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# **Informal Discussion by Members of Area East Committee**

**Wednesday 14th July 2021**

**9.00 am**

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

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

Robin Bastable  
Hayward Burt  
Tony Capozzoli  
Nick Colbert  
Sarah Dyke

Henry Hobhouse  
Charlie Hull  
Mike Lewis  
Kevin Messenger  
Paul Rowsell

Lucy Trimnell  
William Wallace  
Colin Winder

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](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 13<sup>th</sup> July 2021.

The meeting will be viewable online at:

[https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF\\_soA](https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA)

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

This Agenda was issued on Tuesday 6<sup>th</sup> July 2021.

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

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

## **Information for the Public**

In light of the coronavirus pandemic (COVID-19), Area East Committee will meet virtually via video-conferencing to consider reports. As of 7 May 2021 some interim arrangements are in place for committee meetings.

At the meeting of Full Council on 15 April 2021 it was agreed to make the following changes to the Council's Constitution:

- a) To continue to enable members to hold remote, virtual meetings using available technology;
- b) To amend Part 3 (Responsibility for Functions) of the Council's Constitution to allow those remote meetings to function as consultative bodies and delegate decisions, including Executive and Quasi-Judicial decisions, that would have been taken by those meetings if the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 had continued in force to the Chief Executive (or the relevant Director in the Chief Executive's absence) in consultation with those meetings and those members to whom the decision would otherwise have been delegated under Part 3 of the Constitution;
- c) The delegated authority given under (b) will expire on 31 July 2021 unless continued by a future decision of this Council; For full details and to view the report please see: <https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=2981&Ver=4>

## **Area East Committee**

Meetings of the Area East Committee are usually held monthly, at 9.00am, on the second Wednesday of the month (unless advised otherwise). However during the coronavirus pandemic these meetings will be held remotely via Zoom, as consultative meetings only, whilst we implement the Local Authorities and Police and Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020 as part of the Coronavirus Act 2020.

Agendas and minutes of meetings are published on the council's website [www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions](http://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> You will need an internet connection to do this.

Please email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) for the details to join the meeting.

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

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](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 13<sup>th</sup> July 2021. 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](mailto:democracy@southsomerset.gov.uk) by 9.00am Tuesday 13<sup>th</sup> July 2021. 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 at the virtual meeting they must email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 13<sup>th</sup> July 2021.**

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 East Committee**

**Wednesday 14 July 2021**

## **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 Sarah Dyke, Paul Rowsell and William Wallace.

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

- 3. Date of next meeting**

The next Area East meeting will be held on Wednesday 11<sup>th</sup> August 2021.

- 4. Public Question Time**
- 5. Chairman's Announcements**
- 6. Reports from Members**

***Items for Discussion***

- 7. Area East Forward Plan** (Pages 7 - 8)
- 8. Planning Appeals** (Pages 9 - 21)
- 9. Schedule of Planning Applications to be Determined by Committee** (Page 22)
- 10. Planning Application 20/03243/FUL - Coombe Farm West Street Templecombe**  
(Pages 23 - 32)
- 11. Planning Application 21/00153/FUL - Raymonds Farm Underhill Pen Selwood Wincanton** (Pages 33 - 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 or relevant Director.**



## Area East Forward Plan

Director: Nicola Hix, Strategy and Support Services  
Agenda Coordinator: Michelle Mainwaring, Case Officer (Strategy & Commissioning)  
Contact Details: Michelle.mainwaring@southsomerset.gov.uk

## Purpose of the Report

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

## Recommendations

Members are asked to note and comment upon the proposed Area East Forward Plan as attached, and to identify priorities for any further reports

## Area East Committee Forward Plan

The forward plan sets out items and issues to be discussed over the coming few months. It is reviewed and updated each month, and included within the Area Committee agenda, where members of the Area Committee may endorse or request amendments. Members of the public, councillors, service managers, and partners may also request an item be placed within the forward plan for a future meeting, by contacting the agenda co-ordinator.

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

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

Further details on these items, or to suggest / request an agenda item for the Area East Committee, please contact one of the officer's names above.

## Background Papers

None.

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## Area East Committee Forward Plan

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

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

Meeting Date	Agenda Item	Lead Officer
TBC September at the earliest	Update on Wincanton Sports Ground	<i>Tim Cook – Locality team Manager</i>



## Planning Appeals

Director: Kirsty Larkins, Service Delivery  
Lead Officer: Lesley Barakchizadeh, Planning Consultant  
Contact Details: Lesley.barakchizadeh@southsomerset.gov.uk

## Purpose of the Report

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

## Recommendations

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

**APPEAL REFERENCE: 19/01840/OUT**

APPEAL STARTING DATE - 15 June 2021

APPEAL BY - Wyke Farm Ltd And Andrew Hopkins Concrete Ltd

PLANNING INSPECTORATE REFERENCE - APP/R3325/W/20/3259668

APPEAL TYPE: Public Inquiry

**Proposal:** Erection of 200 dwellings (70 affordable and 130 open market) with associated highways, drainage, landscaping and public open space.

**Location:** Land North Of Ansford Hill Ansford Castle Cary Somerset BA7 7PD

**Decision made by:** Area East Committee

### Appeals Allowed

None.

### Appeals Dismissed

**APPEAL REFERENCE: 19/03416/OUT**

**Proposal:** Outline application for the demolition of existing buildings and residential development of 60 units including the creation of a new vehicular access and pedestrian accesses, open space, landscape planting and surface water attenuation (all matters reserved except access).

**Location:** Land at Manor Farm Combe Hill Templecombe Somerset

**Original refusal decision:** Delegated

## Background Papers

See attached decision notice.

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## Appeal Decision

Inquiry Held on 11-14 May and 14 June–18 June 2021

Site visit made on 18 May 2021

**by H Butcher BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6<sup>th</sup> July 2021

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**Appeal Ref: APP/R3325/W/20/3265558**

**Manor Farm, Combe Hill, Templecombe BA8 0LJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
  - The appeal is made by Gleeson Strategic Land Ltd against the decision of South Somerset District Council.
  - The application Ref 19/03416/OUT, dated 12 December 2019, was refused by notice dated 14 August 2020.
  - The development is described on the application form as “proposed is demolition of existing buildings and residential development of up to 80 dwellings including the creation of a new vehicular access and pedestrian accesses, open space, landscape planting and surface water attenuation (all matters reserved except access).”
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The original planning application proposed a development of up to 80 dwellings. However, during the course of the determination of the application this was reduced to up to 60 dwellings. A revised description was agreed between the Council and the appellant to reflect this and is the basis on which the application was determined. I have therefore determined the appeal on the same basis.
3. The application was submitted in outline with only access to be determined at this stage. Appearance, landscaping, layout and scale are to be determined at reserved matters stage. Amongst other things an Illustrative Masterplan<sup>1</sup> and Indicative Landscape Strategy Plan<sup>2</sup> have been submitted and I have considered these plans on this basis.

### Main Issues

4. Having regard to the Council’s decision notice, and statement of case which includes a further putative reason for refusal relating to the Council’s settlement strategy, the main issues are:
  - The effect of the development on the setting of Manor House a Grade II\* listed building;

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<sup>1</sup> Drg: SK01 rev H

<sup>2</sup> Drawing No: L4 Revision J

- The effect of the development on the character and appearance of the surrounding area;
- Whether the appeal site is a suitable location for housing having regard to local planning policy, and;
- Whether the Council can demonstrate a 5 year supply of housing land.

## Reasons

### *Listed building*

5. The appeal site comprises open pasture fields, several large farm buildings, and associated farm infrastructure belonging to Manor Farm, Templecombe. Residential development abuts the north and west boundaries of the appeal site and to the east and south is predominantly open countryside.
6. To the west of the appeal site is Manor House which is Grade II\* listed. It is a 17<sup>th</sup> century building, but is located on a much earlier medieval site which was a preceptory of the Knights Templars until 1300, and the Knights Hospitallers until 1540. After this it fell into private ownership, at which time it was modified resulting in the building as we see it today.
7. There are two main elements to Manor House. A domestic wing which addresses High Street/Combe Hill, and attached to this, sitting at a right angle and extending along the north boundary of the site to meet Manor Farm, is a non-domestic wing. The two are identifiable by their contrasting architectural detailing. The domestic wing is articulated with irregular fenestration whereas the non-domestic wing is more noticeably devoid of openings.
8. It is suggested that the non-domestic wing formerly contained the refectory and kitchen of the Knights Hospitallers Preceptory and there is what appears to be a large medieval fireplace here<sup>3</sup>. In more recent years it was likely to have been a byre or barn associated with the historic use of the site as a post-medieval farmstead. Historic maps showing fishponds, orchards and surrounding fields further points to its farming history, along with the presence of 19<sup>th</sup> Century barns<sup>4</sup>, now converted to residential use, which are located just to the south-east of Manor House.
9. As the site of a medieval religious house and later a post-medieval farmstead, the Manor House and its associated buildings were historically sited in a rural farming landscape beyond the boundaries of nearby Templecombe. This would therefore have, for many centuries, been the setting of Manor House. Whilst much of the land surrounding this listed building has been built upon over the years as Templecombe has expanded up to and around it, the land to the east, which includes the appeal site, has remained in farming use. The appeal site and the wider rural farming landscape to which it belongs are now the last link between the Manor House and its historic rural farming setting.
10. The history of the Manor House is extensive dating back to medieval times and its earliest uses were closely associated with its rural environs. This history greatly contributes to the significance of the Manor House. What remains of the rural setting of the Manor House therefore contributes to this significance as it

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<sup>3</sup> Somerset Vernacular Building Research Group Report, Appendix B, Built Heritage Proof of Evidence by RPS

<sup>4</sup> Figures 7-14 of Appendix 1 to Heritage Proof of Evidence of Kit Wedd

informs our understanding and appreciation of the heritage asset on the ground.

