



Informal Discussion by Members of Area West Committee

Wednesday 15th April 2020

5.30 pm

**A virtual consultative meeting via
Zoom meeting software**

The following members are requested to attend this virtual consultation meeting:

Jason Baker
Mike Best
Dave Bulmer
Martin Carnell
Brian Hamilton
Ben Hodgson

Val Keitch
Jenny Kenton
Paul Maxwell
Tricia O'Brien
Sue Osborne
Robin Pailthorpe

Oliver Patrick
Garry Shortland
Linda Vijeh
Martin Wale

Planning applications will be considered no earlier than 5.30pm.

Any members of the public wishing to address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, need to email democracy@southsomerset.gov.uk by 9.00am on 14 April 2020.

For further information on the items to be discussed, please contact:
democracy@southsomerset.gov.uk

This Agenda was issued on Friday 3 April 2020.

Alex Parmley, Chief Executive Officer

**This information is also available on our website
www.southsomerset.gov.uk and via the mod.gov app**

Information for the Public

In light of the Coronavirus (COVID – 19), and the Government’s announcement to avoid social contact to help prevent the spread of the virus, a number of SSDC decision making meetings have been postponed and may continue to be postponed in the future.

At the meeting of Full Council on Thursday 19th March 2020 it was agreed to extend the delegation of all Executive and Quasi Judicial decisions listed in the Constitution to the Chief Executive and to the relevant Director in the Chief Executive’s absence where not already delegated, in consultation with the Leader of the Council (or Deputy) and the relevant Portfolio Holder, Ward Member and Committee Member if practicable to ensure that the Council can continue to operate, if meetings of the relevant committee are unable to be held.

This was the full decision taken:

1. That Council agreed the following changes be made to the Council’s Constitution:
 - a) To amend Part 3, Responsibility for Functions, Sections 3 and 4 of the Council’s Constitution to allow delegated authority to the Chief Executive, and to the relevant Director in the Chief Executive’s absence where not already delegated, to take Executive and Quasi-Judicial decisions in consultation with the Leader of the Council (or Deputy) and the relevant Portfolio Holder, Ward Member and Committee Member if practicable, if meetings of the relevant committee are unable to be held;
 - b) If legislation and technology allows, then enable Councillors to make decisions by remote, virtual meetings using available technology.
 - c) That delegated authority be given to the Monitoring Officer and Chief Executive to amend the Constitution to reflect any further changes that are required as a direct result of Government Legislation /Guidance resulting from the coronavirus (COVID-19) situation.
 - d) These changes in procedure will cease when the Government announces that the coronavirus (COVID-19) crisis is over and when normal meetings can resume.
 - e) That these changes in procedure be reviewed in 3 months time.

To enable the decision making process to continue, it is proposed that Councillors continue to receive decision-making reports and meet using virtual meeting teleconferencing technology and debate the reports. They will form a view which will be communicated to the Chief Executive. The decision will be formally made by the Chief Executive (or relevant Director). This is because current legislation states that Councillors must be ‘present and voting’ to cast their vote on an Executive or Quasi-Judicial decision.

Area West Committee

Meetings of the Area West Committee are usually held monthly, at 5.30pm, on the third Wednesday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom.

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

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 consultative meetings. If you would like to participate and contribute in the meeting, please join on-line through Zoom at: <https://zoom.us/join>

Please email democracy@southsomerset.gov.uk for the details to join the meeting.

You will need an internet connection to do this.

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.

If you would like to address the virtual consultative meeting during either Public Question Time or regarding a Planning Application, please email democracy@southsomerset.gov.uk by 9.00am on Tuesday 14 April 2020. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

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 will un-mute your microphone at the appropriate time.
- 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 by 9.00am the day before the meeting. 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

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.

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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Informal Discussion by Members of Area West Committee

Wednesday 15 April 2020

Agenda

Preliminary Items

- 1. Apologies for Absence**
- 2. 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 Jason Baker, Sue Osborne and Linda Vijeh.

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.

- 3. Public Question Time**
- 4. Chairman's Announcements**

Items for Discussion

- 5. Area West Forward Plan (Pages 7 - 8)**
- 6. Schedule of Planning Applications to be Determined by Committee (Pages 9 - 10)**

- 7. Planning Application 19/00810/FUL - Land at Tail Mill, Tail Mill Lane, Merriott.**
(Pages 11 - 17)
- 8. Planning Application 19/02921/OUT - Land Off Longstrings Lane, Holly Tree Farm, Broadshard Road, Crewkerne.** (Pages 18 - 29)
- 9. Planning Appeals (for information)** (Pages 30 - 43)

Please note that members of the Area Committee will make a recommendation on the above reports. The decision will be taken by the Chief Executive.

Agenda Item 5

Area West Committee Forward Plan

Director: Netta Meadows, Strategy and Support Services
Agenda Co-ordinator: Jo Morris, Case Officer (Strategy and Commissioning)
Contact Details: jo.morris@southsomerset.gov.uk or 01935 462055

Purpose of the Report

This report informs members of the proposed Area West Committee Forward Plan.

Recommendation

Members are asked to:-

- (1) comment upon and note the proposed Area West Committee Forward Plan as attached.
- (2) identify priorities for further reports to be added to the Area West Committee Forward Plan.

Forward Plan

The Forward Plan sets out items and issues to be discussed by the Area West Committee over the coming few months.

The Forward Plan will be reviewed and updated each month in consultation with the Chairman. It is included each month on the Area West Committee agenda and members may endorse or request amendments.

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.

Councillors, service managers, partners and members of the public may request that an item is placed within the forward plan for a future meeting by contacting the agenda co-ordinator.

Background Papers: None.

Notes

- (1) Items marked in italics are not yet confirmed.
(2) Further details on these items, or to suggest / request an agenda item for the Area Committee, please contact the Agenda Co-ordinator; Jo Morris, 01935 462055 or e-mail jo.morris@southsomerset.gov.uk

Meeting Date	Agenda Item	Lead Officer(s) SSDC unless stated otherwise
20th May 2020	<i>Area Chapter Outturn Report</i>	<i>Tim Cook, Locality Team Manager</i>
TBC	<i>Ilminster Forum</i>	<i>Cllr. Val Keitch</i>
TBC	<i>Meeting House Arts Centre, Ilminster</i>	<i>Cllr. Val Keitch</i>
TBC	<i>Highways Update</i>	<i>Highway Authority</i>
TBC	<i>Historic Buildings at Risk</i>	
TBC	<i>Update on CIL contributions</i>	
Quarterly Update Reports	<i>Chard Regeneration Scheme</i>	<i>Dan Bennett, Property and Development Project Manager</i>

Agenda Item 6

Schedule of Planning Applications to be Determined by Committee

Director: *Martin Woods, Service Delivery*
Lead Specialist: *Simon Fox, Lead Specialist - Planning*
Contact Details: *simon.fox@southsomerset.gov.uk or 01935 462509*

Purpose of the Report

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

Recommendation

Members are asked to note the schedule of planning applications.

Please note: Consideration of planning applications will commence no earlier than 5.30 pm.

SCHEDULE					
Agenda Number	WARD	Application	Brief Summary of Proposal	Site Address	Applicant
8	EGGWOOD	19/00810/FUL	The erection of 2 No. commercial buildings with the provision for car parking, access and turning areas	Land at Tail Mill. Tail Mill Lane, Merriott.	Mr P Quinn
9	CREWKERNE	19/02921/OUT	Erection of 2 No. dwellings with all matters reserved except for access and landscaping.	Land Off Longstrings Lane, Holly Tree Farm, Broadshard Road, Crewkerne.	Mr Jacobs

Further information about planning applications is shown below 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 had 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 7

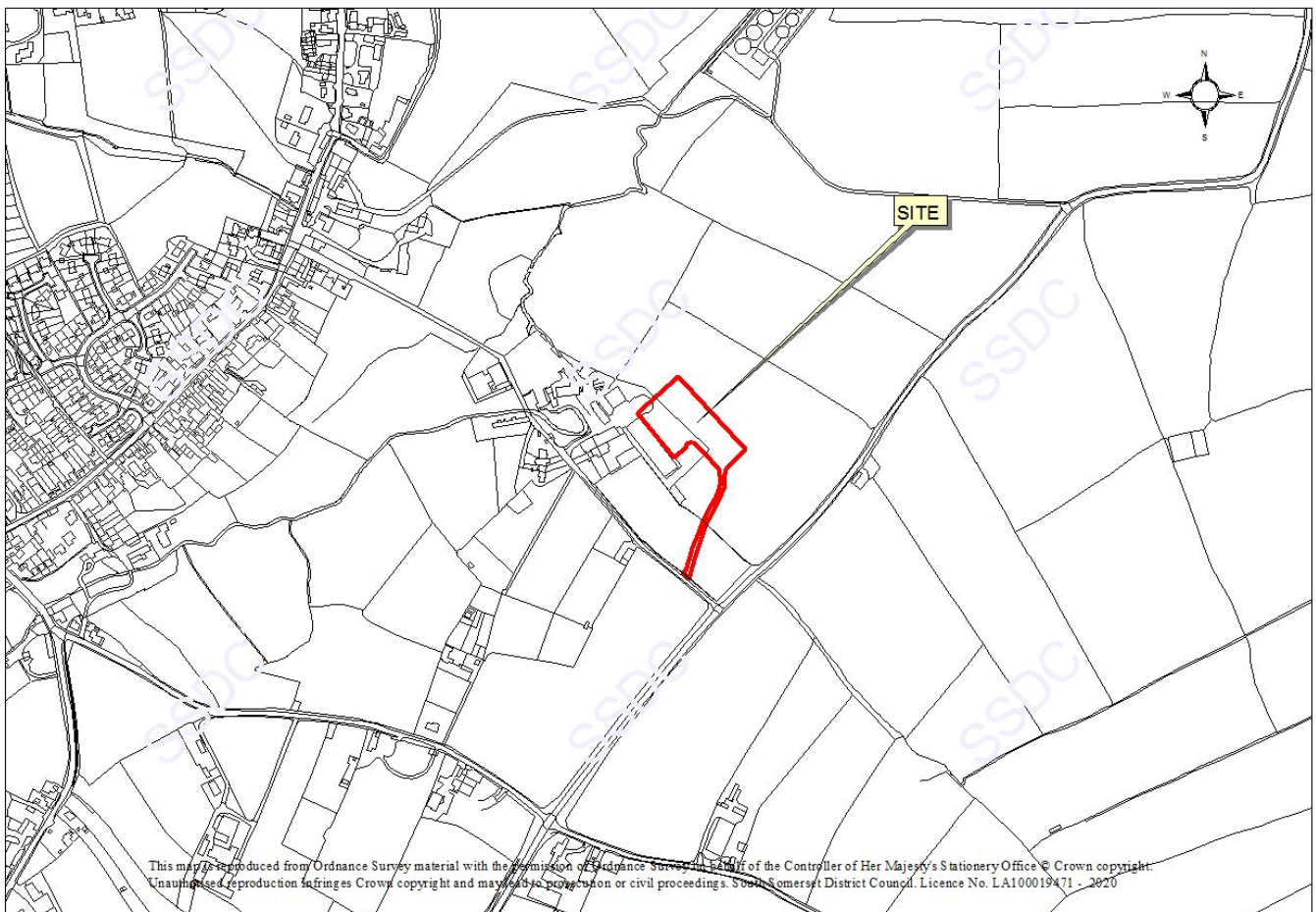
Officer Report on Planning Application: 19/00810/FUL

