



Informal Discussion by Members of Area East Committee

Wednesday 9th March 2022

9.00 am

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

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 by 9.00am on Tuesday 8th March 2022.

The meeting will be viewable online at:

https://www.youtube.com/channel/UCSDst3IHGj9WoGnwJGF_soA

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

This Agenda was issued on 1st March 2022.

Jane Portman, *Chief Executive Officer*

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

Information for the Public

In light of the coronavirus 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>

Further to the above, at the meeting of Full Council on 8 July 2021, it was agreed to extend the arrangements for a further 6 months to 8 January 2022. For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=3033&Ver=4>

Further to the above, at the meeting of Full Council on 16 December 2021, it was agreed to extend the arrangements for a further 6 months to 8 July 2022 for all meetings apart from Full Council - Full Council will be in person. For full details and to view the report please see -

<https://modgov.southsomerset.gov.uk/ieListDocuments.aspx?CId=137&MId=2991&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.

Agendas and minutes of meetings are published on the council's website

www.southsomerset.gov.uk/councillors-and-democracy/meetings-and-decisions

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

Public participation at meetings (held via Zoom)

Public question time

We recognise that these are challenging times but we still value the public's contribution to our virtual consultative meetings. If you would like to participate and contribute in the meeting, please join on-line through Zoom at: <https://zoom.us/join> You will need an internet connection to do this.

Please email 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 by 9.00am on 8th March 2022. When you have registered, the Chairman will invite you to speak at the appropriate time during the virtual meeting.

Virtual meeting etiquette:

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

Planning applications

It is important that you register your request to speak at the virtual meeting by emailing democracy@southsomerset.gov.uk by 9.00am Tuesday 8th March 2022. 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 by 9.00am on Tuesday 8th March 2022.

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 9 March 2022

Agenda

Preliminary Items

1. Minutes of Previous Meeting

To approve as a correct record the minutes of Area East Informal meeting held on 9th February 2022.

2. Apologies for Absence

3. Declarations of Interest

In accordance with the Council's current Code of Conduct (as amended 26 February 2015), which includes all the provisions relating to Disclosable Pecuniary Interests (DPI), personal and prejudicial interests, Members are asked to declare any DPI and also any personal interests (and whether or not such personal interests are also "prejudicial") in relation to any matter on the Agenda for this meeting.

Members are reminded that they need to declare the fact that they are also a member of a County, Town or Parish Council as a Personal Interest. Where you are also a member of Somerset County Council and/or a Town or Parish Council within South Somerset you must declare a prejudicial interest in any business on the agenda where there is a financial benefit or gain or advantage to Somerset County Council and/or a Town or Parish Council which would be at the cost or to the financial disadvantage of South Somerset District Council.

Planning Applications Referred to the Regulation Committee

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

Councillors 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.

4. Date of next Meeting

Members are asked to note that the next scheduled meeting of the committee will be held virtually using Zoom virtual software on 13th April 2022.

5. Public Question Time

6. **Chairman's Announcements**
7. **Reports from Members**
8. **Update on Grant Budgets for 2022/23**

Items for Discussion

9. **Area East Forward Plan** (Pages 7 - 8)
10. **Planning Appeals (For Information)** (Page 9)
11. **Schedule of Planning Applications to be determined by Committee** (Page 10)
12. **Planning Application 21/00485/FUL - The Willows , Lattiford, Holton, Wincanton, BA9 8AF** (Pages 11 - 24)
13. **Planning Application 21/03171/FUL - Rachels Stables, Temple Lane, Templecombe, Somerset, BA8 0JW** (Pages 25 - 32)

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.



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.

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

Meeting Date	Agenda Item	Lead Officer
<i>TBC</i>	<i>Update on Wincanton Sports Ground</i>	<i>Tim Cook – Locality Team Manager</i>
April 2022	South Somerset Community Accessible Transport Revenue and Fundraising position report	Tim Cook – Locality Manager



Planning Appeals

Director: Kirsty Larkins, Service Delivery
Lead Officer: John Hammond, Lead Specialist Built Environment
Contact Details: John.Hammond@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.

Appeals Received

21/02355/DOC1 - The Hackney Stable, Pitcombe Hill Pitcombe Bruton BA10 0PF.
Discharge of condition No.05 (tree protection measures) of planning application 20/03015/HOU

Informal Hearing Notice

18/01602/FUL - : Former BMI Site Cumnock Road Ansford Castle Cary Somerset BA7 7HR. Demolition of existing buildings, conversion of and alterations to listed buildings to form 11 No. dwellings, the erection of 70 No. dwellings (total 81 No. dwellings) and associated works, including access and off-site highway works, parking, landscaping, open space, footpath links and drainage infrastructure.

Hearing will start at 10:00am on Tuesday 22nd March 2022 via a Team's event. If you wish to participate please contact PlanningAppeals@southsomerset.gov.uk.

Schedule of Planning Applications to be determined by Committee

Director: Kirsty Larkins, Service Delivery
Lead Officer: John Hammond, Lead Specialist Built Environment
Contact Details: John.hammond@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

Any member of the public wishing to address the virtual meeting regarding a Planning Application need to email democracy@southsomerset.gov.uk by 9.00am on Tuesday 8th March 2022.

