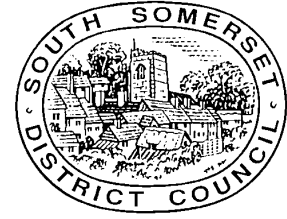


South Somerset District Council

Notice of Meeting



Area North Committee

Making a difference where it counts

Wednesday 28th September 2016

2.00 pm

**Village Hall
New Road
Norton Sub Hamdon
TA14 6SF**

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



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

The public and press are welcome to attend.

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

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

This Agenda was issued on Monday 19 September 2016.

Ian Clarke, Assistant Director (Legal & Corporate Services)

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



INVESTORS IN PEOPLE

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. 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. **Note: the Highways Officer will be in attendance at this meeting (September).**

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 28 September 2016

Agenda

Preliminary Items

1. Appointment of Vice Chairman

To appoint a Vice-Chairman for the remainder of the municipal year.

2. Minutes

To approve as a correct record the minutes of the previous meeting held on 24 August 2016.

3. Apologies for absence

4. 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.

5. 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 26 October 2016** at a venue to be confirmed.

6. Public question time

7. Chairman's announcements

8. Reports from members

Items for Discussion

9. County Highway Authority Report - Area North (Pages 9 - 10)

10. Grant to Long Load Village Hall Management Committee (Executive Decision) (Pages 11 - 16)

11. Area North Committee Forward Plan (Pages 17 - 19)

12. Planning Appeals (Pages 20 - 51)

13. Schedule of Planning Applications to be Determined By Committee (Pages 52 - 53)

14. Planning Application 16/02970/COU - Land Rear of Bladon Way, Folly Road, Kingsbury Episcopi. (Pages 54 - 59)

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 9

County Highway Authority Report – Area North

Lead Officer: Chris Weeks, Assistant Highway Service Manager, SCC
Contact Details: countyroads-southsom@somerset.gov.uk or 0300 123 2224

Purpose of the Report

To provide a brief report of the highway works carried out last financial year in Area North and our proposed works programme for 2016/2017.

Recommendation

That members note the report.

Surface Dressing

Surface Dressing is the practice of applying a bitumen tack coat to the existing road surface and then rolling in stone chippings. Whilst this practice is not the most PR friendly, it is highly effective in preserving the integrity of the road surface. This year we are Surface Dressing 50 sites across South Somerset. The Surface Dressing within South Somerset has already commenced and is due completion by the end of August.

Grass Cutting

Grass cutting is a difficult task to carry out to the satisfaction of all. The highway network exceeds 3500km in length; therefore the size of the task is significant. Verge cutting of main A and B roads are likely to commence on 16th May which will be followed by the C and D roads as indicated in the table and then a further cut of the visibility splays on A and B roads. The second cut to the A and B roads previously carried out by Somerset County Council has again been removed on approval by The Council members.

Road Classification	Dates
A and B roads (including visibility splays)	16 May -12 June
C and unclassified roads	13 June – 14 August
A and B visibility splays only	Mid to late August dependant on rate of growth
Environmentally protected sites	Usually at the end of the growing season

Schemes completed in 2015/2016

Lopen	Lopen Head Roundabout	Resurfacing	Completed
Huish Episcopi	Picts Hill	Resurfacing	Completed
Somerton	Walnut Drive	Footways	Completed
Tintinhull	St Margarets Road & Head Street	Footways	Completed

Muchelney	Thorney Road	Drainage	Completed
Curry Rivel	Parsonage Place	Drainage	Completed
Pitney	Stowey Road	Drainage	Completed
Fivehead	Ganges Hill	Drainage	Completed
Huish Episcopi	Meadow Close	Drainage	Completed
Curry Rivel	St Andrews Close	Drainage	Completed
Shepton Beauchamp	Lambrook Road	Drainage	Completed
Kingsbury Episcopi	East Lambrook Road (upgrade outfall)	Drainage	Completed
Long Sutton	Shute Lane	Earthworks	Not carried out

Schemes proposed for 2016/2017

This year's structural maintenance budget remains similar to last year. The below table identifies significant schemes to be implemented in North Area.

Aller	A372	Drainage	Funding TBC
Chilthorne Domer	Vagg Hollow	Drainage	Completed
Compton Dundon	B3151 Littleton Hill	Drainage	Completed
Curry Rivel	Red Hill	Earthworks	Badgers
Langport	The Avenue	Resurfacing	Q3/4
Langport	A372 Somerton Road/ Meadow Close	Drainage	Langport
South Petherton	Hele Lane (Ford)	Resurfacing	
Tintinhull / Chilthorne Domer	Yeovil Road	Drainage	Tintinhull/ Chilthorne Domer
Tintinhull	Thurlocks	Drainage	Q3

Winter Maintenance

Somerset County Council salts over 1400km (870 miles) of its roads in anticipation of frost, snow and ice. This is approximately 21% of the total road network in Somerset. Last winter was warmer than average, being slightly wetter than normal. We carried out precautionary salting on 46 occasions on primary routes and no secondary routes. These secondary routes are only usually salted after 3 consecutive days of sub-zero temperatures.

Chris Weeks

Assistant Highway Service Manager
Somerset County Council
South Somerset Area Highway Office

Please note new call centre contact number

Tel: 0300 123 2224

Problems on the roads can also be reported via the website:

<http://www.somerset.gov.uk/roads-parking-and-transport/problems-on-the-road/>

Agenda Item 10

Grant to Long Load Village Hall Management Committee (Executive Decision)

Assistant Director: Helen Rutter, Communities
Service Manager: Sara Kelly, Area Lead (North)
Lead Officer: Mary Ostler, Neighbourhood Development Officer (North)
Contact Details: mary.ostler@southsomerset.gov.uk or (01935) 462123

Purpose of the Report

Councillors are asked to consider the awarding of a grant for £5,000 towards the costs of renovation work on Long Load Village Hall and external improvements to the site.

Public Interest

Long Load Village Hall Management Committee has applied for financial assistance from the Area North community grants programme. The application has been assessed by the Neighbourhood Development Officer who has submitted this report to allow the Area North Committee to make an informed decision on the application.

Recommendation

It is recommended that councillors award a grant of £5,000 to Long Load Village Hall Management Committee, the grant to be allocated from the Area North capital programme (Local Priority Schemes), subject to SSDC standard conditions for community grants (appendix A) and the following special conditions:

- Access Review to identify future improvements

Application Details

Name of applicant	Long Load VH Management Committee
Project	Long Load VH Renovation and New Land
Total project cost	£40,652
Amount requested from SSDC	£5,000 (12%)
Recommended special conditions	Access review
Application assessed by	Mary Ostler, Neighbourhood Development Officer

Community Grants Assessment Score

The table below shows the grant scoring for this application. In order to be considered for SSDC funding under the Community Grants policies, applications need to meet the minimum score of 22.

Category	Actual Score	Maximum score possible
A Eligibility	Y	Y
B Equalities Impact	5	7
C Need for project	5	5
D Capacity of Organisation	13	15
E Financial need	5	7
F Innovation	2	3
Grand Total	30	37

Background

Long Load Village Hall is a Grade II listed building which, until 1960, was the village school. It was purchased for the village in 1965 to be used as the village hall. With the closure of the church and the public house, it is now the only public building in the village and used for a variety of purposes including clubs and meetings.

The hall is run by the Long Load Village Hall Management Committee (VHMC), an unincorporated organisation and registered charity (304576) set up for the maintenance of the fabric of the village Hall and its facilities together with the organisation of, and support for, community activities.

The hall has a single room plus kitchen and toilet facilities and stands on a plot with a small paved area outside. This is not enough to accommodate an event which needs outdoor space. Attempts to use the hall in conjunction with space on other sites for a village fete were not satisfactory as it involved people having to cross a busy road to move between activities. Parking space is also very limited, particularly for people needing easy access to the building. Parking behind the building avoids a steep slope which leads to the accessible entrance.

The need to keep the hall in a good state of repair is particularly important now that it is the only building left in the village for community activities and private social events.

Parish Information

Parish*	Long Load
Parish Population*	332
No. of dwellings*	156

*Taken from the 2011 census profile

The project

The project is in two parts:

Firstly, in the last twelve months successful negotiations have been completed with the owner of the land surrounding the hall for the donation of some land at the back as an amenity area for events, with space for disabled parking. There was no charge for the land. The legal and planning costs of £1,473 to complete the transaction were met by a grant of £1,000 from the Parish Council, with the balance from the VHMC.

To make use of this newly acquired land, expenditure is needed on fencing and gates, a hard base for a storage shed and reinforcement of the grass in the area where parking will be allowed.

Secondly, over the last three of four years it had become evident that expenditure was needed on the fabric of the hall. In particular, the metalwork in the windows is corroding, causing the glass and surrounding stonework to crack. Also the pointing is breaking away from the stone and allowing moisture into the walls, which has caused serious damp in places.

The committee had been looking at options for doing the most urgent work in stages but, following discussion with the District Council, decided that it was best to put together a single project and seek significant external funding.

The resulting project was submitted to the Heritage Lottery Fund which asked for the project to be extended to include activities which would widen knowledge of local heritage and make use of voluntary effort.

The overall project therefore now comprises work on the windows, repointing of external walls, rebuilding of a section of boundary wall, internal decoration, and a range of heritage tasks looking at the history of the village and, particularly, of the hall when it was used as the village school.

The result of the HLF bid has been a grant of £28,400

Local Support / evidence of need

In 2015 there were nine groups using the hall on a regular basis, including art groups, Health and Welfare, Table Tennis, and Connexions, in addition to charity events and ad-hoc lettings for public and private events.

Funds are raised from letting fees and from events run by the committee. For a number of years the Parish Council provided a grant to help with heating costs in the winter. However, this has not been needed in the last three years and the Parish Council has used the money to make a contribution to the renovation project.

Non-financial support will consist of voluntary effort in running the project, carrying out the heritage tasks and working on the internal decoration. In the bid to the Heritage Lottery Fund it was estimated that 15 volunteers would be involved in work on the projects in addition to people contributing information on local history. Using the HLF rates for volunteer time, this came to £8000 of non-financial support.

Project Costs

Renovation work	34,072
Heritage tasks	3,330
Costs associated with land	3,250
Total project cost	40,652

Funding Plan

Funding Source	Funds secured
Parish Council	2,000
Own funds	1,252
Clarks Foundation	4,000
Heritage Lottery Fund	28,400
Total secured	35,652
Amount requested from SSDC	£5,000*

Previous grants

None during the last three years.

The Village Hall is subject to Business Rate Relief as a charity

Consents and permissions

None applicable.

Conclusion and Recommendation

This application is for £5,000 representing 12% of the project cost. The VHMC have shown their commitment to maintaining the hall as the only public meeting place in the village and as a building which is also significant in the history of the community.

It is recommended that this application for £5,000 is supported.

Financial Implications

There is £184,655 available in the Area North capital programme for Local Priority Schemes. If the recommended grant of £5,000 is awarded, £179,655 will remain in this allocation for future years.

Council Plan Implications

The project supports:

Focus Four: Health & Communities

Area North Development Plan priority: Self-help and community facilities

Carbon Emissions & Climate Change Implications

Repair of the windows and repointing of the walls will help to maximise heat retention and minimise energy consumption. More public events in the village facilitated by an improved hall and outside space may reduce the need for villagers to travel further afield.

Equality and Diversity Implications

The exterior improvements will provide parking close to the level entrance at the back of the building, enabling safer access for people who have limited mobility and for small children.

As the only remaining community facility, the village hall is especially important as a base for activities for members of the community who may find it difficult to reach other locations.



Appendix A

Standard conditions applying to all Community Grants.

This grant offer is made based on the information provided in application form no. AN16/06 and represents 12% of the total project costs. The grant will be reduced if the costs of the total project are less than originally anticipated. Phased payments may be made in exceptional circumstances (e.g. to help with cash-flow for a larger building project) and are subject to agreement.