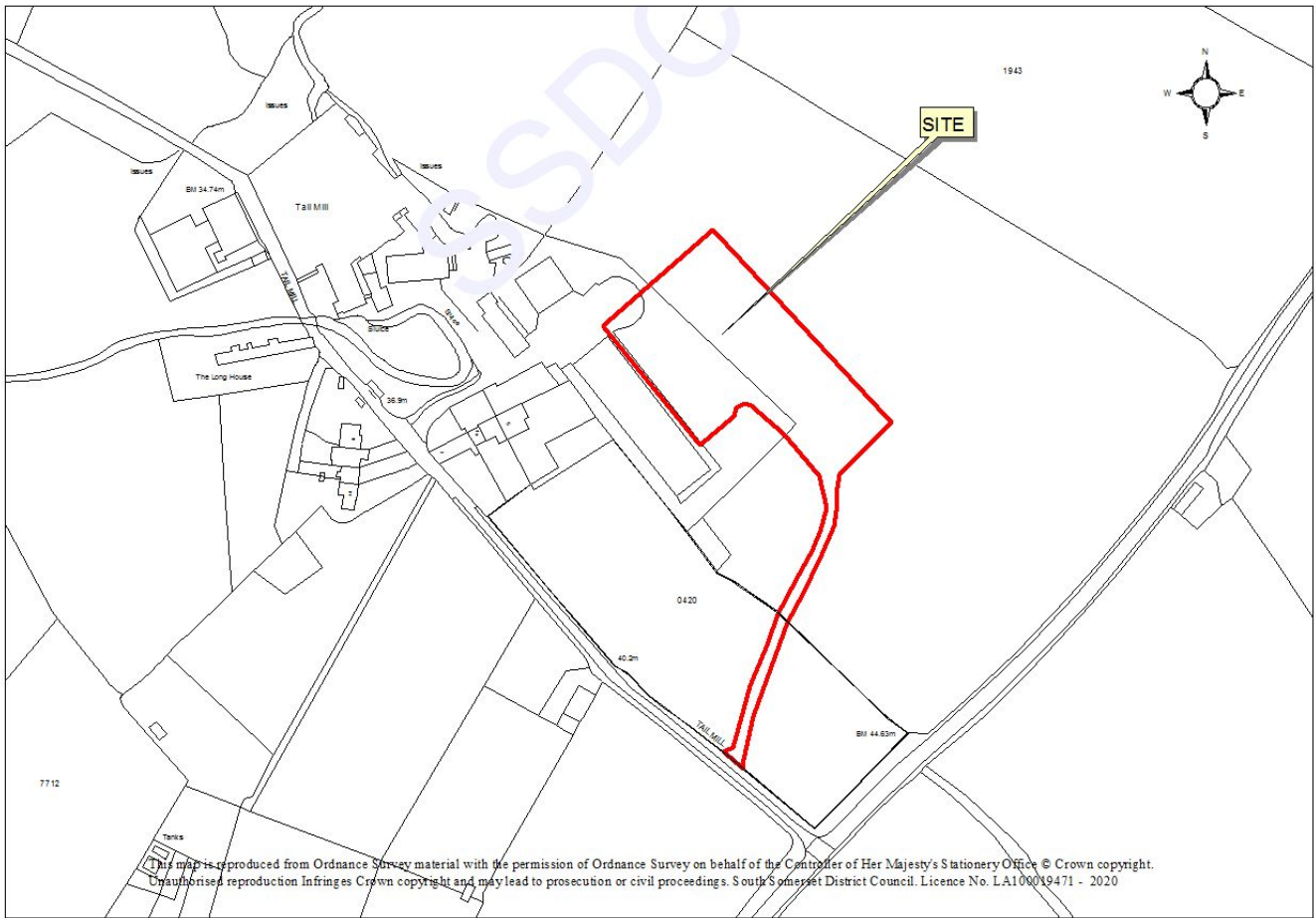
Proposal:	The erection of 2 No. commercial buildings with the provision for car parking, access and turning areas. The proposed buildings are to provide employment opportunity for SME businesses and to the local residents of Merriott.
Site Address:	Land At Tail Mill, Tail Mill Lane, Merriott TA16 5PF
Parish:	Merriott
EGGWOOD Ward (SSDC Member)	Cllr Paul Maxwell
Recommending Case Officer:	Ian Cousins
Target date:	13th June 2019
Applicant:	Mr Patrick Quinn
Agent: (no agent if blank)	Lyndon Brett Partnership, County Court Chambers, Queen Street, Bridgwater TA6 3DA
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

Members will recall that this item was deferred at the February Committee to allow negotiations to take place with the applicant regarding the layout and appearance of the road. These negotiations have taken place and amended plans received.

SITE DESCRIPTION AND PROPOSAL





The application site lies within the countryside to the east of Merriott and the historic Tail Mill site. The site comprises an existing commercial unit which accommodates two businesses. Access to the site is from the west between the Tail Mill re-development scheme and Tail Mill Cottages.

This application seeks consent to erect two commercial buildings to the north east of the existing building to accommodate small start-up businesses within 9 units. The units comprise a workshop/storage area with associated office and staff welfare facilities. A new road is proposed to be provided from Tail Mill Lane to the south along with parking and new landscaping. The plans have been amended to include planting and a reduction in width to the access road.

HISTORY

07/02464/FUL - Erection of an extension and the upgrade of existing factory together with highway improvements and landscaping. - Permitted - May 2007

08/03871/FUL - Extension to proposed factory buildings relating to planning approval 07/02464/FUL by the addition of a 6m wide bay to approved extension - Permitted - October 2008

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).

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

SD1 Sustainable Development
SS2 Development in Rural Settlements
TA5 Transport Impact of New Development
TA6 Parking Standards
EQ1 Addressing Climate Change in South Somerset
EQ2 General Development
EQ3 Historic Environment

National Planning Policy Framework

Chapter 4 - Decision Making
Chapter 6 - Building a Strong, Competitive Economy (Paragraphs 83 & 84)
Chapter 12 - Achieving Well-Designed Places (Paragraph 124)

Planning Policy Guidance

Climate change
Design
Somerset County Council Parking Strategy (March 2012)

CONSULTATIONS

Merriott Parish Council

"Support the application and recommend approval"

County Highway Authority

"No objection as the level of parking is acceptable. Details of the disposal of surface water will need to be submitted prior to the occupation of the units."

SSDC Highway Consultant

"Refer to comments made by County Highways."

Environment Agency

"No objections subject to an informative being imposed advising of safeguarding during the construction phase"

Environmental Health

"If a B2 use is to be included in the proposal, then a noise report will be required."

REPRESENTATIONS

4 representations received objecting to the application on the grounds of neighbour amenity, impact on character of area, highway concerns and loss of views.

CONSIDERATIONS

Principle of Development

The site lies within an area defined as countryside and therefore the principle of development is considered against Chapter 6 of the NPPF (specifically paragraph 83 (rural economy)) and policy SS2 of the Local Plan. These policies seek to support employment opportunities appropriate to the scale of the settlement and promotes a prosperous rural economy.

Merriott is considered to be a rural settlement which has key facilities that are easily accessed from the application site. Furthermore, Merriott has accommodated development and grown over recent years.

Given this, it is considered that the scale of development is commensurate to the size and nature of Merriott and provides for employment opportunities and as such, the principle of development can be considered to be acceptable.

Scale and appearance

The proposed buildings are considered to relate well to the built form of the existing commercial building and are of a scale and appearance that will not appear incongruous. Accordingly, this element of the development is considered not to be detrimental to the character of the area. Furthermore, given that the proposed buildings are to be located further away from the recent Tail Mill development than the existing industrial building, this element of the proposal is not considered to be detrimental to the historic setting of Tail Mill.

The proposed access road will cut across an undeveloped agricultural field resulting in the creation of two separate parcels of land. This element of the proposal raised concerns on the grounds that the design of the road would introduce an urban feature which would be visually intrusive and therefore harmful to the rural character of the countryside.

Accordingly, a revised design for the access road has now been negotiated. The pathways have been omitted and the road will narrow to a central pinch point from the junction. A grass bund will be provided to a section of the road to its north east side and planted with a hedgerow. Following these changes, it is considered that the urban appearance of the road has been suitably designed out and is now more appropriate to its rural setting. Furthermore, it is considered that the proposed landscaping will further assist the integration of the road into the landscape.

Highways and parking

It is considered that the new access road is suitable for the proposed development and can accommodate the level of likely traffic movements without detriment to highway safety. Furthermore, the new road will divert the traffic for the existing building away from the residential area which is considered to represent a benefit to highway safety and neighbour amenity. The existing access will be stopped up and abandoned however, pedestrian access into the site will remain.