SCHEDULE					
Agenda Number	Ward	Application	Brief Summary of Proposal	Site Address	Applicant
12	BLACKMOOR VALE	21/00485/FUL	Change of use of land to provide a commercial vehicle storage facility with revised access (Retrospective)	The Willows , Lattiford, Holton, Wincanton, BA9 8AF	Mr & Mrs Clements
13	BLACKMOOR VALE	21/03171/FUL	Erection of a timber cabin as a self-build First Home with associated landscape works (re-submission of 20/02873/FUL)	Rachels Stables, Temple Lane, Templecombe, Somerset, BA8 0JW	Miss R Badger

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 12

Officer Report On Planning Application: 21/00485/FUL

Proposal :	Change of use of land to provide a commercial vehicle storage facility with revised access (Retrospective)
Site Address:	The Willows , Lattiford, Holton, Wincanton, BA9 8AF
Parish:	Holton
BLACKMOOR VALE Ward (SSDC Member)	Cllr W Wallace Cllr H Burt
Recommending Case Officer:	Ben Gilpin (Case Officer) Tel: 01935 462070 Email: ben.gilpin@southsomerset.gov.uk
Target date :	25th May 2021
Applicant :	Mr & Mrs Clements
Agent: (no agent if blank)	Mrs Lydia Dunne The Hollies Cabbage Lane Horsington Templecombe BA8 0DA
Application Type :	Other Change Of Use

REASON FOR COMMITTEE REFERRAL

This application is referred to Area East Committee for determination at the request of one of the Ward Members, and with the subsequent agreement of the Chair. The Ward Member considers the application should be determined by the Committee due to opposition that has been raised by the Parish Council and others, and having regard to considerations such as highway safety, flood risk and visual amenity.

SITE DESCRIPTION AND PROPOSAL

The application seeks retrospective full planning permission for the use of land to provide commercial vehicle storage (predominantly caravans (up to 135 spaces) and a small area for additional storage (seven units in a former stable block)). The ground is laid to a porous hard core. Public Right of Way (PRoW) WN13/4 (footpath) crosses the existing point of access (and would cross the proposed access)).

The proposal seeks permission for an amended point of access to that currently in place. Access would be onto the A357 (in a location where the speed limit is 30mph).

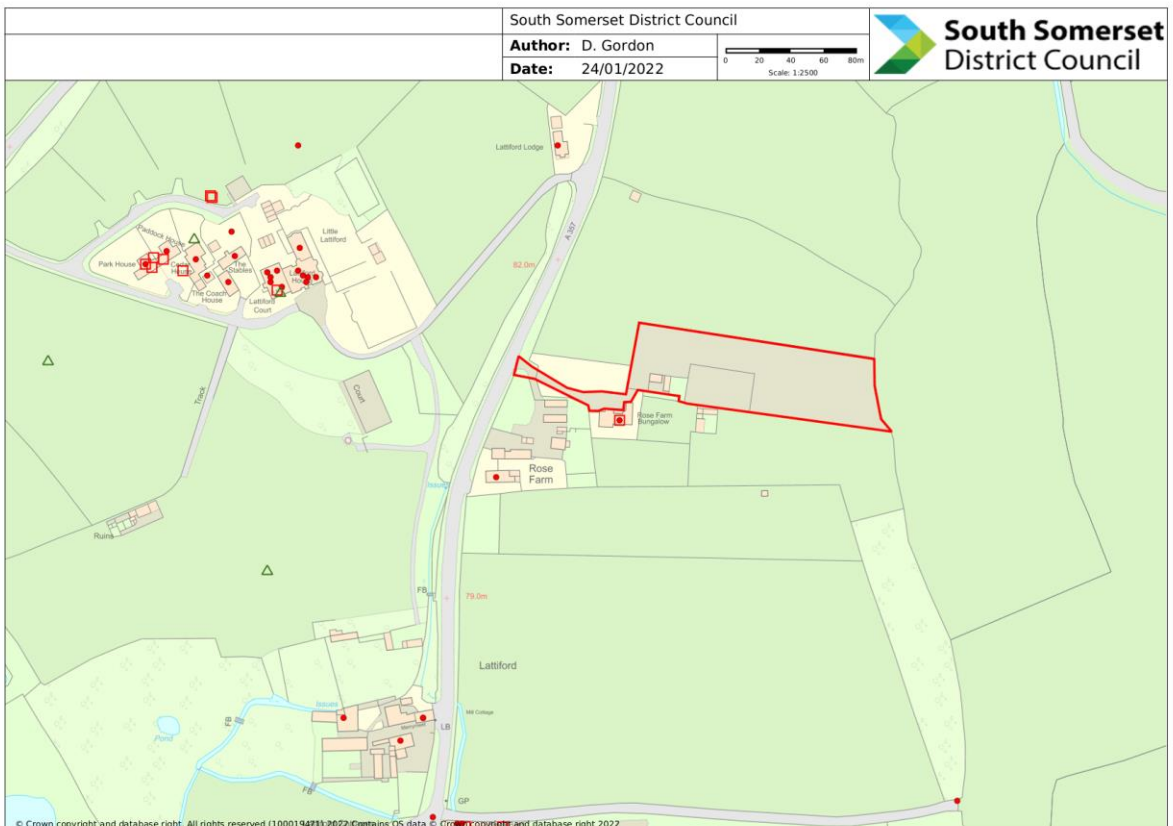
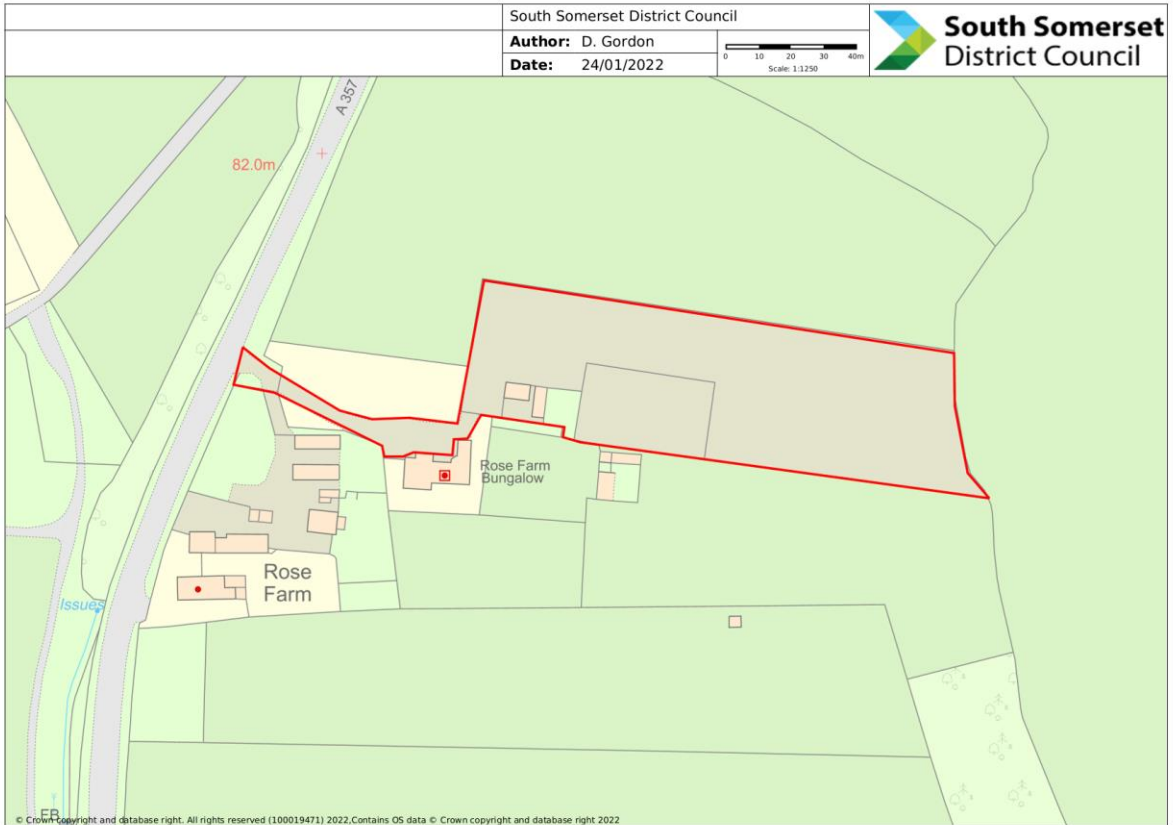
The site is circa 630 south of the A303 Trunk Road (with the nearest junction onto the A372 / A357 at Wincanton circa 1.4km north east of the site).