The applicant agrees to: -

- Notify SSDC if there is a material change to the information provided in the application.
- Start the project within six months of this grant offer and notify SSDC of any changes to the project or start date as soon as possible.
- Confirm that all other funding sources have been secured if this was not already in place at the time of the application and before starting the project.
- Acknowledge SSDC assistance towards the project in any relevant publicity about the project (e.g. leaflets, posters, websites, and promotional materials) and on any permanent acknowledgement (e.g. plaques, signs etc).
- Work in conjunction with SSDC officers to monitor and share the success of the project and the benefits to the community resulting from SSDC's contribution to the project.
- Provide a project update and/or supply before and after photos if requested.
- Supply receipted invoices or receipts which provide evidence of the **full** cost of the project so that the grant can be released.

Standard conditions applying to buildings, facilities and equipment

- **Establish and maintain a “sinking fund” to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.**
- **Use the SSDC Building Control service where buildings regulations are required.**
- **Use a contractor selected from the SSDC approved list for play area facilities.**
- **Incorporate disabled access and provide an access statement where relevant.**

Special conditions

Access Review to identify any future improvements needed.

Agenda Item 11

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
26 Oct '16	<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>
26 Oct '16	<i>Licensing Service</i>	<i>Update report on the Licensing Service.</i>	<i>Nigel Marston, Licensing Manager</i>
23 Nov '16	<i>Area North Development Plan</i>	<i>Half-yearly update report including financial statement.</i>	<i>Sara Kelly, Area Development Lead (North)</i>
23 Nov '16	Rural Transport	Update report	Nigel Collins, Transport Strategy Officer
23 Nov '16	<i>Rural Housing Needs</i>	<i>Update report</i>	<i>Alice Knight, Welfare and Careline Manager</i>
14 Dec '16	<i>Area North Committee Arrangements</i>	<i>Review of Area North Committee Arrangements</i>	<i>Helen Rutter, Assistant Director (Communities)</i>

<i>Late Feb '17</i>	<i>Annual Area North Meeting</i>	<i>For parish and town councils to discuss issues of mutual interest with SSDC and other key agencies and create a networking opportunit.</i>	<i>Helen Rutter, Assistant Director (Communities)</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 12

Planning Appeals

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

Purpose of the Report

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

Public Interest

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

Recommendation

That members comment upon and note the report.

Appeals Lodged

16/00052/OPERA - Land adjoining Windmill Acres Farm, Windmill Lane, Pibsbury, Langport.
Two appeals against serving of enforcement notice.

15/04738/OUT – Land at Trays Farm, Street Road, Compton Dundon.
Outline application for the erection of two dwellings.

15/00197/COND – Crimson Orchard, Top Road, Curry Mallet.
Appeal against serving of enforcement notice.

16/00612/FUL – Land adjoining 15 Broadmead Lane, Norton Sub Hamdon.
Erection of a single storey eco dwelling and relocation and alteration to existing access.

15/04897/COL – Land at OS 0675, Town Way Field, Langport Road, Muchelney.
Application for lawful development certificate for the existing use of land as a caravan and camping site including use of the barn in association with the caravan and camping site.

Appeals Dismissed

14/04723/FUL – Land OS 6375, Ringwell Hill, Bower Hinton, Martock.
Proposed residential development of 49 dwellings, public open space and associated infrastructure, including drainage attenuation pond.

14/05234/OUT – Land OS 5775 North of Kelways, Wearne Lane, Langport.
Residential development of land, formation of vehicular access, provision of roads and open space, demolition and alteration of wall.

14/05235/LBC – Old Kelways, Somerton Road, Langport.
Demolition of western end of wall.

15/05197/PAMB – Barns at Merricks Farm, Park Lane, Huish Episcopi.
Notification for prior approval for the change of use of part of existing agricultural building to a dwelling.

Appeals Allowed

16/00058/PAMB – Barns at Merricks Farm, Park Lane, Huish Episcopi, Langport.
Notification for prior approval for the change of use of existing agricultural building to a dwelling.

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

Appeal Decision

Site visit made on 19 April 2016

by R J Marshall LLB DipTP MRTPI

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

Decision date: 16 August 2016

Appeal Ref: APP/R3325/W/16/3143789

Land at OS 6375, Ringwell Hill, Bower Hinton, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Richard Mead (Summerfield Developments (SW)) against the decision of South Somerset District Council.
 - The application Ref 14/04723/FUL, dated 17 October 2014, was refused by notice dated 3 December 2015.
 - The development proposed is residential development of 49 dwellings, public open space and associated infrastructure, including drainage attenuation pond.
-

Decision

1. The appeal is dismissed.

Background

2. The appeal site is located at the southern extremity of Martock/Bower Hinton, 2 linear settlements linked by a continuous ribbon of development alongside the B3165. The settlements are located within attractive countryside and much of older built up area within them is designated as a Conservation Area.
3. The appeal site mostly lies to the south of the B3165. This area comprises land on which existing industrial buildings are located, an adjoining field and some open land. Part of this land is within the development area boundary for the settlement but most of it lies just outside this on an employment allocation. To the north of the site, and on the opposite side of the B3165, a small area of land has been incorporated into the application site to enable the provision of a drainage attenuation pond.

Main Issues

4. The main issues in this appeal are: **first**, whether the proposed development would accord with the settlement strategy for South Somerset, and if not whether it would harmfully undermine it; **second**, whether it would result in the undesirable loss of existing and allocated employment land; **third**, its effect on the character and appearance of the surrounding area, including its impact on the village Conservation Area, and its effect on nearby off-site listed buildings; **fourth**, whether it would be in a sustainable location; **fifth**, other matters and the overall planning balance including implications arising from the absence of a 5 year housing land supply.

5. The first issue is not derived from a reason for refusal but from third party concerns and from the Council's submission of the recent appeal decision APP/R3325/W/15/3131336 on which the appellant's views have been obtained.

Reasons

Settlement Strategy

6. Policy SS1 of the South Somerset Local Plan (LP) (2006-2028) sets out the overall settlement strategy for the District. It says that Yeovil is a Strategically Significant Town and is the prime focus for development in the District. Next in the hierarchy of settlements come Primary Market Towns and these are followed by Local Market Towns and towards the bottom of the hierarchy Rural Centres. Last in the hierarchy are rural settlements. Martock/Bower Hinton is listed as a Rural Centre. Explanatory text to Policy SS1 says that development in Rural Centres is likely to be less sustainable and so should be geared to meet local needs and address affordable housing issues.
7. LP Policy SS4 says that provision will be made for sufficient development to meet an overall district requirement of at least 15,950 dwellings in the period April 2006 – March 2028 inclusive. The apportionment of that development over the plan period is set out in explanatory text as: 47% in Yeovil, 32% in the Market Towns, 7% in Rural Centres and 14% in Rural Settlements.
8. LP Policy SS5 sets out the number of dwellings for which provision should be made in the District's settlements having regard to the overall District requirement and the percentage apportionment set out above. On this basis Yeovil will take at least 7,441 houses. These are to be located within the town's Urban Framework and via 2 Sustainable Urban Extensions (SUE's). Martock/Bower Hinton is to take a minimum of 230 houses over the plan period.
9. The figures given in the Council's Committee report are that as at March 2015, in the first 9 years of the plan, 77 dwellings had been completed and a further 196 dwellings were committed, that is under construction or with an extant permission. Thus in total 273 dwellings have either been built or have been committed in the first 9 years of the plan period. If this appeal for 49 dwellings was allowed that figure would increase to 322 and result in a 40% overprovision against the Local Plan figure of 230. The appellant adopts the same figures in his evidence.
10. The matter of the degree of overprovision of housing in Martock/Bower Hinton was also addressed in the recent dismissal on appeal APP/R3325/W/15/3131336 of a proposal for 91 dwellings just beyond the northern edge of the settlement. However, in this case a different figure for the total of houses constructed and committed was used. Here it was said that it was common ground that as at 31 March 2015 77 dwellings had been built and 177 permitted or were under construction. This gives a total of 254 dwellings either built or committed in the first 9 years of the plan period. On this basis if the appeal before me was allowed that figure would increase to 303 dwellings. This would be a 32% overprovision against the Local Plan figure.
11. I have no means of establishing the correct figure to adopt. However, it seems to me that even taking the lower figure of 32% there would be a substantial

overprovision of housing, especially at a point only around half way through the Local Plan period.

12. I appreciate that the overall District requirement for housing in the plan period is set as a minimum figure. I accept also that it is logical to interpret the requirement for Bower Hinton/Martock in the same way. This allows for some degree of flexibility and, as referred to by the Inspector in appeal APP/R3325/W/3131336, helps avoid spurious precision. However, this clearly, cannot allow for unlimited development. Thus it should be construed that the figure of 230 dwellings for Bower Hinton/Martock in the plan period is an indication as to the broad level of housing to be provided. Such a reading is entirely in accordance with the Policy approach in LP Policies SS4 and SS5. They place an emphasis on maintaining the established settlement hierarchy, whilst maintaining sustainable levels of growth for all settlements, and seek to do so by requiring that the distribution of development across the settlement hierarchy will be in line with the total housing requirements for the settlements.
13. The necessity to control development in the Rural Centres, such as Bower Hinton/Martock, has a strong rationale. For, as referred to in explanatory text to Policy SS1, such settlements although sizeable are likely to be less sustainable than settlements further up the hierarchy. A central purpose of the plan led system and national policy is to deliver sustainable development in the right places at the right time. Development that would conflict with this would be harmful, unless justified by other matters.
14. Given the above I conclude that the overprovision of housing that would occur, whether at 40% or 32%, would go well beyond the broad level of housing envisaged for Bower Hinton/Martock. As such it would constitute a substantial failure to accord with the settlement strategy for South Somerset set out in LP Policies SS1, SS4 and SS5 and would harmfully undermine that strategy.
15. The fact that the site has been identified in the Council's Strategic Housing Land Availability Assessment (SHLAA) as a site which could accommodate up to 40 dwellings does not alter my conclusion above. This is because the inclusion of land in such assessments is not in itself an indication that the site should necessarily be developed for housing.
16. I shall consider in my overall balancing the degree to which my conclusion above should stand against the proposal having regard, amongst other matters, to the absence of a 5 year housing land supply.

Loss of employment land/employment allocation

17. The existing industrial buildings are known as Old Sparrow Works. They contain a variety of predominantly old stone and brick buildings divided up into 16 workshops. At the time they were inspected for the appellant's "Commercial Assessment and Viability Report" most of the buildings were vacant. It appeared to be much the same at the time of my visit.
18. The adjoining employment allocation was made in the South Somerset Local Plan 1991-2011 (2006). It has been carried forward into the South Somerset Local Plan (LP) (2006-2028) which was adopted in 2015 and is now the development plan. Permissions have been granted for the development of this area, most recently in 2005. However, none of them have been taken up.