11. In addition to this, the appeal site is an area from which the gable end of the non-domestic wing of the Manor House can be seen. Wider views from a nearby public right of way (PROW) and from East Street and a former railway bridge to the north-east are also possible across the appeal site given its open and undeveloped nature. This is of further value as it allows the significance of the listed building to be appreciated in a farming context, albeit a modern one. Once you know about the history of the building you can readily appreciate this from these views.
12. The Illustrative Masterplan shows that the proposed housing could be accommodated in the southern half of the site, tucked behind the residential property belonging to Manor Farm, such that, in terms of Manor House, it would not encroach to an unacceptable degree into its setting. The northern part of the site, it is suggested, could then become an area of managed public open space (MPOS) with tree and shrub planting, and wildflower and grassed areas. In addition to this, a new footpath link to East Street, to be determined at this stage, is proposed to cut across the MPOS. This would consist of a 2m wide footpath which would require earthworks along a substantial part of its length to ensure a suitable gradient for all users.
13. Currently the area it is suggested could be MPOS is farmland. At the time of my site visit I was able to stand near to the gable end of the non-domestic wing of Manor House, in a small paddock, towards the western corner of the appeal site, where there were sheep grazing. The history of the building and its connection to this farmland was palpable from here both visually and from the quiet and tranquillity afforded by a small paddock of grazing sheep. I accept that this area is not open to the public. However, as set out in Historic England (HE) guidance<sup>5</sup> the contribution that setting makes to the significance of a heritage asset does not depend on there being public rights or an ability to access or experience that setting. This does not, therefore, diminish the contribution this farmland setting makes to the significance of the Manor House.
14. Turning this area into MPOS would completely alter the setting to the Manor House. It would, for the most part, have a main purpose of serving the proposed development, and this would lead to it being more heavily used by the public, which of itself would change the current tranquil character of this area of pastureland. It would also likely be landscaped, which again, would be very different to the relatively open and rough terrain of the current fields here, and indeed, different to that of a productive orchard such as was historically located here. The modern grade footpath proposed with low level lighting would appear as an alien feature. Consequently, if I were to stand in the same spot as I was on my site visit in the suggested area of MPOS, the connection between the Manor House and its historic farmland setting would be irretrievably lost.
15. Views across this suggested MPOS from the PROW, East Street and the old railway bridge would also be affected. Whilst I accept views of the heritage asset could be retained through landscape management and maintenance, rather than seeing it in a farmland context it would be more akin to a parkland

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<sup>5</sup> The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning Note 3 (Second Edition)

- setting. This would detrimentally affect an appreciation of the significance of the Manor House from these views.
16. Whilst the application is made in outline with, amongst other things, layout and landscaping reserved for later consideration, the indicative and illustrative plans before me fail to provide evidence that an acceptable scheme is capable of being devised at reserved matters stage without harming the setting of the Manor House.
  17. I have read in detail the responses from Historic England (HE) dated 11 February 2020, 22 April 2020 and 16 July 2020. In particular, I have noted HE's comments on the significance of Manor House and the contribution made by its setting, which align with my findings above, namely that the appeal site is the last vestige of the rural setting of the Manor House and a key component in understanding the former position and relationship of this historic complex with its surrounding landscape.
  18. Although HE did not specifically express concern about the loss of an agricultural use of the land or how the MPOS might be used, their advice was clear that development should be avoided in the north-west section of the appeal site. The Council's conservation officer also did not raise specific concerns on this point. Nevertheless, it was raised by the Council's heritage witness and discussed at the inquiry. No one would therefore be put at a disadvantage by my taking the view that I have.
  19. It is clear that the appellant has been able to reduce harm from the proposed development to the heritage asset through their consultation with HE. Nevertheless, the advice in HE's final letter still identifies residual harm. Where on the scale of 'less than substantial harm' the development sits, they do not, elucidate. Nevertheless, that remains a judgement for me in the determination of this appeal.
  20. Much of the legibility of the medieval farmstead has been lost, as touched upon above, in respect of the growth of Templecombe and conversion of former barns to the south-east to residential use. Added to this is the domestication of what remains of the land around Manor House. However, this does not justify further harm to the setting of Manor House. HE guidance<sup>6</sup> states that where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting, to accord with the policies in the National Planning Policy Framework (the Framework) consideration still needs to be given to whether additional change will further detract from the significance of the asset. Negative change, the guidance states, could include severing the last link between an asset and its original setting. In this case, this is precisely the type of negative change that would occur as a result of the proposal.
  21. Taking all of the above points together I find that the proposal would have a harmful impact on the setting of Manor House, diminishing its significance as a medieval religious house and later post-medieval farmstead. It follows, therefore that the proposal conflicts with Policy EQ3 of the South Somerset Local Plan (LP) which seeks to safeguard the significance and setting of heritage assets. In terms of para 196 of the Framework the harm I have found

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<sup>6</sup> Historic England, The Setting of Heritage Assets, Historic Environment Good Practice advice in Planning Note 3 (Second Edition)

would be 'less than substantial'. Within the spectrum of 'less than substantial harm' my assessment is towards a high level of less than substantial harm given the II\* grade of the heritage asset affected and that the appeal site is the last link between Manor House and its rural setting. As per para 196 of the Framework this harm should be weighed against the public benefits of the proposal. I return to this heritage balance later in my decision.

#### *Character and appearance*

22. When viewed from the PROW to the east of the appeal site, and East Street up to the disused railway bridge, the appeal site sits at a high point in the landscape. This makes it visually prominent in these views. From here the edge of Templecombe is visible as evidenced by houses which appear to sit along a ridgeline, and then farm buildings and pastureland as your eye moves down the slope. The existing farm buildings at Manor Farm, although large, and utilitarian in appearance, provide a visual transition between the village of Templecombe and the open countryside to the east.
23. Housing on the appeal site is proposed to replace existing farm buildings. At the number proposed this would alter the transitional nature of this locally prominent site. As a result, a far harder, denser, edge to Templecombe would be created. Even with landscaping it would be impossible to completely disguise the development, the majority of trees and hedgerows being shown on the Indicative Landscape Strategy Plan to be planted at a lower point in the landscape to the proposed housing. Furthermore, views of Manor House need to be retained which would also impact on the ability of landscaping to screen and soften the development.
24. I am therefore not satisfied that the size of development proposed could be accommodated on the appeal site without resulting in localised harm to the character and appearance of the area. The illustrative and indicative plans before me do not allay my concerns in this respect. I therefore find the proposal would conflict with Policies SD1 and EQ2 of the LP which seek to preserve the character and appearance of the district.

#### *Suitable location for housing*

25. Policy SS1 of the LP sets out the settlement strategy for South Somerset District Council. This identifies where development will be focused starting with Yeovil, which is a Strategically Significant Town, followed by Primary Market Towns, Local Market Towns and Rural Centres. Templecombe does not fall into any of these categories of settlements but is, instead, classified as a Rural Settlement.
26. Development in Rural Settlements is to be strictly controlled subject to the exceptions identified in Policy SS2. These exceptions are that it provides employment opportunities appropriate to the scale of the settlement; and/or creates or enhances community facilities and services to serve the settlement; and/or meets identified housing need, particularly for affordable housing.
27. The appellant submits that indirectly there would be employment generated by the development and I do not dispute this. However, the supporting text to Policy SS2 gives examples of employment opportunities likely to be considered acceptable under this policy and these include starter units to support individuals or small companies, workshops, and businesses that require a rural

- location. Therefore, it is clear this policy is seeking the creation of tangible and permanent employment opportunities through economic development. Being solely a residential development, the proposal therefore fails to meet the first criteria.
28. Whilst the provision of housing on the appeal site would no doubt support, and even potentially secure existing facilities and services in Templecombe, the proposal would not, of itself, create any new community facilities or services, nor would it enhance any. Contributions to education and recreation along with highway works are to be secured through the submitted S106 agreement but this is to mitigate the effects of the development. To find otherwise would mean such obligations would not meet the relevant tests<sup>7</sup>.
29. The proposal does include an area of MPOS to be provided but this has primarily been created to reduce the impact of the development on the setting of the Grade II\* listed Manor House. There is no evidence that such a space would meaningfully serve Templecombe which already benefits from PROWS and other recreational facilities. Furthermore, I am not satisfied it would be used by residents outside of the development. It would be accessed from Combe Hill through a housing development and have a separate entrance to the PROW from East Street. It would therefore clearly be perceived as primarily serving the development proposed rather than the wider population of Templecombe.
30. The new footpath across the MPOS was also put forward as a new community facility. However, it would primarily be used as a pedestrian access for future residents of the development. For residents outside of the development it would provide a rather protracted and counterintuitive route to take, particularly to access services in Templecombe; the High Street being the more obvious and direct route. It might provide an alternative access to East Street (a predominantly residential street) or the PROW for the few properties immediately adjacent to the main entrance to the site but there is an alternative route largely served by pavements to these destinations. I am therefore not satisfied this would serve as a useful community facility.
31. I turn now to the final exception in Policy SS2 which requires development in rural settlements to meet identified housing need, particularly for affordable housing. The supporting text at para 5.44 again indicates that it is local housing need which is to be considered. The only evidence before me at the inquiry of any specific local housing need was for 5 affordable homes in the parish of Abbas and Templecombe<sup>8</sup>. The development would provide 21 affordable homes and 39 market houses. Whilst there is a larger district wide, and indeed national, need for affordable housing, in the terms of Policy SS2 the proposal would overprovide in terms of meeting identified housing need in this area.
32. Taking all of the above points together I find that the proposal does not meet the exceptions set out in Policy SS2. The appeal site is therefore not a suitable location for the development proposed having regard to local planning policy.
33. During the inquiry the Council's focus appeared to move away from non-compliance with the exceptions in Policy SS2, even though their third putative

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<sup>7</sup> Regulation 122(2) of the Community Infrastructure Levy Regulations 2010 and paragraph 56 of the Framework

<sup>8</sup> Latest Expressed Demand for South Somerset Parishes 15<sup>th</sup> June 2021

reason for refusal and evidence raised concerns in this respect. Nevertheless, the proposals compliance with the exceptions in Policy SS2 was explored thoroughly in the inquiry such that I am able to come to my own view on the matter without prejudicing either of the main parties. In the inquiry itself the Council appeared to focus more on the scale of the development. However, in Policy SS2, it is only once you have satisfied yourself that the proposal is one of the exceptions set out in that policy that you are then required to consider whether it would be commensurate with the scale and character of the settlement. In this case I have found that the proposal would not meet the exceptions in Policy SS2. A determination on scale would not change that outcome. It is therefore not necessary for me to pursue this matter further.

34. It has been put to me that Policies SS1 and SS2 are not consistent with the Framework paragraph 77. Both are broadly supportive of development in rural areas which is responsive to local circumstances, and of housing developments that reflect local needs. Policy SS2 is, perhaps, more detailed as to what might constitute local circumstances and requires additional considerations such as scale and character and increasing sustainability generally. However, consideration of built environment and local character are addressed elsewhere in the Framework, as is sustainability. I therefore afford this policy full weight in the determination of this appeal.