The site is in the open countryside but has no statutory designation constraints.

There are two listed buildings (both Grade II Listed Buildings) near the site, with the nearest being Rose Farm circa 90 metres to the south east of the storage area.

The height of the majority of vehicles stored at the site do not exceed metres.

The site is in Flood Zone 1.



RELEVANT HISTORY

99/00746/FUL - The retention of stables (renewal). Approved 10.05.1999

95/06023/FUL - Alterations and erection of extensions to bungalow and formation of a

schooling area for family horses. Approved 04.04.1995

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraph 2 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 TA5 - Transport Impact of New Development
Policy TA6 - Parking Standards
Policy EQ2 - Design and General Development
Policy EQ3 - Historic Environment
Policy EQ4 - Biodiversity
Policy EQ7 - Pollution Control

** The South Somerset Local Plan does not have (is silent) specific policies relating to storage / vehicle storage

National Planning Policy Framework - July 2021

Planning Practice Guidance (PPG)

National Design Guide - July 2021

Other

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

NORTH VALE PARISH COUNCIL: Objection (20th July 2021)

"One councillor declared an interest and did not vote. The remaining councillors have the same concerns as before (as per our email of 21st April 2021). Councillors also felt that the amended plan for traffic entering and leaving the site was not wide enough to allow cars and caravans to come in and out of the site at the same time.

The Parish Council is still opposed to this application."

SSDC HIGHWAYS: No objection subject to planning conditions

"The submitted plans show the provision of 2.4m x 60m visibility splays which would be commensurate with 85th%ile speeds of 37mph having regard to the appropriate visibility splay design criteria, i.e., above the 30mph speed limit for this section of the A357. There should be no obstruction greater than 600mm above adjoining road level within the visibility splays (not mentioned on the plan). Looking at the Streetview imagery, it appears that a small clump of trees (three small trunks) may have to be removed to provide the northerly visibility splay. However, it appears that the visibility splays can be provided within the extent of the existing

public highway limits.

With regard to the geometric layout of the access, the proposed entrance now appears to be 6.5m wide incorporating junction radii of 7.5m, before the access road narrows to 5m at the gates. I consider such geometry to be sufficient for this type of development scheme and the type of traffic it would generate. The details in respect of the proposed surfacing of the entrance for the first 12m, the installation of drainage measures to prevent surface water from discharging onto the public highway (I note the plans state the provision of an ACO drain across the entrance that would need to lead to a private soakaway, if the ground conditions are suitable), and the location of the entrance gates set well back from the carriageway edge are all deemed acceptable.

In the event that planning permission is granted, I recommend conditions are imposed securing all the above details."

SCC HIGHWAYS: Standing Advice

"SCC comment: see PROW WN 13/4."

SCC PRoW: No objection subject to informative

"Thank you for consulting us on the above application. I have not visited the site.

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs through the site and along part of the access at the present time (public footpath WN 13/4). I have attached a plan for your information.