19. There is other employment land in Barrow Hinton/Martock. Just to the north of the appeal site is the Sparrow Works. This site contains generally larger, and it would appear more modern, industrial buildings than the appeal site. There is a permission to re-develop a large building on the Sparrow Works for industrial purposes and feasibility studies are underway for the construction of smaller units. Much further to the north of the site, in Martock, there is a fairly large industrial estate containing buildings of varied size and in which a wide range of businesses are undertaken.
20. LP Policy EP3 says that employment land and premises will be safeguarded. Planning permission will not be granted for alternative uses unless it can be shown that the loss of such land would not demonstrably harm the settlement's supply of employment land/premises and/or job opportunities. The Council requires the submission of a marketing statement and amongst other things requires that: the proposal would result in significant environmental improvements or enhancements to the character of the area and that the site is not in an unsustainable location for the land use proposed. This Policy would seem to relate to sites in existing employment use. However, it seems to me that broadly similar considerations should apply to retaining employment allocations.
21. The appellant's "Commercial Assessment and Viability Report" makes a case for the proposed development in part based on demand and market conditions. It refers to the property market being badly affected post 2008 and to a wide availability of employment sites in the wider area with commercial floorspace. The report suggests that the employment allocation on the appeal site is unnecessary and would not be able to compete with better sites elsewhere. This part of the report relates solely to the land allocation. However, if its findings were accepted they would be equally valid in assessing whether the existing buildings should be retained in employment use.
22. However, whilst I note the comments above, account must be had to the fact that the employment allocation has been carried over into the recently adopted LP. The Council has provided no substantial background evidence on the allocation. However, it is highly unlikely that it was not supported by a substantial evidence base on the need for employment land in the settlement. This is borne out by some of the representations of third parties. Moreover, it is generally prudent to look at land allocations in the long term over the full plan period and beyond potential short term market fluctuations.
23. That said, the appellant is on stronger ground when it comes to potential problems with developing the allocated site for commercial use or letting out or redeveloping the existing buildings. I turn first to the land allocation. This was carried through from a plan adopted around 10 years ago. And in addition since 1994 there have been various permissions and renewals for light industrial development on the site. However, none of these permissions has been implemented. The latest permission dates back to 2005. Given the site's location close to housing, restrictive conditions were imposed on this permission covering working hours, delivery times and noise. An application to develop the site in the absence of these conditions was refused in 2007. The fact that the site has remained undeveloped for so many years following the first permissions for industrial development raises substantial concerns about the likelihood of such development occurring. The restrictions imposed on the

- latest permission, which would have the potential to limit interest in the site for businesses, add further weight to this concern.
24. Turning to the existing industrial buildings on the site I place limited weight on the substantial level of vacancy alone, as that can arise from many factors. However, the appellant's Commercial Assessment and Viability Report says that the buildings on the site have reached the end of their useful life. And that their age imposes substantial maintenance and running costs. All that I saw confirmed this and no substantial evidence has been provided to the contrary. Marketing of the premises has occurred over a reasonably lengthy period but interest has been minimal. This adds further weight to the findings of the report. The report also looked at the potential for the redevelopment of The Old Sparrow Works. It expressed serious reservations on the viability of this, given demolition, infrastructure and utility costs and the cost of building new units. It was concluded that these costs would exceed the gross development value. Whilst I note the Council's concern that a redevelopment of the site has not been tested through marketing it has provided no professional valuation evidence or opinion to contest the conclusions of the appellant's Commercial Assessment and Viability Report.
25. I consider that the viability evidence provided by the appellant on re-use of the existing buildings is, contrary to the view of the Council, sufficiently site specific. And although they may not have been marketed fully in accordance with the Council's guidance the Council's concern now on this point sits uneasily with its officers' previous acceptance of the marketing that had been undertaken. The Council's economic development manager has recently received a number of enquiries relating to employment site requirements close to the A303, and the appeal site is not far from this road. However, the fact that such enquiries have been made provides no substantial evidence of the likely take up of the appeal site, given the site specific issues raised by the appellant. I note suggestions that a mixed employment/housing use of the site should have been considered to prevent the total loss of employment land. However, no substantial evidence has been provided on the practicality of this.
26. In light of the above it is concluded that the proposed development would not result in the undesirable loss of existing and allocated employment land and thus there would be no conflict with LP Policy EP3.

Character and appearance

27. The larger of the 2 settlements, Martock, is on relatively low lying land. Moving south towards Bower Hinton the land rises upwards notably. To the south of Bower Hinton and the appeal site lies an east/west running shoulder of hills, Cripple Hill, Hallet's Hill and Ringwell Hill. These hills and much of the other land around Bower Hinton, including land to the south and east of the appeal site, have been identified in the Council's landscape survey as an area of high visual sensitivity. As the appeal site is a local plan allocation it is given no landscape definition in the survey. The village Conservation Area lies directly to the north of the appeal site. Two cottages to the north of the site are Grade 2 listed.
28. I turn first to the impact of the proposed development on the wider landscape of the surrounding area. From some locations in Martock, such as the village playing fields and Foldhill Lane, views are obtained towards the 3 hills to the south of the appeal site. It may be possible from viewpoints such as these to

just see the proposed development. However, given the substantial distance of the site from these areas, and the fact that the houses would be seen in the context of foreground development and against a backdrop of rising land, the visual impact would be negligible. For some of the lengths of a public footpath running eastwards from the site the proposed development would just be seen. However, it would be in the context of nearby development. And, moreover, over time new planting on a proposed play area has the potential to provide an extensive screen from this viewpoint. From the public highway to the south of the site the lie of the land would prevent views of the proposed development. The proposed development would be rather more visible from the proposed access. However, such views would be limited by the lie of the land and the screening that could be provided on the play area.

29. A public footpath runs along the southern boundary of the appeal site. From this footpath, views are obtained over a field towards the countryside surrounding and beyond Martock. However, attractive although these views are, they are partly restricted by a hedgerow and have in part the foreground of unattractive buildings on the appeal site. The loss of these views could be compensated for in reasonable part by planting on the southern boundary of the appeal site. From Ringwell Hill to the east of the site development on the appeal site would most likely be seen. However, largely enclosed by existing planting or development on 3 sides it would not appear unacceptably intrusive in the countryside.
30. In view of some third party observations I have also looked at the impact of the proposed development from Hamdon Hill. This lies to the south of the A303 and is far more removed from the appeal site than the viewpoints referred to above. From this hill a vast sweep of most attractive countryside is visible. However, given the distance of the appeal site from this viewpoint, and the undulating nature of the countryside, the proposed development would have a negligible impact on views over this area.
31. I turn now to more localized views of the appeal site and the effect of the proposed development on listed buildings. The northern part of the appeal site abuts the Conservation Area. In this part of the Conservation Area attractive stone cottages front onto the highway. Part of the proposed development involves the demolition of a frontage building and its replacement with an attractive terrace of cottages. These would fit in slightly better with the character and appearance of the area than the building to be demolished. As such they would, to a modest degree, enhance the character and appearance of the Conservation Area. A combination of the new cottages, buildings to be retained on site, and the lie of the land, mean that much of the remainder of the proposed new housing, of a typical estate layout, would have minimal effect on the Conservation Area. In addition the design and orientation of the nearest of the houses to the listed cottage No. 100 Higher Street would be such as to preserve its setting. The Council has not suggested otherwise.
32. It is concluded the proposed development would cause no substantial harm to the character and appearance of the wider setting of the appeal site. There would be a marginal enhancement to the character and appearance of the village Conservation Area and the setting of the off-site listed building would be preserved. There would be no conflict with LP Policy EQ2 which seeks to preserve or enhance the character and appearance of the area and nor with the Statutory duty on the protection of Conservation Areas and Listed Buildings.

Sustainability of location

33. The combined settlement of Bower Hinton/Martock is notably long and elongated. The proposed development would be at the far southern end of the settlement. There are a few limited facilities within reasonable proximity of the appeal site. However, they are wholly insufficient in themselves to serve day to day needs. There is a reasonably well sized village centre in Martock providing a good range of shops and other services. However, it is approximately 2,000m from the appeal site. This equates poorly with guidance in the *Institution of Highways and Transportation document: Providing for Journeys on Foot (IHT)*. This refers to the preferred maximum walking distance to a town centre as being 800m. Moreover, the nature of the walk from the appeal site to the village centre would be a further impediment to the likelihood of people walking between the two. For with the appeal site at Bower Hinton being at a notably higher level than Martock walking back from the town centre would be up quite a steep hill along at times a narrow footpath and with the occasional need to cross the road. There is a bus stop reasonably close to the site serving weekly and weekend bus services that enable travel between Bower Hinton and Martock. However, given the limited frequency and gaps between return times it is unlikely that many would see it as preferable to travel to the village centre by bus rather than car. I am of this view even with the existence of a so called flexible demand responsive bus service in the area given the limited evidence on the frequency of service that this could provide.
34. Another key facility, the village primary school at Martock, is 2,600m away from the appeal site. This compares poorly with the *IHT* guideline of a preferred commuting or walking distance to a school being 2,000m. And as with the village centre a further impediment to pupils walking to the school, whether accompanied by parents or not, would be the hill on the return journey and the poor footpath provision. Indeed with the distances involved I consider it highly unlikely that children would be accompanied by parents on foot. More likely they would be taken by car, especially given the perceived danger of walking on the narrow footpath adjoining the B3165 through Bower Hinton at times when it could be busy with commuter traffic seeking to access the A303.
35. It is conceivable that some people might cycle to the village centre. However, given the hill to cycle back, and the likelihood at times of the road being busy, I doubt that it would be a likely choice for most. Nor, given the characteristics of the road I have referred to, is it likely that many parents would let their children cycle to school. The appellant says that the need for parents to accompany their children to school is not a problem as generally primary schools require pupils to be accompanied by adults. However, no supporting evidence is given for this assertion. And locating housing so that most children are likely to have to be driven to school runs counter to the idea of promoting healthy communities as sought in the National Planning Policy Framework (the Framework).
36. The application plans show 2 proposals, in the alternative, which seek to ensure that a safe footpath link is provided from the site to the nearest length of footpath alongside the B3165. There is also a proposal to extend the 30mph limit in the vicinity of the site. However, whilst this would have some benefit in terms of pedestrian safety it does not allay any of the key concerns above. It

- would be unlikely to increase the possibility of pedestrian movement to and from the site to any meaningful degree.
37. The Parish Council is seeking to improve pedestrian links between Bower Hinton and Martock by, amongst other things, creating new tracks. However, this is subject to grant approval so cannot be guaranteed. And on the limited evidence provided the extent to which this would provide improved pedestrian access from the appeal site cannot be ascertained.
38. The appellant seeks to overcome accessibility concerns by the submission of a Travel Plan. The Unilateral Undertaking provides for the submission of such a plan and its approval by the County Council. It is intended that there would be a range of measures including: a resident's welcome pack; a travel information board; green travel vouchers; walking/cycling/public transport action plans; and details of car sharing. Reference is also made to the fact that the proposed garages could accommodate bicycles. Subject to conditions and the submission of a Travel Plan the County Highway Authority has no objection to the proposed development. The measures proposed are better than nothing. However, I am not convinced that they would significantly increase pedestrian and cycle movements from the site to the village centre for the reasons given by the Council. For example, although the Green Travel Vouchers may assist in the purchase of a bicycle or bus passes that would not make the road a more attractive one to cycle along nor would they be likely to greatly, if at all, improve bus services. The Unilateral Undertaking does have a facility for "safeguarding measures" to be required by the County Council in the event of Modal Share Targets (MSTs) not being met. However, in the absence of details of the MSTs or what safeguarding measures could be imposed, I attach this little weight.
39. Thus in terms of its relationship to local services and facilities the proposed development is not well located. I appreciate that the Inspector in appeal APP/R325/W/15/3131336, concluded otherwise in relation to the site before him. However, that site is located notably closer to the centre of the settlement and with the facility of a level walk to it. And residents of that site would have had the benefit of being able to avoid walking or cycling along the B3165 with its acknowledged disadvantages for the young and elderly.
40. Turning to wider matters on the location of the site on sustainability grounds it adjoins a sizeable village, has easy access onto the A303, and is not too far from Yeovil. That said, even with the bus services that are available I consider that for many on the appeal site, or indeed from anywhere in Bower Hinton/Martock, access to jobs and shopping beyond day to day needs is likely, as it would probably be in most of the Rural Centres, to be by car. The undesirability of this is price that has to be paid for allowing some development in those settlements with the advantages that this can bring. However, it does point to the necessity of restricting development in them in accordance broadly with the numbers set out in Policy SS5 and encouraging greater development in the higher order settlements where in locational terms it is likely to be more sustainable. For this reason I place greater weight on the accessibility of Bower Hinton/Martock than was placed on this in appeal APP/R325/W/15/3131336.
41. It is concluded that the proposed development would not be in a sustainable location. There would be conflict with one of the stated aims of the LP

Settlement Strategy which is to manage and reduce commuting patterns to deliver balanced growth that strives for more self containment. And through providing poor accessibility the proposal would be contrary to LP Policy EQ2 on General Development. In arriving at this conclusion I have noted the appellant's observation that the employment use of the site, in accordance with the LP allocation, would have generated commuting traffic. However, no substantial evidence has been provided on the difference in car journeys between the uses and it seems to me that the industrial allocation offered a potential benefit in sustainability terms in ensuring a more self contained settlement with the potential benefit of limiting journeys by car.