#### *5-year housing land supply*

35. The adopted strategic policies for South Somerset District Council are more than five years old and have not been reviewed and found not to require updating. In such circumstances, as per para 73 and footnote 37 in the Framework, local housing need should be the basis for assessing whether a five year supply of specific deliverable sites exists, and it should be calculated using the standard method set out in national planning guidance.
36. The requirement using the standard methodology is 690 dwellings per annum (dpa) or 3450 in total over the five-year period. The supply of deliverable sites should, in addition, include a buffer. In this case it should be 5% as per para 73a) of the Framework. If I apply this buffer to the 5-year requirement calculated using the standard method the total requirement goes up to 725dpa or 3623 in total over the five-year period<sup>9</sup>.
37. I must now compare this 5-year requirement to the supply of deliverable sites. The Council calculate this to be 4323<sup>10</sup>. Using these figures the Council can demonstrate 5.96<sup>11</sup> years of housing land supply. However, to be considered deliverable, as set out in Annexe 2 of the Framework, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years.
38. During the inquiry a number of large sites set out in a Scott Schedule were discussed in detail<sup>12</sup>. During round table discussions two sites were discounted from the schedule: Viney Bridge Mills, 43 dwellings; and a duplication of housing delivery figures at Land north of Wheathill Lane, 65 dwellings. In

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<sup>9</sup> Appellant's Updated 5 Year Land Supply Position Table 2

<sup>10</sup> FINAL Housing Lane Supply Statement of Common Ground point 6.5

<sup>11</sup> FINAL Housing Lane Supply Statement of Common Ground point 6.6

<sup>12</sup> Appendix 1 to Housing Land Supply Statement of Common Ground

- addition an over count of 8 dwellings at Land off Cuckoo Hill Bruton was removed.
39. Victoria Road was also discussed which is a site for 24 dwellings. Detailed planning permission was granted in late 2009, a number of conditions have been discharged and works have commenced on site. However, no further progress has been made in the circa 10 years following this and a photo provided by the Council shows no work is currently underway. I therefore find this to be compelling evidence that homes will not be delivered in the next five years on this site.
40. I move on now to sites in the Scott Schedule which have outline permission only. These are: Kit Hill, 100 dwellings; Torbay Road, 165; Land off Lyndhurst, 35; Land adjacent to Triways, 24 and Land at Stalbridge, 130. To be deliverable, as set out in Annexe 2 of the Framework, where a site has outline planning permission for major development, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years. In all of these cases the evidence before me is very limited and largely based on anticipated trajectories assuming reserved matters will be approved in the very near future. There is no certainty before me that this will occur. I must therefore conclude that these sites are not deliverable in the terms of the Framework.
41. There is also a further complication to four of the above sites, and indeed many others across the district. Recent advice from Natural England (NE) regarding the unfavourable condition of the Somerset Levels and Moors Ramsar Site means that before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should undertake a Habitats Regulations Assessment proceeding to an appropriate assessment where a likely significant effect cannot be ruled out, even where the development contains pollution mitigation provisions. A large proportion of the District is affected by this issue and it will adversely impact housing delivery as acknowledged in a letter from affected Councils, including South Somerset District Council, to the Secretary of State for Housing dated 3<sup>rd</sup> December 2020.
42. Whilst the Council is developing a Phosphates Management Strategy due to be delivered by autumn 2021, this is dependent on a great deal of work being undertaken over the summer, which is when people tend to take leave, and this work includes getting agreement with Natural England on key elements. Notwithstanding my concerns in this respect an initial draft is scheduled to be completed by August 2021. However, the resulting Supplementary Planning Document will then need to be progressed through the democratic decision-making process to approve it for the purpose of consultation and subsequent adoption. This will all take time and co-ordination across various bodies. It would be optimistic, in my view, to assume this could all be concluded before the end of this year.
43. The Council have said that, in light of NE's advice, they are applying a cautious approach to housing supply. However, this is not borne out in the evidence before me. There is very limited discussion of how the issue of phosphates has been taken into account by the Council on the sites in the Scott Schedule, the majority of which fall within the affected catchment. Indeed, the schedule did not even identify which sites fall within the affected catchment until requested

at the inquiry. Consequently, this matter could significantly delay not only the outline permissions I refer to above but many other outline permissions, and permissions with detailed planning permission but which still have undischarged foul drainage conditions. I have been provided with very limited evidence to indicate otherwise. There may also be indirect effects on viability for all development affected moving forward.

44. This all gives me sufficient concern so as to question the overall deliverability of the Council's supply of housing, most notably, I consider the phosphates issue will lead to delays which have not been factored into the Council's supply figure. Therefore, of the figures before me, I lean in favour of the appellant's housing supply figures which using the standard method with a 5% buffer indicate a five-year housing land supply of between 3.97 and 3.66 years supply.
45. The appellant also put forward arguments that the standard method should not be applied in this case, contrary to the advice in the Framework, because under the standard method housing requirement is lower than that of the adopted plan. Whilst I take the appellant's points about significantly boosting housing supply<sup>13</sup>, past performance in terms of delivery of housing in South Somerset<sup>14</sup>, and the Middleton Cheney appeal<sup>15</sup>, the Framework is nevertheless clear on the approach to take in the specific circumstances of this appeal. Furthermore, the standard method was introduced in order to be a simpler, quicker and more transparent way of calculating housing land supply. To adopt a contrary approach would undermine this.
46. The appellant similarly also makes a case that a 10% buffer should be applied. However, the Framework is again clear on this point. A 10% buffer should only be applied where the local planning authority wishes to demonstrate a five-year supply of deliverable sites through an annual position statement or recently adopted plan. An annual position statement, which is scrutinised by the Secretary of State through a formal process, and which would conclusively demonstrate the housing land supply position, has plainly not occurred. Nor is there a recently adopted plan for the District.

#### *Heritage balance*

47. I return now to the heritage balance<sup>16</sup> where I must balance the high level of less than substantial harm that I found to the Manor House against the public benefits of the proposal. Given my finding on housing land supply the addition of 60 houses to include affordable housing would boost local housing supply and would be a benefit of significant weight particularly given that this site is not affected by the aforementioned phosphate issue and is in a particularly sustainable location in terms of accessibility to local services and public transport. Linked to this would be in-direct economic benefits which I give modest weight.
48. I note the appellant's point that the development could allow a greater appreciation of the Manor House insofar as the MPOS would allow closer public access to the heritage asset, not presently possible. However, this would be at the expense of the loss of the last vestiges of its rural setting. I therefore

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<sup>13</sup> NPPF para 59

<sup>14</sup> Accelerating Delivery of Housing in South Somerset Report - Draft Ver 3 June 2020, Three Dragons

<sup>15</sup> APP/Z2830/W/20/3261483

<sup>16</sup> NPPF para 196

afford this benefit very limited weight. Removal of modern steel barns would be a benefit of itself. However, this would be replaced with a greater scale of built form. Again, this therefore attracts only limited weight.

49. The proposals could provide a significant area MPOS to be used for informal recreation. As explored previously in my decision this would predominantly be used for future residents of the development who, based on the indicative plans, would all have private garden space. I therefore also give this benefit limited weight. Similarly, the new pedestrian route through the site, for the reasons already discussed, I give limited weight. The proposal would also provide a moderate biodiversity net gain which I accordingly give moderate weight.
50. Notwithstanding the individual weight I have attributed to the above benefits, their collective weight would be significant. However, they are not collectively sufficient to outbalance the identified high level of 'less than substantial harm' to the significance of the Manor House, given that considerable importance and weight should be given to the desirability of preserving the setting of listed buildings when carrying out a balancing exercise in planning decisions. I am also conscious of the advice in the Framework that great weight should be given to the conservation of heritage assets, and the more important the asset the greater the weight should be.

#### *Planning balance*

51. As shown in the heritage balance above the harm I have identified to the setting of Manor House is not outweighed by public benefits. I have also found harm to the character and appearance of the area and harm in terms of a policy conflict with Policies SS1 and SS2 of the LP which restrict development in the countryside.
52. Given that I have found that the Council cannot demonstrate a five-year supply of deliverable housing sites paragraph 11d) of the Framework is engaged and the policies most important for determining the application are to be considered as out-of-date. However, in accordance with para 11d i) and footnote 6 of the Framework it is then clear that permission should not be granted as the application of policies in the Framework that protect, of particular note for this appeal, designated heritage assets, provide a clear reason for refusing the development proposed.
53. Consequently, having regard to the development plan as a whole and all material considerations advanced in this case, the appeal is dismissed.

*Hayley Butcher*

INSPECTOR

## APPEARANCES

### FOR THE LOCAL PLANNING AUTHORITY:

Philip Robson BVC LLB(Hons) MSc      Instructed by South Somerset District Council  
of Counsel

He called:  
Charles Potterton BA DipLA      Chartered Landscape Architect  
CMLI

Kit Wedd      Heritage Consultant

Liz Alexander BA(Hons)      Bell Cornwall  
MPhil MRTPI

David Kenyon BA(Hons)      South Somerset District Council  
BPO MRTPI

### FOR THE APPELLANT:

Mary Cook Partner at Town Legal      Instructed by David Barnes  
LLB

She called:  
David Williams BA(Hons) LA      Director of DWLC  
Dip Hons LA, CMLI

Jonathan Smith MRTPI      RPS Group

Jonathon Orton BA(Hons)      Director at Origin 3  
MRTPI

### INTERESTED PERSONS:

Tony Garratt	South Somerset District Council
Sarah Hickey	South Somerset District Council
Matthew Loughrey-Robinson	South Somerset District Council
Daniel Gordon	South Somerset District Council
Olivia Hughes	Origin 3
Rob Phillips	Gleesons
Mrs T J Chapman	Abbas and Templecombe Parish Council
John Smith	Gleesons
Graham Cridland	Observer
Mark Stead	Observer
John Grierson	Observer
Ian Bissett	Observer
Frances Gully	Observer
Linda Pincombe	Observer
Jo Calvert	Observer
Jo Wilkins	Observer

**DOCUMENTS submitted at the Inquiry**

- 1 CIL Compliance Statement
- 2 Planning conditions
- 3 Email correspondence between David Kenyon and Charles Potterton
- 4 Planning Statement of Common Ground
- 5 Draft S106 Agreement
- 6 Statement from Mr Bissett
- 7 Statement from Mr Grierson and photos
- 8 Addendum proof of evidence and appendix on housing land supply (Council)
- 9 South Somerset Authority Monitoring Report
- 10 Letters/legal advice on phosphates
- 11 Housing Land Supply Statement of Common Ground
- 12 Updated Scott Schedule
- 13 Consolidated evidence South Somerset District Council 5 Year Housing Land Supply (plus update)
- 14 Appellant's updated 5 Year Housing Land Supply Position
- 15 Additional photographs from Mr Grierson
- 16 Phosphates Management Strategy
- 17 Scanned copy of signed S106 Agreement

# Agenda Item 9

## Schedule of Planning Applications to be determined by Committee

Director: Kirsty Larkins, Service Delivery  
Lead Officer: Lesley Barakchizadeh, Planning Consultant  
Contact Details: Lesley.barakchizadeh@southsomerset.gov.uk

### Purpose of the Report

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

### Recommendations

Members are asked to note the schedule of planning applications.