The Definitive Map and Statement are legally conclusive of the existence and status of those public rights of way that they show. However, they are not conclusive as to what they omit.

Therefore, the fact that a right does not appear either on the Map and Statement, does not necessarily mean that it does not exist.

We have no objections to the proposal, subject to the following:

1. Specific Comments

The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path WN 13/4. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

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/applyfor-atemporary-closure-of-a-right-of-way/>

SCC ECOLOGY: No objection subject to planning conditions

"Based on the ... assessment by Quantock Ecology, I have the following

It is understood that the proposal does not include any external lighting. However, if this is incorrect, or the proposal change to include any external lighting the following condition is recommended:

1) Prior to construction above damp-proof course level, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. All external lighting 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 be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

2) No vegetation removal works around the site shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period - some species can breed outside the time frame given.

3) All habitat features to be lost (including trees and hedgerow) will need to be proportionately replaced in relation to what will be lost as a result of this development, at a minimum ratio of 2:1. All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech. The new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. A landscape and planting schedule plan will be submitted to and approved in writing by the Local Planning Authority prior to occupation of the extension

Reason: In the interest of no net biodiversity loss as per the National Planning Policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

4) Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. A strategy shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

5) Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy South Somerset District Council Local Plan - Policy EQ4 Biodiversity

Please attach the following informative to any planning permission granted:

* The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

Please attach the following informative to any planning permission granted:

I am satisfied that the site provides negligible potential for roosting bats. However, due to the opportunistic behaviour of some bat species, including pipistrelles, along with the site's location set within habitats that will support bats, please attach the following informative to any planning permission granted:

* The developers and their contractors are reminded of the legal protection afforded to

bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to occupation: The content of the BEP shall include the following:

- A) One Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter
- B) One Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter
- C) One Schwegler 2F bat boxes or similar will be mounted at least 4m high above ground level on the south or east facing aspects of trees and maintained thereafter.
- D) Installation of one insect hotel (National Trust Apex insect House or similar), to be installed on the southern boundary of the site.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

As long as the above is implemented as worded, I have no further comment at this time.

SSDC ENVIRONMENTAL HEALTH OFFICER: No objection

"I would not object to this retrospective application from an environmental point of view as the chances of a statutory or public nuisance occurring are relatively small and would not be enough to require an objection or conditioned response."

REPRESENTATIONS

At the time of writing 99 comments had been received (57 letters of support; 42 letters of objection)

The letters of support cite:

- Provides a beneficial public service for caravan storage
- Cannot result in pollution as site is for storage
- Well screened from public view
- Not to the detriment of highway safety (with revised access)

The letters of objection cite:

- Planning creep
- Highway (access and safety)
- Ecological Impact
- Setting of Listed Buildings
- Pollution (in groundwater sources)

CONSIDERATIONS

Principle of Development

The proposal seeks retrospective planning permission for the retention of the area of hardstanding for the siting of 135 vehicles (caravans) and dry storage area (in previous stable block).

The scheme seeks planning permission for modified vehicle access onto the A357.

The South Somerset Local Plan has no explicit policies relating to commercial storage, and the location has no site-specific policies that constrain this form of development.

Of relevance in this instance is Section 11 of the NPPF 2021. It reads:

"11. Plans and decisions should apply a presumption in favour of sustainable development.

For decision-taking this means:

c) approving development proposals that accord with an up-to-date development plan without delay; or

d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:

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

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

In this case, Section 11(d) is important as there are no relevant development plan policies for outdoor storage.

It is noted that the site is not in an area benefiting from certain protections (such as Article 2(3) Land (AONB, National Parks, Conservation Areas etc.), so Section 11(d)(i) does not apply.

Comments received referring to 'planning creep' are acknowledged. However, each planning application is considered on its own merits, and were a subsequent application received that sought to expand operations, then this would be considered at that time, against the Development Plan in place in the future.

Therefore it is considered the proposal for the retention of the development is acceptable in principle and should be approved unless approving the scheme would have adverse impacts that would 'significantly' and 'demonstrably' outweigh benefits, when assessed against policies of the 'Framework' taken as a whole.

Knowing the above, the development can only be acceptable in principle, subject to accordance with other policies of the Development Plan.

Highways

It is noted a number of members of the public have objected to the retention of the development on the grounds of impact on the highway.

However, in this case the Statutory Consultee has stated they would have no objection subject to the inclusion of planning conditions. In this instance it is considered that the development would not in itself result in an increase of users and would have a benign effect on the wider highway network.

Knowing this it is not considered the scheme would be to the detriment of highway safety, access and egress via the proposed new access point is considered acceptable and as such the proposal could be supported as it would accord with Policies TA5 and TA6 of the South Somerset Local Plan 2006-2028.

Public Rights of Way

The existing and proposed points of access to the site are intersected by footpath (PRoW) WN13/4.

In relation to the consultees 'Specific Comments' verbal assurance has been provided that the

applicant does have an all-purpose vehicular right to the property along (across) path WN 13/4 (s is the case at present).

In this instance the statutory consultee has not objected to the proposal, subject to the inclusion of planning conditions / applicant informatives and knowing this it is not considered the proposal would be to the detriment of users of the PRoW (over or above that currently experienced).

Amenity

In this instance, with the development staying within the constraints of the existing site, together with landscape buffer treatments to offset effects, and knowing there would be no direct lines of sight between the proposed users and the nearest homes (beyond the two properties identified in the Heritage section below, the next nearest property is circa 260 metres to the south, with the boundary of the village of North Cheriton (and associated properties) being circa 1.2km distant), impact on amenity from visual intrusion of noise associated with the parking and or manoeuvring of trailers would be minimal.

