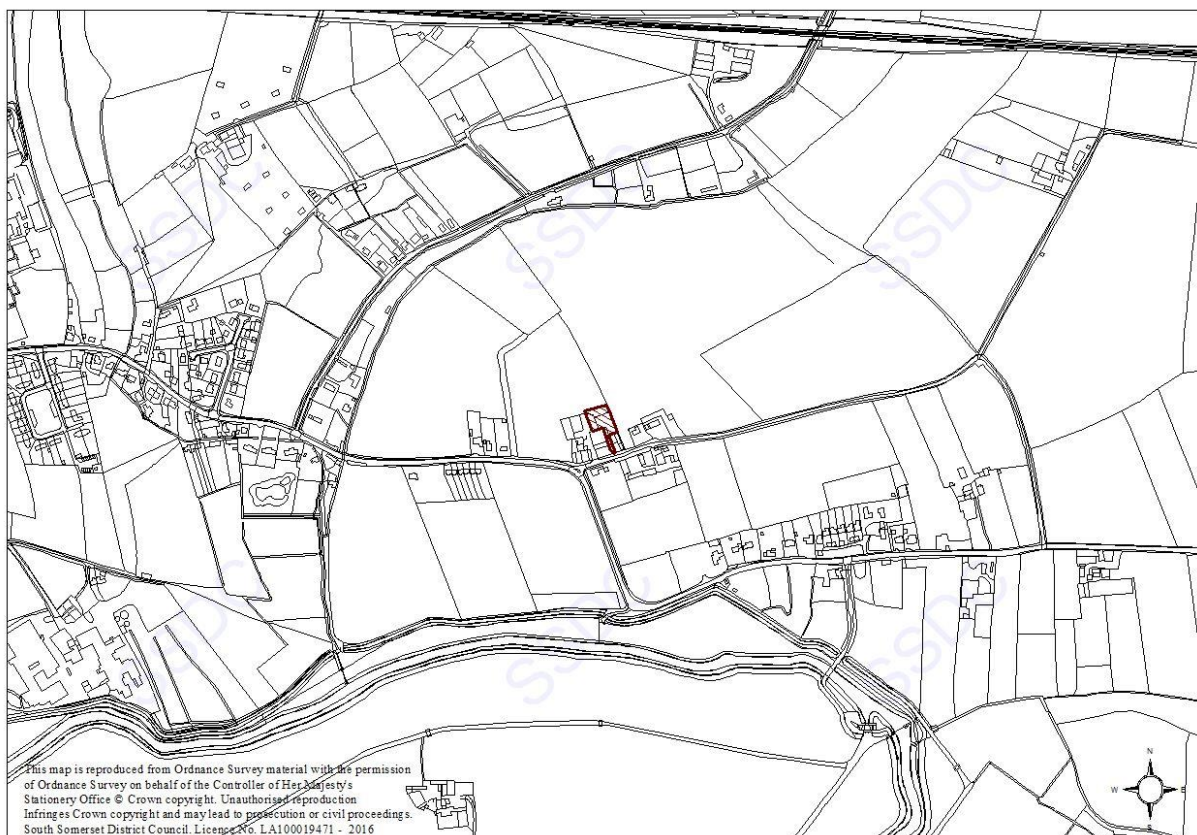
Officer Report on Planning Application: 16/03176/OUT

Proposal :	Outline application for the erection of two detached bungalows.
Site Address:	Highfield Farm, Windmill Lane, Huish Episcopi
Parish:	Huish Episcopi
LANGPORT AND HUISH Ward (SSDC Member)	Cllr Clare Aparicio Paul
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	15th September 2016
Applicant :	Mr & Mrs David
Agent: (no agent if blank)	Clive Miller, Sanderley Studio, Kennel Lane, Langport TA10 9SB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to committee at request of the Area Chair with the agreement of the Vice Chair to enable the issues raised to be fully debated by Members.

SITE DESCRIPTION AND PROPOSAL





The application relates to a former farm site situated on the north side of Windmill Lane in Pibsbury, a loose linear collection of properties located along the A372 to the east of Huish Episcopi. The site includes a large dilapidated portal frame which is expected to be removed and replaced with orchard planting required in connection with the grant of planning permission for the erection of two new dwellings and a barn conversion on land to the south. Neighbouring properties are located to the east and south with open land to the north and west of the site. The site is also located approximately 585m from Wet Moor SSSI and 325m from Muchelney level County Wildlife Site. A concurrent application has been made on the land immediately to the west for the erection of a pair of semi-detached dwellings.

The application is made for outline planning permission for the erection of two detached bungalows. Access is proposed via the new access arrangements provided for use by the new development to the south.

HISTORY

- 16/03755/S73A: Application to vary condition 2 (approved plans) to planning permission 15/00931/FUL to allow for slight repositioning of plot 2 and single storey veranda to plot 1 - Pending consideration.
- 16/03715/FUL: Redevelopment of existing agricultural building to provide two 1.5 storey semi-detached dwellings - Pending consideration.
- 16/01490/S73: Application to vary condition 2 (approved plans) of planning permission 15/00931/FUL by substitution of revised plans 6408 - 01B,04B,05B and 02A - Permitted with conditions.
- 15/00931/FUL: Detailed design and layout for two dwellings, alterations to approved access and parking arrangements and the erection of a car port - Permitted with conditions.