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

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

Any member of the public wishing to address the virtual meeting regarding a Planning Application need to email [democracy@southsomerset.gov.uk](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 13<sup>th</sup> July 2021.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
10	BLACKMORE VALE	20/03243/FUL	Demolish farm buildings and domestic garage and erect three detached houses and two semi-detached dwellings, garages with parking and amend field access.	Coombe Farm West Street Templecombe BA8 0LG	Mr Andy Ham - White Hart Company
11	TOWER	21/00153/FUL	1 No. new dwelling at Raymonds Farm. Existing Cottage retained to be used as workshop, ancillary to the new house	Raymonds Farm Underhill Pen Selwood Wincanton BA9 8LL	Mr Terry Fricker

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

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

# Agenda Item 10

## Officer Report On Planning Application: 20/03243/FUL

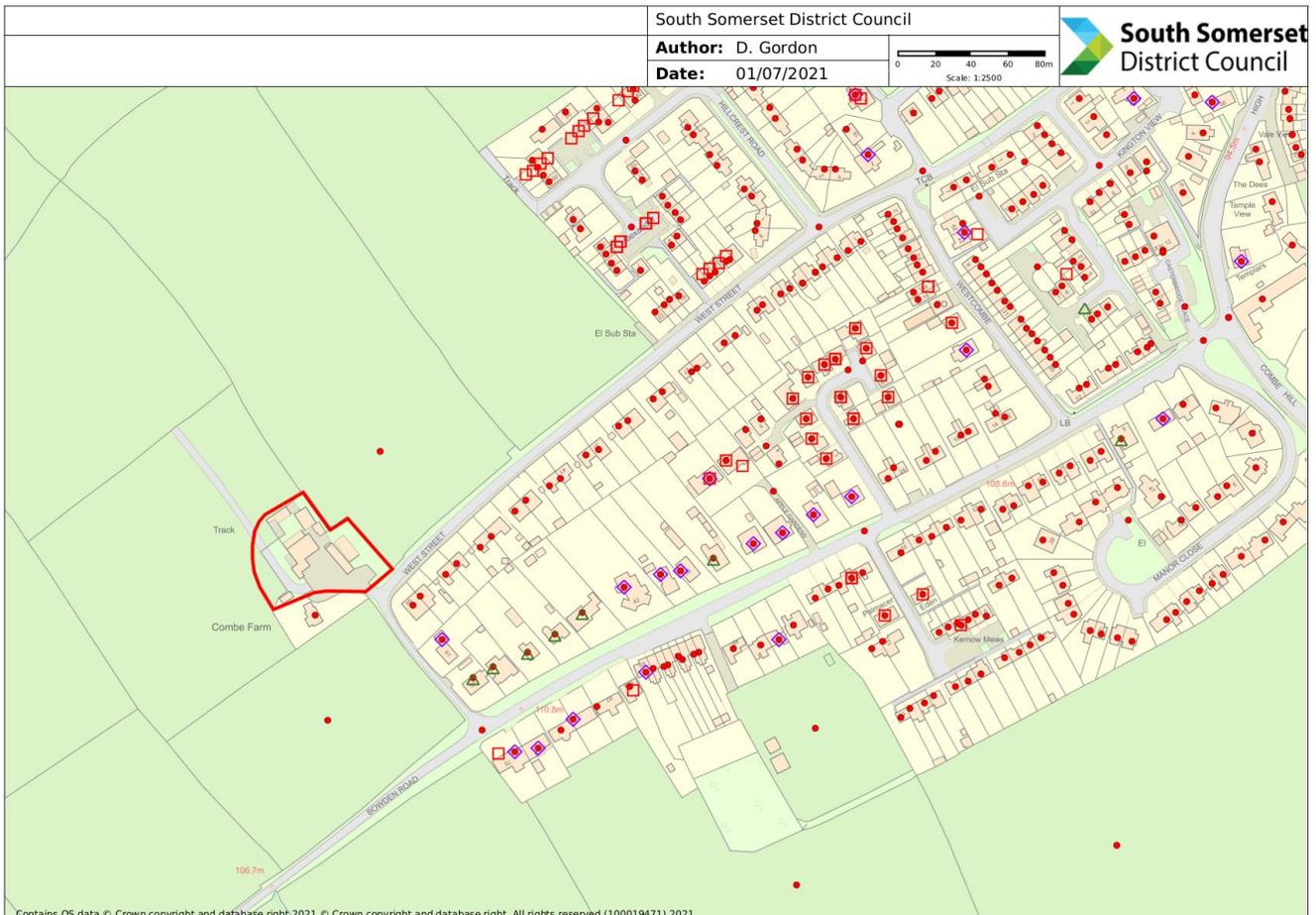
<b>Site Address:</b>	Coombe Farm West Street Templecombe
<b>Ward :</b>	BLACKMOOR VALE
<b>Proposal:</b> <b>CIL Liable = YES</b>	Demolish farm buildings and domestic garage and erect three detached houses and two semi-detached dwellings, garages with parking and amend field access.
<b>Recommending Case Officer:</b>	Peter Thomas (Specialist)
<b>Target date/Ext of time</b>	9th February 2021
<b>Applicant :</b>	Mr Andy Ham - White Hart Company
<b>Type : 06</b>	Minor Dwellings 1-9 site less than 1ha

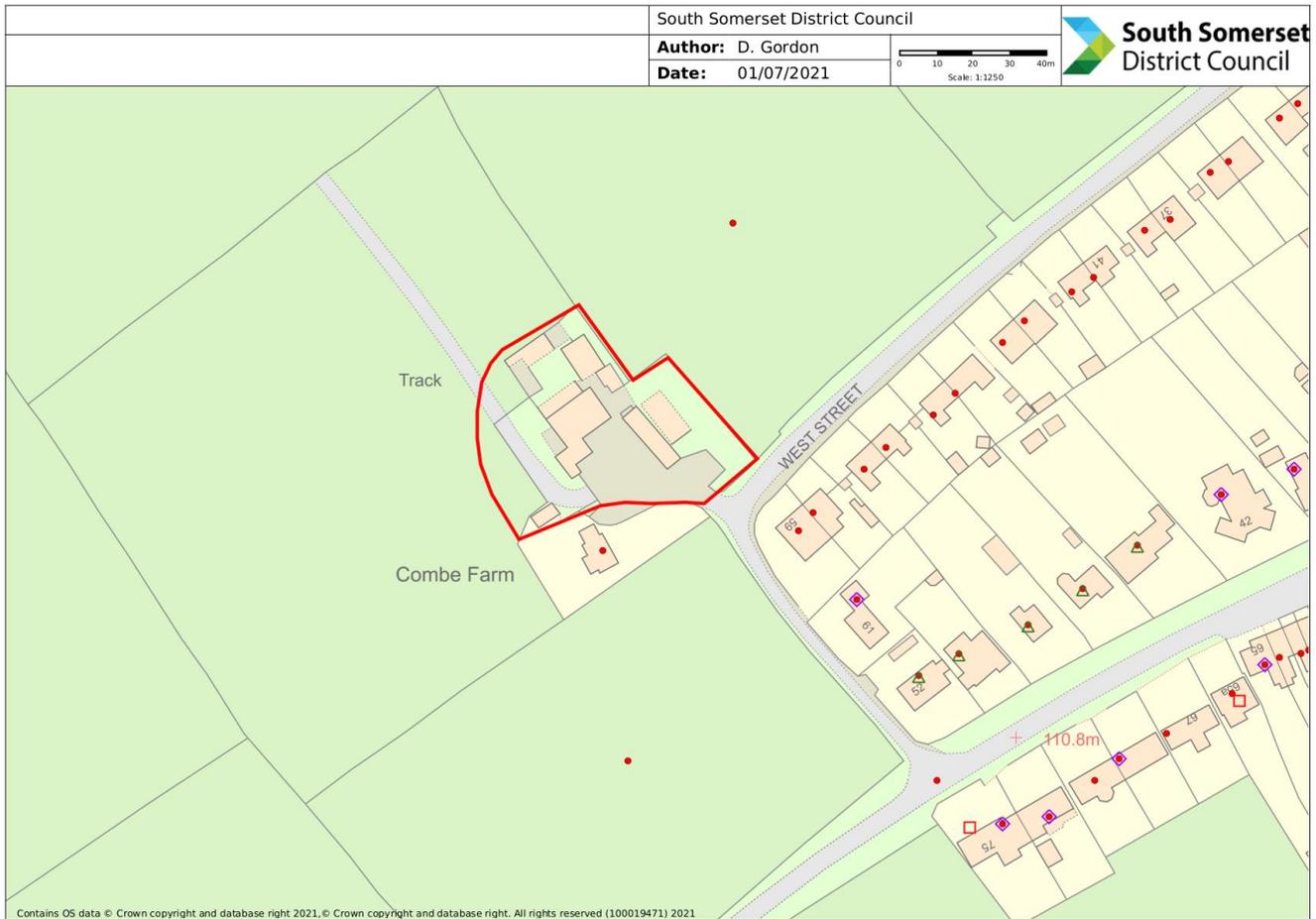
### REASON FOR REFERRAL

This application has been referred to committee following an objection raised by the Ward member:

I do not agree with the officer recommendation as it breaches policy SS2. The council now has a five year land supply and permission this development was given before the decision to build 49 houses further down west street putting an unacceptable strain on local roads.

After that permission was granted SSDC then discovered we had reached our five year land supply, and rural settlements have already had more than its number of building permissions.





## SITE DESCRIPTION AND PROPOSAL

This application seeks permission for the erection of 5 dwellings and associated garaging. They would comprise three detached and two semi detached properties all at two storeys high.

Materials include Southwold Bradstone with natural slate, grey boarding, and off-white render along with dark coloured window frames and rainwater goods.

The site consists of a collection of disused farm buildings. There is a dwelling to the west which falls outside of the red line site area of this application, but was included in the previous approval for four dwellings.

The site is close to a variety of residential properties to the south east, with open countryside to the southwest, west and north. There is an open field immediately to the east, with a variety of residential properties beyond.

## HISTORY

93/02089/AGN - Notification of intent to erect an agricultural garage/store - Permission not required 31/03/1993

9261 - Nissen hut as implement shed - Conditionally approved 11/05/50

2809 - Erection of dwellinghouse and formation of vehicular access - Approved 31/03/1949

2272 - Erection of cowstall and dairy - Approved 04/03/1949

18/02084/FUL Erection of 4 No. dwellings and associated garaging -approved

On adjoining land:

00/01366/OUT - Residential development of land comprising thirteen dwellings - Application refused 14/07/2000 - Dismissed at appeal 14/11/2000

19/01604/OUT Outline application with all matters reserved save for access for residential development for up to 49 dwellings including landscaping, drainage and new vehicle access from West Street.

## **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)**

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS5 - Delivering New Housing Growth

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy TA1 - Low Carbon Travel

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy HG3 - Provision of Affordable Housing

Policy HW1 - Provision of Open Space, Outdoor Playing Space, Sports, Cultural and Community Facilities in New Development

### **National Planning Policy Framework**

Chapter 2 - Achieving Sustainable Development

Chapter 5 - Delivering a Sufficient Supply of Homes

Chapter 12 - Achieving Well-Designed Places

## **CONSULTATIONS**

### **Abbas and Templecombe Parish Council**

The Members of Abbas and Templecombe Parish Council have considered planning application no 20/03243/FUL - Coombe Farm West Street via email and are in support of the proposed application but have serious reservations about the local roads in the area, namely West Street and the narrow section of road leading out to Bowden Road which is to all intents and purposes a single-track road, due to the additional traffic generated by this and other proposed development on this road.

### **County Highway Authority**

Following submission of the original recommendation, it has been clarified that the new road is not going to be offered up for adoption as highway maintainable at public expense. In this regard, whilst the principle of our position remains the same the previously noted technical details will not be required to be shown on a suitable plan. This Authority is still content that a development of only 5 units will not create a major highway safety or efficiency issue in this location and as such, this Authority does not have any objections to the principle of the development.

Where the new access road joins the carriageway on West Street all works which affect the highway will need to be covered by a s278 agreement. In the event of permission being granted, I would recommend that the conditions previously requested are imposed.

