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## Area East Committee

**Wednesday 8th July 2020**

**9.00 am**

**A virtual meeting via Zoom meeting software**

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The following members are requested to attend this meeting:

Robin Bastable  
Hayward Burt  
Tony Capozzoli  
Nick Colbert  
Sarah Dyke

Henry Hobhouse  
Charlie Hull  
Mike Lewis  
Kevin Messenger  
Paul Rowsell

Lucy Trimnell  
William Wallace  
Colin Winder

Planning applications will be considered no earlier than 9.00am

Any members of the public wishing to address the virtual meeting during either Public Question Time or regarding a planning application, need to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 07 July 2020.

This meeting will be viewable online by selecting the committee meeting at:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

For further information on the items to be discussed, please contact:  
[democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

This Agenda was issued on Monday 29 June 2020.

**Alex Parmley**, *Chief Executive Officer*

**This information is also available on our website**  
**[www.southsomerset.gov.uk](http://www.southsomerset.gov.uk) and via the mod.gov app**

## **Information for the Public**

In light of the coronavirus pandemic (COVID-19), Area East Committee will meet virtually via video-conferencing to consider and determine reports. For more details on the regulations regarding remote / virtual meetings please refer to the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

## **Area East Committee**

Meetings of the Area East Committee are usually held monthly, at 9.00am, on the second Wednesday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom and the starting time may vary.

Agendas and minutes of meetings are published on the council's website at:  
<http://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

Agendas and minutes can also be viewed via the mod.gov app (free) available for iPads and Android devices. Search for 'mod.gov' in the app store for your device, install, and select 'South Somerset' from the list of publishers, then select the committees of interest. A wi-fi signal will be required for a very short time to download an agenda but once downloaded, documents will be viewable offline.

## **Public participation at meetings (held via Zoom)**

### **Public question time**

We recognise that these are challenging times but we still value the public's contribution to our virtual meetings.

If you would like to address the virtual meeting during Public Question Time or regarding a Planning Application, please email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on the day before the meeting. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

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

This meeting will be streamed online via YouTube at:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

### **Virtual meeting etiquette:**

- Consider joining the meeting early to ensure your technology is working correctly.
- Please note that we will mute all public attendees to minimise background noise. If you have registered to speak during the virtual meeting, the Chairman or Administrator will un-mute your microphone at the appropriate time. We also respectfully request that you turn off video cameras until asked to speak.
- Each individual speaker shall be restricted to a total of three minutes.
- When speaking, keep your points clear and concise.
- Please speak clearly – the Councillors are interested in your comments.

## **Planning applications**

***It is important that you register your request to speak at the virtual meeting by emailing [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on 07 July 2020. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.***

Consideration of planning applications at this meeting will commence no earlier than the time stated at the front of the agenda and on the planning applications schedule. The public and representatives of parish/town councils will be invited to speak on the individual planning applications at the time they are considered.

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

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

## **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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# **Area East Committee**

## **Wednesday 8 July 2020**

### **Agenda**

#### ***Preliminary Items***

**1. Minutes of Previous Meeting**

To approve as a correct record the minutes of the previous meeting held on 10<sup>th</sup> June 2020.

**2. Apologies for absence**

**3. Declarations of Interest**

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), 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.

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. 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.

#### **Planning Applications Referred to the Regulation Committee**

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

Councillors Henry Hobhouse, Paul Rowsell and William Wallace.

Where planning applications are referred by this Committee to the Regulation Committee for determination, Members of the Regulation Committee can participate and vote on these items at the Area Committee and at Regulation Committee. In these cases the Council's decision-making process is not complete until the application is determined by the Regulation Committee. Members of the Regulation Committee retain an open mind and will not finalise their position until the Regulation Committee. They will also consider the matter at Regulation Committee as Members of that Committee and not as representatives of the Area Committee.

**4. Date of Next Meeting**

Members are asked to note that the next scheduled meeting of the committee will be held at 9.00am on Wednesday 12 August 2020 using Zoom virtual meeting software.

**5. Public Question Time**

**6. Chairman Announcements**

**7. Reports from Members**

***Items for Discussion***

- 8. Area East - Covid-19 Community response** (Pages 7 - 8)
- 9. Area East Committee Forward Plan** (Pages 9 - 10)
- 10. Planning Appeals** (Page 11)
- 11. Schedule of Planning Applications to be Determined by Committee** (Pages 12 - 13)
- 12. Planning Application 19/01976/FUL - Land Os 0700 Part Barrow Lane, Charlton Musgrove** (Pages 14 - 22)
- 13. Planning Application: 20/00231/FUL - Lavender Keepers, Great Pit Lane, Rimpton** (Pages 23 - 29)
- 14. Planning Application: 20/01065/FUL - Land Opposite Ridgeway, Rowls Lane, Cucklington** (Pages 30 - 34)

**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.**

# Agenda Item 8

## **Area East – Covid-19 Community response**

*Director:* Netta Meadows, Service Delivery  
*Manager:* Tim Cook, Locality Manager  
*Lead Officer:* Tim Cook, Locality Manager  
*Contact Details:* [tim.cook@southsomerset.gov.uk](mailto:tim.cook@southsomerset.gov.uk)

### **Purpose of the Report**

To provide Members of the Area East Committee with an opportunity to discuss the current situation regarding the response to the Covid-19 pandemic and to raise issues or concerns in their wards.

### **Public Interest**

The community response to the Covid-19 pandemic has been extraordinary. This report provides an overview of support available to groups and individuals and provides an opportunity to check that the needs of vulnerable people and the volunteers supporting them continue to be met.

### **Recommendation**

That members comment and feedback and raise any issues or concerns relating to the current situation in their ward.

### **Background**

A request for a report on the support available to Town and Parish Councils and community organisations during the Covid-19 pandemic was made by Area South Committee in April. Area East members agreed that a report would provide members with an opportunity to feedback any concerns and share examples of good practice.

A great deal of information, advice and guidance is provided on the SSDC website. <https://www.southsomerset.gov.uk/life-events/coronavirus-support/coronavirus-self-help-hub/>

The situation continues to change rapidly. This report offers a brief overview which is subject to change. A verbal update will be given at the meeting.

### **Support to local communities**

Members will be aware of the work that has been done by individuals and groups in their own wards as a direct response to the Covid-19 pandemic. Work was undertaken with Parish and Town Councils to map the services that had become available to support the vulnerable people in communities. This identified that local solutions had been put in place in almost every parish. These solutions range from an individual parish contact to coordinate support to highly organised groups offering shopping, prescription collection, welfare calls, food boxes and in some cases accommodation for key workers or those at risk at home. This mapping work will not have captured the vast amount of informal help given by friends, neighbours and family members. The information gathered has enabled a flow of information and mutual referral between the groups and the SSDC wellbeing hub.

The above, alongside the support for the established community and voluntary sector has been co-ordinated and supported extremely effectively by Spark Somerset.

## **Funding for groups**

Somerset Community Foundation (SCF) immediately established the Somerset Coronavirus Appeal which offers grants to new and existing groups that are providing support to vulnerable people. A fund of over £800,000 has been established for direct funding and donations. As of 29<sup>th</sup> June, 4 awards have been made to groups in Area East.