Furthermore, with the land in the area being predominantly flat, the intervening hedgerows and trees, together with distance, mitigate any visual intrusion that might be perceived by neighbouring users.

In relation to comments (objections) received citing pollution, it is noted that the proposal is for the retention of a facility for the storage of vehicles (principally caravans) and the site does not provide facilities for the discharge of material into the ground. In addition, as each vehicle is technically a 'sealed unit', no points of discharge from them (the vehicles) to the ground would be available.

The site has no external lighting.

In light of the above, it is considered levels of amenity as would be / are experienced would be at acceptable levels, in accordance with Policies EQ2, EQ4 and EQ7 of the South Somerset Local Plan 2006-2028.

Heritage Assets

The site is identified as being circa 90 metres distant from the nearest listed building. There is an additional listed building circa 220 metres to the west of the site. Both buildings are Grade II Listed.

The site is well screened from the listed building to the south west by the existing bungalow at the site, and a number of intervening trees.

The site is well screened from the listed building to the west by hedgerows and trees (and the intervening A357).

In this instance, as the site is not within a Conservation Area and is suitably distant from listed buildings, and the level of harm to heritage assets that might result from the proposal is near benign (due to its screening and low level nature).

Were it perceived that the development were to qualify as 'less than substantial harm', consideration of paragraph 202 of the National Planning Policy Framework 2021 (NPPF) would be required. This paragraph reads:

"202. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use."

From the sites planning history, and change of land to equine use (so not agricultural or

forestry), consideration of part of the site as 'previously developed land' is needed - notably the stables area and land to the east of the stables (this ménage area being circa 900 square metres (it is evident from aerial photos that expansion of the land use for storage did not occur until a period between 2016 and 2018)).

For clarity, the NPPF provides the following definition:

"Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

As a period of 10 years has not lapsed since first change of use of land identified it is accepted the area could be the subject of enforcement action as it (the land and associated development) is within the time limit prescribed in s.171b of the Town and Country Planning Act 1990 (as amended).

In terms of public benefits, the following definition is considered appropriate:

"Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the National Planning Policy Framework (Paragraph 7). Public benefits should flow from the proposed development."

The scheme as detailed would provide an economic benefit (albeit small and limited to the sites proprietor), and could also be claimed to provide a social benefit (safe storage of vehicles), together with landscaping (that would be an environmental public benefit).

Knowing the location of the site is not visually incongruous, and that there would be a continued public benefit (albeit small) sufficient to counter any levels of perceived harm to heritage assets, and that, in part, the land qualifies as 'PDL', it is considered the development accords with the requirements of policy EQ2 and EQ3 of the South Somerset Local Plan as it would preserve the setting of identified heritage assets as well as provide additional longer term screening through landscaping.

Contamination

Objections have raised concerns relating to possible contamination of water courses from the activity on site.

In this instance the Environmental Health Officer has not raised an objection in relation to such concerns. In addition, although the use of the site does not allow for discharge from caravans, were there to be any form of spill or leak, there are other existing Legislative Regimes in place to address such issues (such as the Environmental Protection Act 1990).

Repetition of such controls is not the duty of the planning system, and as such it is not considered the retention of the use at the site would be to the detriment of the wider environment, and if there were an issue, existing powers are in place to address matters.

Phosphates

The site is not identified as being within the Somerset Levels and Moors Ramsar Site Catchment Area. Therefore a Habitats Regulations Assessment (HRA) is not required and as the site is beyond the catchment it is considered that, in this instance the development would not be to the detriment of the Ramsar Site, and the approval of a scheme would accord with

Policy EQ4 of the South Somerset Local Plan as the proposal would not affect the biodiversity value of the protected site.

Conclusion and Planning Balance

The development proposes the retention of the existing storage use for 135 vehicles, together with storage use in the existing stable block, new access onto the A357 and landscaping of the site.

In summary, as the scheme would not be to the detriment of the character of the area, not have an effect on ecology, highways or setting of heritage assets, would provide public benefits and it is considered the scheme accords with the Development Plan, notably Policies SD1, SS1, TA5, TA6, EQ2, EQ3, EQ4 and EQ7 of the South Somerset Local Plan and the NPPF 2021.

RECOMMENDATION

Planning Permission be approved subject to planning conditions.

01. The proposal, by reason of its size, scale and materials, respects the character of the area and causes no demonstrable harm to amenity in accordance with the aims and objectives of the Development Plan (subject to planning conditions).

SUBJECT TO THE FOLLOWING:

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

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

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

Location Plan (1:2500 @ A3);
2021-001 (Site Plan - Proposed);
2021-003 (Landscaping Plan);
1156/001;
1156/002;
Shed (Floor Plans / Elevations)

Reason: In the interests of proper planning and for the avoidance of doubt.

03. Within six months from the date of this decision notice, all works as detailed on the approved drawings in relation to the approved new access to the site shall have been implemented, and shall thereafter be retained in perpetuity.

The proposed surfacing of the entrance, for the first 12m, shall be of a consolidated surface such that no debris is taken from the site onto the public highway.

The development must also have installed appropriate drainage measures to prevent surface water from discharging onto the public highway.

The position of entrance gates to the site must be set well back from the carriageway edge, sufficient to allow for a vehicle and trailer to be fully off the highway, and all gates shall swing inwards towards the site (and not outwards towards the public highway).