### **SSDC Ecologist**

Having reviewed the details of the proposal and the supporting ecology report prepared by Lowans Ecology & Associates I have the following comments.

In 2018 Countryside Contracts completed bat activity surveys of the Site and recorded brown long eared bats roosting in buildings 1, 1A and 4. The survey concluded a small number of this species were using the specified buildings as occasional day and night feeding roosts.

In 2020 Lowans Ecology & Associates completed a preliminary roost assessment of the Site and concluded that buildings 2, 3, 5, 6 & 7 have NEGLIGIBLE potential for bats to be roosting in them and that buildings 1, 1A and 4 had extremely LOW potential for bats to be roosting in them. No activity surveys were recommended. It was recommended that the demolition works were undertaken under an Agreed Method Statement.

Best practice guidelines for a structure assessed as having LOW bat roost potential, Bat Survey Guidelines 2015, require that a single bat activity survey is completed to determine the presence or absence of bats using the building. In light of this guidance and the 2018 records for brown long eared bats roosting in buildings 1, 1A and 4 I am placing a HOLDING OBJECTION on this application pending receipt and review of a bat activity survey report for these buildings.

### **Somerset Wildlife Trust**

Biodiversity Survey provided by Lowans Ecology and Associates. We would fully support the findings of that survey as well as the recommendations for Mitigation and Enhancement. These recommendations should be included in the Planning Conditions if it is decided to grant Planning Permission.

### **SCC Archaeology - No objections**

### **Contaminated Land**

Given what we have, and as a minimum in terms of further investigation, it would be appropriate to require that the following watching brief is adopted towards compliance with the existing condition for this development:-

#### Contaminated land watching brief

In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details.

For the avoidance of doubt, the above measure does not require the full implementation of section 1 of the contaminated land condition (Phase I site investigation... etc.). However, any identification of signs of pollution will require the reversion to the detail of that existing condition.

Please note: in addition to the Sitecheck report, evidence of compliance with the contamination land watching brief should be supplied detailing:-

- o any findings, or none,
- o any necessary, subsequent measures to comply with the original planning condition.

The above would be seen by this Department as fulfilment of the condition.

**Wessex Water** - There must be no surface water connections into the foul sewer network. The planning authority will need to be satisfied that soakaways will work here and arrangements are clear for any shared obligations. Soakaways will be subject to Building Regulations.

## REPRESENTATIONS

1 letter of objection received:

This development represents further development on the site compared to previous applications. This is now becoming an overdevelopment of the site.

Concerns regarding the road and construction traffic

The access design could lead to vehicles traveling at speed

It is noted that Wessex Water has stated the surface water strategy is unacceptable in their report - could lead to flooding

Doesn't seem like equal treatment

## CONSIDERATIONS

### Principle of Development

Templecombe is defined in the local plan as a Rural Settlement, where development will be strictly controlled. The starting point for considering development in Rural Settlements is policy SS2 of the South Somerset Local Plan.

There is an existing planning permission on this site for 4 dwellings and represents a legitimate fall-back position but was approved a time when the council could not demonstrate a five year supply of land

The proposal increases this number 1, and the council now considered that it has a five year supply of land. In that respect policy SS2 of the Plan will apply. This states that:

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

Provides employment opportunities appropriate to the scale of the settlement; and/or Creates or enhances community facilities and services to serve the settlement; and/or

Meets identified housing need, particularly for affordable housing.

Development will be permitted where it is commensurate with the scale and character of the settlement, provides for one or more of the types of development above, and increases the sustainability of a settlement in general.

Proposals should be consistent with relevant community led plans, and should generally have the support of the local community following robust engagement and consultation.

Proposals for housing development should only be permitted in Rural Settlements that have access to two or more key services listed at Paragraph 5.41.

This proposal would allow for two smaller sized dwellings in a location which has previously been found to be acceptable for new housing. Indeed, 49 dwellings have been approved subject to 106 immediately adjoining this site. The approved proposal was for four 4 bedroom houses. The new mix allows for two 3 bedroom houses. The increase in number by 1 is very modest and would not result in any harm to the original layout. As a fall back, there is an agricultural building on the site, and it is considered very realistic that these buildings would have a chance of being converted under permitted development rights whereby 5 smaller dwellings would be permitted. Chapter 11 of the National Planning policy Framework states that it should be ensured that ensure that developments make optimal use of the potential of each site.

Given the above, the addition of a further smaller dwelling on this site is considered to be acceptable.

### Highways

Local concern has been raised in regard to the proposed access arrangements and highway implications of the development. However, the Somerset County Council Highway Authority have been consulted and considered the scheme in detail. They have raised no objections to the proposal, stating that "*This Authority is still content that a development of only 5 units will not create a major highway safety or efficiency issue in this location and as such, this Authority does not have any objections to the principle of the development.*"

As such, subject to various conditions on any permission issued and notwithstanding the local concern in this area, any impact on highway safety is considered to be acceptable and in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the aims and objectives the NPPF. Some of the conditions suggested by the highway authority need to be adjusted to ensure they meet the relevant tests.

### **Visual Amenity**

Previously, it was considered that the SSDC Landscape Architect was consulted as to the impacts of the scheme at the pre-application stage, and was content that development could be accommodated without harm to the character of the landscape, subject to a suitable planting scheme and adjustments to the proposal. It is considered that this proposal would also similarly not harm the appearance of the site and surrounding area given its form and design. It is considered that an appropriate planting scheme can be secured through the imposition of a landscaping condition on any permission issued. On this basis, it is considered that there will be no adverse impact on the character of the wider landscape. It should be noted that there is an outline approval for 49 dwellings adjacent to this site and therefore this proposal will assimilate with that built form.

The proposed design and materials of the development are considered to be of an acceptable standard, which will have no adverse impact on the character of the surrounding area.

As such, subject to appropriate detail to be secured through conditions on any permission issued, and notwithstanding local objections in this area, it is considered that the proposed development would preserve the character of the area in accordance with policy EQ2 of the South Somerset Local Plan and the aims and objectives of the NPPF.

### **Residential Amenity**

Due to the position and design of the proposed development there would be no adverse impact on the amenity of adjoining occupiers by way of overshadowing, overlooking, or overbearing to existing or proposed properties.

Therefore, the proposal is considered to have no significant adverse impact on residential amenity in compliance with policy EQ2 of the South Somerset Local Plan.

### **Ecology**

The SSDC ecologist was consulted who raised concerns that best practice guidelines for a structure assessed as having LOW bat roost potential, Bat Survey Guidelines 2015, require that a single bat activity survey is completed to determine the presence or absence of bats using the building. In light of this guidance and the 2018 records for brown long eared bats roosting in buildings 1, 1A and 4 and placed a holding objection on the application.

Since then, a further bat survey has been carried out. This has identified that

The trees have no PRF's that could be used by bats. No evidence of bats were found in the buildings during the survey in March 2020. No bat droppings or feeding remains were found on the white paper put down in Buildings 1, 1A, and 4 on 25/02/2021 during the surveys in May 2021. No bats emerged from buildings 1, 1A and 4 during the dusk emergence surveys on 5/05/2021 and 19/05/2021. Noctule bats were heard during the survey on 5/05/2021, no bats were heard or seen during the survey on 19/05/2021. Although the weather has been colder and wetter during May 2021, various species of bat have been recorded at other sites by the surveyors during May, indicating that if bats were present within the site they would have expected to have been recorded.

The surveys carried out by County Contracts in 2018, concluded that 'building 1 and 1a is being used by brown long-eared bat(s) as an occasional day time and night time roost. Building 4 is used as an occasional night time perch by long-eared bat(s). It is likely that only a single bat is using the buildings'.

The surveys carried out by Lowans Ecology & Associates in 2020 and 2021 found no evidence of bats within the buildings. Taking into consideration the findings of the bat surveys, bats are considered to no longer be present within the site, there will be no adverse impacts on bats due to the proposed work.

No evidence of bats were found in the buildings during the survey in March 2020. No bat droppings or feeding remains were found on the white paper put down in Buildings 1, 1A, and 4 on 25/02/2021 during

the surveys in May 2021. No bats emerged from buildings 1, 1A and 4 during the dusk emergence surveys on 5/05/2021 and 19/05/2021. Noctule bats were heard during the survey on 5/05/2021, no bats were heard or seen during the survey on 19/05/2021. Although the weather has been colder and wetter during May 2021, various species of bat have been recorded at other sites by the surveyors during May. Indicating that if bats were present within the site they would have expected to have been recorded.

The report identifies a number of mitigation and enhancement measures that can be incorporated into the proposal. Given the findings of the report and with a suitable condition, it is considered that the application is acceptable in terms of ecology.

### **Wessex Water**

After concerns raised by Wessex water regarding surface water runoff into the foul drainage water network. Amended plans to show an onsite attenuation tank with soakaways to ensure no surface water from the development enters the highway have been submitted.

Wessex Water have stated that there must be no surface water connections into the foul sewer network. The planning authority will need to be satisfied that soakaways will work here and arrangements are clear for any shared obligations. Soakaways will be subject to Building Regulations.

Even given these comments, there is approval for 4 dwellings on this site with no attenuation tank. The tank would be subject to building control, and it is considered that given the fall-back position that the proposal as submitted is acceptable.

### **Contaminated Land**

There was no contaminated land condition on the previous approval, but the contaminated land officer has recommended conditions including a watching brief.

### **Contributions and Other Benefits**

The scheme is however liable for the Community Infrastructure Levy (CIL).

### **Other Matters**

A concern has been raised locally as to inconsistent decision making, referring specifically to a refusal of a dormer window. However, there appears to be no similarity between the cases and no obvious inconsistency.

It is considered that some of the requirements of policy TA1 (Low Carbon Travel) of the South Somerset Local Plan (i.e. electric vehicle charging points) can be secured through the imposition of a suitable condition on any permission issued.

### **Conclusions and the Planning Balance**

Given the consent for four dwellings, it is considered that the addition of a smaller dwelling would be consistent with the aims of policy SS2. There are no highway objections to this proposal, and it is therefore considered that the recommendation is for approval of this proposal.

### **RECOMMENDATION**

That application be **approved** for the following reason:

01. The principle of development is considered acceptable as the identified harm does not significantly and demonstrably outweigh the benefits of the scheme. The proposed development of the site would respect the character of the area, with no demonstrable harm to highway safety, flood risk and drainage, protected species, or residential amenity. As such the proposal complies with local plan policies SD1, SS1, TA5, TA6, EQ2, and EQ4, and the aims and objectives of the NPPF.