Further details are available on the SCF website.  
<https://www.somersetcf.org.uk/news/361/73/Somerset-Community-Foundation-s-response-to-COVID-19>

New funding streams are being announced all the time and we will continue to work with colleagues in other districts and the county to ensure that information is disseminated to local groups and town and parish councils.

## **Support for Business**

Information, advice and links to financial and other support is available on the SSDC website.  
<https://www.southsomerset.gov.uk/life-events/coronavirus-support/business-support/>

## **Local food and drink promotion**

Many local businesses have adapted their offer with many establishing takeaway and delivery services. Local food and drink producers and suppliers have also looked to support the local market. A directory of local food and drink producers and suppliers has been created and is available on the SSDC website. The aim is to develop the directory to help recovery through promoting food and drink businesses and encouraging a greater emphasis on buying local produce.

Economic Development specialists continue to provide support to businesses and are focused on preparing for the recovery phase. They have also undertaken work with Town Councils to help make it safer to use High Streets in response to the relaxation of restrictions.

## **Financial Implications**

There are no financial implications arising directly from this report.

## **Corporate Priority Implications**

The priorities have been developed taking into account the SSDC Corporate plan priorities.

## **Carbon Emissions and Climate Change Implications**

This is considered on an individual project and programme basis as appropriate. The overall priority is to seek to create more balanced communities where people can live, work and get access to the services and facilities they need on a daily basis. Area working (Area+) helps to improve access to facilities, activities and services, reducing the need to travel.

## **Equality and Diversity Implications**

This is considered on an individual project and programme basis as appropriate.

**Background Papers:** None



# Agenda Item 9

## Area East Forward Plan

*Director::* Kirsty Larkins, Director (Strategy & Commissioning)  
*Lead Officer:* Case Officers (Strategy & Commissioning)  
*Contact Details:* [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

## Purpose of the Report

This report informs Members of the agreed Area East Forward Plan.

## Recommendation

Members are asked to:-

- (1) Comment upon and note the proposed Area East Forward Plan as attached;
- (2) Identify priorities for further reports to be added to the Area East Forward Plan, developed by the SSDC lead officers.

## Area East Committee Forward Plan

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 Committee agenda, where members of the Area Committee may endorse or request amendments.

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 Area 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 corporate aims and objectives.

Further details on these items, or to suggest / request an agenda item for the Area East Committee, please contact [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk)

**Background Papers:** None

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## Appendix A

### Area East Committee Forward Plan

Meeting Date	Agenda Item	Background and Purpose	Lead Officer
Monthly	Area East – Covid-19 Community response	To discuss the current situation regarding the response to the Covid-19 pandemic and to raise issues or concerns	Tim Cook / Steve Barnes
TBC	Retail Support Initiative Grant Scheme Overview	Review of the Retail Support Initiative Grant Scheme	Pam Williams
TBC	Appeal Decisions during 2019*	To consider and learn from Appeal decisions during the previous year	Simon Fox
TBC	Update on SSDC Transformation Programme		Toffer Beattie

\*Simon Fox has confirmed that this report request will be part of a district wide report which will come forward later in the year following proper assessment

# Agenda Item 10

## **Planning Appeals**

*Director:* Netta Meadows, Service Delivery  
*Lead Officer:* Simon Fox, Lead Specialist (Planning)  
*Contact Details:* [simon.fox@southsomerset.gov.uk](mailto:simon.fox@southsomerset.gov.uk) or 01935 462509

## **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**

None

## **Appeals Dismissed**

None

## **Appeals Allowed**

None

# Agenda Item 11

## Schedule of Planning Applications to be Determined by Committee

Director: Netta Meadows, Service Delivery  
Service Manager: Simon Fox, Lead Specialist (Planning)  
Contact Details: [simon.fox@southsomerset.gov.uk](mailto:simon.fox@southsomerset.gov.uk)

### Purpose of the Report

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

### Recommendation

Members are asked to note the schedule of planning applications.

### Planning Applications will be considered no earlier than 9.00am.

The meeting will be viewable online at:  
[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

Any members of the public wishing to address the virtual meeting regarding a Planning Application need to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 07 July 2020.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	TOWER	19/01976/FUL	Erection of a dwellinghouse with new access	Land Os 0700 Part Barrow Lane, Charlton Musgrove	Mr G Crabb
13	CAMELOT	20/00231/FUL	Change of use to land for the siting of a proposed tipi for cafe/farm shop	Lavender Keepers, Great Pit Lane, Rimpton	Mr & Mrs Hull
14	TOWER	20/01065/FUL	Erect general purpose agricultural building	Land Opposite Ridgeway, Rowls Lane, Cucklington	Ms S Dyke

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

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

## **Referral to the Regulation Committee**

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

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

## **Human Rights Act Statement**

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

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# Agenda Item 12

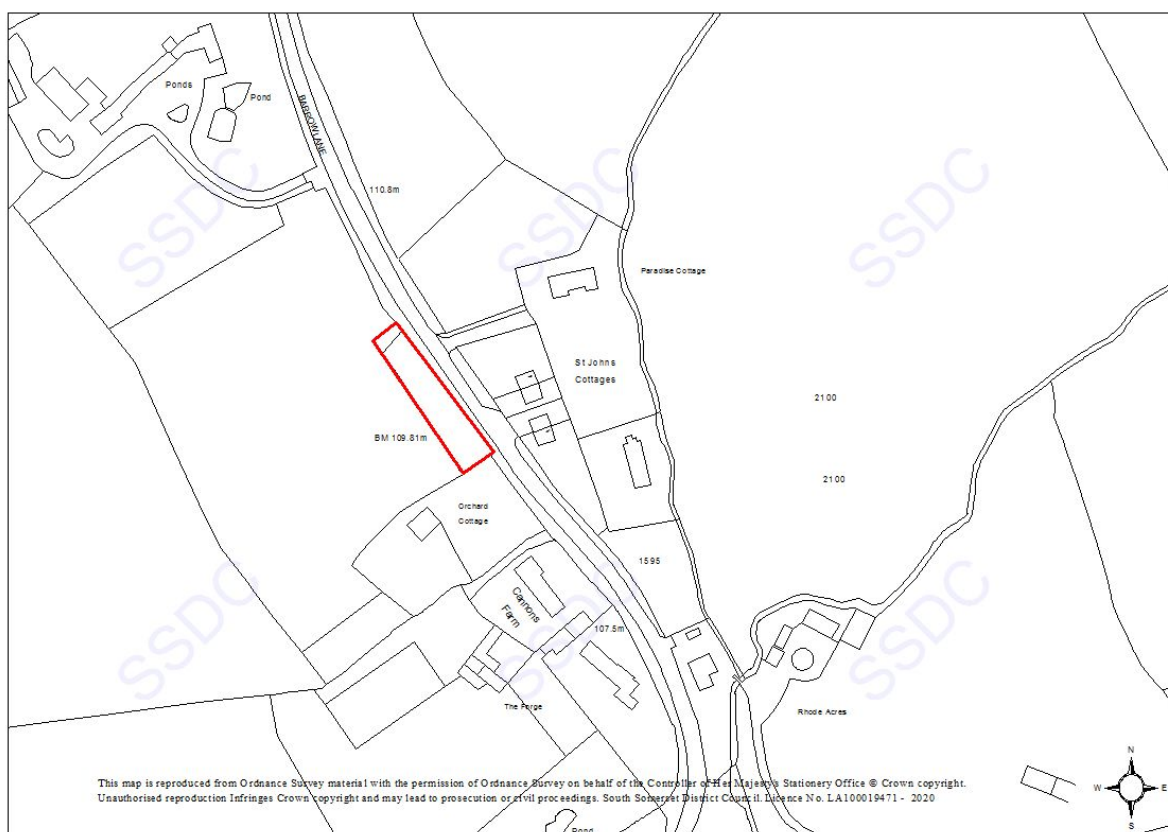
## Officer Report on Planning Application: 19/01976/FUL