Neighbouring amenity

The closest residential buildings are located to the north west of the site, beyond the existing industrial building which is sited closer to them. It is considered that, given this distance and providing the use of the buildings is restricted to B1 or B8 use, the proposed use is compatible with the surrounding area and any noise generated will not be detrimental to neighbour amenity to any degree that would warrant the refusal of the application. The restriction of B1/B8 uses can be imposed with the use of an appropriate condition however, it must be noted that, should the applicant also require a B2 use, then a suitable noise report would need to be undertaken. The noise report would have to demonstrate that a

B2 use can be accommodated on site without being detrimental to neighbouring residents.

Conclusions and Planning Balance

The proposed site is considered to be relatively well related to Merriott, a rural settlement with a number of key facilities and services and therefore complies with the requirements of policy SS2 of the Local Plan. Furthermore, given that the siting of the proposed development is to be adjacent to an established commercial building, it is considered that the character of the area will not be detrimentally affected by the development. The new access road is now considered to be visually acceptable with the benefit of removing existing commercial traffic from the residential area.

RECOMMENDATION

APPROVE for the following reason:-

01. The proposed site is considered to be relatively well related to Merriott, a rural settlement with a number of key facilities and services and therefore complies with the requirements of policy SS2 of the Local Plan. Furthermore, given that the siting of the proposed development is to be adjacent to an established commercial building, it is considered that the character of the area will not be detrimentally affected by the development. The new access road is now considered to be visually acceptable with the benefit of removing existing commercial traffic from the residential area.

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:

Proposed Site Location Plan - A24/200227
Proposed Site Location Plan - A22/200226
Proposed Site Location Plan - B23/200226
Proposed Block Plan - B11/190402
Proposed Landscaping Plan - B14/190402
Proposed Plans and Elevations - C1/190402
Proposed Plans and Elevations - C4/190402

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

03. The development hereby permitted shall not be used other than for those activities which fall within the definition of Class B1 or B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: In the interests of protecting neighbour amenity.

04. No work to the buildings hereby approved shall proceed beyond damp proof level until details of the materials of the external surfaces to be used in their construction have been submitted to and

approved in writing by the Local Planning Authority. The buildings will then proceed in accordance with the approved details.

Reason: In the interests of ensuring a visually satisfactory form of development.

05. The area allocated for parking and turning as shown on the approved proposed block plan B11/190402 shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety

06. Details of secure cycle storage to serve the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall then be fully implement prior to the first occupation of any of the units hereby approved.

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. Prior to first occupation of any of the units hereby permitted, 3 electric charging point (of a minimum 16amps) for electric vehicles shall be provided adjacent to the designated parking spaces as shown on the approved plan. Once installed such charging 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.

08. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of any of the units hereby approved and thereafter maintained.

Reason: In the interests of highway safety.

09. All planting comprised in the approved scheme shall be carried out within the first dormant planting season (November to February inclusively) following the first occupation of any of the units hereby approved; and if any trees or shrubs which within a period of five 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: In the interests of the character of the area and enhancing biodiversity.

10. With the exception of pedestrian use, the existing access into the site shall be stopped up and abandoned to vehicular traffic prior to the occupation of any of the units hereby approved. Access to pedestrians shall remain in place unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of neighbour amenity and highway safety.

11. Prior to the commencement of works to the new access road, details of the planting and bunds to the new road as indicated on the approved plans shall be submitted to and approved in writing by

the Local Planning Authority. These works shall be implemented within the next planting season following the first occupation of one of the business units hereby permitted. If any trees or shrubs which within a period of five years following the planting, 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: In the interest of protecting the rural character of the area.

12. There shall be no external lighting to the any part of the development hereby approved unless a lighting scheme has been submitted to and approved in writing by The Local Planning Authority. The lighting scheme shall then be fully implemented in accordance with the approved details.

Reason: In the interest of protecting the rural character of the area.

Informatives:

01. Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:
- The use of plant and machinery
 - Wheel washing and vehicle wash-down
 - Oils/chemicals and materials
 - The use and routing of heavy plant and vehicles
 - The location and form of work and storage areas and compounds
 - The control and removal of spoil and wastes
-

Agenda Item 8

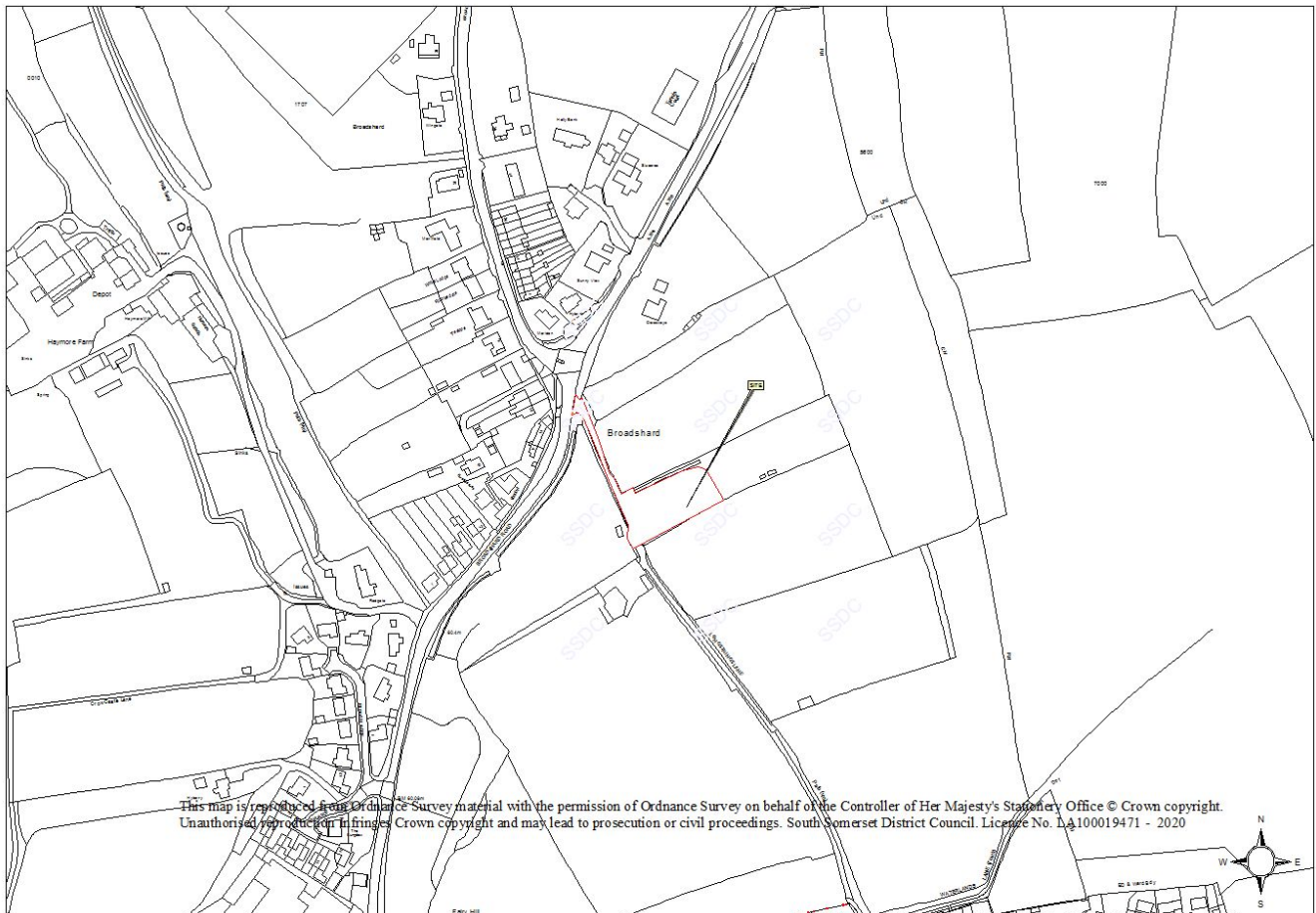
Officer Report on Planning Application: 19/02921/OUT