Other matters and planning balance

Other matters raised against proposal

42. The appeal site was developed as an industrial site, incorporating workshops and a foundry. There is only one listed building on the site, an outbuilding at the rear of No. 98. I note third party concerns on the impact of the proposal on this building. However, it would be retained and I am satisfied that its setting would be preserved by the retention of the more important industrial buildings on the site.
43. An attempt to have all the buildings on the appeal site listed failed. This was due to the conclusion of English Heritage that many of the original 19th century buildings, including the foundry, have been lost, and that the surviving buildings demonstrate no technical innovation or architectural merit. However, account should still be given of their merit or otherwise, as non-designated Heritage Assets and I note the observations of third parties on this. A detailed heritage assessment of these buildings was undertaken on behalf of the appellant. This concluded that none of the buildings had inherent structural features indicative of their industrial past. Some of the buildings are redolent of their past use, and they would be retained and put to a new use in the proposed development. The Council has no objection on heritage grounds. From all that I have read and seen I consider that, with the retention of the only buildings of any significance, there would be no harm to non-designated Heritage Assets.
44. Other third party concerns also go beyond those raised by the Council. On them I am satisfied from the detailed reports provided by the appellant, on which no contrary technical evidence has been provided, that no harm would arise in relation to highway safety, flooding or protected species or other wildlife. There is no substantial evidence to support the view that facilities such as services and the school would be unable to cope with the additional demand, especially as the appellant has submitted a legal agreement to make a financial contribution to improve services where that would be required.

Other matters submitted for the proposal

45. The proposed development would provide 49 houses in a District where there is a lack of a 5 year housing land supply. There has been over the years a persistent under-delivery of houses in the past. On the most up to date figures I have been given, from a Council housing land supply paper of September 2015, the Council has a 4.3 year housing land supply. Of the proposed dwellings 17 would be affordable. Thus the proposal would meet the requirement in LP Policy HG3 for there to be 35% on site affordable housing

- provision on sites of 6 dwellings or more. There are in the District a substantial number of households in housing need and a current considerable shortfall of affordable housing which needs to be addressed along with future requirements.
46. As part of the site is an old industrial premises it comprises previously developed land (pdl) in part. LP Policy SS7 encourages the development of such brownfield land and sets a target that 40% of new development should be on pdl. Such an approach is supported by the Framework. Thus to the extent that the proposed development would be on pdl it would comply with the development plan and the framework. However, given that the bulk of the site is not pdl only limited weight should be attached to this.
 47. The proposed drainage strategy is to provide an attenuation pond to the north east of the site to accommodate runoff from the proposed development. This is seen as a considerable improvement over the existing situation where surface water from the site flows into highway drains along Ringwell Hill. In the Council's Committee Report this is described as a welcome benefit. However, in the absence of more substantial evidence on the existing situation this is a matter that should attract only limited weight.
 48. As well as providing car parking for the proposed houses 10 parking spaces within the site would be provided for Sparrow Cottages which face onto Ringwell Hill. Currently they have no off-road parking and it is said this leads to parking along Higher Street which can then make it difficult for cars to pass along this road. There would thus be a potential improvement to the free flow of traffic to which I attach moderate weight.
 49. A further alleged highway benefit would arise from the proposed footpaths on Ringwell Hill, either adjacent to Sparrow Cottages or on the opposite side of the road. Either arrangement would enable those walking from the site to the village to access other pavements without having to walk unduly on the road. This would also, it is said, be of some benefit to the existing residents of Sparrow Cottages. However, only a few existing residents would benefit from this and there is no statistical evidence that the existing situation is unacceptably dangerous. The Parish Council is seeking to improve pedestrian rights of way from Bower Hinton to Martock and it seems that the appellant is contributing money to that. However, from the evidence before me the extent to which this would assist existing residents is unclear, as is the degree to which the suggested improvements are likely to come about should the appeal be allowed. Little weight should therefore be attached to this contribution.
 50. The construction of the proposed houses would lead to some short term economic gain. And the increase in population would be likely to result in some extra expenditure in local services, such as shops, and offer some added support to local facilities. However, the scale of the proposed development is such as to render these benefits relatively small. They thus attract limited weight.
 51. It is said that were the appeal allowed, the owner of the appeal site intends to re-invest any money obtained from residential development on the appeal site to provide more modern units in the Sparrow Works industrial site to the north. However, little weight can be attached to this as there is no guarantee that this would occur.

52. The proposed development would result in a slightly more attractive entrance to the village from the south by the refurbishment of one of the existing buildings on site and the erection of a terrace of attractive cottages. A moderate degree of weight may be attached to this. I attach little weight though, to the appellant's suggestion that the proposed housing would be a more attractive use of the site than the site's allocated industrial use given the unlikelihood of that allocation being taken up.

Planning balance

53. The absence of a 5 year housing land supply means that in these circumstances relevant policies for the supply of housing should not be considered up-to-date according to paragraph 49 of the Framework. Where policies are out of date paragraph 14 of the Framework says that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Given this, and the fact that the Framework requires Council's to boost significantly the supply of housing and meet the needs of different groups in the community, substantial weight should be placed on the provision of the proposed houses including the affordable element. And I place significant weight on the fact that this can be achieved without harm to the character and appearance of the area (and indeed with a marginal improvement to the character and appearance of the Conservation Area) and that it would not result in the undesirable loss of employment land. However, for the other benefits raised I have attached only moderate or limited weight for the reasons given.
54. To set against the benefits of the proposal I place substantial weight on the conflict with the Council's settlement strategy and the unsustainable location of the site. And it is this ultimately that I find decisive. Weighty though the benefit of new housing would be, and notwithstanding the lack of harm on 2 of the main issues, I find that taken overall, the harm I have identified is of a degree that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the Policies in the Framework taken as a whole.
55. The Framework says that housing applications should be considered in the context of the presumption in favour of sustainable development. It identifies 3 dimensions to such development, an economic role, a social role and an environmental role. From my findings above it is clear that in some respects these roles would be met by the proposed development and that in part there would be compliance with the development plan. However, the harm identified means that there would be conflict with the social and environmental roles to a degree which means that, seen in the round, the proposal would not be sustainable development and would conflict with the development plan.

Conclusions

56. For the reason given above it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR

Appeal Decisions

Hearing held and site visit made on 14 June 2016

by Terry G Phillimore MA MCD MRTPI

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

Decision date: 25 August 2016

Appeal Ref: APP/R3325/W/15/3136302 (Appeal A)
Land OS 5775 North of Kelways, Wearne Lane, Langport, Somerset

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by The Cook Family against the decision of South Somerset District Council.
 - The application Ref 14/05234/OUT, dated 20 November 2014, was refused by notice dated 28 April 2015.
 - The development proposed is residential development of land, formation of vehicular access, provision of roads and open space, demolition and alteration of wall.
-

Appeal Ref: APP/R3325/Y/15/3136307 (Appeal B)
Old Kelways, Somerton Road, Langport, Somerset TA10 9YE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Spinney Developments Ltd against the decision of South Somerset District Council.
 - The application Ref 14/05235/LBC, dated 20 November 2014, was refused by notice dated 28 April 2015.
 - The works proposed are demolition of western end of wall.
-

Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters

3. At the hearing an application for costs was made by the appellants against the Council. This application is the subject of separate Decisions.
 4. The appeals were originally being dealt with by another Inspector by way of written representations. The procedure was subsequently changed to a hearing, and I was appointed in his place.
 5. An agreement dated 23 December 2015 containing planning obligations pursuant to section 106 of the Act has been submitted. A deed of variation to this agreement dated 23 June 2016 was received following the hearing, in accordance with a timetable I specified at the hearing.
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6. After the close of the hearing the Council drew attention to appeal decision reference APP/R3325/W/15/3131336 dated 22 June 2016, on the basis that it deals with issues similar to those raised by the current case. I allowed the appellants a period to submit written comments in response to this.
7. Appeal A relates to an outline application with all matters reserved other than means of access. It was supported by an illustrative layout showing the provision of 71 dwellings and 217 parking spaces. The nature of the layout is described in the Statement of Common Ground, which refers to the explanation of the rationale for the scheme set out in the Design and Access Statement. With this submitted material, and the level of detail contained in the supporting plans, I have viewed these as giving a clear indication of the likely form of development, which I have accordingly taken into account in my assessment.

Main Issues

8. The main issues are:
 - a) whether the proposal is in accordance with the development plan with respect to the location of new residential development and the scale of the proposal;
 - b) the implications of the housing land supply position in the District;
 - c) the effect the proposal would have on the character and appearance of the area, in particular the landscape gap between Langport and Wearne;
 - d) the effect the proposal would have on the special interest of the heritage asset of the former Kelways nurseries wall by reason of physical works and impact on its setting;
 - e) the overall balance of harm and benefits that would result from the proposal and whether or not it amounts to a sustainable development.

Reasons

Development plan position

9. The 3.42ha site comprises predominantly agricultural land on the northern edge of the town of Langport.
10. Policy SS1 of the South Somerset Local Plan 2006-2028 (adopted in 2015) sets out a settlement strategy for the District. This identifies Yeovil as a Strategically Significant Town and the prime focus for development. It also lists Market Towns where provision will be made for housing, employment, shopping and other services that increase their self-containment and enhance their roles as service centres. Langport/Huish Episcopi is in the second tier of Local Market Towns. Paragraph 5.19 explains that Market Towns are the focal points for locally significant development including the bulk of the District's housing provision outside Yeovil. This growth aims to increase the self-containment of these settlements and enhance their service role. According to paragraph 5.20, the types of Market Town differ due to their current level of services, facilities and economic activity, so that two tiers have been identified. The scale of future growth allocated to the two tiers is proportionate, with the larger Primary Market Towns planned to receive a higher level of growth and the smaller Local Market Towns a lower level, with the specific amounts set out in policy SS5.

11. On housing, policy SS4 sets out that provision will be made for sufficient development to meet an overall District requirement of at least 15,950 dwellings over the plan period. In delivering new housing growth, policy SS5 provides that at least 7,441 dwellings will be located within the Urban Framework of Yeovil and via two Sustainable Urban Extensions. Prior to the adoption of the Site Allocations Development Plan Document, a permissive approach will be taken when considering housing proposals in Yeovil (via the SUEs), and 'directions of growth' at the Market Towns. The overall scale of growth and the wider policy framework will be key considerations in taking this approach, with the emphasis upon maintaining the established settlement hierarchy and ensuring sustainable levels of growth for all settlements. The policy specifies that the distribution of development across the settlement hierarchy will be in line with the numbers given in a table: for Langport/Huish Episcopi, the figures are a total plan period requirement of 374, with 289 existing commitments (at April 2012) and additional housing provision required of 85.
12. Policy LMT2 deals with the Langport/Huish Episcopi 'direction of growth'. The direction of strategic growth will be to the north, east, and south east of the settlement. All development must avoid coalescence with the settlement of Wearne. The policy also adds that development will be subject to habitats assessment and open space will be required. Paragraph 7.128 explains that Langport/Huish Episcopi is classified as a 'Market Town' due to the settlement having a strong employment, retail and community role. Given its relatively smaller scale and nature compared to some of the larger Market Towns, it is identified as a Local Market Town with a reduced scale of growth to match. According to paragraph 7.129, in order to sustain and enhance its role, with a level of development that is relative to the size, accessibility, character and environmental characteristics of the town, at least 374 dwellings should be built in the plan period, requiring further provision for around 85 dwellings. The paragraph also states that there are few sites available within the existing urban area, meaning a 'direction of growth' is required to identify a broad location to accommodate new development on the edge of the town.
13. The appeal site lies within the northern part of the 'direction of growth' of Langport/Huish Episcopi as shown on the policy map.
14. The Council's most up-to-date monitoring information for Langport/Huish Episcopi indicates that 273 dwellings were completed from 2006-2015 and 199 dwellings had planning permission but were not yet completed. The combined total of 472 dwellings is 98 (or 26%) in excess of the figure of 374 dwellings included in the Local Plan for the town. With the additional 71 dwellings of the proposal, the total would rise to 543, which is 45% above the figure.
15. The Council notes that the 543 total exceeds the equivalent Local Plan growth figure of 496 dwellings for Ilminster, which is designated as a Primary Market Town and therefore the next tier up in the settlement hierarchy. The Council also puts forward some other calculations. Yeovil's minimum requirement of 7,441 dwellings represents 47% of the District-wide requirement. Over the nine-year period of 2006-15, 1,876 dwellings were completed in Yeovil, which is 33% of the total delivery in the District and therefore significantly below this proportion. The figure of 374 dwellings for Langport/Huish Episcopi represents 2.3% of the District-wide total, while the delivery of 273 dwellings so far is 4.8% of the total of completed dwellings in the District.