<b>Proposal:</b>	Erection of a dwellinghouse with new access
<b>Site Address:</b>	Land Os 0700 Part Barrow Lane, Charlton Musgrove
<b>Parish:</b>	Charlton Musgrove
<b>TOWER Ward (SSDC Member)</b>	Cllr R Bastable
<b>Recommending Case Officer:</b>	Stephen Baimbridge Tel: (01935) 462497 Email: stephen.baimbridge@southsomerset.gov.uk
<b>Target date:</b>	11th September 2019
<b>Applicant:</b>	Mr G Crabb
<b>Agent: (no agent if blank)</b>	Mr Barry Lewis 2 Market House Market Place Sturminster Newton DT10 1AR
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### Reason for Referral to Committee

The application is referred to the Area East Committee at the request of the Area Chair following the Council's Scheme of Delegation.





## SITE DESCRIPTION AND PROPOSAL

The application seeks permission for the erection of a dwellinghouse with a new access. The proposed dwelling would consist of a 2-storey dwelling constructed with a mix of natural stone and brick under a tile or slate pitched roof. A gravel parking and turning area would be provided to the side of the dwelling accessed by 5m of tarmac driveway from the public highway.

The site is an area of approximately 0.07ha on the western side of Barrow Lane adjacent to the hamlet of Barrow. There is a large oak tree at the southern end of the site, which is subject to a Tree Preservation Order.

The applicant states that there was a dwelling on the site in the past but has not provided evidence to support this claim. Charlton Musgrove Parish Council have supplied a photograph from 1964 that shows a small metal structure at the northern end of the site.

## HISTORY

No Relevant history

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, and 12 of the NPPF indicate it is a matter of law that applications are 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).

#### South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development  
SS1 - Settlement Strategy  
SS2 - Development in Rural Settlements  
SS4 - District Wide Housing Provision  
SS5 - Delivering New Housing Growth  
TA1 - Low Carbon Travel  
TA5 - Transport Impact of New Development  
TA6 - Parking Standards  
EQ2 - General Development  
EQ4 - Biodiversity  
EQ5 - Green Infrastructure  
EQ7 - Pollution Control

#### National Planning Policy Framework - March 2019

2. Achieving sustainable development
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places
14. Meeting the challenge of climate change, flooding and coastal change
16. Conserving and enhancing the historic environment

#### Other

Somerset County Council Parking Strategy (September 2013)  
Somerset County Council Highways Development Control - Standing Advice (June 2017)  
National Design Guide (2019)

### **CONSULTATIONS**

#### Charlton Musgrove Parish Council

The Parish Council objects to the application on the grounds that:

- a) the development would cause harm to a tree subject to a TPO;
- b) the original structure was significantly smaller and located in a different part of the site
- c) the proposed dwelling does not meet any of the criteria outlined in the National Planning Policy Framework.

#### County Highways

Highways refer to standing advice.

#### Highway Consultant

Consider the sustainability of the site in terms of accessibility and connectivity to local services by sustainable modes of travel. The details on the submitted plan in respect of visibility splays (2.4m x 78m - no obstruction greater than 900mm), access surfacing, etc., are acceptable. Drainage measures would be required to ensure surface water does not discharge onto the public highway. The proposed parking provision is fine for a two-bedroomed dwelling.

#### Tree Officer

The officer considered it feasible that load-bearing soakaways and services could be accommodated 5 metres distant from the dwelling directly beneath the driveway area and that the submitted Tree Protection Plan helps to demonstrate the point by including the radial measurements.



He highlighted that the effectiveness of tree protection measures is highly dependent upon their installation prior to any site clearance, groundworks, commencement etc. and explained that some Groundworkers and Construction Site Managers are often un-aware or choose to ignore the requirements of pre-commencement planning conditions. As such, he therefore suggested, a pre-commencement condition requiring positive commitment to arboricultural supervision of the installation of tree protection measures as well as confirming their satisfactory installation in writing to the Local Planning Authority.

He suggested that the necessary protection measures have not been submitted in sufficient detail so the Applicant would need to agree to any pre-commencement conditions being imposed to add minor yet important strengthening and clarification of the intended pre-commencement installation of the tree protection measures. He deemed this to be reasonable and would allow us the confidence of imposing an effective condition. [A pre-commencement tree protection condition was proposed and has been imposed].

He raised caution over landscaping measures post-construction, which can harm trees if not carried out properly. For example, the adding of soil-grade to the existing soil-profile within the Root Protection Area. [An informative has been added to this effect].

He requested the removal of the usual Permitted Development rights associated with property to make it clear in the long term to future occupiers that they will need to obtain prior planning consent for any construction activities potentially damaging to the protected Oak tree, e.g. extending the driveway and parking area. [A condition has been imposed to remove Permitted Development Rights to lay hard surfaces or erect/site/install outbuildings or means of enclosures within the site].

The officer also sought that a scheme of landscaping details to further safeguard the retained trees from the likelihood of damage post-construction would be positive and suggested a condition to that effect [which has been imposed].

## **REPRESENTATIONS**

Nine representations have been received objecting to the proposed development on grounds of:

- The proposal fails to meet the requirements of Local Plan Policy SS2;
- the proposed structure is unsympathetic to the local vernacular;
- damage to the oak tree subject to a TPO;
- there never was a house on this site;
- the development represents "ribbon" development.

## **CONSIDERATIONS**

### Principle of Development

When considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the National Planning Policy Framework 2019 and seek to secure development that improves the economic, social and environmental conditions within the District.

The Council's lack of a five-year housing land supply lends significant weight when considering the planning balance. In line with paragraph 11 of the NPPF, the application should only be refused if the harm of approving the development would significantly and demonstrably outweigh the benefits, and the policies that are most important for determining this housing application must be considered out-of-date.

Having regard to the above, the planning merits of the proposal are considered against the Local Plan and the aims of the NPPF, and these considerations are set out below:

#### Sustainability of the Settlement

Development can be considered sustainable where there is adequate connectivity to at least two local services. Barrow has a church, a pub, a village hall and a bus service. It is considered that the development would be acceptably located in relation to facilities and furthermore would be likely to provide additional support for facilities through increased patronage.

Having regard to the above it is considered that the development would comply with the relevant sections of the NPPF in respect to locating housing within existing communities where existing services and facilities would be maintained and enhanced.

#### Policy SS2 - Development in Rural Settlements

Policy SS2 is a policy which seeks to restrict new housing development in Rural Settlements tier of the settlement hierarchy. The policy requires new housing in Rural Settlements, in which this site is located, to increase the sustainability of the settlement through the provision of employment opportunities appropriate to the scale of the settlement; and/or creation or enhancement community facilities and services to serve the settlement; and/or meeting identified housing need, particularly for affordable housing.

This proposal is not compliant with policy SS2 but as a policy to restrict housing growth it should be afforded limited weight in accordance with the NPPF.