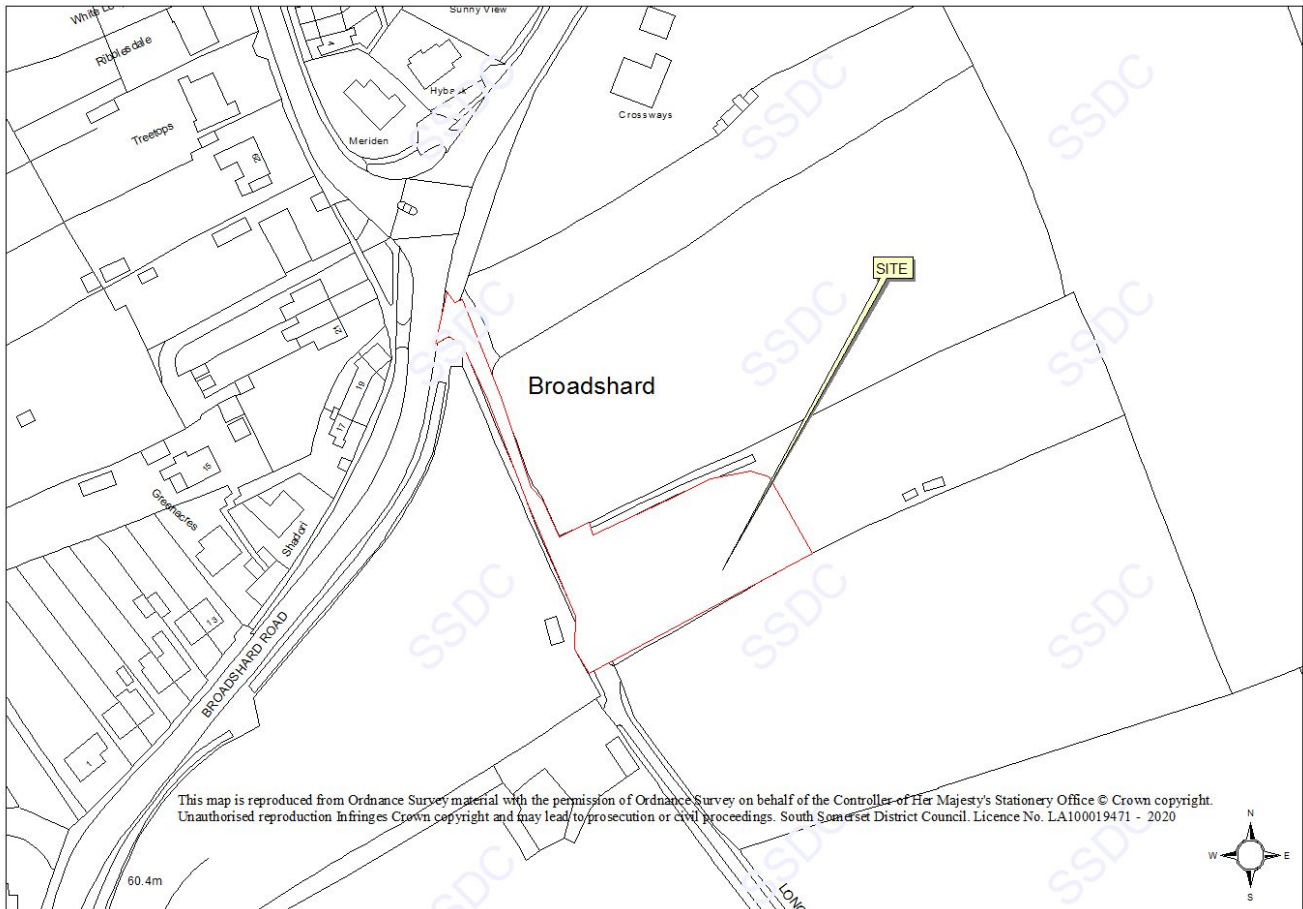
Proposal:	Outline application for the erection of 2 No. dwellings with all matters reserved except for access and landscaping.
Site Address:	Land Off Longstrings Lane, Holly Tree Farm, Broadshard Road TA18 7EA
Parish:	Crewkerne
CREWKERNE Ward (SSDC Members)	Cllr Mike Best, Cllr Ben Hodgson and Cllr Robin Pailthorpe
Recommending Case Officer:	Mr Robert Brigden
Target date:	18th December 2019
Applicant:	Mr Jacobs
Agent: (no agent if blank)	Darren Addicott, APW Planning, 30 Maxwell Street, Taunton TA2 6HS
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Committee by the Ward Member with the agreement of the Area Chair to allow discussion of the planning issues.

SITE DESCRIPTION AND PROPOSAL





The site consists of an open field, located in the countryside beyond the settlement limits of Crewkerne. The site is accessed via Longstring Lane, which joins the A359 approximately 60 metres to the north. The site's western boundary runs alongside Longstring Lane, but is otherwise bound on all sides by agricultural land. Site levels rise from the western end of the site to the east.

The application seeks outline planning permission for two dwellings with all matters, except for the access arrangements and landscaping, being reserved for later consideration. The application is accompanied by indicative details of the proposed layout, which show two detached dwellings accompanied by parking and garden areas, and a block of landscaping at the eastern end of the site.

HISTORY

The previous decisions of most relevance to the proposal are as follows.

The most recent arose from an appeal against non-determination in relation to the following application:

18/00619/OUT - Outline application for residential development for up to 4 dwellings.

The appeal (Reference: APP/R3325/W/18/3209790) was dismissed by the Planning Inspectorate. The Inspector concluded that the proposal would result in unacceptable harm to highway safety, as well as to the character of the area.

In relation to the highway impact, the Inspector stated that:

16. Similarly I am aware that an appeal Inspector in relation to an application for two dwellings on the site previously concluded that the access lane would be adequate to serve the development... In this regard the Inspector had noted that the access would only serve two "very modestly sized dwellings" in contrast to the greater potential traffic movements that would be associated with four dwellings. I do not therefore regard that Inspector's decision as being determinative to the case before me.

21. In conclusion on this main issue, I find that the appellant's evidence has demonstrated that no unacceptable highway safety risk would result from the use of the main junction to access the proposed development. However, it would be essential that the condition and width of the section of Longstrings Lane from the A356 to the appeal site could be maintained in perpetuity for the proposal to be acceptable in highway safety terms. As there is no mechanism before me to secure such maintenance, the proposed development would conflict with Policy TA5 of the adopted South Somerset Local Plan...

In relation to the proposal's visual impact:

22. The appeal site comprises a fairly narrow L-shaped parcel of land in a setting characterised by undulating fields and hedgerows on the outskirts of Crewkerne. Little built development is evident and, whilst not a formally designated landscape, the area has an attractive and rural character. The site is fairly contained within the landscape which limits the extent of public views although it is readily visible from the Longstrings Lane public right of way.

23. The LPA's evidence identifies the site as lying in an area of moderate visual sensitivity with a moderate-low capacity to accommodate development. In this regard, I saw that even with sensitive landscaping the development of up to four houses together with driveways, parking and the usual domestic paraphernalia would have an urbanising effect on this part of the countryside.

24. On the basis of the submitted evidence, I therefore consider the development would have a harmful effect on the landscape...

16/03209/OUT - The erection of 4 No. dwellings (outline) – Refused for the following reasons:

1. The proposed development plot by reason of the proposed use, scale and siting would introduce an incongruous form of development contrary to the established layout of development in the area, resulting in significant harm to local landscape character and general visual amenity. As such the proposal would be contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028) and the aims and the objectives of Chapters 7 and 11 of the National Planning Policy Framework (2012).

2. The proposal by reason of the increase in the use of the sub-standard junction of Longstrings Lane and Broadshard Road, such as would be generated by the proposed development, would be prejudicial to highway safety. As such the proposal is contrary to Section 4 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset Local Plan (2006-2028).

3. The approach road by reason of its restricted width and poor connectivity to the wider settlement is considered unsuitable to serve as a means of access for the type of traffic likely to be generated by the proposed development. Additionally, the proposed development is likely to create conflict between vehicles and pedestrians to the detriment of the safety and enjoyment of users of the public right of way. As such the proposal is contrary to Policy TA5 of the South Somerset District Local Plan Section 4 National Planning Policy Framework (2012).

The subsequent appeal (Reference: APP/R3325/W/18/3209790) was dismissed on the grounds that the proposal would result in unacceptable harm in relation to the public highway and the character of the site and surrounding countryside.

17/00762/PAMB - Prior approval for the change of use of agricultural buildings for 2 No. dwellings –

Refused. Appeal dismissed (Reference: APP/R3325/W/17/3185851).

The Council's refusal reasons, 6 and 7, are of particular relevance (the remainder concerned whether or not the proposal was permitted development):

6. The increase in the use made of the sub-standard junction of Longstrings Lane and Broadshard Road, such as would be generated by the proposed development, would be prejudicial to highway safety, resulting in severe harm contrary to paragraph 32 of the National Planning Policy Framework (NPPF).

7. The approach road by reason of its restricted width is considered unsuitable to serve as a means of access for the type of traffic likely to be generated by the proposed development. Additionally, the proposed development is likely to create conflict between vehicles and pedestrians to the detriment of the safety and enjoyment of users of the public right of way. The proposal would therefore result in severe harm contrary to paragraph 32 of the National Planning Policy Framework.

The Planning Inspector made the following comments in relation to the proposal's impact on highway safety:

10. The buildings are currently accessed by an unmade track which adjoins Longstrings Lane. As the track is not wide enough to allow two cars to pass, the development could potentially result in vehicles needing to reverse out onto Longstrings Lane or having to wait at the junction. However, Longstrings Lane is a relatively quiet road and is straight at this point, providing a reasonable level of visibility in both directions. As such, cars or pedestrians travelling along Longstrings Lane would be able to anticipate vehicles emerging from the site and react accordingly. Considering that the access would only serve two very modestly sized dwellings, the overall impact on traffic flows within Longstrings Lane and the junction with the A356 would be minor.

11. In reaching this decision, I have had regard to an earlier appeal for outline residential development on the site where the Inspector raised highway safety concerns. However, this proposed four new build homes with greater potential for generating traffic movements than the current scheme. I also understand that some improvements have been made to Longstrings Lane since that time in order to help widen the road. Therefore, notwithstanding the disputed lawfulness of the access track, I consider that the transport and highways impacts of the development would be acceptable in terms of Q.2(1)(a).

15/05725/PAMB - Prior approval for the change of use of agricultural buildings for 2 No. dwellings – Refused. Appeal dismissed.

14/05510/PAMB - Prior approval for the change of use of agricultural buildings for up to 2 No. dwellings – Refused.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004) states that planning applications should 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

SS1 - Settlement Strategy
SS4 - District Wide Housing Provision
SS5 - Delivering New Housing Growth
SS6 – Infrastructure Delivery
HG3 - Provision of Affordable Housing
HG5 - Achieving a Mix of Marketing Housing
TA4 - Travel Plans
TA5 - Transport Impact of New Development
TA6 - Parking Standards
HW1 - Provision of open space, outdoor playing space, sports, cultural and community facilities in new development
EQ1 - Addressing Climate Change in South Somerset
EQ2 - General development
EQ4 - Biodiversity
EQ5 - Green Infrastructure
EQ7 - Pollution Control

National Planning Policy Framework

Chapter 2 - Achieving Sustainable Development
Chapter 5 - Delivering a Sufficient Supply of Homes
Chapter 12 - Achieving Well-Designed Places

Planning Policy Guidance

Climate change
Design

Adopted Somerset County Council Parking Strategy
Somerset County Council Highways Development Control - Standing Advice

CONSULTATIONS

Crewkerne Town Council – No objections; subject to Highways comments.

Wessex Water – No objections; condition recommended to secure a scheme of surface water drainage.

Public Right Of Way Officer – No objections; informative requested.

Highway Authority – *No objections, subject to conditions and completion of a legal agreement to secure a scheme of maintenance in relation to Longstrings Lane and the installation of bollards to prevent parking at an ad hoc layby located along Broadshard Road.*

Longstrings Lane is a private lane of limited width, 4.1 metres at the narrowest point, which is also used by equine and agricultural vehicles. Footpath CH 33/13 runs along the lane.