Reason: In the interest of highway safety and to accord with Policies TA5 and TA6 of the South Somerset Local Plan (2006-2028)

04. Where external lighting may be proposed, a lighting design for bats, following Guidance Note 08/18 Bats and artificial lighting in the UK (ILP and BCT 2018), shall be submitted to and approved in writing by the Local Planning Authority, prior to commencement of construction of the approved access. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory. The design should accord with Step 5 of Guidance Note 08/18, including submission of contour plans illustrating Lux levels. Lux levels should be below 0.5 Lux on the identified horseshoe bat commuting routes. All external lighting 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 be installed without prior consent from the Local Planning Authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with policy EQ4 of the South Somerset Local Plan.

05. No vegetation removal works around the site shall take place between 1st March and 30th September inclusive, unless a competent ecologist has undertaken a careful, detailed check of the trees, shrubs and scrub and tall ruderal vegetation to be cleared for active birds' nests immediately before works proceed and provides written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the Local Planning Authority by the ecologist accompanied by dated photos showing the site before and after clearance. In no circumstances should netting be used to exclude nesting birds.

Reason: Nesting birds are afforded protection under the Wildlife and Countryside Act 1981 (as amended). Although this is a legal obligation the law does not specify a time period - some species can breed outside the time frame given.

06. All habitat features to be lost (including trees and hedgerow) will need to be proportionately replaced in relation to what will be lost as a result of this development, at a minimum ratio of 2:1. All new trees planted on site should ideally be from local native stock, such as field maple, ash, hornbeam, dogwood, spindle and beech. The new hedgerow/s to be planted up with native species comprised of a minimum of 5 of the following species: hazel, blackthorn, hawthorn, field maple, elder, elm, dog rose, bird cherry and spindle. A landscape and planting schedule plan will be submitted to and approved in writing by the Local Planning Authority prior to commencement of works relating to the formation of the new access to the site.

Reason: In the interest of no net biodiversity loss as per the National Planning Policy Framework and policy EQ4 of the South Somerset Local Plan.

07. Any chemicals or pollutants used or created by the development should be stored and disposed of correctly according to COSHH regulations. A strategy shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of works relating to the formation of the new access to the site.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy EQ4 of the South Somerset Local Plan.

08. Retained hedgerows and trees shall be protected from mechanical damage, pollution incidents and compaction of roots in accordance with BS5837:2012 during site clearance works, groundworks and construction and to ensure materials are not stored at the base of trees, hedgerows and other sensitive habitats. Photographs of the measures shall be submitted to the Local Planning Authority prior to the commencement of any vegetative clearance or groundworks. The measures shall be maintained throughout the construction period.

Reason: A pre-commencement condition in the interests of European and UK protected species and biodiversity generally and in accordance with policy EQ4 of the South Somerset Local Plan.

09. All planting in relation to the approved landscaping scheme, as detailed on approved plans, shall be completed within the first planting season after commencement of works relating to the formation of the new access to the site, and all planted trees / shrubs shall thereafter be maintained for a minimum period of 5 years, with any dying, diseased or dead specimens being replaced with trees / shrubs of comparable size and species.

Reason: In the interests of surrounding amenity and biodiversity gain, in accordance with Policies EQ2 and EQ4 of the South Somerset Local Plan 2006-2028.

10. A Biodiversity Enhancement Plan (BEP) shall be submitted to, and be approved in writing by, the Local Planning Authority prior to completion of the works. Photographs of the installed features will also be submitted to the Local Planning Authority prior to commencement of use of new access. The content of the BEP shall include the following:

A) One Vivara Pro Woodstone Nest Boxes (32mm hole version) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter

B) One Vivara Pro Barcelona Woodstone Bird Box (open front design) or similar mounted between 1.5m and 3m high on the northerly facing aspect of trees and maintained thereafter

C) One Schwegler 2F bat boxes or similar will be mounted at least 4m high above ground level on the south or east facing aspects of trees and maintained thereafter.

D) Installation of one insect hotel (National Trust Apex insect House or similar), to be installed on the southern boundary of the site.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 174(d) of the National Planning Policy Framework, and the Draft Environment (Principles and Governance) Bill 2018.

Informatives:

01. 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/applyfor-atemporary-closure-of-a-right-of-way/>

02. The developers are reminded of the legal protection afforded to badgers and their resting places under the Protection of Badgers Act 1992 (as amended). It is advised that during construction, excavations or large pipes (>200mm diameter) must be covered at night. Any open excavations will need a means of escape, for example a plank or sloped end, to allow any animals to escape. In the event that badgers, or signs of badgers are unexpectedly encountered during implementation of this permission it is recommended that works stop until advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

03. The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop, and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.

Agenda Item 13

Officer Report On Planning Application: 21/03171/FUL

Proposal :	Erection of a timber cabin as a self-build First Home with associated landscape works (re-submission of 20/02873/FUL)
Site Address:	Rachels Stables, Temple Lane, Templecombe, Somerset, BA8 0JW
Parish:	Abbas/Templecombe
BLACKMOOR VALE Ward (SSDC Member)	Cllr W Wallace Cllr H Burt
Recommending Case Officer:	Ben Gilpin (Case Officer) Tel: 01935 462070 Email: ben.gilpin@southsomerset.gov.uk
Target date :	17th December 2021
Applicant :	Miss R Badger
Agent: (no agent if blank)	Mr Matt Williams Unit 3 Kingsmead Business Park Shaftesbury Road Gillingham SP8 5FB
Application Type :	Minor Dwellings 1-9 site less than 1ha