#### Trees

There is a mature oak tree on the site which is subject to a Tree Protection Order (TPO CHMU 56). The proposed dwelling would sit approximately 25m from the trunk of the tree. In accordance with the Tree Officer, there is no reason to assume that the soakaway or other utilities would result in harm to the protected tree.

Pre-commencement conditions have been imposed to secure tree protection measures prior to commencement of the development and to secure a landscaping scheme that pays regard to the radial tree protection area.

It is considered to be unreasonable in planning terms to refuse the application on the basis that the owner/occupier of the dwelling once built would harm the protected tree. Nevertheless, an informative has been placed on the decision notice to remind the applicant of the dangers of carrying out landscaping within the tree protection area.

A report has been submitted by a neighbour to suggest that the application should be refused on the basis of harm to the tree. However, it is not certain whether the objector's Arboriculturalist benefitted from the amended site layout plan, which shows the proposed dwelling 20 metres away from the Tree.

The maximum radial Root Protection Area for any tree is capped at 15 metres and the amended plan shows the proposed dwelling to be well in excess of that. The parking area is in excess of 15 metres from the trunk and the protective fencing proposed would also be 16 metres from the tree. The increased separation between the tree and proposed dwelling also reduces the degree to which there would be shading of the dwelling to an acceptable level.

As such the application complies with policies EQ2, EQ4, and EQ5 of the South Somerset Local Plan (2006-2028).

#### Landscape & Visual Impact

The site is not considered to be isolated; there is a dwelling immediately to the south, and there are dwellings opposite. The development would represent a continuation of the built form of Barrow.

The proposal is for a single two-storey dwelling adjacent to similar dwellings in the immediate vicinity, being constructed of a mix of natural stone and brick under a tile or slate pitched roof. The proposed scale of the dwelling would not be dominant in the landscape and the applicant would accept a planning condition for a landscaping scheme to be agreed with the Authority in order to frame the proposed dwelling to include new native trees and provide a natural setting.

As such the application complies with policies EQ2, EQ4, and EQ6 of the South Somerset Local Plan (2006-2028).

#### Residential Amenity

The dwelling would be positioned 30m from the nearest neighbours' residential windows (no. 4 St Johns Cottages). This distance ensures no demonstrable harm to residential amenity by means of overlooking or loss of privacy.

A condition will be imposed to ensure no external lighting is installed/fixed etc. without prior agreement of the Local Planning Authority.

The application is considered to comply with policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028).

#### Highways

Access to the site is via Barrow Lane, an unnumbered rural lane bordered by trees and hedgerows. At this location, the road is of adequate width for two vehicles to pass safely and there are no reported concerns regarding visibility. The SSDC Highways Officer considers that the proposal meets the requisite parking standards.

There are a number of local amenities within a reasonable walking distance but it is acknowledged that there will be a likely reliance on car journeys nonetheless as is the norm for the district's rural areas. There is a bus stop (The Smithy) 700m from the site on the B3081 which is served by bus route 667 (Wincanton-Street).

As a single dwelling, the development is not anticipated to result in a significant number of additional vehicle movements and on this basis would not adversely affect highway safety in compliance with Policies TA5 and TA6 of the South Somerset Local Plan (2006-2028).

### **CONCLUSIONS**

The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a broadly sustainable location with access to a range of services and facilities.

For the reasons set out above, and notwithstanding the objection received, the proposed development is considered to represent a sustainable form of development that would not result in any demonstrable harm to visual amenity, residential amenity, highway safety, heritage assets or other environmental concern. The proposal therefore accords with Policies SD1, SS2, TA1, TA5, TA6, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the National Planning Policy Framework (2019) and is recommended for approval.

01. The Council's lack of a five year housing land supply lends significant weight when considering the planning balance. In this case, the site is located in a sustainable location with

access to a range of services and facilities.

For the reasons set out above, the proposed development is considered to represent a sustainable form of development which would not result in any demonstrable harm to visual amenity, residential amenity, highway safety, heritage assets or other environmental concern. The proposal therefore accords with Policies SD1, SS2, TA1, TA5, TA6, EQ2, EQ4, EQ5 and EQ7 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the National Planning Policy Framework 2019 and is accordingly recommended for approval.

**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: 2890-01B received 6th August 2019.

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

03. The materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall match those detailed in drawing no. 2890\_01B received 6th August 2019, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the National Planning Policy Framework 2019.

04. Prior to commencement of the development, site vegetative clearance, demolition of existing structures, ground-works, heavy machinery entering site or the on-site storage of materials, the submitted scheme of tree and hedgerow protection measures (Arboricultural Impact Assessment & Tree Protection Plan - 16 January 2020) shall be installed in their entirety and made ready for inspection by an appropriately experienced and qualified Arboricultural Consultant who shall confirm in-writing to the Council (please contact us at [planning@southsomerset.gov.uk](mailto:planning@southsomerset.gov.uk)) that the installation of the approved tree and hedgerow protection measures has been carried out to a satisfactory standard. The approved tree and hedgerow protection measures shall remain implemented in their entirety for the duration of the construction of the development and may only be moved, removed or dismantled with the prior consent of the Council in-writing.

Reason: To preserve existing landscape features (trees and hedgerows) in accordance with the Council's policies as stated within The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

05. No works shall be undertaken until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping measures. The submitted scheme shall clearly confirm the installation details, materials and dimensions of any intended tree or shrub planting, earth-moulding, boundary treatments (e.g. hedgerows, fences & walls), seeding, turfing and the installation of hard surfaces, pathways, driveways and parking spaces - whilst paying appropriate regard to the presence of the adjoining protected Oak tree (subject to The SSDC [Charlton Musgrove No 1] 1987 Tree Preservation Order). All intended planting stock shall be specified as UK-grown, and details shall be provided in regards to their planting locations, numbers of

individual species, sizes, forms, root-types/root volumes and the intended timing of planting. The installation details regarding ground-preparation, weed-suppression, staking/supporting, tying, guarding, strimmer-guarding and mulching shall also be included within the submitted scheme. All planting comprised in the approved scheme shall be carried out within the dormant planting season (November to February inclusively) upon or prior to the first occupation of the development hereby approved; and if any trees or shrubs which within a period of ten years from the completion of the development die, are removed or in the opinion of the Council, become seriously damaged or diseased, they shall be replaced by the landowner in the next planting season with trees/shrubs of the same approved specification, in the same location; unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the planting of new trees and shrubs in accordance with the Council's statutory duties relating to The Town & Country Planning Act, 1990 (as amended)[1] and the following policies of The South Somerset Local Plan (2006 - 2028); EQ2: General Development, EQ4: Bio-Diversity & EQ5: Green Infrastructure.

06. Prior to first occupation of the dwelling hereby permitted, an electric charging point (of a minimum 16amps) for electric vehicles shall be provided adjacent to the designated parking spaces or garages shown on the approved plan. Once installed such parking points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the development is resilient and sustainable in accordance with Policy TA1 (Low Carbon Travel) of the adopted South Somerset Local Plan and the provisions of the NPPF.

07. No vegetation removal works around the site shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of any trees, shrubs and scrub and tall vegetation to be cleared for active birds' nests immediately before works proceed and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

Reason: For the protection of nesting birds as required by the Wildlife and Countryside Act 1981 (as amended) and in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the National Planning Policy Framework 2019.