16. Based on these figures, there is understandable concern about the scale of housing development that would be reached in Langport/Huish Episcopi with the addition of the proposal, in terms of whether this would reflect the strategic intention of the Local Plan. This is particularly so having regard to the use of the relatively prescriptive term 'in line with' in the reference of policy SS5 to the housing numbers given for Langport/Huish Episcopi, among other settlements, and the degree to which these would be exceeded only part way through the plan period. However, this apparent inconsistency is balanced by other factors. In the same way that the District-wide requirement is couched in terms of 'at least' in policy SS4, this label is attached to the figure of 374 for Langport/Huish Episcopi in paragraph 7.129. That this does not represent a threshold beyond which no further dwellings should be approved is reinforced by the evidence of the appellants and third parties that the Council has itself continued to grant permissions for new dwellings in the town, albeit on a smaller scale than the current proposal.
17. Furthermore, it appears that the preparation of a Site Allocations Development Plan Document is not now being pursued by the Council, with this being postponed until a review of the Plan. The 'permissive approach' of policy SS5 within the 'direction of growth' where the appeal site is located therefore applies.
18. Appeal decision reference APP/R3325/W/15/3131336 deals with a proposed residential development at the settlement of Martock elsewhere in the District. I note the conclusion of the Inspector that the proposal before him would harmfully distort the spatial strategy of the development plan and conflict with the plan-led system. That case differed from the current one in that Martock is designated as a rural centre with an indicated requirement for 230 dwellings. As well as being lower in the hierarchy than Langport/Huish Episcopi, the proposal at up to 91 dwellings was larger than the present scheme and would on its own have raised the commitments in that settlement from close to the plan figure to some 50% above it. In addition, the site was not located within a 'direction of growth'.
19. With respect to the potential effect of allowing this development on the position of Langport/Huish Episcopi in the hierarchy, the proposal represents less than 6 percent of the existing number of dwellings in the town. The development therefore in itself would be unlikely to have a serious impact in terms of a further increase in the town's size or overall degree of self-containment. There is also no firm evidence to support the suggestion that it would have an adverse effect on the potential for future growth of Yeovil. I deal with the sustainability of the location below, but it is not established that as a service centre the town could not support this level of housing growth. In contrast, in the Martock case the Inspector found that the proposal before him would result in tangible harm in terms of out-commuting and impact on the scale of development elsewhere. That appeal decision therefore does not warrant resisting the current proposal on the same basis.
20. Overall I do not find material conflict with the settlement strategy of the Local Plan or that a harmful dilution or undermining of this would result from allowing the proposal. It is reasonably in accord with the development plan in this respect.

Housing land supply position

21. The National Planning Policy Framework sets out an aim in paragraph 47 to boost significantly the supply of housing. It requires that local planning authorities should use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework. They should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements, with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. The Framework indicates that the buffer should be increased to 20% where there has been a record of persistent under delivery of housing.
22. According to paragraph 49 of the Framework, 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.
23. The current five year housing land position for the District as agreed at the hearing was a supply of just over 4 years and 4 months. It appears that the Council has since calculated the supply at a reduced period of 4 years and 2 months. There is therefore somewhat below a demonstrated five-year supply. It is not in dispute that all of the above policies are relevant policies for the supply of housing on the basis of their potential effect in governing the location of housing in broad geographical terms. Consequently under paragraph 49 these policies are not up-to-date.
24. I have concluded above that the proposal is not in material conflict with these policies, and that there would be no real harm to the settlement strategy of the Local Plan from the development. In the alternative, had I found that the disparity with the housing growth figures for Langport/Huish Episcopi contained in the Plan amounted to a conflict with the out-of-date policies, in the circumstances of the case the limited conflict would be outweighed by the current housing land supply shortfall in the District and the housing gain that would result from the proposal. Therefore, the conclusion reached either way is that resisting the proposal on the basis of a lack of accord with the settlement strategy policies of the Local Plan is not warranted.

Landscape

25. An element of policy LMT2 on the Langport/Huish Episcopi 'direction of growth' is that all development must avoid coalescence with the settlement of Wearne. This is a small rural settlement in a countryside setting with access by narrow country lanes. It is primarily of a linear nature on an east-west axis, and is a distinctive entity separated by agricultural land from its larger neighbour to the south.
26. A stone wall which runs along the whole southern boundary of the site currently provides a clear demarcation to the north edge of this built up part of the town. The agricultural land of the appeal site together with a continuation of fields running northwards form a swathe of open land extending towards the rear boundaries of the properties on the south side of Wearne. The proposal would extend built development onto the southern section of this swathe.

27. On the east side the development would be contained by an existing cluster of buildings on the west side of Wearne Lane, but this is currently an isolated group beyond the town and the effect here would be to create a continuous outrider of development abutting the Lane. On the west side the proposed housing would not project further northwards than an approved residential development lying to the west. The submitted drawings indicate a soft northern edge to the proposal, with a reducing density and blocks of planting.
28. The appellant's submitted Landscape and Visual Appraisal assesses that the development would have only a minor adverse landscape impact. The degree of this would be partially mitigated by landscape improvements associated with the proposed northern boundary buffer and landscaping within the main body of the site. In terms of predicted visual impacts, it assesses that there would be localised impacts close to the site of a substantial to moderate magnitude with lesser impacts from intermediate and distant viewpoints. The exception would be middle distance views from higher ground overlooking the site to the north of Wearne. From here the development would be clearly seen as a northern extension of built development. The proposed planting associated with the development would mitigate the impact of this and create a well defined soft buffer. In addition, a significant distance of over 200m would remain between the outer edge of the built development and the main linear part of Wearne, and this would limit the impact.
29. I essentially agree with these conclusions. In views from the higher ground to the north there is no doubt that the landscape gap between the town and Wearne would be perceived as less substantial than it currently is, involving an element of harm to the character and appearance of the area. Nevertheless, policy LMT2 clearly anticipates some development in this area, based on the Council's own previous assessments of where development on the edge of the town could best be accommodated. The Council agreed at the hearing that the site does not lie within a valued landscape as referred to in the Framework. With the retained extent of separation and the proposed landscape buffer, the development would not give rise to a coalescence with the main part of Wearne. The degree of harmful impact therefore does not amount to a breach of policy LMT2 in this respect, or of policy EQ2 which seeks to preserve or enhance the character and appearance of the District.

Heritage asset

30. The wall referred to above divides the site from that of the former Kelways nurseries which lies to the south. The buildings of the nurseries which date from the mid 19th century are Grade II listed. They are now used for a mixture of offices, café, public house, restaurant and letting rooms. Between the wall and this building group is a modern residential housing estate which comprises blocks of traditionally designed dwellings. It is laid out in 2 culs de sac which point northwards towards the appeal site and terminate close to the wall, with a large open space between the two parts.
31. The continuous masonry wall around 2.5m high defines the northern, eastern and southern boundaries of the former nurseries. In total it is some 570m long. A second wall continues along the southern roadside boundary of the Kelways site, which is a lower structure of varying architectural detailing.
32. The section of the wall along the boundary of the appeal site is constructed of coursed white lias rubble in hard sand/lime mortar. It incorporates a masonry

- water tower towards its western end, and is pierced by a broad vehicle access at roughly its mid point. The wall has recently been capped with a variety of materials, and is in a generally good condition. It is agreed to be protected by listed status as a result of association with the listed nursery buildings.
33. The wall was probably built in several stages commencing shortly after establishment of the nurseries in 1851. The breach may have been formed as part of later expansion of the nurseries northwards. At the start of the 20th century the wall was lined with plant houses, the wall protecting plants from the northerly and easterly winds and trapping sunlight. In this respect it acted as a form of 'kitchen garden' wall on a large commercial scale.
34. The wall was thus an integral physical component of the mid-late 19th century premises of Kelway & Sons Limited, one of Langorth's principal employers during the 19th century and one of Britain's longest established commercial nurseries. As such, it has considerable historical significance, despite the limited archaeological or architectural interest of the structure and its incomplete elements. Much of that historical significance derives from the important functional role that the wall performed in terms of its assistance in the growing of plants within the nurseries.
35. Historical significance also derives from the spatial relationship of the wall to the rest of the premises it enclosed and to the surroundings. The wall would previously have been perceived within the nurseries as part of the physical background and as a boundary. The principal buildings have been retained and sensitively converted to alternative uses, but the planting beds and ancillary structures that were the essence the nurseries' character have been lost. The historic legibility of the ensemble has been further compromised by the high density residential development now in place. As well as removing the former planting beds, that development has to a degree visually and functionally separated the enclosing wall from the rest of the premises. There is now limited inter-visibility between the former offices and workshops of the nurseries and the wall. However, the connection is partly retained through the penetration of the central open space from the wall into the site and the continued sense of there being a surrounding wall with a geographical relationship to the retained buildings. The element of the wall's setting within its perimeter therefore provides a contribution to its significance.
36. As experienced from the north, the wall acts as a division between the area within its perimeter and the open agricultural land beyond. This outer land includes the appeal site which abuts the whole of the northern section. In this way the wall continues to function as a boundary, even more so in that at this point it marks the outer extent of the developed part of the settlement. From close to, long views of the wall tend to be obstructed by vegetation, but the full structure is visible to a much greater degree from the higher ground at Wearne to the north, including from public viewpoints. From this perspective the townscape of roofs and upper storeys to some extent gives the wall with the water tower feature a defensive character, rather than that obviously of a nursery wall. Nevertheless, the retained appearance of enclosure and the separation of an inner zone from the agricultural land beyond provide the informed viewer with a material sense of key elements of the historic spatial character of the nurseries. The wall is a continuing strong physical expression of the historic divide between the protected land within the nurseries with its particular character and function and the contrasting open agricultural land

outside. The present open land is part of that distinguishing feature and therefore is an aspect of setting that contributes to the wall's significance. I do not agree with the appellants that the wall can be appreciated as a specific heritage asset only from within the former premises. The open area to the north is an essential part of the long-term historical character of the wall associated with the group of listed buildings.

Effect of the proposal

37. The proposal would require the demolition of some 6.7m length of the western end of the wall. This represents less than 2.5% of the 260m length of the northern arm. The affected fabric incorporates no architectural or functional historical detail, and is a part likely to have been relatively recent following demolition of the southern return. The proposed demolition would not in overall terms undermine the spatial or visual relationship of the rest of the wall to the former Kelways premises, nor affect the legibility of the wall as an historic structure. It would however amount to the permanent loss of a material element of the structure.
38. The new residential development would affect views of the wall from the north, with a loss of the ability to experience an extensive panorama of the wall looking towards it. As indicated in the plans, the proposal would also introduce built development comprising dwellings, roads and parking across the full span of the northern section of wall. The effect of this would be to change the outer setting of the wall from one that helps define a strong enclosing boundary of a distinctive area to one that would give it the character of a dividing structure between two sections of urban residential development. In this respect it is notable that the area of open space indicated as part of the proposed layout is significantly smaller than that to the south of the wall, and this would not retain the existing sense of open agricultural fields outside the wall. This adverse impact on the contribution that the open aspect makes to the historic significance of the wall as outlined above would outweigh the benefit of any enhanced appreciation by way of new axis views and the degree to which the wall would become a centrepiece within the development. Instead, the harm to setting which the appellants recognise has occurred due to the residential development to the south of the wall would be extended to the north. As a result the setting would not merely be preserved as that of a high wall adjacent to a residential development, since the new development would further add to the compromise of the setting that has already taken place. This assessment is based on the particular circumstances of the case, and does not represent an unqualified approach of precluding all new development within sight of a listed building.
39. I find that the proposal would lead to less than substantial harm to the significance of the designated heritage asset, by way of direct loss and detriment to its setting. According to paragraph 134 of the Framework, in such circumstances the harm should be weighed against the public benefits of the proposal, including securing optimum viable use. According to the appellants, the wall as now divorced from the former nurseries has no practical use, and the optimum use of it would be as an integral component of a residential development in which it performs an architectural and functional purpose as a centrepiece of the development, warranting planned maintenance and encouraging its appreciation as a heritage asset. I give little weight to this argument in view of the lack of evidence that the wall requires maintenance

that would otherwise not happen, and due to the adverse effect of the spatial changes outlined above. As an historic feature the wall already makes a positive contribution to local character and distinctiveness. I deal with other public benefits of the proposal and the balance between benefits and harm below.