REASON FOR REFERRAL

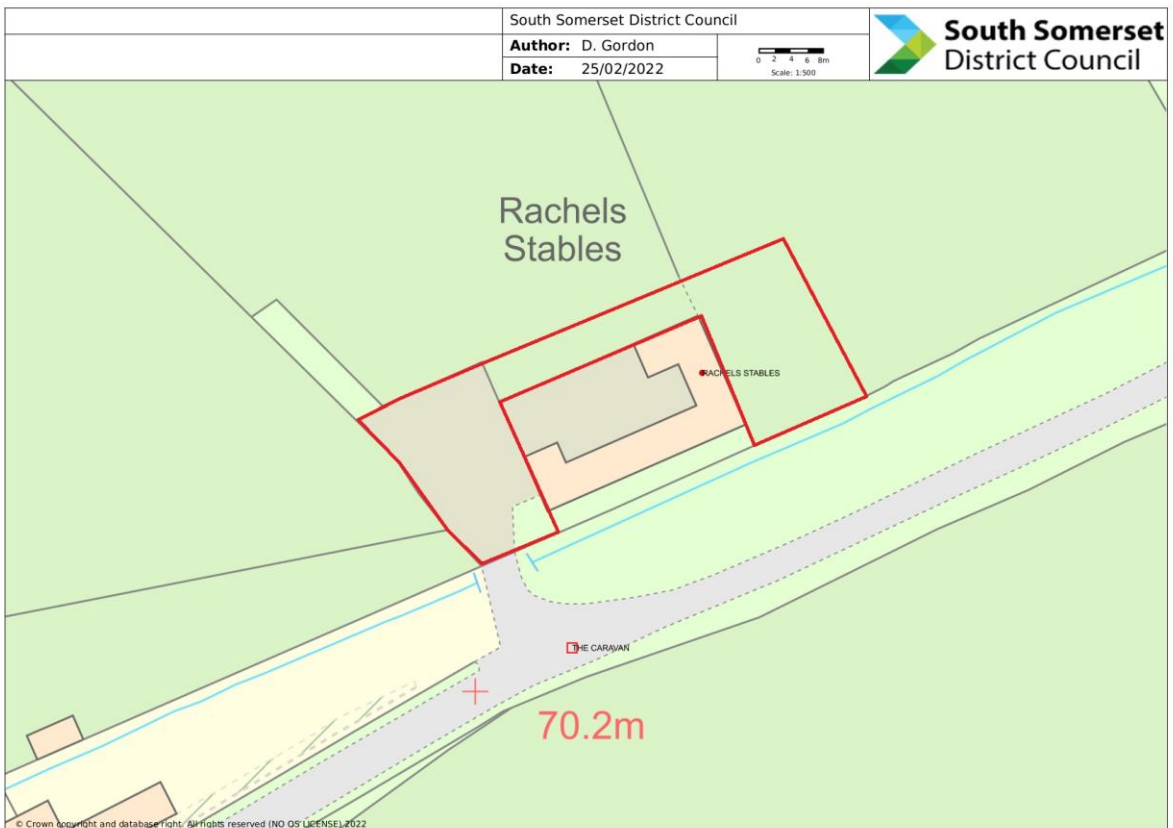
The application is appropriate for determination by Ward Members as comments have been received that are contrary to the officer's recommendation.

SITE DESCRIPTION AND PROPOSAL

The application seeks permission for the construction of a single storey timber cabin, as a self-build property. The proposed property would be a principal residence. The land surrounding the site consists of equestrian / agricultural land adjacent to a timber stable building. The site is in Flood Zone 1.

The site is located outside of any development area as defined by the local plan, being circa 490 metres east of the centre of Templecombe. As such the site is considered to be in open countryside.

The site has no statutory designations.



RELEVANT HISTORY

20/02873/FUL - Erection of a timber cabin as a self-build First Home with associated landscape works. Refused 25.02.2021

19/02186/FUL - The erection of a timber cabin for use as a starter home with associated landscape works. Refused 08.11.2019

16/05511/FUL - Erection of a timber cabin for use as a dwelling with associated landscape works. Refused 02.03.2017. Appeal Dismissed 15.12.2017

09/03960/FUL - The use of land as a site for a mobile home and the construction of a new vehicular and pedestrian access. Refused 08.01.2010. Appeal Dismissed 09.12.2010.

09/01541/FUL - The use of land as a site for a caravan (Retrospective Application) (GR 371283/122597). Refused 06.07.2009

POLICY

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

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS4 - District-wide Housing Provision

Policy SS5 - Delivering New Housing Growth

Policy TA1 - Low Carbon Travel

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy EQ7 - Pollution Control

Policy HG2 - The use of Previously Developed Land (PDL) for new housing development

National Planning Policy Framework - July 2021

Planning Practice Guidance (PPG)

National Design Guide - September 2019

Other:

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

CONSULTATIONS

ABBAS AND TEMPLECOMBE PARISH COUNCIL: No objection

"The Members of Abbas and Templecombe Parish Council discussed the above application at their recent meeting and were in full support of the application. It was suggested that a car charging point be included."

SCC HIGHWAYS: Standing Advice

SSDC HIGHWAYS:

"I refer to the comments I made in response to the previous 2020 submission as follows: 'Acceptance to the principle of the development in the location proposed must be largely a planning matter to determine. I note the references to the previous appeal and others that have been referred to.

The traffic impact of the scheme on the local highway network is unlikely to be significant or severe. The development proposes to use an existing access but no details have been submitted in respect of the extent of the visibility splays at the point of access, the surface of the access, its width, etc. Amended plans should be submitted.'