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

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
02. The development hereby permitted shall be carried out in accordance with the following approved plans:  
Location and Site Plan  
  
5016 D01 rev C  
5016 proposed plans and elevations  
1096-01-PHL-101-A  
Lowans Ecology 7 Associates biodiversity Assessment Version no 2  
Landmark sitecheck report

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

03. No development shall take place until a site specific Construction Environmental Management Plan has been submitted to and been approved in writing by the Council. The plan must demonstrate the adoption and use of the best practicable means to reduce the effects of noise, vibration, dust and site lighting. The plan should include, but not be limited to:  
All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours:  
08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and; at no time on Sundays and Bank Holidays.  
Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.  
Mitigation measures as defined in BS 5228: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works. Procedures for emergency deviation of the agreed working hours shall be in place.  
South Somerset District Council encourages all contractors to be 'Considerate Contractors' when working in the district by being aware of the needs of neighbours and the environment.  
Sampling should be undertaken for all material that may be considered to include Asbestos Containing Materials (ACM) and appropriate measures for dismantling and disposal should be prepared. Control measures shall be in place for control of dust and other air-borne pollutants.  
Measures shall be in place for controlling the use of site lighting whether required for safe working or for security purposes.

Reason: In the interests of the amenities of surrounding occupiers

04. 12. Prior to their first use on the building, details of the materials to be used shall be submitted to and approved in writing by the Local planning authority. The works shall be carried out in accordance with the approved details.

Reason - in the interests of visual amenity in accordance with policy EQ2 of the south Somerset Local Plan

05. Before the dwellings hereby permitted are first occupied, a properly consolidated and surfaced access shall be constructed (not loose stone or gravel) for at least the first 5 metres from the highway edge, and shall be maintained in that fashion thereafter at all times.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

06. The drainage details shown on plan 5016 D01 rev C shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of local amenities in accordance with policy EQ2 of the South Somerset Local Plan.

07. The development hereby permitted shall not be commenced until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

08. Prior to first occupation of the dwellings hereby permitted, 16amp electric charging points for electric vehicles shall be provided adjacent to the parking spaces or within the garages shown on the approved plan 2532-PL-02B. Sufficient electric charging points for at least one per dwelling shall be provided in this way. Once installed such parking points shall be retained and maintained in working order, unless otherwise agreed in writing with the Local Planning Authority

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

09. The development shall be carried out in accordance with the recommendations contained in the biodiversity report carried out by Lowans Ecology & Associates updated 21.05.21.

Reason - In the interests of Ecology in accordance with policy EQ4 of the South Somerset Local Plan and the provisions of the national Planning Policy Framework.

10. In the event that any signs of pollution such as poor plant growth, odour, staining of the soil, unusual colouration or soil conditions, or remains from the past use, are found in the soil at any time when carrying out the approved development it must be reported in writing within 14 days to the Local Planning Authority (LPA). The LPA will then consider if the findings have any impact upon the development and development must be halted on that part of the site. If the LPA considers it necessary then an assessment of the site must be undertaken in accordance with BS10175. Where remediation is deemed necessary by the LPA a remediation scheme must be submitted to and approved in writing by the LPA and then implemented in accordance with the submitted details. Evidence of compliance with the watching brief, including details of any findings or none shall be submitted to and approved in writing by the Local Planning Authority.

Reason - In the interests of appropriate remediation in accordance with policy EQ7 of the south Somerset Local Plan

11. Provision shall be made within the site for the disposal of surface water so as to prevent 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 the first occupation and thereafter maintained at all times.

Reason: In the interests of highway safety and in accordance with policy TA5 of the South Somerset Local Plan.

12. The area allocated for parking and turning on the submitted plan, drawing number 2532-PL-02B, including the proposed garages, shall be kept clear of obstruction and shall not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety and in accordance with policies TA5 and TA6 of the South Somerset Local Plan.

**Informatives:**

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice.

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

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

02. The applicant may be required to enter into a suitable legal agreement/licence with the Highway Authority to secure the construction of the highway works necessary as part of this development. The developer should contact the Highway Authority to progress this agreement will in advance of commencement of development.

03. The lighting scheme should comply with the Institution of Lighting Engineers Guidance Note on Light Pollution dated 2005. It should be designed so that it is the minimum needed for security and operational processes and be installed to minimise potential pollution caused by glare and spillage

# Agenda Item 11

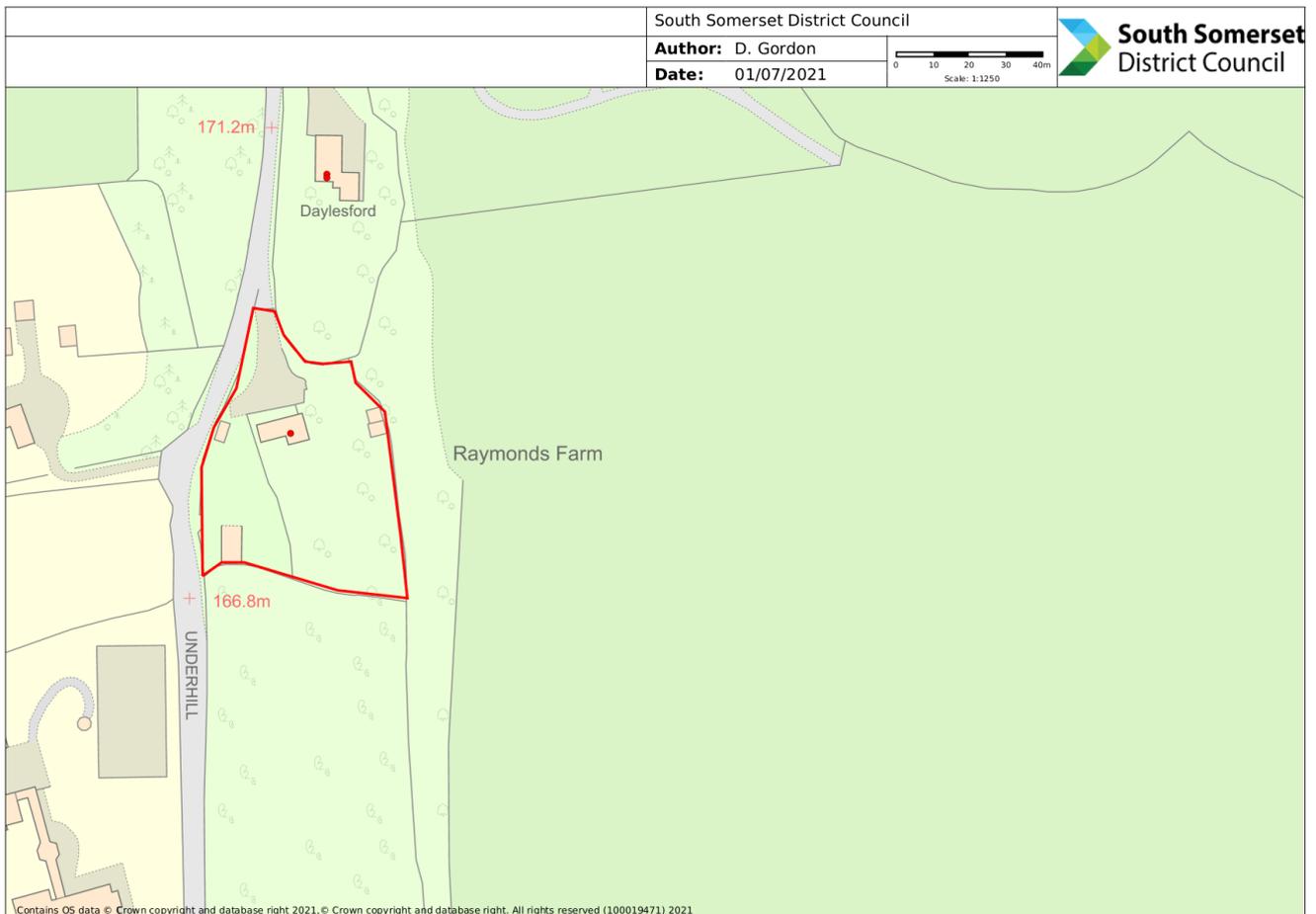
## Officer Report On Planning Application: 21/00153/FUL

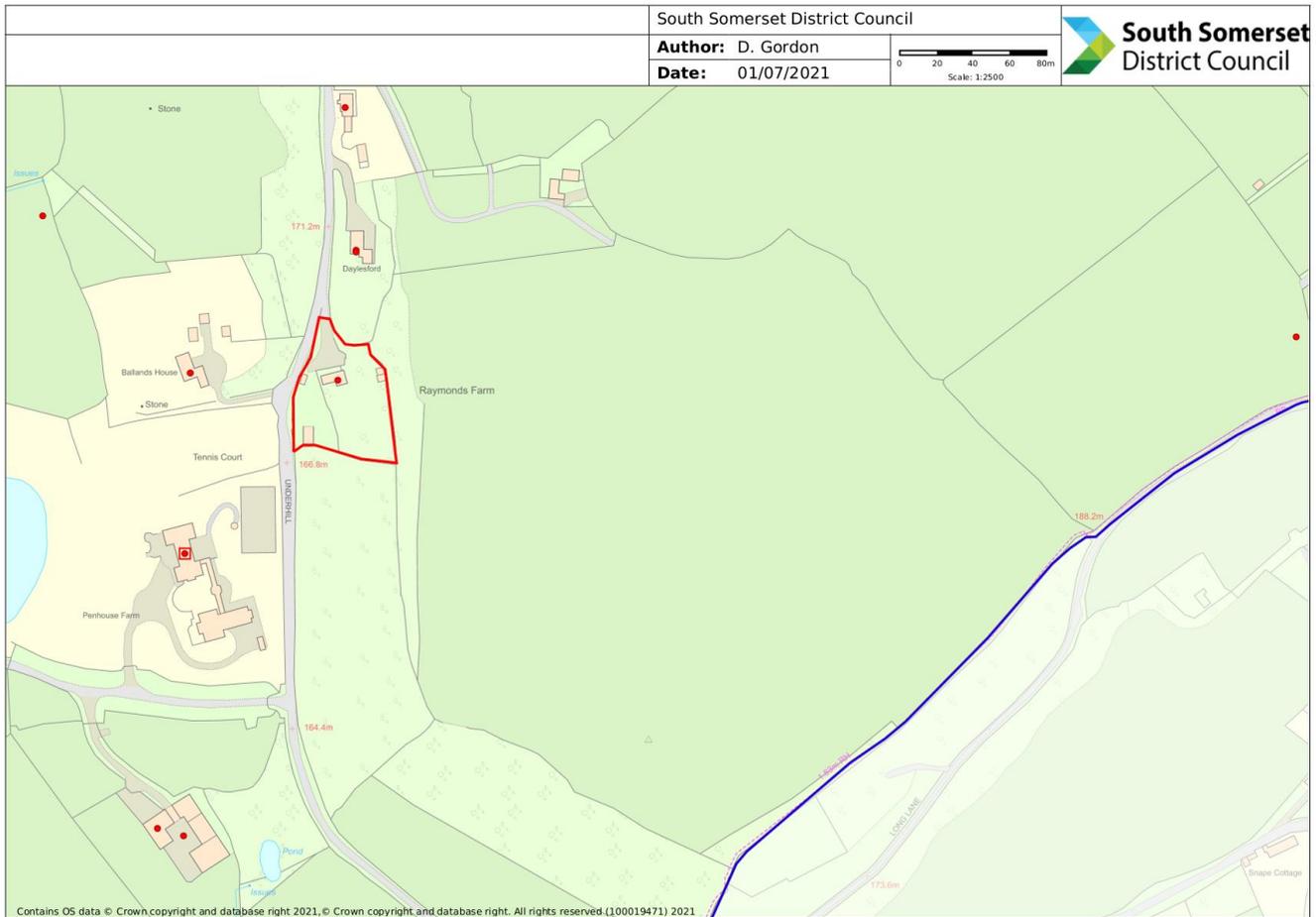
<b>Site Address:</b>	Raymonds Farm Underhill Pen Selwood
<b>Ward :</b>	TOWER
<b>Proposal :</b> <b>CIL Liable = YES</b>	The erection of 1 No. new dwelling at Raymonds Farm. Existing Cottage retained to be used as workshop, ancillary to the new house.
<b>Recommending Case Officer:</b>	Peter Thomas (Specialist)
<b>Target date/Ext of time</b>	16th March 2021
<b>Applicant :</b>	Mr Terry Fricker
<b>Type : 06</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL

This application has been brought to committee as the recommendation is contrary to that of the Ward Member who has stated that:

Do not agree at all that this is a one for one application, the old dwelling will remain and therefore there will be 2 dwellings on this site and not 1 however this is conditioned. This is in line with the Parish Councils opinion and also the AONB letter that also states and I agree that landscaping and arboreal information not enough to access this application properly.