40. The proposal does not accord with policy EQ3, which requires heritage assets to be conserved and where appropriate enhanced for their historic significance and important contribution to local distinctiveness, character and sense of place.

Overall balance and whether sustainable development

41. The Framework sets out that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that the policies in its paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development means in practice.
42. Paragraph 7 identifies three dimensions to sustainable development: economic, social and environmental.
43. As noted above, the provision of additional housing is in line with national planning policy, and is an economic and social benefit. This is an important positive aspect of the proposal, particularly with the identified shortfall in housing land supply. Specifically, the provision of a significant number of affordable dwellings (at some 35% of the units), secured by a planning obligation, is a matter that carries substantial weight given the need for such housing.
44. The economic benefits of the development would encompass investment, employment and local spending. In social terms, obligations and conditions would deal with infrastructure needs that would be generated by occupation of the development. However, claimed potential benefits with respect to reinforcement of the role of the designated market town as a rural service centre by way of additional growth are of limited weight in view of the extent of development that has already been permitted in the settlement as against the specific numerical provision of the Local Plan.
45. In environmental terms, it is common ground between the main parties that the site is in a sustainable location in relation to the services and facilities of the town. Despite local concerns expressed about highway safety and traffic, there is no technical evidence to warrant departure from the assessment of the Highway Authority that the proposed access arrangements are acceptable for both vehicles and pedestrians, including the emergency access provided onto Wearne Lane. As set out above, there would be only a limited degree of harm to the landscape character and appearance of the area. Based on evidence from ecological surveys that have been carried out, mitigation of biodiversity impact could be appropriately ensured by way of conditions, and Natural England has advised that the proposal would be unlikely to have a significant effect on any European designated site. The loss of Grade 2 'best and most versatile agricultural land' is a disbenefit, but the weight of this is limited by the location of the site within the Local Plan's identified 'direction of growth'.
46. The harm to a designated heritage asset set out above is a negative impact of the proposal in both environmental and social terms.

47. The proposal therefore rates well on some aspects of sustainability, and would provide the important benefits of new housing. In carrying out the balance required under paragraph 134 of the Framework, it is necessary to give considerable importance and weight to the harm that would result to the heritage asset. In terms of the justification for the harm, it is relevant that the site lies within the Local Plan's 'direction of growth' for the town, and I note the appellants' assertion that a decision against the proposal would undermine confidence in the plan-making process. However, there is no compelling reason as to why there should be this specific scale and layout of development within the 'direction of growth', with the particular degree of harmful impact. The extent of housing development that has been permitted in the town, which is well above that indicated in the Local Plan, is also a factor that mitigates the degree of benefit. This is on the basis that there appears to be no strong justification for the amount of housing proposed to be provided in this location, despite that the District forms a single housing market area.
48. Taking all of the above into account, I judge overall that the harm to the heritage asset is not outweighed by the public benefits of the proposal. In relation to Appeal B, in the absence of an acceptable scheme for development, there is no justification for the proposed demolition of a section of the wall.
49. Paragraph 14 of the Framework sets out what its presumption in favour of sustainable development means for decision-taking. This includes approving development proposals that accord with the development plan without delay, but this is subject to the caveat of footnote 10 which is that 'unless material considerations indicate otherwise'. In this case, the degree of accordance with the development plan is outweighed by the harm to the designated heritage asset. The paragraph also sets out that, where the development plan is absent, silent or relevant policies are out-of-date (as in this case), the presumption means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. As specified by footnote 9, the latter include policies relating to designated heritage assets. Due to my conclusion above on the heritage harm, and that in applying paragraph 134 this is not outweighed by public benefits, the proposal is not subject to the tilted balance of paragraph 14. The housing gain that would result from the development, in combination with the other benefits of the proposal as set out above, are in my judgement insufficient to outweigh the conflict with the objective of sustaining and enhancing the significance of a heritage asset and the harm that would result to this.
50. Overall I find that the proposal does not represent sustainable development.

Conclusion

51. For the reasons given above I conclude that the appeals should be dismissed.

T G Phillimore

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Michael Williams	Clive Miller & Associates Ltd
Clive Miller	Clive Miller & Associates Ltd
Michael Heaton	Michael Heaton Heritage Consultants
Colin Brown	LanDesign Associates Ltd

FOR THE LOCAL PLANNING AUTHORITY:

David Norris	Development Manager, South Somerset District Council
Keith Lane	Senior policy planner, South Somerset District Council
Andrew Tucker	Conservation Officer, South Somerset District Council

INTERESTED PERSONS:

Tobias Paul	Zyda Law (representing Ben Wilcock)
Ian Graves	Zyda Law (representing Ben Wilcock)
Ben Wilcock	Local resident
Robert Morfee	Local resident
Anne Michell	Local resident
John Wood	Huish Episcopi Parish Councillor
Shirley Nicholas	Chairman of Huish Episcopi Parish council
Keith Howe	Local resident
David Priestley	Local resident
Jennifer Dinsdale	Local resident

DOCUMENTS SUBMITTED AT THE HEARING

- 1 Council's hearing notification letter
- 2 Appeal decision ref APP/R3325/W/15/3133660
- 3 South Somerset District Council officer report on application ref 15/03313/OUT
- 4 Councillor Wood's figures of housing developments
- 5 Ms Michell's photographs of Wearne Lane
- 6 Key to South Somerset Local Plan 2006-2028 map

DOCUMENTS SUBMITTED AFTER THE HEARING

- 7 Deed of variation dated 23 June 2016
- 8 Appeal decision reference APP/R3325/W/15/3131336
- 9 Appellant's emails dated 29 June 2016

Appeal Decisions

Site visit made on 3 August 2016

by **R M Pritchard MA PhD MRTPI**

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

Decision date: 24th August 2016

Appeal A : Ref: APP/R3325/W/16/3147215

Merricks Farm, Park Lane, Huish Episcopi, Somerset, TA10 ONF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval under Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015.
 - The appeal is made by Mr and Mrs S Brooke against the decision of South Somerset District Council.
 - The application Ref 15/05197/PAMB, dated 29 October 2015, was refused by notice dated 23 December 2015.
 - The development proposed is the change of use and conversion of a steel-framed, covered yard barn to residential use.
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Appeal B : Ref: APP/R3325/W/16/3147206

Merricks Farm, Park Lane, Langport, Somerset, TA10 ONF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval under Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015.
 - The appeal is made by Mr Simon Brooke against the decision of South Somerset District Council.
 - The application Ref 16/00058, dated 4 January 2016, was refused by notice dated 26 February 2016.
 - The development proposed is the change of use and conversion of an agricultural building to a dwelling.
-

Decisions

APPEAL A :

1. The appeal is dismissed.

APPEAL B :

2. The appeal is allowed and approval is granted under the provisions of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 for the conversion of an agricultural building to a dwelling at land at Merricks Farm, Park Lane, Langport, Somerset, TA10 ONF in accordance with the terms of the application Ref 16/00058, dated 4 January 2016, subject to the following conditions –
 - 1) The development hereby permitted shall be completed not later than three years from the date of this decision.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos 15/1536/03 and 15/1536/02.
- 3) No development shall take place until samples of the materials to be used in the construction of the walls, roofs, windows and doors of the building the change of use of which is hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) No development shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall define the residential curtilage of the building the change of use of which is hereby permitted and as shown on Drawing No 15/1536/03. Development shall be carried out in accordance with the approved details and these shall thereafter be retained.
- 5) Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the building the change of use of which is hereby permitted is first occupied. Development shall be carried out in accordance with the approved details and these shall be retained thereafter.
- 6) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions or other external alterations, other than those expressly authorised by this prior approval, shall be made to the building the change of use of which is hereby permitted.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no fences, gates or walls, other than those agreed under Condition 4) shall be erected within the curtilage of the building the change of use of which is hereby permitted.

Procedural Notes

3. As indicated in the headings, these two appeals are made by apparently slightly different appellants and on land with slightly different addresses – as set out on the original applications. Although for the conversion of two different buildings to residential use, both are in fact on the same site and in the same ownership. Both applications are accompanied by site plans (Refs 15/1524/03 and 15/1536/03 respectively) that show the building and a small surrounding area enclosed by the 'red line'. In both cases, I consider these to be the areas of the curtilages of the two buildings within which a change of use is proposed. Outside the 'red lines' the rest of the site will remain in agricultural use.

Main Issues

4. I consider that a main issue common to both appeals is the effect of the proposed conversions on the living conditions of their future occupants. In addition, Appeal A raises the additional issue as to whether the agricultural

building is capable of conversion without structural works likely to be contrary to paragraph Q.1(i) of Class Q, Part 3, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 ('the GPDO').

Reasons

Background

5. Merricks Farm lies to the south of the A378, Langport – Curry Rivel road, on higher ground close to the south eastern edge of the Somerset Levels. It is accessed by a pair of narrow and roughly surfaced tracks, Frog and Park Lanes - the former linking to the southern edge of Langport; the latter to a junction with the A378 north east of Curry Rivel.
6. The original farm complex is said to date from the 1890s and its use was originally a combination of farming and quarrying. Many of the original farm buildings were replaced in the 1960s. The current owners, who are the appellants, have owned the farm for over 20 years during which time the principal business has been the production of organic fruit and vegetables. However, Merricks Farm Cottage, close to the farm access was sold off as a separate dwelling some years ago, whilst former stables along Park Lane have been converted into holiday cottages.
7. The two appeals refer to different buildings on the site. Appeal A concerns a steel-framed, open barn that probably dates from the 1960s and which lies behind the holiday cottages towards the south west corner of the farm complex. Appeal B refers to a smaller and older building, formerly a milking parlour, but currently used as a packing shed and store for the farm business, which is to the north of the barn that is the subject of Appeal A.
8. Both applications were submitted under Classes Q(a) and (b) of the GPDO, i.e. they involve the change of use of the two buildings to dwellinghouses (Use Class C3) and the building operations necessary to convert the buildings to that use.
9. It is also intended to carry out other works were the appeals to be successful. In particular, a third building, broadly lying between the two buildings which are the subjects of the appeals, would be demolished and a parking and access area would be laid out immediately to the south of the building which is the subject of Appeal A.

Both appeals: Matters in dispute and not in dispute

10. Paragraph Q.1 sets out certain limitations under which development would not be permitted under Class Q. These principally relate to whether and when the buildings proposed for a change of use may have previously been in agricultural use, limitations on the current and proposed size of the buildings and restrictions if the site is in certain categories of specially designated land, e.g. a Site of Special Scientific Interest, or if the building is listed¹. None of these limitations apply to the appeal site or to either of the buildings, the use of which it is proposed to change.

¹ The relevant paragraph also refers to the fact that the total number of new homes should not exceed 3 dwelling houses. However, this does not include existing dwellings within the farm unit but only those created by the use of the permitted development right set out by the GPDO. It is not therefore relevant to either appeal.