08. Prior to the first occupation of the dwelling hereby permitted the following biodiversity enhancement and compensation measures shall be installed and thereafter maintained in perpetuity, unless otherwise agreed in writing by the local planning authority:
- 2 x RSPB standard nest boxes, or similar, will be fitted to trees within the site at a height between 3-5m above ground level, facing north or east
  - 1 x Kent style bat boxes, or similar will be fitted to trees along the site boundary within the site at a height between 4-5m above ground level, facing south or west
  - 1 x bee boxes to the southern or western elevation of each either dwellings or trees.

Reason: To ensure the proposal meets the requirement requiring the development to contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, in accordance with Policy EQ4 of the South Somerset Local Plan (2006-2028) and the aims and provisions of the National Planning Policy Framework 2019.

09. There shall be no external lighting installed at the site without the prior written consent of the Local Planning Authority. Prior to the erection, installation, fixing, placement and/or operation of any external lighting on the site (including on any of the buildings themselves), details of such external lighting shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the equipment and supporting structures, positions, sizes, heights, type, luminance/light intensity, direction and cowl of all external lights to the buildings and any other parts of the application site edged red (as indicated on the approved Site Location Plan) and the hours at which such lighting is to be operated.

The external lighting shall thereafter be carried out in accordance with the approved details (unless the Local Planning Authority gives prior written approval to any subsequent variations), and shall thereafter be retained in that form.

Reason: To safeguard the rural character and appearance of the locality; to safeguard the residential amenities of owners/occupiers of the existing neighbouring property; to safeguard any biodiversity interests; and in the interests of public safety and convenience, having regard to Policies EQ2, EQ4 and TA5 of the South Somerset Local Plan and relevant guidance within the NPPF.

10. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking, re-enacting or modifying that Order), no development of the types described in the following Classes of Schedule 2 shall be undertaken without the express grant of planning permission, other than that expressly authorised by this permission:

- (a) Part 1, Class E (incidental buildings, enclosures, swimming or other pools)
- (b) Part 1, Class F (hard surfaces incidental to the enjoyment of a dwellinghouse)
- (c) Part 2, Class A (gates, fences, walls or other means of enclosure)

Reason: To safeguard the protected tree, in accordance with policy EQ5 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

#### **Informatives:**

01. The applicant is reminded to take caution with post-construction landscaping works such as rotavating and the addition of soil-grade to the existing soil-profile within the Root Protection Area, which may cause harm to the protected oak tree.
02. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

You are required to complete and return Form 1 Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. Please complete and return Form 6 Commencement Notice.

You are advised to visit our website for further details <https://www.southsomerset.gov.uk/cil> or email [cil@southsomerset.gov.uk](mailto:cil@southsomerset.gov.uk)

# Agenda Item 13

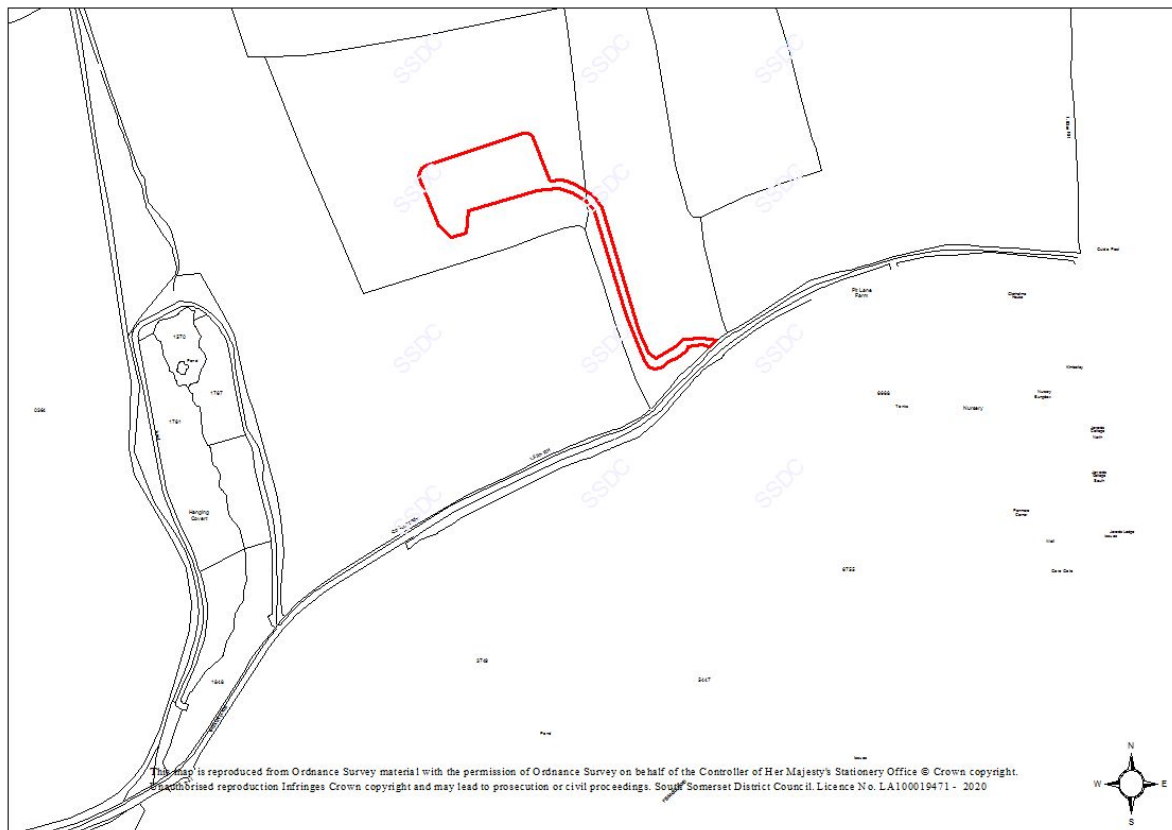
## Officer Report on Planning Application: 20/00231/FUL

<b>Proposal:</b>	Change of use to land for the siting of a proposed tipi for cafe/farm shop.
<b>Site Address:</b>	Lavender Keepers, Great Pit Lane, Rimpton
<b>Parish:</b>	Rimpton
<b>CAMELOT Ward (SSDC Member)</b>	Cllr M Lewis
<b>Recommending Case Officer:</b>	Trudy Gallagher Tel: 01935 462462 Email: planningcaseteam@southsomerset.gov.uk
<b>Target date:</b>	13th April 2020
<b>Applicant:</b>	Mr & Mrs Hull
<b>Agent: (no agent if blank)</b>	Mr Edward Dyke Agriculture House Market Place Sturminster Newton DT10 1AR
<b>Application Type:</b>	Minor Other less than 1,000 sq.m or 1ha

### Reason for Referral to Committee

This application is referred to the Area East Committee by the Chair, following supportive comments from the Parish Council, two local residents and a ward member to the contrary of the officer recommendation below.





## SITE DESCRIPTION AND PROPOSAL

The site is located in open countryside to the north west of Sandford Orcas and comprises an agricultural field containing a large agricultural barn which is served by a hardcore track leading from the vehicular access in the south east corner of the site off Great Pit Lane. A large area of hardstanding surrounds the barn and part of the barn has been granted planning permission to be converted into a butchery unit, charcuterie unit, fridge and freezer unit (Use Class B2).