- 14/04241/S73: Application to vary Condition 2 of planning permission 13/05050/FUL, with revised plans no's 6407-02, and 6407-01a (Porch enlargement) - Permitted with conditions.
- 13/05051/OUT: Conversion of redundant farm building to a dwelling - Permitted with conditions.
- 13/05050/FUL: Conversion of redundant farm building to a dwelling - Permitted with conditions.
- 13/03902/FUL: Proposed alterations and extensions to Highfield House - Permitted with conditions.
- 03/01738/AGN: Erection of an agricultural storage barn - Permitted with conditions.

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
- SS4 - District Wide Housing Provision
- SS5 - Delivering New Housing Growth
- HG4 - Affordable Housing Provision
- TA5 - Transport Impact of New Development
- TA6 - Parking Standards
- EQ2 - General Development

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

National Planning Practice Guidance

- Design
- Natural Environment
- Rural Housing
- Planning Obligations

Policy-related Material Considerations

- Somerset County Council Parking Strategy (September 2013)
- Somerset County Council Highways Development Control - Standing Advice (June 2015)

CONSULTATIONS

Parish Council: No objections.

SCC Highway Authority: I am aware that there are two applications within the blue line site of the application that are being run simultaneously. One is for the erection of 2 detached bungalows and this application is for the redevelopment of an existing agricultural building to provide two 1.5 storey dwellings. The proposed access is to be used by both of the proposed applications.

The average dwelling generates 6-8 vehicle movements per day, however, this application must be considered alongside application 16/0317/OUT as it will have a direct impact on the proposed access. This will mean that there could be an additional 12-16 vehicle movements giving a total of approximately 24 vehicle movements. Between the two applications the proposed level of traffic that the site would generate is not deemed to be severe and it would be unreasonable to recommend refusal on these grounds.

The access is onto Windmill Lane which is an unclassified road that is subject to a 60mph speed limit. Windmill Lane can be considered to be lightly trafficked rural road and although it is within a 60mph speed limit, vehicle speeds are likely to be much lower due to the nature of the road and the proximity of the proposal to the A372. From my onsite observations vehicle speeds were lower than 30mph and as such Manual for Streets (MfS) can be used to establish the required visibility. Drawing number 6525-100A shows that the proposal has provided visibility splays of 2.4x43 metres with no obstruction greater than 600mm. The Highway Authority would not raise an objection to this aspect of proposal as it complies with the specifications as laid out in MfS.

Turning to the internal aspect of the proposal, the applicant must ensure that there is enough provision for parking and suitable space for turning within the application site. The application site sits within Zone C of the Somerset Parking Strategy (SPS). The application is for 2 four bedroomed units and Zone C of the SPS would require there to be 3.5 spaces per four bedroomed dwelling plus visitor parking. Drawing number 6525-100A shows that there will be a total of 3 spaces per dwelling which is below the specified amount in the SPS. However, the SPS offers guidance for parking levels and as such on balance the levels of parking would not draw an objection from the Highway Authority. The SPS also specifies that bicycle storage should be provided for the dwellings and enough space should be allocated for one bicycle per bedroom. This can be with the use of a garden shed but there should be direct access to the rear of the property from the front.

The applicant must ensure that under no circumstance should water be discharged onto the highway.

To prevent any loose material being deposited onto the highway, the applicant must ensure that the first 6 metres of the access as measured from the edge of the carriageway should be fully consolidated, i.e. no loose stone or gravel. This could avoid a potential highway safety concern.

The Highway Authority therefore raise no objection subject to the addition of suggested conditions.

Natural England No objections.

SSDC Landscape Architect: I recollect the site from earlier applications, and am aware that we have already consented both conversion and new-build residential works here.

The farm site is currently characterised by both traditional and 20th century framed farm

buildings. Whilst in a rural context, it has residential properties in close proximity, although these are a small collective that is an outlayer of the main settlement of Huish Episcopi to the west. The earlier consents allowed for the removal of the majority of the farm structures, and their replacement by domestic form and from a landscape standpoint, it was considered that this would bring about some reduction of the scale of built form on the site, and would relate to the adjacent residential properties. With containment of the new build and the extent of their domestic curtilage, and provision of landscape enhancement in the form of orchard planting, on balance I considered the proposals to be acceptable.

The current applications intend further residential development to the rear (north) of the current approved footprint. It would bring about an uncharacteristic concentration of residential form, in an aggregation that is at variance with the loose-grained and low level presence of established dwellings in the vicinity, which in most part address the lane. Mindful of the rural context, I view the proposal as failing to correspond to local character, and thus failing to comply with LP policy EQ2.