11. However, paragraph Q.1(i)(i) specifies that any building operations carried out should be limited to the replacement of windows, doors, roofs or exterior walls or to the provision of services necessary for the building to function as a dwellinghouse. Paragraph Q.1(i)(ii) also allows any partial demolition to allow the works necessary under Q.1(i)(i) to be carried out. Essentially these paragraphs distinguish between non-structural work, which is permitted, and structural work, which is not. It is this section to which the Council has referred in its reason for refusal specific to Appeal A.
12. In addition to the limitations identified under paragraph Q.1, all proposals under Class Q are also subject to the conditions listed in paragraph Q.2.(1) which are those matters which should be taken into account in deciding whether prior approval should be granted. It is agreed that neither proposal raises any issues in respect of transport and highways impacts, or flooding and contamination risks. Nor, subject to the reservations raised under Q.1(i) in respect of Appeal A, has the Council raised any issue in respect of the design or external appearance of either building.
13. Instead, its common objection to both proposed changes of use is under Q.2(1)(e) which refers to the impracticality or undesirability of the change of use due to the '*...location or siting of the building...*'

Appeals A and B : The effect of the proposed conversions on the living conditions of their future occupants

14. In considering paragraph Q.2 (1)(e), one factor that I accept must be relevant is whether the location or siting of the building proposed for the change of use would result in material harm to the living conditions of its future occupants. The Planning Practice Guidance (PPG) emphasises this point when it refers to change being possibly undesirable '*...if it is adjacent to other uses such as intensive poultry farming buildings, silage storage or buildings with dangerous machines or chemicals*'.
15. The Council's case is that, in the case of both proposed conversions, the proximity of the buildings to other buildings capable of housing livestock would be undesirable as it would result in unacceptable living conditions for future occupants. In advancing this view, the Council concedes that none of the relevant buildings are currently so used to house livestock but takes the view that there remains the future potential for them to do so as well as the possibility of more general farming activity resuming on parts of the site². Its reasons for considering that potential to be feasible seem to relate to the complexity of the site in terms of the numbers of buildings and their relationships, the possibility of the site being split up in the future into different ownerships, and the unwillingness of the appellant(s) to enter into a legal agreement to restrict the use of other buildings on the site.
16. This last point is somewhat confusing as referred to in the Council's two appeal statements. In respect of Appeal B, the appeal statement comments in the third bullet point of the second paragraph that an Undertaking, made under section 106 of the Town and Country Planning Act 1990, to restrict the future use of other buildings on the site would overcome the Council's objection. However, in respect of Appeal A, the appellants having suggested such an

² In the case of both appeals, the changes of use proposed apply only to the buildings and the surrounding land would remain in agricultural use.

Undertaking to restrict the use of buildings for the housing of livestock, the fourth bullet point of the second paragraph comments that this would be insufficient. The reason is apparently that the Council would require the Undertaking to restrict all agricultural operations. However, if this is the Council's position, it seems to go beyond the reason for refusal common to both proposals which although it draws attention to '*...proximity to a farmyard...*' makes specific reference to buildings '*...capable of use for the accommodation of livestock...*'

17. I accept that the current arrangements around the farmyard are relatively complex given the sequence in which buildings have been erected in relation to one another. However, my site visit persuaded me that in respect of future uses the Council's fears are exaggerated. It is self-evident and undisputed that no livestock are currently housed on the farm and have not been so housed for some years. Furthermore, even accepting that agricultural use could re-occur on the site without any permission, I found it difficult to foresee circumstances where, if either conversion took place let alone both, such a use could recommence at the scale likely to result in significant material harm to the living conditions of future occupants.
18. There are a number of factors that combine to cause me to take this view. The combination of the proposed changes of use and the existing Merricks Farm Cottage and the holiday cottages along the Park Lane frontage would create a significant complex of adjacent buildings in residential use. When the associated parking and turning areas plus any landscaping associated with the buildings is taken into account, the opportunities for a return to agricultural use in the immediate vicinity of the appeal buildings seems to me to be limited. Furthermore, if, as the appellant intends, the structure between the two appeal buildings was demolished, the accommodation left to house livestock, together with the small scale of the remaining open yard – under 150m² – would seem to me to be too small to support a viable enterprise.
19. Furthermore, I could not accept the implication that proximity to any agricultural use would be sufficient reason to reject the change of use. Other agricultural uses, such as are mentioned in the PPG, might lead to a degree of noise and disturbance, but I am of the view that those issues associated with the housing of, and support for, livestock, especially perhaps smells, are most likely to produce conditions unacceptable to the living conditions of future occupants. Moreover, it seems to me to be an extreme position to suggest that an association with any agricultural use would lead to unacceptable living conditions. Barns are inherently connected with farms and a change to residential use is likely to be in the context of some agricultural activity.
20. I therefore draw the conclusion that the reason for refusal common to both appeals, namely that both buildings would not '*...be assured of a good standard of amenity...*' if the changes of use took place, cannot be sustained by the evidence. In this respect, therefore, the criterion set by Paragraph Q.2(1)(e) is met.

Appeal A only

21. The dispute between the Council and the appellants in respect of the structural suitability of the barn relevant to Appeal A focuses on whether the existing foundations and steel frame could carry the loads associated with the change of

- use. If they could not, the existing structure would need to be replaced and the change of use would fail the criterion set by paragraph Q.1(i)(i). I note that a previous application to change the use of the barn (Council Ref 14/04908/PAMB) was refused on precisely these grounds. I have also noted that the Council has raised no such objection to Appeal B, which is described as '*...robust and suitable for conversion...*' with works that would be within the scope of paragraph Q.1(i)(i).
22. The appellants have referred me to a number of examples where colleagues have upheld appeals for similar types of barns as that covered by Appeal A. I have no difficulty in accepting that a steel framed barn could meet the requirements of paragraph Q.1(i)(i) but it also seems to me that each case must be specifically assessed with reference to the structural integrity of the building, its foundations, load-bearing capacity etc. I have therefore given little weight to these other appeals.
23. The Council has raised a number of points that caused it to conclude that in this case, the building would fail the test put forward by paragraph Q.1(i)(i). In particular, following a visit by the Council's Building Control Officer (BCO), it has suggested that the existing structure would not be capable of bearing the increased loadings from a new roof covering, insulation and ceilings, whilst there are concerns as to how the main walls would be supported and junction between the floor and walls designed. The Council has also queried whether sufficient trial pits were dug to establish that adequate foundations exist over the whole footprint of the building.
24. Notwithstanding these comments, the appellants submitted a report by a structural engineer that states that the '*...existing building is structurally adequate to support the additional loading...*'. Nevertheless, the report is a brief document and it did not overcome some of the reservations that I share with the Council.
25. In particular, I agree that where there are issues over the capability of the structure and foundations to bear the additional loads contemplated, it is the responsibility of the applicant/appellant to demonstrate convincingly that the proposed development can be carried out within the statutory requirements. I would have therefore expected more detail to have been submitted by way of architects' drawings etc, which could have then been clearly and explicitly related to the report of the structural engineer. I do not accept the argument that, on the grounds of cost, these should only be provided once permission has been obtained.
26. As example, the appellants and the Council disagree as to whether there is sufficient evidence that there are adequate foundations over the whole extent of where there would be load bearing walls. I agree with the Council that basing the conclusion that they do so on the three trial pits – for which little detail is provided – and map evidence that simply shows a former building sitting on approximately the same footprint as previous buildings is not sufficient. Apart from the difficulties of relating maps of different ages and scales – the claim that the buildings on the 1903 Ordnance Survey map and those plotted on the 'current map' are the same is not completely persuasive - if there are foundations from a Victorian building, they may not meet modern requirements. Setting aside the issue of Building Regulation standards, I am therefore not convinced that enough evidence has been submitted to persuade

me that Appeal A would meet the necessary conditions in terms of its existing structure.

27. I would also comment that I do not fully agree with the appellants' interpretation of Section 55(2)(a) of the 1990 Act. It is true that this section excludes from the definition of development works such as might be needed for the insulation of roofs, construction of ceilings etc as may affect only the interior of a building. However, it does so clearly in the context of '*...the carrying out for the maintenance, improvement or other alteration...*' of a building. By contrast, Class Q refers to works reasonably necessary to convert a building and the Courts have drawn a distinction between maintenance and rebuilding as could be involved in a conversion.
28. Notwithstanding the above, in the case of Appeal A, the appellants have not provided sufficient evidence that the conversion to achieve the change of use could be carried out without what I would assess as structural work. In this respect, I therefore conclude that the conditions required by Paragraph Q.1(i) have not been demonstrably met.

Conclusions

29. For the reasons given above, I therefore conclude that Appeal A should be dismissed but that Appeal B should be allowed and prior approval granted under the terms of Class Q of the Order for a change of use from an agricultural building to Use Class C3.

Conditions

30. I have considered the conditions put before me by the Council that it would wish me to impose were Appeal B to be allowed in the light of policies towards conditions as now set out in the Government's Planning Practice Guidance (PPG), the model conditions included in the still extant Annex to Circular 11/95, *The Use of Conditions in Planning Permissions* and the requirements of Class Q of the Order. In this case, apart from the deemed condition (Paragraph Q.2(3)) that sets a time limit of three years from the date of my decision for the development to be completed, a further condition that it is carried out in accordance with the submitted plans is appropriate and I shall so impose such a condition.
31. The Council has also suggested conditions requiring its approval be given to materials, boundary treatments and any external lighting before any development is undertaken. I agree and shall impose conditions in all these respects. It has also asked for conditions to restrict permitted development rights to extend or further alter the exterior of the building and to erect any outbuildings, other structures or fences, gates or walls. Again, I agree and shall impose such conditions.

R M Pritchard

INSPECTOR

Agenda Item 13

Schedule of Planning Applications to be Determined by Committee

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

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Planning Applications will be considered no earlier than 2.45pm.

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

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
14	BURROW HILL	16/02970/COU	Change of use of agricultural land to form garden extensions.	Land Rear of Bladon Way, Folly Road, Kingsbury Epicopi.	Mr J Cornelius

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 application 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 14

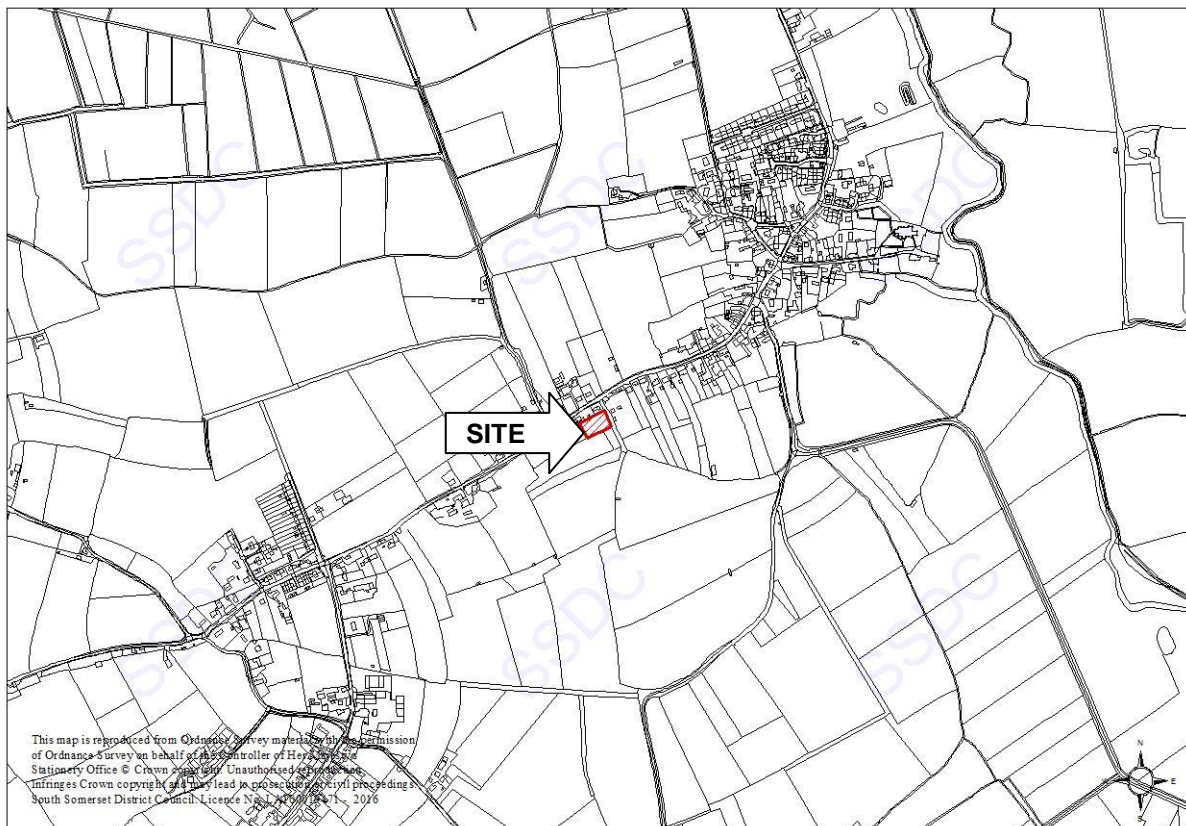
Officer Report On Planning Application: 16/02970/COU