The site slopes down from the road to the south with the area directly around the barn having been engineered to provide a large flat platform. The building is relatively well shielded from views from the south and west by a high bank and mature trees along both these elevations of the building. From the platform are far reaching views of the countryside beyond from east to west.

This application seeks permission for a seasonal tipi from which a farm shop and small café is proposed to operate, with around 70% of the floor space proposed for the shop use, however this is flexible as no floor plan has been submitted. The tipi is stated to have a maximum footprint of 132 sqm and a maximum height of 7.7m within the planning statement, however the plans appear to be a different scale, with the tipi shown being approximately 18m in height. The tipi will be in situ between April and October, and then removed and stored away during the winter months. With the recent establishment of the butchery and charcuterie units, the shop and café is intended to sell pork produce, seasonal flowers, vegetables and baked goods produced at the site, as well as other local produce sourced off site.

## HISTORY



19/03363/COU - Change of use of part of agricultural building to house butchery unit, charcutery unit, fridge and freezer unit (Use Class B2). Application permitted with conditions - 17/02/2020

17/04176/FUL - Siting of 1 no. mobile home for agricultural worker (temporary dwelling) and alterations to access (part retrospective). Application permitted with conditions.

15/05159/FUL - Erection of temporary dwelling. Application refused 19/01/2016 - Appeal dismissed 13/10/2016.

15/04685/FUL - Erection of temporary dwelling. Application withdrawn.

15/02666/AGN - Notification of intent to erect a steel framed agricultural building for housing equipment and feed and laying of hardcore track. Permission not required.

15/02042/AGN - Notification of intent to erect a steel framed agricultural building for housing equipment and feed and laying of hardcore track. Prior approval required.

## **POLICY**

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are 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 is the South Somerset Local Plan (2006-2028). On this basis the following policies are considered relevant:-

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy EP4 - Expansion of Existing Businesses in the Countryside

Policy EP5 - Farm Diversification

Policy EQ2 - General Development

Policy EQ7 - Pollution Control

Policy TA1 - Low Carbon Travel

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

National Planning Policy Framework

6 - Building a strong competitive economy

11 - Making effective use of land

12 - Achieving well designed places

National Design Guide 2019

## **CONSULTATIONS**

PARISH COUNCIL - Resolved to support the application but wish to draw attention to the following concerns and abnormalities:

1. The answer to Question 22 on the Application Form needs to be corrected.
2. The application appears to contradict Condition 5 of consent 19/04363/COU.
3. The paperwork for 20/03363/FUL and 15/02666/AGN suggests that the proposed tipi would be higher than the barn and dominate the site but the applicant has given assurances that this would not be the case.

COUNTY HIGHWAY AUTHORITY - Objection. The applicants have provided visibility splay drawings which address my previous concerns on this subject.

However, whilst the applicant may be able to achieve appropriate visibility splays my previous comments regarding the nature of the approach road (Great Pit Lane)- size, passing places, forward visibility and alignment still stand and therefore I continue to recommend refusal as the approach roads by reason of their restricted width and poor alignment, with limited forward visibility, are considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset District Local Plan (adopted March 2015).

HIGHWAY CONSULTANT - Somerset County will provide comments as the Highway Authority.

ENVIRONMENTAL PROTECTION - No comments received.

## **REPRESENTATIONS**

Two letters of support have been received making the following points:

- We should all do what we can to help responsible farmers
- Have visited their farm and it is clean, well-kept and the animals are happy and relaxed
- Not easy for small farmers to make a living
- Meat from the farm is high quality, natural and delicious
- Viewed from our village, Rimpton, in the valley below, the tipi will break up the current sight (albeit distant) of the large barn, thus it will be an improvement. There is a dip between the barn and the vegetable growing area and tipi so that any cars parked will not be seen from the valley below.
- Farmers are young entrepreneurs and should be encouraged

## **CONSIDERATIONS**

### **PRINCIPLE OF DEVELOPMENT**

Paragraph 83 of the NPPF states 'planning policies and decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) The development and diversification of agricultural and other land-based rural businesses'.

Policy EP5 (Farm Diversification) of the South Somerset Local Plan is also relevant, which states the following:

Proposals for development for the purpose of farm diversification within established agricultural holdings will be permitted if they comply with the following criteria:

- The character, scale and type of proposal is compatible with its location and landscape setting;
- A development will not be allowed to proceed unless it can be demonstrated that it will not result in any adverse impacts to the integrity of Natura 2000 sites and other national and international wildlife sites and landscape designations;
- They form part of a comprehensive farm diversification scheme and are operated as part of a viable farm holding and contribute to making the holding viable;

- Appropriately located existing buildings should be re-used where possible; and
- Where new or replacement buildings are required, the proposal is in scale with the surroundings and well related to any existing buildings on the site.

The agricultural enterprise is fairly new as it began in 2015, however it has expanded since and is considered to be well established for the purposes of EP5. The seasonal nature of the tipi, which will be removed during the winter and could be subject to a condition requiring it to be removed permanently once it is no longer required, means that it meets the criteria within policy EP5, as it would have only a temporary, small impact on the landscape and the negligible impact on wildlife. The shop would clearly support the viability of the enterprise as they would be able to sell more of their own produce directly from the site, and the tipi is located close to the existing building on site and is considered to be well related. It should also be noted that the existing building is not suitable to be reused as a farm shop and café as it is already well used as part of the agricultural business.

As such, it is considered to be an acceptable use that would support the rural economy, in line with meaning of the aims and objectives of the NPPF and Policy EP5 of the South Somerset Local Plan, and is therefore acceptable in principle.

### **VISUAL AMENITY/ LANDSCAPE CHARACTER**

The proposal is to be sited within on the existing hardstanding area adjacent to the existing building and, provided the measurements within the planning statement are correct, a height of 7.7m is not considered to cause any demonstrable impact on visual amenity or the wider landscape character. However, the submitted plans show different measurements, with the tipi being in excess of 18m in height. It is therefore difficult to assess whether the proposal complies with policy EQ2 of the South Somerset Local Plan.

If this discrepancy was the only refusal reason, then a revised plan could have been requested, however given the objection from the Highway Authority (see below) it was not considered reasonable to request amended plans whilst still recommending refusal.

### **RESIDENTIAL AMENITY**

The site is in a remote location and there are no immediate residential properties. The Environmental Protection officer has raised no objection to the proposal. On this basis it is not considered that it would harm the local residential amenity and is considered to comply with policy EQ2 of the South Somerset Local Plan.

### **HIGHWAY SAFETY**

During the course of the application, revised plans were considered to address concerns raised by Somerset County Council, who are the Highway Authority at this location. This revisions demonstrated that the access point of the site on Great Pit Lane has adequate visibility and adequate parking can be achieved within the site however they were unable to overcome the other concerns raised.

The site is approximately 0.9 miles along Great Pit Lane from the junction with the B3184. Great Pit Lane is a classified highway which is rural in nature and of single car width with limited passing places, most of which are ad-hoc and non-consolidated. The proposed farm shop and café will intensify the use of Great Pit Lane and the Highway Authority has confirmed that this would be highly likely to result in vehicle conflict due to the nature of the highway and the limited passing places, with the width, alignment and topography of Great Pit Lane limiting forward visibility for those travelling in vehicles. There is also high potential for conflict between large vehicles (which may include deliveries of produce for the shop and those accessing the

approved B2 units at the site) and vulnerable highway users such as pedestrians, cyclists and horse-riders.