Longstrings Lane joins Broadshard Road approximately 65 metres to the north of the existing field access to the site. Broadshard Road is an 'A' class road and is subject to a 30mph speed limit in this location. The junction of Longstrings Lane and the A356

Broadshard Road is broadly opposite the junction of the A356 Broadshard Road and Broadshard Road.

The proposal would see the erection of two dwellings on the site, as the application is an outline application the scale of the properties is not being determined through this application. With regards to

vehicle parking provision the Highway Authority would require that the parking provision reflects that of the Somerset County Council – Parking Strategy (amended September 2013) (SPS). Below I have outlined the parking requirements for the area, which is located within a 'Zone B' region for residential development:

ZONE C	1 Bed	2 Bed	3 Bed	4 Bed	Visitor
Policy	1.5	2	2.5	3	0.2

Additionally, as part of the Somerset County Council Parking Strategy, new residential development is required to provide cycle storage facilities and electric charging points for each property. To comply with the SPS standards there is a requirement for appropriate, accessible and secure storage for 1 bicycle per bedroom, the cycle parking should be secure, appropriate and accessible.

The average dwelling generates 6-8 vehicle movements per day, therefore the proposed development is likely to generate 12-16 additional vehicle movements per day. The Highway Authority does not consider that the proposed level of development is such that there would be a significant or severe impact on the wider highway network. However, due to the nature of Longstrings Lane the Highway Authority would not wish to see further development accessed from the lane, although the development of two dwellings is considered appropriate.

The applicant has provided a copy of a Section 106 agreement that deals with the continuing maintenance of Longstrings Lane to the standard and width it currently is.

Drawings have been provided within the 'Response to Highway Authority' document submitted within the application that shows that the visibility available at the junction of Longstrings Lane and the A356 Broadshard Road is 60 metres to the nearside edge of the carriageway to the south and 50 metres to the nearside edge of the carriageway to the north, when set back 2.4 metres. As the A356 Broadshard Road is subject to a 30mph speed limit the required visibility splay is 2.4m by 43m in both directions, therefore the available splay is appropriate. There are, however, concerns regarding an ad-hoc layby area immediately to the north of the junction of Longstrings Lane and the A356 Broadshard Road which appears to regularly have vehicles parked within it.

The applicant has suggested within the documents submitted as part of the application that they would be willing to fund the installation of bollards within this area. This would be beneficial to enable the visibility splay to the north to be achieved and is therefore encouraged.

CONCLUSION

Taking the above comments into account, and subject to the Section 106 agreement, the Highways Authority does not object to the proposal in this application. Should the Local Planning Authority be minded to grant consent the Highway Authority would request that the following conditions are imposed:

- The gradient of the proposed access shall not be steeper than 1 in 10. Once constructed the access shall thereafter be maintained in that condition at all times.
- Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before (trigger point) and thereafter maintained at all times.
- At the proposed access there shall be no obstruction to visibility greater than 600 millimetres above adjoining road level within the visibility splays shown on the submitted plan. (Drawing Name Location and Visibility Splays) Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.
- Prior to the development hereby permitted being first brought into use the proposed access over at least the first 6 metres of its length, as measured from the edge of the adjoining carriageway, shall be

properly consolidated and surfaced (not loose stone or gravel) in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

The applicant will be required to enter into a suitable legal agreement with the Highway Authority to secure the construction of any highway works necessary as part of this development. Please ensure that an advisory note is attached requesting that the developer contact the Highway Authority to progress this agreement well in advance of commencement of development.

SSDC Ecologist – Further information required.

Therefore, the applicant will be required to commission a Preliminary Ecological Appraisal, which may recommend further surveys and mitigation, as required. Surveys shall be undertaken in accordance with nationally recognised guidelines (BS 42020:2013 Biodiversity - Code of practice for planning and development and CIEEMs Guidelines for Preliminary Ecological Appraisal 2017, with the Ecologist being a member of the Chartered Institute for Ecology and Environmental Management (CIEEM).

This action is required in line with:

Natural England advice requires that all developments likely to affect European Protected Species should have surveys carried out to inform the planning decision. They cannot be conditioned. This was confirmed in case law through Woolley v Cheshire East Borough Council and Millennium Estates Limited in 2009.

Section 99 of the Government circular 2005/06 on biodiversity and geological conservation states that ?It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

Establishing presence of/implications upon protected species/habitats in the National Planning Policy Guidance (NPPG) (<https://www.gov.uk/guidance/natural-environment#biodiversity-and-ecosystems> and Standing Advice/Gov.uk Guidance <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications#when-applicants-need-a-species-survey>

*Finally, for any sections of hedgerow to be removed the applicant will need to prove if the hedgerow is regarded as important under the Hedgerow Regulations 1997:
<http://www.legislation.gov.uk/ukxi/1997/1160/regulation/4/made>*

REPRESENTATIONS

Four representations have been received from the general public, three objecting and one in support of the proposal. To the extent that the comments concern material planning considerations relating to the application under consideration, they are as follows:

- The lane is not wide enough for more than two small vehicles to pass side by side, and it is regularly used by large agricultural vehicles;
- The area has a rural character;
- Unsafe access from Longstrings Lane onto Broadshard Road;
- Harm to pedestrian safety;
- Harm to local ecology;
- The site is not allocated for housing and there are housing developments in the pipeline in Crewkerne.

- The proposal is considered appropriate for the site and would not result in any harm.

ASSESSMENT

Principle of Development

Policy SS1 of the Local Plan establishes the settlement strategy for the district and directs new development towards established settlements according to a hierarchy. Crewkerne is a designated Primary Market Town and is considered suitable for development, including housing, which would enhance its role as a service centre. The site is located outside the settlement limits of Crewkerne, in open countryside, although it forms part of an area surrounded to the north, west, and south by the settlement boundary, which is around 100m away at its nearest point.

Representations received from the general public state that the site is not allocated for housing and that housing can be provided within Crewkerne.

The Local Planning Authority is currently unable to demonstrate a 5 year housing land supply and its strategic housing policies are out of date. Therefore, the tilted balance in the NPPF applies to the consideration of applications. Paragraph 11 of the NPPF 2019 states:

“Plans and decisions should apply a presumption in favour of sustainable development.
For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or
d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.!

This does not mean that South Somerset’s policies must be cast aside, but that the weight given to them is proportionate to their consistency with the NPPF. Housing applications need therefore to be considered in the context of sustainable development and planning permission granted unless the harm identified significantly and demonstrably outweighs the benefits.

In this case, the application site is located in close proximity to a Primary Market Town where a range of services are located. It is noted that two previous applications that proposed a greater number of units at the site were not refused because of the sustainability of the location. As there has not been any significant change in circumstances since the previous appeal decisions indicating that this proposal for less dwellings would be unsustainable, the proposal is considered to be acceptable in principle.

Access including Highway Safety

Policy TA5 of the Local Plan states that the nature and volume of traffic and parked vehicles generated by a proposal should not compromise the safety and/or function of local or strategic road networks.

Members of the public have objected to the proposal on the grounds that it would not provide a safe access onto the public highway, and that Longstrings Lane is unsuitable to accommodate further traffic.

In reference to a previously refused scheme for four dwellings at, or adjoining, the site, the Inspector

considering the subsequent appeal concluded that, in the absence of a mechanism to secure the maintenance of the condition and width of Longstrings Lane, between the site entrance and Broadshard Road, that the proposed access arrangements would be inadequate to serve the development. The Inspector stated that:

“it would be essential that the condition and width of the section of Longstrings Lane from the A356 to the appeal site could be maintained in perpetuity for the proposal to be acceptable in highway safety terms. As there is no mechanism before me to secure such maintenance, the proposed development would conflict with Policy TA5 of the adopted South Somerset Local Plan...”

It is noted that a previous appeal decision, for a two-unit scheme, raised no concerns about the general access arrangements of the proposal given the small impact that two ‘very modestly sized’ dwellings would have. In this case, it is unclear what the sizes of the two dwellings would be, as the layout and scale of the proposal are reserved matters. In any case, the applicant now proposes the completion of a legal agreement to secure the maintenance of the condition and width of the lane between the site and the public highway.

The applicant also proposes the installation of bollards to prevent the continued use of an ad hoc layby along Broadshard Road, which is considered to be detrimental to visibility at the junction with Longstrings Lane. As the ‘layby’ in question is located on highway land, and the Highway Authority supports the installation of the bollards, it is considered that these can be secured through the use of a planning condition.

The Highway Authority has been consulted in relation to the current proposal and has raised no objections, subject to the aforementioned measures being achieved and the use of planning conditions to secure visibility splays between the lane and Broadshard Road, along with an adequate standard of access in relation to the site itself and Longstrings Lane.

The applicant has provided a draft legal agreement, which endeavours to make provision for the maintenance arrangements discussed above. Whilst these measures are supported by the Council and the Highway Authority, it is noted that the draft document provided is in the form of an agreement with the Council, rather than a unilateral undertaking containing the applicant’s intention to maintain the private highway that is Longstrings Lane. A unilateral undertaking is considered to be the more appropriate mechanism for achieving the required maintenance arrangements.

In the absence of a completed unilateral undertaking to secure the above, the proposed access arrangements would not be sufficiently safe and are therefore contrary to Policy TA5 of the Local Plan.

Whether sufficient vehicle parking arrangements can be provided at the site would depend on the size of the units and the proposed layout, and these matters are reserved for later consideration. It appears, in principle that a scheme could be provided in accordance with Policy TA6 and the associated parking standards.

Visual Impact

Policy EQ2 of the Local Plan states that development should preserve or enhance the character and appearance of the district.

This outline application seeks approval for the access arrangements and landscaping only, although indicative details have been provided about the proposal’s layout, which show a development of two detached dwellings and curtilage areas containing parking spaces alongside Longstrings Lane and garden areas towards the eastern end of the site, with an area of block landscaping beyond.

Whilst the layout, scale, and appearance of the proposal are not being applied for, the principle of

residential development on what is currently open, green-field land would have implications for the character of the area.

In relation to the previously refused scheme, the Inspector stated that:

“Little built development is evident and, whilst not a formally designated landscape, the area has an attractive and rural character. The site is fairly contained within the landscape which limits the extent of public views although it is readily visible from the Longstrings Lane public right of way.