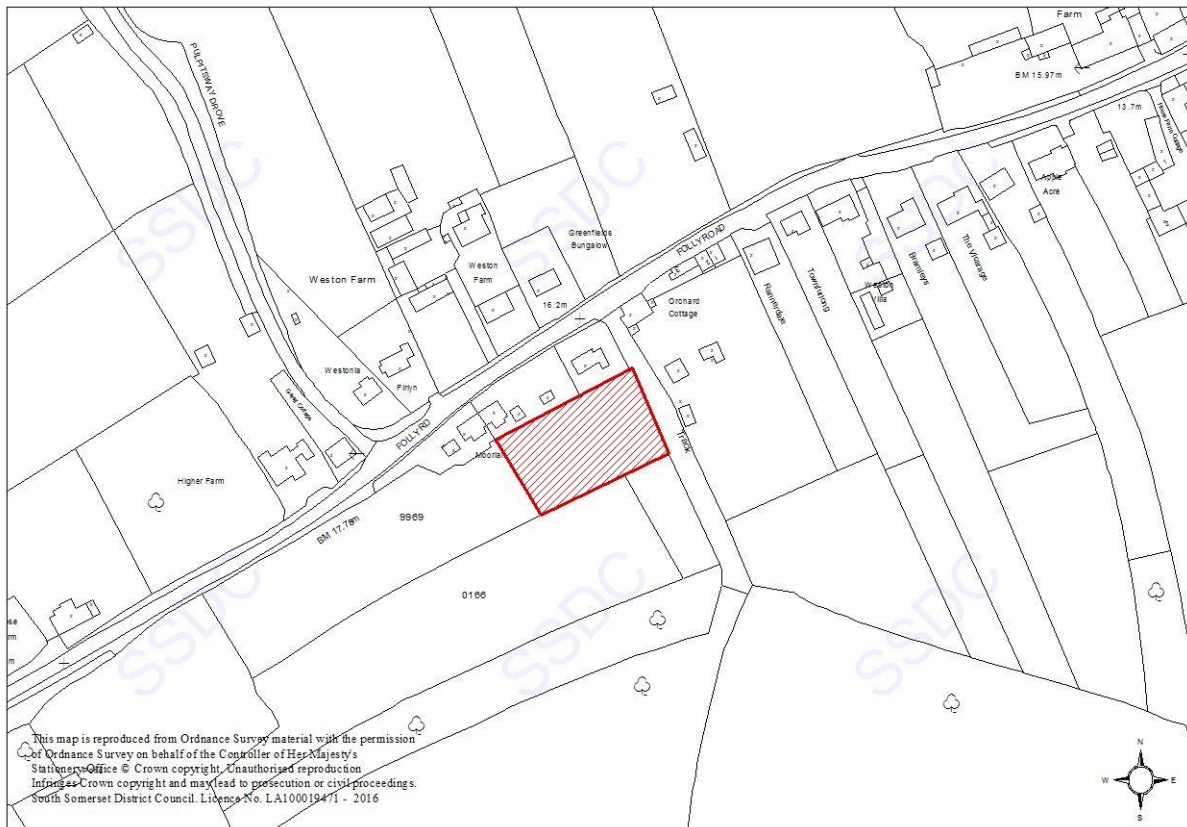
Proposal :	Change of use of agricultural land to form garden extensions for Bladon Way, West View and recently approved property in-between
Site Address:	Land Rear Of Bladon Way, Folly Road, Kingsbury Episcopi.
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	26th August 2016
Applicant :	Mr James Cornelius
Agent: (no agent if blank)	
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area North Committee at the request of the Ward Member and agreement of the Area Chair, to enable a wider discussion of the key issues.

SITE DESCRIPTION AND PROPOSAL





This application is seeking the change of use of agricultural land to form garden extensions to the rear of Bladon Way and West View.

The land in question forms part of what was a single much larger field but has in recent years been subdivided in a number of separate plots of land by fencing running north to south to reflect the change in ownership of this land. The land in part already has a fairly manicured appearance as a result of it being closely mown and the incursion of some domestic paraphernalia. A green drove and public right of way, footpath L17/88, passes along the east boundary of this land with a mature hedgerow inbetween. There is an existing hedgerow growing along the south boundary.

RELEVANT HISTORY:

- 14/03597/FUL: Erection of one dwelling (in the garden of West View). Permitted.
- 12/04593/FUL: Erection of a single storey rear extension to dwelling (Bladon Way). Permitted.
- 12/00525/FUL: Erection of a single storey side extension car port to dwelling (Bladon Way). Permitted.
- 11/04354/COU: Change of use of agricultural land to form garden extensions to Bladon Way, West View and Moorlands. Permitted.
- 07/01487/COU: Change of use from agricultural land to residential curtilage (land rear of Moorlands). Refused and subsequently dismissed at appeal.
- 06/03008/COU: Change of use of land from agricultural to residential curtilage (land rear of West View). Refused and subsequently dismissed at appeal.

POLICY

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

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

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

SD1 - Sustainable Development

EQ2 - General Development

National Planning Policy Framework:

Part 11 - Conserving and enhancing the natural environment

CONSULTATIONS

Kingsbury Episcopi Parish Council: No objections. Because of the size of the individual plots (of land) they would have no agricultural use.

County Highways: Referred to their standing advice

Landscape Officer: I recollect this site from previous applications, and recall that the council approved a commensurate extension of garden space in 2012, but had previously refused larger extensions of the residential plots to the rear of Bladon Way; West View and Moorlands, which in turn were appealed, with the appeal dismissed. Whilst the extent applied for has changed again, as before, I do not support this application, for the proposal will result in an erosion of the countryside - by virtue of domestic expansion into agricultural land - and there is no intrinsic environmental enhancement in supplanting farmland with domestic paraphernalia. Additionally, by extending domestic land beyond the field boundary, and creating a new boundary at variance with the tithe field pattern, the proposal erodes the historic field pattern in the immediate locality. I view this as an adverse impact on local landscape character, and thus contrary to the objectives of LP policy EQ2. Consequently there are landscape grounds for refusal.

Should you find a case for approval, then please condition the new boundary to be demarcated by a native species hedgerow throughout the length of the new boundary, to thus lessen the landscape impact of the COU.

REPRESENTATIONS

Written representations have been received from an adjacent neighbour who is objecting to the application noting that there has been a failure to comply with two of the conditions imposed as part of the previous permission (11/04354/COU). Under this earlier approval the planning officer went against two previous rulings by the Planning Inspectorate.

CONSIDERATIONS

This application is seeking change of use of agricultural land to extend the rear gardens

belonging to the properties West View and Bladon Way and the new house to be constructed between these two properties.

The Landscape Officer has objected to this application as a matter of principle due to the loss of agricultural land to domestic use stating that there is no intrinsic environmental enhancement in supplanting farmland with domestic paraphernalia. He goes on to state that by extending domestic land beyond the field boundary and creating a new boundary at variance with the title field pattern the proposal erodes the historic field pattern in the immediate locality and would have an adverse impact on local landscape character, contrary to the objectives of LP policy EQ2.

This application follows two previous unsuccessful applications 06/03008/COU and 07/01487/COU which sought individual extensions to the rear of West View and Moorlands respectively and were sought in a piecemeal fashion. These applications were both refused for reasons similar to the concerns of the landscape Officer set out above and due to their piecemeal nature and position which would result in an awkward fragmentation of this field. A later application in 2011 (11/04354/COU) for a garden extension to Moorlands, West View and Bladon Way was granted subject to a number of conditions, including one requiring that all three garden extensions be carried out within six months and that a native hedgerow be planted along the new rear boundary.

Whilst the Landscape Officer's concerns are duly acknowledged it should be noted that the eastern half of this field has now been sold off separately to a number of different owners with the ownership of each parcel of land delineated by post and rail fencing to form three separate enclosures. This subdivision has already compromised the historic field pattern and character and appearance of this area and given the different ownership the prospect of this land being restored to a single 'strip' field at some time in the future seems remote. Furthermore, although the scale of the garden extensions are larger than those previously permitted, they are not out of kilter with the scale of gardens serving neighbouring properties to the east and as such it is difficult to argue that the current proposal would be out of keeping with the local pattern of development.

In recent years there has been increasing pressure for enlarged garden areas to serve these properties resulting in either the loss of any sort of rear garden boundary, in the case of Bladon Way, or the erection of fencing instead of a hedgerow in the case of Moorlands and West View.

The Landscape Officer rightly highlights the objectives of LP policy EQ2 which aims to conserve and enhance the landscape character of the area. It is acknowledged that the proposal will result in the loss of agricultural land and intrude into the original strip field pattern. However, the original strip field pattern is difficult to discern other than from aerial photographs and has already been eroded by the subdivision that has occurred. It is therefore considered that provided conditions are imposed to control the erection of new outbuildings, high fencing / walls within the garden extensions and a planting scheme secured to reinforce the existing hedgeline growing along the southern field boundary that adequate controls will be in place to prevent the intrusion of unwarranted built form and will offer a degree of enhancement in respect of the original field boundary.

Further to the above, it is noted that the two refused applications previously mentioned were both tested at appeal and that both of these appeals were dismissed. In regard to application 07/01487/COU the Inspector put great emphasis upon the attractiveness of the local small scale field pattern and observed that the proposal would interfere with the historic field pattern by removing a central section of this strip field from agricultural use, fragmenting the landscape in an unsympathetic way and detracting from its rural simplicity. He also commented that the proposal would undermine the clear boundary with the development envelope of the village.

The current application will maintain and reinforce the historic field boundary to the south and avoids the awkward fragmentation of this field that would have arisen from the other two schemes. Overall this proposal is considered to have addressed the Inspector's concerns.

In conclusion, provided the proposed garden extension is implemented in its entirety and the supplementary planting is secured by condition it is considered that the proposal accords with the aims and objectives of policy EQ2 and should therefore be approved.

RECOMMENDATION

Grant consent for the following reason:

The proposed development, by reason of its siting, scale and layout, respects the rural character of the surrounding area and causes no demonstrable harm to visual or residential amenity in accordance with the aims and objectives of policy EQ2 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans location plan and site plan received 01/07/2016.

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

03. The change of use of the whole of the application site (as defined by the redline detailed on the approved site plan) shall be carried out in its entirety within six months of the commencement of this permission and shall be permanently retained and maintained in this manner thereafter.

Reason: To safeguard the character and appearance of the local landscape in accordance with policy EQ2 of the South Somerset Local Plan.

04. The development hereby permitted shall not be commenced unless details of a supplementary planting scheme, to include species, siting and numbers, to reinforce the existing hedgerow currently growing along the south boundary of the application site have been submitted to and agreed in writing by the local planning authority. The agreed planting scheme shall be completely carried out within the first available planting season from the date of commencement of the development. For a period of five years after the completion of the planting scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To safeguard the character and appearance of the local landscape in accordance with policy EQ2 of the South Somerset Local Plan.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no garages or other outbuildings shall be erected on the garden land hereby permitted without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the local landscape in accordance with policy EQ2 of the South Somerset Local Plan.

06. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no new fences, walls, gates or other means of enclosure greater than 1.2 metres in height shall be erected on the garden land hereby permitted without the prior express grant of planning permission.

Reason: To safeguard the character and appearance of the local landscape in accordance with policy EQ2 of the South Somerset Local Plan.