It is noted that the applicant advises that retail sales already take place at the site with customers visiting to buy pork and therefore the vehicle movements will not change significantly, however any existing retail sales are in breach of condition 5 of application 19/03363/COU and cannot be considered as a lawful fall-back position. The applicant has also drawn comparisons between this proposal and a farm shop called Old Parlour Farm Shop at Mill Farm approved in 2015 (15/02408/FUL). Whilst each application should be determined on its own merits, officers consider that the highway issues on this site at Great Pit Lane are more acute than at the Mill Farm site. This application requires a journey of 0.9 miles along Great Pit Lane in either direction, whilst Mill Farm is within 0.2 miles and 0.3 miles of the villages of Weston Bamfylde and Sparkford respectively, meaning that vehicles travel a lesser distance on a single track highway and also allows for a higher percentage of visitors to be walkers or cyclists.

Paragraph 109 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' It is considered that the development will result in an unacceptable impact on highway safety for road users, and this would be contrary with the aims and objectives of Policy TA5 of the South Somerset Local Plan and the NPPF.

## **CONCLUSION / PLANNING BALANCE**

Given the above, it is considered the proposal would not be acceptable in terms of highway safety due to the nature of Great Pit Lane, with an objection from the Local Highway Authority. The scheme would provide benefits to the rural economy as it would improve the viability of the existing farm whilst also providing a small amount of job opportunities, however on balance the benefits are not considered to be outweighed by the severe impact on highway safety.

Furthermore, the plans show the tipi to be 18m in height which contradicts the 7.7m stated within the supporting information. Whilst the applicant has confirmed that 7.7m is correct, and revised plans could have overcome this, given the highway safety objection it was not deemed necessary to request amendments. Instead the uncertain size of the proposed tipi will form an additional refusal reason as it cannot be demonstrated that the scale of the tipi would not result in harm to local character.

## **RECOMMENDATION**

Permission is refused for the following reasons:

### **SUBJECT TO THE FOLLOWING:**

01. The development proposed, if approved, would result in the intensification of Great Pit Lane, which is not suitable for intensification due to its narrow width, limited forward visibility and insufficient passing places. It is highly likely that this would lead to vehicle conflict due to the nature of the highway, as well as conflict between more vulnerable road users and delivery vehicles, resulting in an unacceptable impact on highway safety. This would be contrary to policy TA5 of the South Somerset Local Plan (Adopted) 2015 and the aims and objectives of the NPPF.
02. The submitted plans and supporting information contain contrary information regarding the size of the proposed tipi. It is therefore not possible to confirm whether the height and

scale of the development is acceptable, to the contrary of policy EQ2 of the South Somerset Local Plan (Adopted) 2015.