The LPA’s evidence identifies the site as lying in an area of moderate visual sensitivity with a moderate–low capacity to accommodate development. In this regard, I saw that even with sensitive landscaping the development of up to four houses together with driveways, parking and the usual domestic paraphernalia would have an urbanising effect on this part of the countryside.

On the basis of the submitted evidence, I therefore consider the development would have a harmful effect on the landscape...”

Whilst the proposal has been reduced from four units to two, and the site area is smaller, the proposal would still introduce two dwellings, with the associated parked cars and other domestic paraphernalia, on what is an area of open grassland, and the proposed development would front onto, and be very visible from, Longstrings Lane. The nature of the proposal is such that the previous concerns raised about landscape impact remain. In the visual sense, the location continues to have a moderate to low capacity to accommodate development (Peripheral Landscape Study Crewkerne). The proposal would continue to have an urbanising effect on this part of the countryside, in a location that is quite separate from the settlement limits of Crewkerne.

It is considered that the proposal would result in unacceptable harm to the rural character of the site and its surroundings, contrary to Policy EQ2 of the Local Plan.

Local Amenity

Policy EQ2 of the Local Plan states that development proposals should protect the residential amenities of neighbours, and that new dwellings should provide acceptable amenity space. Policy EQ7 of the Local Plan states that development will only be permitted where any air, light, noise, water quality, or other environmental pollution or harm to amenity, health or safety if the potential effects can be acceptably mitigated.

It is noted that concerns in relation to local and residential amenity have not previously been raised.

Given the rural location, a condition can be imposed to secure a scheme of external lighting to prevent unacceptable light pollution from the development.

Whilst the proposal’s layout, scale, and appearance are reserved matters, indicative details of the proposal’s layout have been provided. Based on the indicative details, it appears, given the relationship to neighbouring properties, that the proposal would not result in unacceptable harm to the amenities of neighbours, in terms of their outlook, privacy, or access to light. It also appears that adequate amounts of internal living space and outdoor amenity space could be provided to serve the proposed dwellings, and the relationships between the units would not be such as to result in unacceptable harm to the amenities of future occupiers.

Drainage Arrangements:

Policy EQ1 of the Local Plan concerns flood risk and drainage arrangements in relation to new development.

The site is located in Flood Zone 1, which is at the lowest risk of flooding

Wessex Water has raised no objections to the proposal, subject to the use of a planning condition to secure a scheme of surface water drainage.

Subject to the use of this condition, the proposal is considered to be in accordance with Policy EQ1 of the Local Plan.

Ecology:

Policy EQ4 of the Local Plan states that proposals for development will protect the biodiversity value of land and buildings.

The application has not been supported by an ecological assessment in a location containing features that may be sensitive. In the absence of such information, it is not possible to determine the proposal's potential impact on protected species or habitats. The Council's ecological advisor has requested the submission of further information and such survey work would need to be completed and assessed before the Council would be in a position to consider granting planning permission.

Given that the information provided is insufficient to determine what the proposal's ecological impact would be, it is not possible to determine whether the proposal would be in accordance with Policy EQ4 of the Local Plan.

Planning Obligations:

Policy SS6 of the Local Plan states that the Council will secure the provision, or financial contributions towards, affordable housing; social, physical, and environmental infrastructure; and community benefits which the Council considers necessary for a development to proceed.

As this proposal is for less than 10 units the LPA will not be seeking any affordable housing or contributions towards leisure and recreational facilities or other local or district wide obligations. The scheme will be liable for the Community Infrastructure Levy (CIL) however the applicant is not required to provide a complete CIL Form 1 at the Outline stage.

Conclusions and Planning Balance

Whilst the proposal would be located in open countryside, the absence of a five year housing land supply and up to date strategic housing policies is such that the presumption in favour of sustainable development applies, and the location of the proposal is considered to be acceptable in principle. The proposed development would provide much needed new housing. It is also noted that employment would be provided for the duration of the construction works. However, these benefits would not outweigh the unacceptable harm the proposal would cause to the character of the area, nor the lack of certainty in relation to the proposal's ecological impacts.

The proposal is considered to be unacceptable, having regard to the Development Plan and all other material considerations.

REFUSE FOR THE FOLLOWING REASONS:

01. It is considered that the proposed residential development, with associated vehicle parking and domestic paraphernalia, would have an urbanising effect in the countryside. It is considered that

the proposal would result in unacceptable harm to the rural character of the site and adjoining countryside, contrary to Policy EQ2 of the South Somerset Local Plan.

02. The information provided is insufficient to determine what the proposal's ecological impact would be and, as such, it is not possible to determine whether the proposal would be in accordance with Policy EQ4 of the Local Plan.
03. In the absence of a completed unilateral undertaking to secure the required long-term maintenance arrangements in relation to Longstrings Lane, the proposed access arrangements are not considered sufficiently safe and the proposal is contrary to Policy TA5 of the South Somerset Local Plan.

Informatives:

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

In this case the applicant did not seek pre-application advice prior to making the application and there were no minor or obvious solutions to overcome the significant concerns caused by the proposal.

Agenda Item 9

Planning Appeals

Director: Martin Woods, Service Delivery
Lead Specialist: Simon Fox, Lead Specialist - Planning
Contact Details: 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.

Recommendation

That the report be noted.

Background

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.

Report Detail

Appeals Received

18/01917/FUL - Erection of 39 No. dwellings and associated works including access, open space, parking, landscaping and drainage infrastructure
Land Off Shiremoor Hill Merriott TA16 5PH
(Committee Decision)

Appeals Dismissed

18/02808/FUL - The erection of general purpose agricultural building
Land At Beetham ,Higher Beetham, Whitestaunton, Chard, Somerset, TA20 3PY
(Committee Decision)

19/00368/LBC - Alterations and the erection of a porch and relocation of front door
Whitegates, Longforward Hill, Allowenshay, Hinton St George TA17 8TB
(Officer Delegated Decision)

17/02734/FUL - Alterations and change of use from retail and office to form 3 No. 1 bedroom flats.
Alterations and change of use of first floor courtroom and rear ground floor shop to community (D1),
shop (A1) office (A2) and cafe (A3)
9 Fore Street, Chard, TA20 1PH
(Non-Determination)

17/02735/LBC - Alterations and change of use from retail and office to form 3 No. 1 bedroom flats.
Alterations and change of use of first floor courtroom and rear ground floor shop to community (D1),
shop (A1) office (A2) and cafe (A3)
9 Fore Street Chard Somerset TA20 1PH
(Non-Determination)

19/00564/DPO - Application to vary Section 106 Agreement dated 27 March 2013 between South Somerset District Council and Clipper Development Partners LLP in relation to removing provision for GP surgery and pharmacy
Moorlands Farm Broadway Merriott Somerset
(Committee Decision)

Appeals Allowed

None

Background Papers – Decision notices attached.



Appeal Decision

Site visit made on 21 January 2020

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Appeal Ref: APP/R3325/W/19/3239313

**Land at Higher Beetham (Easting 327536, Northing 112076),
Whitestaunton TA20 3PY**

- 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 K Parris against the decision of South Somerset District Council.
 - The application Ref 18/02808/FUL, dated 17 August 2018, was refused by notice dated 20 June 2019.
 - The development proposed is general purpose agricultural building.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the Blackdown Hills Area of Outstanding Natural Beauty (AONB); and the effect on the living conditions of nearby residents, with regards to noise and disturbance.

Reasons

3. The appeal site is located downhill from an unclassified country lane that runs through the small hamlet of Beetham. The appeal site sits within a medium-sized field that is part of a wider agricultural holding of some 114 acres. Two large agricultural buildings and associated hardstanding already exist on the appeal site, and on the surrounding fields are a dilapidated Dutch barn and cattle building. Otherwise, the wider appeal site is devoid of permanent structures and is characterised by open arable fields bounded by mature hedgerows.
4. The wider appeal site forms part of the very attractive open countryside that surrounds Beetham and is within the Blackdown Hills AONB. Designated in 1991, the AONB comprises a distinctive, diverse rural landscape, characterised by a sense of relative remoteness and tranquillity. The verdant, undeveloped nature of the wider appeal site, with its mature hedgerow boundaries, is typical of the rolling, predominantly pastoral rural landscape that characterises The Blackdown Hills Plateau Escarpment Foothills and Valleys Visual Character Area¹. The soft, informal and open qualities of the local landscape that

¹ South Somerset Landscape Character Assessment, 1993

- surrounds the cluster of development in Beetham and includes the appeal site, therefore contribute to the intrinsic character and beauty of the countryside and to the special qualities of the wider AONB as a nationally important landscape.
5. The appeal structure would measure 46 metres long by 15.5 metres wide and constructed of steel portal-frame with concrete and timber sides under a fibre cement roof. The overall form would be similar of a similar form to the two existing buildings, albeit, cut into the ground, appearing lower in the landscape. It is proposed to introduce a bank created with excavated material topped with hedgerow planting along the southern side of the appeal building.
 6. The appeal building would increase the amount of built form on the appeal site by approximately a third, and the scale and mass of the three buildings together would be considerable. The proposal would perpetuate a gradual encroachment of hard, permanent structures onto the undeveloped pasture land that surrounds Beetham. In combination with the extant buildings on it, the proposal would erode the soft, verdant qualities of the appeal site and the contribution these make to the landscape character of the area.
 7. Even if ground-level excavations succeeded in lowering the perceptible ridge height, the excavations, in combination with the introduction of an earth bund, would be an engineered solution at odds with the natural slope of the field. The supplementary hedgerow on top of the raised bank would introduce a line of planting in the middle of the field that would extend only the length of the appeal building. Even though the supplementary hedge would include traditional species, its alignment would cause it to stand out as an arbitrary feature, which would neither integrate with the existing hedgerows, nor assimilate with the wider landscape.
 8. It is proposed to remove the Dutch barn and cattle building. Compared to the appeal building, however, these are substantially smaller scale and unobtrusive. While the removal of the Dutch barn would tidy the wider site, this would not compensate for the cumulative harm the appeal scheme would cause. Neither would any ecological benefits, once the supplementary hedge reached maturity, nor the retention of existing trees.
 9. The sloping local topography, existing structures, mature hedgerows and proposed supplementary, banked hedgerow, would provide some degree of screening. However, even if there would be no changes in views from any settlements, the appellant's Landscape Visual Impact Assessment (LVIA) concedes the proposed building would be visible from some vantages, including nearby public roads and rights of way. In any event, reducing visibility would not overcome the further incremental loss of an open, verdant field through the encroachment of substantial built form.
 10. For the above reasons, the proposed development would fail to protect or enhance the valued landscape and would undermine the intrinsic character, integrity and beauty of the countryside. Although the harm would be limited in its extent, the proposed development would nonetheless fail to conserve or enhance the landscape and scenic beauty of the AONB, a matter which is afforded great weight. Conflict arises with Saved Policy EQ2 of the South Somerset Local Plan (2006 – 2028), 2015 (the LP), insofar as it seeks to ensure development proposals conserve and enhance the landscape character of an area and does not risk the integrity of AONBs.