## SITE DESCRIPTION AND PROPOSAL

The site refers to Raymonds Farm, Penselwood. It comprises a cottage which has been the subject of extensions. It is within a rural area, where there is a sporadic number of dwellings. Separated by a road to the west of the site there is a large dwelling. The site is largely surrounded by mature evergreen and deciduous native trees with a particular tall grouping along the northern boundary. There is an access which offers poor visibility out on the road.

Public footpath (WN 21/8) crosses the most northern end of the site running from Underhill eastwards towards Bleak Farm but intersecting various footpaths along the way.

There are at least seven other corrugated iron and timber clad buildings in several locations within the domestic curtilage

The proposal is to construct a new dwelling to the north east of the site and retain the existing dwelling as an annex, including the removal of the outbuildings and extensions.

The dwelling has a contemporary design, with living rooms at the upper floor, and bedrooms on the lower floor. The floor area would measure 171sqm (the existing dwelling is 170sqm).

It is also proposed to improve the existing access.

## HISTORY

None relevant to this property.

## 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.

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

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

Policy SD1 - Sustainable Development  
Policy SS1 - Settlement Strategy  
Policy SS4 - District Wide housing Provision  
Policy SS5 - Delivering New housing Growth  
Policy SS6 - Infrastructure Delivery  
Policy EQ2 - General Development  
Policy EQ4 - Biodiversity  
Policy HG8 - Replacement dwellings in the countryside  
Policy TA1 - Low Carbon Travel  
Policy TA5 - Transport impact of new development  
Policy TA6 - Parking standards

### **National Planning Policy Framework**

Core Planning Principles  
Chapter 5: Delivering a sufficient supply of homes  
Chapter 9: Promoting sustainable transport  
Chapter 12: Achieving well-designed places

National Planning Practice Guidance  
Design

Policy-related Material Considerations  
Somerset County Council Parking Strategy (September 2013)  
Somerset County Council Highways Development Control - Standing Advice (June 2017)  
AONB Management Plan

## **CONSULTATIONS**

### **Parish council**

Despite the claim made by the applicant, in the Design and Access Statement (page 19), Pen Selwood Parish Council is disappointed that no notice has been taken, by the architect, of the comments we made in response to the Zoom meeting held in December 2020 regarding the siting of the new dwelling.

During that meeting a specific question was asked about how much the proposed property would overlook Pen House. It was suggested that there would be very little impact on the privacy enjoyed by this property and that only one chimney was visible in the photograph highlighted in the Design and Access statement. On closer examination of the photograph, and, as a result of site visits, it is clear that the majority of the roof of Pen House is visible and, that now the leaves have fallen from the trees, it is very clear that most of Pen House will be overlooked by the proposed development.

We also note that paragraph 2.2.2. of the Ecology Report states that "No trees will be affected by the proposed development". Having looked at the site on Google Maps, it would probably be more accurate to say that - No more trees will be affected by the proposed development.

We are aware that Policy HG8 of the South Somerset Local Plan states that the replacement of existing dwellings in the countryside will only be permitted where:

The scale of the replacement would not result in an unacceptably large increase in the height or size of the original dwelling;

Whilst the height of the proposed building may be similar to that of the existing building, the fact that the building is elevated to a higher part of the site means that the surrounding area will be considerably overlooked.

and

The development is compatible with and sympathetic in scale, design, materials, layout and siting to the character and setting of adjoining buildings, and to the landscape character of the location:

Whilst we fully understand the applicant's wish to take advantage of the view enjoyed from the property, this should not be to the detriment of the existing properties in the area. There is no right to a view. The proposed siting is not very sympathetic towards the setting of Pen House or Ballands House. The proposed house would be an unacceptable intrusion in the steep scarp of woodland which is an important feature of the AONB in this area and there cannot be any guarantee that trees would be kept as a shield in the future. It was suggested, at the meeting in December, that none of the principle windows face towards the AONB when, in fact, the windows will face across Pen House's grounds and beyond which is all within the AONB. The site itself is within the AONB and therefore all the windows face the AONB. Consideration should also be given to the fact that a large new house, in this elevated position, will damage the AONB when looked at from the local area and from outside the AONB.

Much more detail about the way that the AONB Dark Skies policy has been considered, would be welcome. The amount of light being emitted from the large windows will be a considerable intrusion upon the visual amenity of the hillside.

and

The replacement is on a one for one basis.

Whilst the application states that the old cottage will only be used for an office and storage, there is no guarantee that this will continue to be the case in the future. If the existing cottage is to be retained it should form a part of the new dwelling which would ensure the development is kept at a less intrusive level within the site and that, at least the front elevation of a good example of vernacular architecture is retained in a prominent position.

Whilst there are some similarities in design to the house highlighted as a "local precedent" the two fundamental differences are that:-

1) The house, known as Woodlands, only looks over agricultural land and has no impact on other dwellings.

2) The original cottage was demolished making sure that the new dwelling was, in fact, a replacement. The entrance to the site at Raymonds Farm remains a cause for concern. We are unsure of the detail to widen the entrance towards the South. The steep drive gradient that will replace this high bank will make this part of the drive very difficult to use. Concern has also been expressed that there appears to be no mitigation for increased surface water run off. Any additional water will increase the already considerable run off onto this part of Underhill that is not served by drainage.

Any planting to screen the footpath WN21/8 should not lead to pedestrians being hidden from view and, therefore, being put at risk from vehicles entering or leaving the site.

The proposed development cannot even be classed as infill as it will extend the building line of the village, as opposed to an extension to a property, on the east side of Underhill and could be seen as a precedent for developments in other parts of the village. Such an outcome would bring no benefits to the village.

Pen Selwood Parish Council is concerned that the (anonymous pre-app) planning officer makes no mention of the Parish Council's response to the December meeting. We can only assume that he has not seen the comments made by us in December or has chosen to ignore them. His comments made in section 23 of the planning application give a very strong hint that the development will be permitted anyway and may be based upon misunderstandings of our concerns.

### **Cranborne Chase AONB Team**

To conclude, there appear to be a number of policy matters that are relevant to the proposal. Primarily this is a proposal for an additional dwelling onto the site with the existing dwelling being retained. There is, in my professional opinion, insufficient survey and landscape analysis for you to conclude, if policy matters

are adequately covered, that the proposed development would not have adverse impacts on the local landscape, the local environment, and the tree cover at a time when we are all being encouraged to plant more trees. The access to the site is likely to have impacts on the character of the rural lane, Underhill Road. The proposed substantial parking area outside of the existing dwelling suggests that it would be used to a considerable extent. The proposal to retain the existing dwelling as a separate workshop implies rather more than a 'home office', indicating a substantial potential business use of the site. There do seem to be a significant number of issues that need to be clarified as well as details to be attended to if you conclude the proposal could be acceptable.

#### **SCC highways - Standing advice**

#### **SSDC highway consultant:**

On the basis that this would be a replacement dwelling and no additional traffic would be generated, the development scheme can be supported on highways grounds. The proposed parking provision can be secured by condition.

#### **Ecology:**

Comments received regarding the retention of a tree and scrubland.

#### **Archaeology:**

As far as we are aware there are limited or no archaeological implications to this proposal and we therefore have no objections on archaeological grounds.

#### **Footpath officer:**

No objections subject to conditions.

#### **REPRESENTATIONS**

Four letters of representation received raising issues of:

Within an AONB

Liable to subsidence

Lane is used by fast moving traffic

Worried about surface water runoff.

Goes against the dark skies policy

Require clarifications to what will happen with the footpath

Want reassurance that sited far enough from the trees to avoid pruning

Legal guarantee that the existing property is renovated

Will be high enough to look over Pen House

Existing building requires ground up rebuild to make it habitable.

Doesn't follow convention of another box.

#### **CONSIDERATIONS**

The main issues to assess as part of this application are the principle of a replacement dwelling and its impact on visual amenity, residential amenity, and ecology and highway safety.

Principle of replacement dwelling:

Policy HG8 supports the replacement of existing dwellings where the scale of the replacement is not unacceptably large in regard to height and size of the original dwelling, it is acceptable in regard to the character of the area and that there is evidence that the existing use has not been abandoned.

In this case, whilst the existing dwelling is in a poor state of repair, there is no evidence of abandonment.

Unusually in this case, the proposal involves the creation of a new dwelling and the use of the existing dwelling as an outbuilding for the proposed new dwelling. It is considered that, provided the existing building is conditioned to be ancillary to the existing dwelling that there would not be a net gain and therefore the principle of development is acceptable.

The NPPF states (paragraph 172) that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to landscape and scenic beauty. The conservation and enhancement of wildlife and cultural heritage are important considerations in these areas. This paragraph is also clear that the scale and extent of development within AONBs and National Parks should be limited, and planning permission should be refused for major development.

The Planning Practice Guidance, updated 21.07.2019, helpfully includes landscapes, environmental gain, Areas of Outstanding Natural Beauty, and their settings in the Natural Environment section. In particular, paragraph 042 highlights the importance of settings, their contributions to natural beauty, and the harm that can be done by poorly located or designed development especially where long views from or to the AONB are identified. Paragraph 041 is clear that policies for protecting AONBs may mean that it is not possible to meet objectively assessed needs for development, and any development in an AONB will need to be located and designed in a way that reflects its status as a landscape of the highest quality.

It is considered that, in itself, the scale of the proposal is not overly large and is fairly unique and modern in design and response to the context in which it is set. The house would be set into the bank and generally following the contours of the site, allowing to fit it carefully into the landscape. It would also be read against the backdrop of the hill to the rear.

It would be constructed of materials which whilst modern are considered to be sympathetic to the nature of the site with stone and timber boarding. The extensions to the existing building would be removed as would the outbuildings, which it is considered would lead to an enhancement of the AONB.