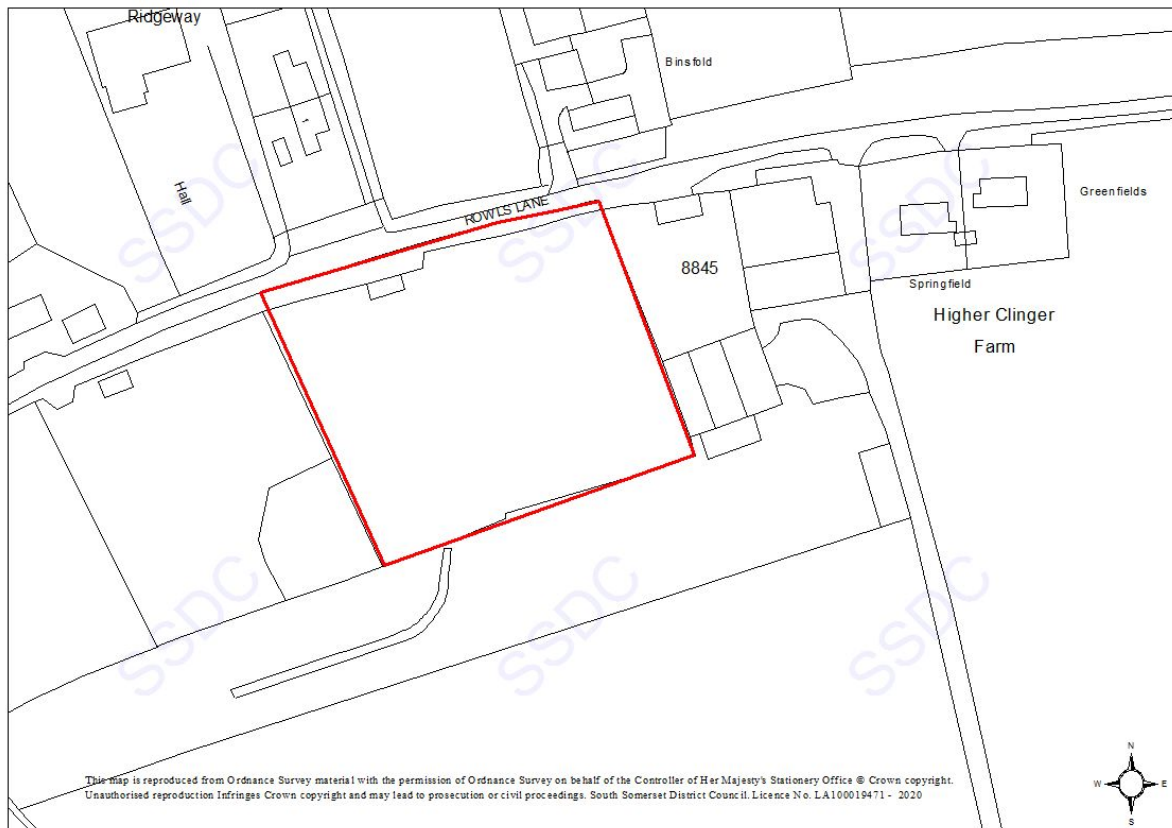
# Agenda Item 14

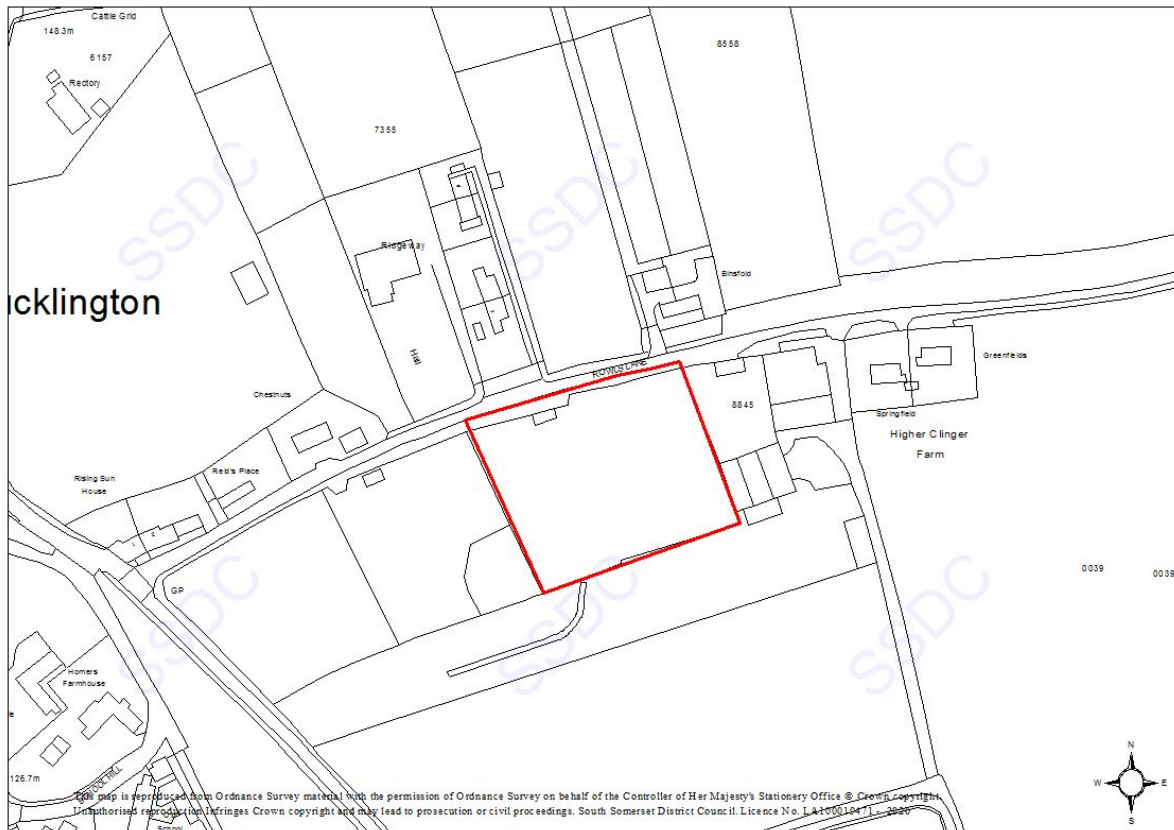
## Officer Report on Planning Application: 20/01065/FUL

<b>Proposal :</b>	Erect general purpose agricultural building
<b>Site Address:</b>	Land Opposite Ridgeway, Rowls Lane, Cucklington
<b>Parish:</b>	Cucklington
<b>TOWER Ward (SSDC Member)</b>	Cllr R Bastable
<b>Recommending Case Officer:</b>	Stanley Norris Tel: 01935 462462 Email: planningcaseteam@southsomerset.gov.uk
<b>Target date :</b>	9th June 2020
<b>Applicant :</b>	Ms S Dyke
<b>Agent: (no agent if blank)</b>	Mr Diccon Carpendale Wessex House High Street GILLINGHAM SP8 4AG
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### Reason for Referral to Committee

This application is to be presented the Area East Planning Committee under the Council's scheme of delegation as the applicant is an elected Ward Member.





## SITE DESCRIPTION AND PROPOSAL

The application site is a parcel of agricultural land measuring approximately 0.5 hectares, situated to the south of Rows Lane. In situ within the parcel there is a modest existing natural stone barn. The application site is surrounded by agriculture fields to the east and south, whilst there is a larger working farm to the east, Higher Clinger Farm. There are various sporadic residential dwellinghouses situated on the north of Rows Lane.

This proposal seeks permission for the erection of a modest agricultural building close to the northern boundary of the site. The applicant has a small flock of sheep which are rotated around numerous sites within the vicinity, totalling 17 acres. The proposed building will be utilised for agricultural storage, for housing ewes and lambs during the lambing season and also to facilitate veterinary attention and other welfare requirements. The existing building is currently used solely for storage and is not fit for the purposes of an expanding holding.

## RELEVANT HISTORY

No recent or relevant history.

## 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  
TA5 - Transport Impact of new Development

National Planning Policy Framework  
Chapter - Achieving Sustainable Development  
Chapter 12 - Achieving Well Designed Places

## **CONSULTATIONS**

Cucklington Parish Council:

It should be noted that the applicant makes reference to the agricultural holding of some 17 acres, the application form (and disclosure listed on the councillors register of interest) does indicate that actually the site and direct ownership of the agricultural holding is only 0.5 hecta, equating to approximately 1 acre.

The Parish feel it would be appropriate that a condition be added, if the application is approved, which would stop or remove rights for any development or subsequent application for change of use to the existing barn.

With the above notes and having spoken to several members of the parish we recommend approval of the application as detailed in the application pack.

County Highways:

Standing Advice applies

SSDC Highways advisor:

No significant highways issues - no objection.

Environmental Health:

No objections (conditions regarding noise and burning materials during the development process recommended)

## **REPRESENTATIONS**

1 neighbour rep received:

'There is already a stone barn on the site which is used for many of the purposes outlined in this application. I hope that if this application is approved it will not lead to a further application for the change of use of the existing barn to commercial or residential use. I note that the applicant does not differentiate within the 17 acres of grazing land which is owned and which is leased under grass keep arrangements. The core holding on Rowls Lane is less than 1 hectare'.

*Case Officer Response to Parish: It is not possible to impose a condition that would restrict future development other than through the removal of Permitted Development rights. Any future change of use application submitted would be judged on its own merits. A condition however has been imposed on this new building limiting its use solely to agriculture.*

## **CONSIDERATIONS**

Principle of Development:

There is support in principle for agricultural barns to serve agricultural land. Although the parcel of land within the application is small the applicant farms 17 acres of land within close proximity to the site.

Character and Appearance:



The building would be built close to the northern boundary which is heavily screened by high hedgerows and mature trees, which would limit views from Rowls Lane. The large working farm to the east is also noted which features substantial agricultural buildings. Ultimately, the proposed building is of an agricultural design that would be expected in a rural settlement such as Cucklington. The proposal is of a modest scale and therefore is not considered to cause any adverse harm to the character of the area in line with Policy EQ2 of the South Somerset Local Plan.

**Highway Safety:**

It is not considered that the proposal would have any adverse impact on highways safety.

**Neighbour Amenity:**

The site is removed from any near neighbour by approximately 30 metres and will be screened heavily from view, given the size and scale of the building, there are no amenity concerns.

**RECOMMENDATION**

Approve

01. The proposed development by reason of its location, scale, design and use of materials is considered acceptable without detriment to character and appearance, highway safety and neighbour amenity and accords with Policy EQ2 of the South Somerset Local Plan 2006- 2028.

**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:

- 20024-01A Location Plans
- 20024-02 Site and Location Plan
- 20024-03A Proposed Plans and Elevations

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

03. The external surfaces of the proposed development shall be as indicated on the referenced approved plans and submitted application form. No other external finishing materials shall be used in the alterations without the prior written agreement of the Local Planning Authority.

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

04. The agricultural building hereby permitted shall not be used other than solely for the purposes of an agricultural use.

Reason: To enable the Local Planning Authority to retain adequate control over the use of the building site hereby permitted in the interests of neighbour amenity and highways safety further to policies EQ8, EQ2 and TA5 of the South Somerset Local Plan 2006-2028.

05. Noise emissions from the site during the development of the site i.e. the demolition, clearance and redevelopment of the site, shall be limited to the following hours where noise is audible at any point at the boundary of any noise sensitive dwelling:  
Mon - Fri 08.00 - 18.00  
Sat 08.00 - 13.00  
All other times, including Sundays, Bank and Public Holidays there shall be no noisy activities.

Reason: In the interest of Residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan.

06. There shall be no burning of materials arising on site during any phase of the site clearance and development.

Reason: In the interest of Residential amenity in accordance with Policy EQ2 of the South Somerset Local Plan.