Living conditions

11. The proposed development would provide storage of stray, hay and machinery, with for sheltering livestock. The Council's Officer report considered that, even if the whole of the building was used for livestock, cattle buildings are not of the same intensity as, for example pig or poultry farming, and the distance to nearby dwellings would ensure adequate living conditions.
12. Countering this, however, are representations from interested parties who have had direct experience of the existing cattle enterprise and the odours and disturbance it already generates. Given the scale of the proposed structure, allocating a large proportion to calve-rearing could give rise to a significant increase in odours and disturbance. Consequently, the proposed development would fail to protect the living conditions of neighbouring residents. Conflict therefore arises with Saved Policy EQ2 and EQ7 of the LP insofar as these seek to ensure development proposals, on their own or cumulatively, and to protect residential amenity.

Planning balance and conclusion

13. Being inside the AONB, the appeal site is situated where the scale and extent of development should be limited². National and local planning policies seek to support the rural economy and the Council does not dispute that the proposal is necessary to support the appellant's agricultural enterprise, high industry standards and animal welfare. I am sympathetic to this and recognise that previous applications to extend the extant buildings were refused.
14. Although there are examples of large agricultural buildings in the wider vicinity, those given in the LVIA are not usefully comparable to the site-specific circumstances applicable in this case, as they appear to be associated with a main farmstead. In any case, each case must be determined on its own merits. Matters of water supply and highway safety were considered by the Council and permission was not refused on either grounds; I see no reason to come to a different conclusion.
15. On balance, the cumulative weight of benefits to the appellant's enterprise and supporting the rural economy do not outweigh the significant weight that the harm to landscape and scenic beauty carries. Additionally, the proposed development would cause harm to neighbours' living conditions in respect of odours.
16. Given the above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR

² Paragraph 172 National Planning Policy Framework, Revised February 2019 (Framework)



Appeal Decision

Site visit made on 21 February 2020

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Appeal Ref: APP/R3325/Y/19/3227330

Whitegates, Longforward Hill, Allowenshay, Hinton St George TA17 8TB

- 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 Mr Screech against the decision of South Somerset District Council.
 - The application Ref 19/00368/LBC, dated 6 February 2019, was refused by notice dated 3 April 2019.
 - The works proposed are porch and relocation of front door at Whitegates.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the Grade II listed building, including its features of special architectural or historic interest, would be preserved.

Reasons

3. The Grade II listed building known as White Gates is a detached cottage, once two cottages, dating from the 18th century or earlier. Situated in a prominent position within the small rural settlement of Allowenshay, it is a simple vernacular building of two storeys, constructed of rubble Ham stone under a thatched roof with brick end stacks and timber joinery.
4. Since the time of its listing, the appeal building has been sensitively converted into a single dwelling; while to its rear, the separately Grade II listed Church Room has been attached and converted into its living room.
5. In spite of changes over time, elements of the two former cottages can be found within the appeal building's front (south) façade and internal plan-form, illustrated on the submitted drawings. The significance and special interest of White Gates are derived from its unpretentious composition, simplicity and the well-preserved and authentic qualities of a modest rural dwelling. The building's historic plan-form is also of interest and, despite some changes, is legible through window and door positions and internal wall structure. These factors underpin the listed building's historic integrity and relationship with other historic buildings in Allowenshay, with which the appeal building shares a group value.
6. The proposal is to relocate the doorway to a roughly central position on the building's principal south elevation and introducing a duo-pitch roofed porch around it. This would involve adapting the existing middle-bay three-light

casement window and truncating the extant entrance to form a window, infilling in matching Ham stone.

7. The Appeal Statement refers to an historic photograph showing the windows and doors arranged symmetrically along the full length of the appeal building. However, the statutory list description indicates that, at the time of its listing in 1981, the building's southern elevation was comprised of irregular fenestration, with a part-glazed door between bays 1 and 2, and between bays 3 and 4. This description confirms my own observations and the Heritage Statement that the extant entrance door has ostensibly been the entrance to the west-side cottage; and the door to the east-side cottage is now a two-light casement window. This also indicates that the central three-light casement is an original opening.
8. The proposals would adjust the opening and fenestration pattern on the building's principal elevation and obfuscate legibility of its likely original form. Changing the point of entry into the building would also change the historic circulation and internal plan-form beyond the changes already made as part of the conversion works. The porch itself would be comparatively substantial, projecting further than the existing mono-pitched porch, and almost double its width. The apex of the roof would reach just below the cill of the first-floor window and would have an uncomfortable relationship with it. Moreover, the proposed use of slate would be a hard and stark contrast with the soft tones of the Ham stone façade and thatched roof.
9. Ultimately, the proposed works would have an awkward and dominating relationship with the historic structure, which would detract from its simple, unassuming character and undermine its integrity. The proposal would harm the simple, vernacular appearance of the cottage and cause disparity with the other modest, historic buildings in the locality. The group value that the cottage currently shares would therefore be weakened.
10. The proposed works would therefore fail to preserve the special interest and significance of the Grade II listed building. The degree of harm to the significance of the asset would be less than substantial. The appeal property is evidently in good condition and a well-appointed dwelling; the proposed works would therefore not be essential to achieve the optimum viable use of the building. The benefits of a larger kitchen space, convenience or increased value would accrue to the appellant, and not be of public benefit. Short-term economic benefits associated with the construction phase would not be significant. Therefore, there would not be public benefits sufficient to outweigh the less than substantial harm.
11. Conflict therefore arises with s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990; the historic environment policies of the National Planning Policy Framework, revised 2019; and with Saved Policy EQ3 of the South Somerset Local Plan (2006 – 2028), adopted 2015, which seeks to safeguard and enhance the significance of heritage assets.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

H Porter

INSPECTOR



Appeal Decisions

Site visit made on 21 January 2020

by H Porter BA(Hons) MScDip IHBC

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Appeal A Ref: APP/R3325/W/19/3239846

9 Fore Street, Chard, Somerset TA20 1PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Bradley Management against South Somerset District Council.
 - The application Ref 17/02734/FUL, is dated 16 May 2017.
 - The development proposed is alterations and change of use to create 3 flats from existing ground – 2nd floor offices and for use of 1st floor courtroom and rear ground floor shop for community/retail/office and café use.
-

Appeal B Ref: APP/R3325/W/19/3239854

9 Fore Street, Chard, Somerset TA20 1PH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Bradley Management against South Somerset District Council.
 - The application Ref 17/02735/LBC is dated 16 May 2017.
 - The works proposed are alterations and change of use to create 3 flats from existing ground – 2nd floor offices and for use of 1st floor courtroom and rear ground floor shop for community/retail/office and café use.
-

Decisions

1. Appeal A is dismissed. Appeal B is dismissed.

Main Issues

2. The main issue, common to both appeals, is whether the proposed works and development would preserve the Grade I listed building or any features of special architectural or historic interest it possesses. In respect of Appeal A, the second issue is the effect the development would have on the living conditions of the future occupiers of the proposed flats, in regard to noise and disturbance.

Reasons – both appeals

3. The appeal concerns part of the Grade I listed building known as 'Waterloo House and Manor Court House' (list entry number 1197449). The statutory list description identifies the appeal building as being a house and courtroom, now

- shops and offices, dating from the late 16th/early 17th centuries with possible earlier origins and later, principally mid-19th century, alterations.
4. The appeal building's origins as a Tudor town house and courtroom are denoted by surviving architectural features and historic fabric from that period, including the barrel-vaulted courtroom, distinctive moulded plasterwork, timber panelling and window seats, and stone mullion windows. Within the appeal building, the grandest rooms occur towards the front and on the first floor, whilst on the second, the scale and intricacy of architectural features diminishes, providing less prestigious spaces.
 5. The appeal building has suffered from the effects of partitioning and decades of neglect through conversion to offices and a subsequent lack of use, it has survived as a rare example of a relatively high-status Tudor building that has retained a significant amount of its historic fabric, features, plan-form and integrity. Surviving historic architectural features, layouts and circulation routes all add to an understanding of the function and architectural hierarchy of the building, and reveal the building's evolution over time. Therein lies the building's special interest, which is implicit in its inclusion in the highest category of listed buildings of national significance.
 6. The appeal building occupies a prominent position in the Chard Conservation Area (CA). The CA is a town centre location, with a mix of commercial, civic and other uses. Its significance lies in its historic origins, the interrelationship of streets and spaces, and the diversity in the age and styles of buildings.
 7. The appeal building presents an attractive, clearly historic, frontage onto Fore Street. It also follows a linear, narrow plot that includes an arched and gated entrance and alleyway off Fore Street that reflects an historic route and plot structure of perhaps medieval origin. The change of use of the appeal building from residential to commercial is evidence of the historic evolution of the CA. It makes a valuable contribution to the built back cloth that underpins the evolution of Chard and therefore to the significance and special interest of the CA as a whole.
 8. The proposal is to keep the ground-floor front and second rooms in use as retail spaces; to use the courtroom space for an antique show room; and to convert the small room below for use as a café. The foremost aspect of the scheme would involve the creation of two one-bedroomed flats on the building's first floor and a third on the second floor.
 9. The proposal to convert the upper floors into three flats and the inevitable internal subdivision and autonomy of spaces this would entail, would compromise the legibility and integrity of its origins as a single, high-status townhouse. Further partitioning and sub-division on the first floor to create two very small flats would erode further legibility of its plan form and weaken the traditional hierarchy inherent within it. Furthermore, there would be an added degree of permanence and separation created between the two flats, involving additional sound and fire insulation and independent entrances. Moreover, the proposals on the first floor would introduce radiators in front of three of the historic timber window-seats, compromising their architectural interest.
 10. On the floor above, the staircase would be boarded over and a bathroom portioned off within the back-middle office; a rooflight inserted over the staircase. There would also be some loss of historic fabric associated with the

insertion of the rooflight, while legibility of circulation routes would be eroded through the removal or blocking up of staircases that are, if not original, at least historic survivals that signify the building's evolution. Some detail is provided show ventilation, waste and water, and service runs. These and other upgrades, such as providing for fire and sound attenuation Also, the upgrading of doors to provide necessary fire resistance would lead to a disruption of historic fabric. Within the courtroom, the proposed drawings do not show the existing staircase. This could be a draughting error, but, as shown, would cause further serious harm.