The AONB team have further commented that:

This AONB is in one of the darkest parts of Southern England and hence the visibility of stars and, in particular, the Milky Way, is a key attribute of this AONB. On the 18th October 2019 this AONB was designated the 14th International Dark Sky Reserve in the world. Development that could contribute to light pollution, and hence impact adversely on those dark night skies, has to be modified so that such impacts are eliminated. The AONB team advise that any external lighting should be explicitly approved. They also advise that landscaping should be submitted as part of the application rather than as a condition, if minded to accept the development.

However on balance it is considered that this proposal is for one dwelling and these details could be provided through a planning condition. It is recommended that for any glazing a detailed scheme is provided to demonstrate how the extensive areas of glazing would be managed at night time to prevent sideways and upwards escape of light. It is considered that these details could be submitted through planning condition.

Concerns are raised regarding the widening of the access, but this needs to be balanced against the highway improvements to the site as it is clearly a difficult site to access for an occupiers of the existing dwelling. Details of the access could be supplied through a suitably worded planning condition.

There have been concerns that the retention of the existing building implies a substantial business on the site. This too can be conditioned to be ancillary to the main dwelling, along with the removal of all of the outbuildings and extensions. A business use would require planning permission.

In summary, whilst the site is within an AONB and it is considered overall, that the removal of the buildings and extensions, and the provision of a well-designed building such as this, would on balance actually enhance the AONB rather than detract from it.

The car parking areas would be located on the northern part of the site, behind the dwelling, and it is considered that with suitable landscaping could further mitigate any impact.

It is considered that by reason of scale, location, design and materials the proposal will not adversely affect visual amenity in accordance with policy EQ2 of the local plan.

**Residential amenity:**

In terms of residential amenity, the proposal would face to the west. Penhouse Farm is located to the south west and forms a large dwelling with significant curtilage. It is considered that in terms of overlooking, given the substantial distance that there would not be significant overlooking to this property. The site is surrounded by trees and it is considered that the overlooking would not be such that permission could be withheld.

It is considered that the proposal will have no adverse impact on residential amenity in accordance with policy EQ2 of the South Somerset local plan.

### **Ecology:**

Comments received to date have queried whether a tree would be retained and whether some scrub land had been assessed. The applicant has stated that the scrub has been removed and that the tree would be retained. The ecology survey says that:

The site offers good habitats for nesting birds, hibernating reptiles and foraging/commuting bats in the hedges and trees along the boundaries, all of which will remain. The cottage is a Common pipistrelle summer roost and is also to remain on the site, not as a dwelling but as an ancillary office, workshop and storage accommodation. A small amount of work is required to remove two extensions on the cottage, but this can be done without a European Protected Species Licence (EPSL), provided that the method statement in Appendix 1 is followed. No other protected species or evidence of protected species were found on site. Mitigation and enhancement are required to ensure Biodiversity Net Gain on site in line with National Planning Policy Framework (NPPF), 2019.

### **Highway safety:**

Policy TA1 requests that all new development meet certain criteria. The plans show that an electric charge point for vehicles will be provided adjacent to the proposed dwelling sparking spaces and it is considered reasonable to condition that the charge point is implemented as per the plan.

It is considered that the proposed parking and access is acceptable and in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the implementation of the necessary condition will also enable the development to be in accordance with policy TA1 of the South Somerset Local Plan.

It is acknowledged that there would be some impact upon the impact of the lane in visual terms, however the proposal would result in a much improved access given the limited visibility of the existing access. Even if permission were refused for this dwelling, there would still be an existing dwelling and it would be considered unreasonable not to allow an improvement. Details of the access could be secured by condition to ensure that it is carried out sympathetically to the setting

### **Footpath**

The footpaths officer does not raise an objection, but requests informative to be attached to any permission. These are included at the end of this report.

### **Trees**

The supporting statement says that all works will be outside the root protection area of trees. If necessary, a condition could be attached to any permission to ensure that ensure tree protection measures are carried out.

### **Subsidence**

The proposal would require a retaining wall to the parking area. There is no know subsidence issues on this site. Building regulations would ensure that any development is structurally sound.

### **Conclusion**

Recommend **approval** for the following reason;

01. The proposed development would represent a well designed form of development without unduly compromising the protected character of the surrounding Cranborne Chase Area of Outstanding Natural Beauty. The new dwelling is also considered acceptable in this location by reason of its size, scale,

materials proposed and that it causes no demonstrable harm to residential amenity or highway safety. It is in accordance with policies SD1, SS1, EQ2, EQ3, EQ4, TA5, and TA6 of the South Somerset Local Plan and the aims and provisions of the NPPF.

**SUBJECT TO THE FOLLOWING:**

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

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

02. The development hereby permitted shall be carried out in accordance with the following approved plans:

02 proposed site plan  
03 proposed plans  
04 proposed west elevation  
05 proposed east elevation  
06 proposed north elevation  
07 proposed south elevation  
08 context with trees  
Ecological report  
building survey 20.1009

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

03. Prior to their first use details of the materials to be used for the exterior surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. Once approved the development shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the locality and to accord with Policy EQ2 of the South Somerset Local Plan.

04. Prior to the installation of any external lighting details of any exterior lighting proposed shall be submitted to and approved in writing by the local planning authority. Such lighting should be designed to minimise light pollution to the surrounding environment. Thereafter the development shall be carried out in accordance with the approved details unless any variation is agreed by the local planning authority.

Reason: To safeguard the character of the Cranborne Chase Area of Outstanding Natural Beauty from intrusive light pollution and to accord with policies EQ2 and EQ4 of the South Somerset Local Plan.

05. Prior to the first occupation of the dwelling hereby approved, a scheme of hard and soft landscaping, including vegetation to be retained, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised within the approved scheme shall be carried out in the first planting season following the completion of the development and any trees or plants, including existing vegetation to be retained, which within a period of 5 years from completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and the same species. The approved hard landscaping details shall be provided within four weeks of the development being brought into use, and shall be retained for the life of the development.

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

06. Prior to occupation of the new dwelling hereby approved drainage measures shall be incorporated into the construction of the widened vehicular access to prevent surface water from discharging onto the highway in accordance with details that shall have been submitted to and approved in writing by the Local planning Authority. Such measures shall thereafter be adequately maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety and to accord with policy TA5 of the South Somerset Local Plan.

07. Prior to occupation of the dwelling hereby approved, the extensions shown on drawing 20.1009 shall have been removed from the existing dwelling. The remaining building shall only be used for purposes ancillary to the new dwellinghouse.

Reason - To define the permission to prevent the creation of an additional market dwelling in the countryside in accordance with policy SS2 of the South Somerset Local Plan.

08. Prior to their installation, lighting and glazing details shall be submitted (including through the provision of technical specifications) and where required SMART glass, shall be submitted to and approved in writing by the Local Planning Authority. The glazing shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting or other types of glazing be installed without prior consent from the Local Planning Authority.

Reason: To ensure that the glazing installed has minimal lighting impact upon the dark skies landscape and the impact on the Area of Outstanding natural Beauty in accordance with policy EQ2 of the South Somerset Local Plan.

09. Prior to any demolition works, details of the access including cross sectional details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and retained in accordance with the approved details.

Reason - In the interests of the visual appearance of the access in accordance with policy EQ2 of the South Somerset Local Plan.

10. The development shall be carried out in accordance with the mitigation and enhancements contained within the ecological report carried out by kpecology dated 7th December 2020.

Reason - In the interests of ecology in accordance with policy EQ4 of the South Somerset Local Plan.

11. Prior to first occupation of the dwelling hereby permitted, a 16amp electric charging point, for electric vehicles, shall be provided on the site. Once installed such electric 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.

12. The areas allocated for parking and turning on the approved plans shall be fully provided prior to the dwelling hereby permitted being first occupied. Thereafter these areas shall be kept clear of obstruction and not be used other than for the parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety, in accordance with policies TA5 and TA6 of the South Somerset Local Plan and the aims and objectives of the National Planning Policy Framework.

13. There shall be no obstruction to visibility greater than 900 millimetres within a 2.4m x 43m splay in the northerly direction above adjoining road level. Such visibility shall be fully provided before the development hereby permitted is occupied and shall thereafter be maintained at all times.

Reason: In the interests of highway safety to accord with policy TA5 of the South Somerset Local Plan(2006-2028).

14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) (with or without modification) there

shall be no external alterations or extensions undertaken to the dwelling hereby permitted without the prior express consent of the local planning authority.

Reason: To safeguard local character and residential amenity, in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028) and the provisions of the NPPF.

15. Prior to occupation of the dwelling hereby approved, the outbuildings hatched in red and shown as being removed on drawing 02 shall have been permanently removed from the site.

Reason - In the interests of the appearance of the site and surrounding Area of Outstanding Beauty in accordance with policy EQ2 of the South Somerset Local Plan.

### **Informatives:**

01. Please be advised that approval of this application by South Somerset District Council will attract a liability payment under the Community Infrastructure Levy. CIL is a mandatory financial charge on development and you will be notified of the amount of CIL being charged on this development in a CIL Liability Notice. You are required to complete and return Form 2 - Assumption of Liability as soon as possible and to avoid additional financial penalties it is important that you notify us of the date you plan to commence development before any work takes place. (Form 6 - Commencement)

Please Note: It is the responsibility of the applicant to ensure that they comply with the National CIL Regulations, including understanding how the CIL regulations apply to a specific development proposal and submitting all relevant information. South Somerset District Council can only make an assessment of CIL liability based on the information provided.

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

### **02. Specific Comments**

#### **SURFACING AUTHORISATION REQUIRED**

The proposed access improvements will require surface authorisation from SCC Rights of Way Group where these cross path WN 21/8. Associated infrastructure may also be required. I have attached a form that should be completed and returned to Eve Wynn (Rights of Way Officer - email: [EWynn@somerset.gov.uk](mailto:EWynn@somerset.gov.uk)). Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with.

Also:

The legal line of the path WN 21/8 is not shown correctly on the applicant's plans. Any proposed planting must not obstruct the public footpath WN 21/8.

### **2. General Comments**

Any proposed works must not encroach onto the width of the PROW.

The following bold text must be included as an informative note on any permission granted:

Development, insofar as it affects the rights of way should not be started, and the rights of way should be kept open for public use until the necessary Order (temporary closure/stopping up/diversion) or other authorisation has come into effect/ been granted. Failure to comply with this request may result in the developer being prosecuted if the path is built on or otherwise interfered with. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridleway or restricted byway unless the driver has lawful authority (private rights) to do so. If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- \* A PROW being made less convenient for continued public use.
- \* New furniture being needed along a PROW.
- \* Installing any apparatus within or across the PROW.
- \* Changes to the surface of a PROW being needed.
- \* Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- \* make a PROW less convenient for continued public use; or
- \* create a hazard to users of a PROW, then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:  
<http://www.somerset.gov.uk/environment-and-planning/rights-of-way/apply-for-a-temporary-closure-of-a-right-of-way/>

03. Any external lighting should comply with the AONB's Position Statement on Light Pollution and the more recent Good Practice Notes on Good External Lighting and Paper by Bob Mizon on Light Fittings.