REPRESENTATIONS

None

CONSIDERATIONS

Principle of Development

The site is located to the east of Huish Episcopi, approximately 400m from the developed edge of Huish Episcopi, 800m from the public house, 1.3km from the entrance to Huish Episcopi Academy and 2km from Langport town centre (junction of The Hill and North Street/Cheapside). Policy SS1 (Settlement Strategy) highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements, are 'Rural Settlements', which policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in policy SS2. Policy SS2 states:

"Development in Rural Settlements (not Market Towns or Rural Centres) will be strictly controlled and limited to that which:

- Provides employment opportunities appropriate to the scale of the settlement; and/or
- Creates or enhances community facilities and services to serve the settlement; and/or
- Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general. Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation. Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at paragraph 5.41 (i.e. local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility, primary school)."

Usually applications in locations such as this would be considered against the settlement strategy contained within Local Plan policies SS1 and SS2, however the Local Planning

Authority are currently unable to demonstrate a five year supply of housing sites. As such, several recent appeal decisions have confirmed that in the context of the National Planning Policy Framework these policies should be considered out of date, as they are relevant to the supply of housing. In such circumstances, the main consideration will be whether any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

As a starting point, the site forms part of a small group of buildings separate from the main settlement of Pibsbury to the south, and Huish Episcopi to the west. As such, this is not generally a sustainable location, however it is noted that it is within walking distance of several key services within Huish Episcopi, and there is a fully formed public footway that runs all the way to Huish Episcopi. Despite policy SS2 being viewed as out of date, the site has access to several key services referred to in this policy. Taking the above into account, the application site is considered to be adequately well located in relation to the key local services. As such, it is considered that the development of housing in this location may be acceptable in principle, subject of course to the assessment of other appropriate local and national policy considerations, to determine whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

Scale, Design and Appearance

This part of Windmill Hill contains a small group of housing predominantly in a linear pattern of development characterised by a loose-grained and low level presence of established dwellings in the vicinity, which in most part address the lane. There has been further development recently that broadly respects this established development character. This development, as proposed, will extend northwards beyond the existing residential development to the south, encroaching further into adjoining countryside. The proposed development of this site would replace an area of proposed orchard planting approved in relation to the development to the south, which was intended to close off this development and act as a buffer to adjoining open countryside. Replacing this with residential development that includes domestic curtilage, parking and associated domestic paraphernalia, fails to respect the local character leading to an uncharacteristic extension of built form into open countryside, contrary to the prevailing pattern of development. The lack of 5 year land supply is noted, however the limited benefits associated with the development proposal are not considered to outweigh the harm to local distinctiveness caused by the encroachment into adjoining countryside.

Residential Amenity

The application is only for outline consent, however the proposed dwellings, as indicated are located at an appropriate distance, to nearby development to avoid overshadowing or overbearing impact. Final details of design, including position of openings will be addressed at reserved matters stage. It is therefore considered that development can be accommodated that would not lead to unacceptable harm to the residential amenity of existing and future residents within the immediate area.

Highway Safety

The proposal includes making use of the recently constructed access serving the three new dwellings to the south. It is further indicated that there will be space for three parking spaces per dwelling within site, as well as providing turning facilities. Final details of layout would ultimately be considered at reserved matters stage, however the Highway Authority have considered the proposal and raised no objection. While there will be an increase in traffic using this new access, it is not considered that this will cause a severe impact on highway safety. Similarly there is slight under provision of parking indicated, however again the Highway

Authority do not consider it to be something to warrant refusal in this case. Final details of layout would ultimately be considered at reserved matters stage, however the Highway Authority have considered the proposal and raised no objection. Subject to the imposition of appropriate conditions suggested by the Highway Authority, the proposal is considered to be acceptable from a highway safety point of view.

Other Issues

The site is also near to the Wet Moor Site of Special Scientific Interest (SSSI) and Muchelney Level County Wildlife Site, however the proposed development is not considered to have any adverse impact on these national and locally important sites.

Policies HG3 and HG4 of the adopted South Somerset Local Plan requires either on site provision of affordable housing (schemes of 6 or more units) or a financial contribution towards the provision of affordable housing elsewhere in the district. In May 2016 the Court of Appeal made a decision (SoS CLG vs West Berks/Reading) that clarifies that Local Authorities should not be seeking contributions from schemes of 10 units or less. It is considered that whilst policies HG3 and HG4 are valid, the most recent legal ruling must be given significant weight and therefore the Local Planning Authority are not seeking an affordable housing obligation from this development.

In considering this proposal initially, consideration was given to policy HG3 due to the size of the site, however in light of the above, no affordable housing contributions will now be requested.

Conclusion

It is considered that while the site is located within a reasonable distance to services within the nearby settlements of Huish Episcopi and Langport, the proposed development represents an uncharacteristic spread of residential development into adjoining countryside, at odds to the established pattern of development and to the detriment of local character. As such, the scheme is recommended for refusal.

RECOMMENDATION

Refuse

FOR THE FOLLOWING REASON:

01. The proposed development, as a result of its form, scale and siting, introduces an uncharacteristic concentration of residential development at variance with the local pattern of development and thereby fails to preserve or enhance local character. As such, it has an unacceptable impact on the character, appearance and the rural context of the locality. The proposal is therefore contrary to policy EQ2 of the South Somerset Local Plan (2006-28) and provisions of chapters 7, 11 and the core planning principles of the National Planning Policy Framework.