11. As a consequence of the proposal's impact on historic features, architectural hierarchy, plan-form and integrity, there can be no question that there would be some harm to the significance of the Grade I listed building, which would not be preserved. Given that historic buildings, including the appeal building, make a valuable contribute to the character and appearance of the CA, there would inevitably be some residual harmful effect on the CA as a whole.
12. Having regard to the circumstances of the case and given the nature and scale of the impact of the proposed works and development on the listed building and the CA, the harm to their significance as designated heritage assets would be less than substantial. Paragraph 194 of the Framework¹ requires clear and convincing justification for any harm to the significance of a designated heritage asset. Paragraph 196 also requires this harm be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
13. The appeal site has undergone several physical changes and the upper floors and rooms to the rear of the plot have stood empty and neglected for a number of years. The site unquestionably requires significant investment in order to secure any reasonable use and longer-term conservation. The scheme devised by the Council is not before me to consider. Pragmatically, any use would be likely to require some physical interventions.
14. The appeal site has been subject to market for sale and for rent, for office use for almost 20 years. In more recent years, however, there was a loss in momentum of the site's active marketing. I have not seen any evidence of the appeal site being marketed for sale at the most recent, 2018, valuation price. Whilst the appellant asserts that any future marketing of the appeal premises as offices would be a waste of time, without a much more recent and comprehensive marketing campaign, it is not possible to ascertain that the appeal site was marketed for commercial use, at a price that fairly reflected its condition and listed status.
15. At points during the period the appeal site was marketed, asking and letting prices were set above the estate agent's valuation and leasing the property was offered on a full repairing and insuring basis, contrary to the estate agent's recommendation. A too high asking price or placing the cost of repairing the building on the leaseholder could have deterred potential users or purchasers.
16. In terms of the viability of a 2-bedroomed conversion scheme, there have broad comparisons with 1 bedroomed flats in Chard. However, it is unclear whether these are comparable in terms of being in a listed building or such a central location. The detail of the build and development costs figures and how

¹ National Planning Policy Framework, Revised February 2019

they have been arrived are not comprehensive. Without much clearer figures and forecasts it is not possible to judge the credibility of the assertions made regarding viability.

17. There may well have been a down-turn in the commercial market in Chard during the years that the appeal site has been subject to marketing; and the offer for the whole of the building may not adequately reflect the value of the premises to the owners. However, the available evidence casts doubt over whether the appeal site was marketed appropriately, seeking to reach potential buyers who may have been willing to find a viable use for the site that still provides for its conservation. It is therefore not currently possible to ascertain that the appeal proposals would achieve the optimum viable use of the appeal site, while causing least harm to the significance of the asset.

Living conditions – Appeal A

18. There are refrigeration units associated with its use as a butcher's shop fixed to the neighbouring property, on its wall within the central courtyard. While there have been no recorded statutory complaints to Environmental Health relation to the extant units, I do not know what rooms the windows above the butcher's shop serve.
19. Under the current scheme, the bedroom for each flat would have windows that open onto the central courtyard. Even if the units are quieter than previous models, and the walls are of thick stone, the windows are single pane, and the units generate a low, audible hum. The noise from the refrigeration units would be likely to be intrusive in the quieter hours of late night and early morning, and during the summer when windows might be left open.
20. I therefore conclude that the proposal would fail to provide adequate living conditions for future occupiers of the three flats in respect of noise and disturbance. This runs contrary to Saved Policy EQ2 of the South Somerset Local Plan (2006 – 2028), adopted 2015 (LP) and to the Framework, insofar as these seek to ensure developments provide a good standard of amenity.

Planning balance and public benefits

21. There would be benefits associated with the delivery of three dwellings onto the open market, which would make a small but beneficial contribution to the housing supply and to the choice of homes in the District; the appeal site is well located to access a range of services, facilities and public transport options; and there would be economic benefits associated with the construction phase and future occupiers of the proposed dwellings feeding into the local economy and support services therein.
22. The sustained deterioration of the heritage asset has in all likelihood made costs of repair more expensive. I am aware that my decision will protract the fate of the appeal building, however, the presumptive desirability of preserving the asset and its setting must be given considerable importance and weight. If the appellant chooses to allow the decay of the building go un-checked, this would amount to the deliberate neglect of the asset.
23. I am unconvinced that the building's sub-division into three separate flats is the only and most sensitive way of ensuring its conservation. Therefore, the benefits of bringing the site into an active use and investing in its fabric would come at considerable cost in failing to preserve the Grade I listed building, the

CA, and in causing harm with respect to the living conditions of future occupiers.

24. Conflict therefore arises with the clear provisions of Sections 66(1) and 72(1) of the Act, the historic environment and design objectives of Saved Policies EQ2, EQ3, EQ7 as well as those of the National Planning Policy Framework, Revised February 2019 (the Framework).

Conclusion

25. For the reasons given above, and having considered all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

H Porter

INSPECTOR



Appeal Decision

Site visit made on 12 March 2020

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/R3325/Q/19/3239778

Land adjoining plots 23 & 24 Orchard Drive, Merriott, Somerset, TA16 5AA.

- The appeal is made under Section 106B of the Town and Country Planning Act 1990 against a refusal to discharge a planning obligation.
 - The appeal is made by Mr and Mrs Passey against the decision of South Somerset District Council (the LPA).
 - The development to which the planning obligation relates is a scheme for 24 residential units with an obligation to not construct any other buildings on a plot of land identified for the provision of a GP surgery and pharmacy for a period of 10 years.
 - The planning obligation, dated 27 March 2013, was made between South Somerset District Council and Clipper Development Partners LLP.
 - The application Ref. 19/00564/DPO, dated 15 February 2019, was refused by notice dated 18 July 2019.
 - The application sought to have the planning obligation discharged.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. In 2013, the LPA granted planning permission for mixed use development comprising a doctor's surgery with attached pharmacy, the conversion of farm buildings into 12 residential units and the erection of 12 dwellings, garaging and associated works (ref. 12/02126/FUL). The approved surgery/pharmacy includes 2 consulting rooms, 1 nurse's room, waiting, staff and meeting rooms and provision for 22 parking spaces on 0.22 ha of land. The dwellings have recently been completed but the surgery has yet to be built.

Main Issue

3. The main issue is whether the planning obligation continues to serve a useful purpose.

Reasons

4. The appeal site lies within the village of Merriott. This large village¹ contains a range of services and facilities, including a pharmacy. However, there is no GP's surgery or any medical/healthcare centre. I understand that when the planning obligation was completed in 2013, there was interest from a local GP in establishing a practice in the village. However, that GP has since retired.
5. The National Planning Policy Framework (the Framework) states, amongst other things, that the purpose of the planning system is to contribute to the

¹ Home to about 2,000 people.

- achievement of sustainable development. Government objectives for rural areas² include the retention and development of accessible local services and community facilities, and its objectives for promoting healthy and safe communities³ include ensuring an integrated approach to the location of housing and community services and facilities. At the local level, the Merriott Village Plan⁴ dated 2014, identifies, amongst its aims, a community need to vigorously press for the development of the approved GP's surgery.
6. These national objectives and local aims reinforce the LPA's decision to approve the above noted mixed use development in 2013. They also lend weight to the LPA's argument that the planning obligation should be retained.
 7. The appellants accept that the availability of a GP in Merriott would be of great community benefit. I agree, and for a village of this size, and a settlement that the LPA has informed me is projected to grow significantly, there is likely to be much existing and future demand for a GP service. In this regard, the Parish Council considers that there is a continuing need for a health centre.
 8. I note the appellants remarks that there has been no take up of the proposed doctor's surgery/pharmacy and that the requirements for such facilities have changed over time. However, I also note that the Parish Council has been in communication with NHS England, the Clinical Commissioning Group, the local pharmacist and Ward Member about progressing this part of the mixed use development. Such schemes, which involve input of various parties and which are largely dependent on public sector funding, could take many years to progress, especially where there has been a lengthy period of austerity.
 9. A ten year period, in which the land is reserved for the delivery of a GP's surgery/pharmacy, is not unreasonable and I note that it has taken a number of years for the residential element of this mixed-use development to be provided. It is by no means certain that there is no interest in delivering this medical facility which, would be of considerable public benefit, or that the size and scale of the approved surgery/pharmacy is no longer fit for purpose.
 10. The restrictive covenant on the land would be a separate matter for the parties to resolve. This should not be seen as a tool to prohibit development that is in the public interest. If it was, many schemes throughout the country could be frustrated and the planning system would be unable to deliver necessary social objectives that are integral to the achievement of sustainable development.
 11. I note that the appellants wish to undertake a self-build housing scheme on the appeal site. There is also support from some neighbouring residents to discharge the planning obligation. However, there is a greater force in the LPA's argument that the obligation continues to serve a useful purpose.
 12. Given the above and having regard to all other matters raised, I conclude that the appeal should not succeed.

Neil Pope

Inspector

² Section 6 of the Framework.

³ Section 8 of the Framework.

⁴ Not part of the development plan but a material consideration that can be given moderate weight.