The submitted visibility splays plan assumes that vehicle speeds are 30mph whereas I believe the road past the site is subject to the national speed limit. Consequently, unless the agent has evidence to the contrary, I believe approach speeds are more likely to be such that splays of 2.4m x 60m would be appropriate. As per my previous comments, the surface of the access-way has not been stated on the plans - it needs to be properly consolidated and surfaced (not loose stone or gravel).

It would be useful if the width of the existing access is annotated on the plans. A charging point for electric vehicles will be required and needs to be annotated on the plans. The proposed parking provision (all modes including cycling) needs to accord with the appropriate standards set out in the SPS, taking into account that presumably parking is required to be retained for the stables. I look forward to receiving amended plans addressing ALL the issues raised above."

REPRESENTATIONS

20 comments have been received from members of the public. 19 Letters of Support; 1 Letter of Objection (although the contents contained therein are in support of the development).

The Support letters cite:

- Affordable;
- No surface water issues;
- Sustainable Location;
- No visual impact

CONSIDERATIONS

Principle of Development

In policy context, national guidance contained within the NPPF sets out a presumption in favour of sustainable development. The NPPF states that in order to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Furthermore, the NPPF advises that planning decisions should avoid the development of isolated homes in the countryside unless one or more of a certain set of circumstances are met.

Such circumstances include:

- (i) there being an essential need for rural workers;
- (ii) enabling development to secure the future of heritage assets;
- (iii) re-using redundant or disused buildings;
- (iv) subdivision of an existing dwelling; or
- (v) the design of the new dwelling is of exceptional quality.

None of those five circumstances apply in this instance.

Policy SD1 of the Local Plan also recognises that, when considering development proposals, the Council will take a proactive approach to reflect the presumption in favour of sustainable development contained in the NPPF and seek to secure development that improves the economic, social and environmental conditions within the District.

Planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

Policy SS1 highlights the areas where new development is expected to be focused, grouping certain towns and villages into a hierarchy, of settlements including the Strategically Significant Town (Yeovil), Primary Market Towns, Local Market Towns and Rural Centres. All other settlements are 'Rural Settlements', which Policy SS1 states "will be considered as part of the countryside to which national countryside protection policies apply (subject to the exceptions identified in Policy SS2)".

Policy SS2 states:

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

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

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

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

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

Those key services referred to in paragraph 5.41 of the Local Plan are local convenience shop, post office, pub, children's play area/sports pitch, village hall/community centre, health centre, faith facility and primary school.

Policy guidance clearly encourages new housing to be located with good accessibility to existing or proposed local shops, community facilities and primary schools and with good connection to public transport. The application site lies within the open countryside and is clearly both visually and physically separate from the main village of Templecombe to the west, the nearest large settlement with access to essential key services. Otherwise the site is remote from key services, and is therefore subject to the same degree of protection as the open countryside.

The site is not close to any bus stop and is not on a recognised bus route. There is no frequent bus service and therefore the site is not well connected to local services. It is therefore

considered to be unsustainable by virtue of its distance from key local services.

Furthermore, there are no footpaths from the site along Temple Lane. Due to the distance to walk from the site to such facilities along a narrow country road with no footways or lighting, any occupiers would be reliant on the use of a motor vehicle, unless they wished to walk along an unpaved and unlit stretch of this unclassified highway, which would clearly not be desirable from a public safety point of view.

For the above reason, the proposed development of the site is not considered to meet the aims of sustainable development identified within the Local Plan and NPPF. Furthermore, this view is supported by the recent Planning Inspectors decision on the previous application.

Reference has been made to changes to the NPPF since the appeal was dismissed in 2017 and also to recent planning decisions. It is considered that the changes made to the NPPF are not to any degree that alters the assessment made to the original application. In addition to this, it is considered that subsequent planning decisions have little influence upon this case as all applications are considered on their own merits.

It is accepted that the Local Authority cannot at present demonstrate a deliverable 5 Year Housing Land Supply and this aspect has changed since the refusal of the previous application at this site.

The Planning Statement submitted in support of the application makes reference to the applicant being willing to enter a S106 agreement for the dwelling to remain 'affordable' and available to those with a 'local connection' in perpetuity.

Whilst this is noted and indeed applauded, given the sustainability assessment and the fact that that the site is clearly in open countryside, this site is still not considered to be an appropriate location for such a restricted dwelling.

The location of the development in open countryside is not acceptable in principle, as it is contrary to the requirements of Policy SS2 of the South Somerset Local Plan 2006-2028 and the guidance of the NPPF.

Scale and appearance of the proposed dwelling

The proposed dwelling is identical to that submitted in 2016. It was assessed then that the design and materials of the proposed development in themselves are considered to be acceptable and appropriate to the location. This assessment was not contradicted by the Inspector at appeal stage. Therefore, this element of the proposal is considered to be acceptable.

Impact on character of area

It was concluded in the previous applications that that there was no residential context with which to integrate this plot, and whilst the proposal is modestly designed, to develop a residential plot in this rural location would not accord with local settlement and landscape character and would be at variance with the objectives of Local Plan policy EQ2.

Furthermore, this view was endorsed by the Planning Inspector at appeal (being the appeal of the refusal notice of application 16/05511/FUL). This remains the view of the Local Planning Authority.

Since the decision of the Appeal Inspector, planning permission has been granted for a dwelling and associated agricultural development to the east of the application site. (17/04376/FUL). This dwelling is located approximately 200m away from the development site. This development was justified on an agricultural need and has been appropriately tied.

Furthermore, the provision of that development is not considered to affect the relatively undeveloped, rural character of the area, being a property associated and tied to an agricultural land use.

The proposed development that is the subject of this planning application would seek to introduce a residential use that is for self-build purposes and not tied to an agricultural or rural land use where such a continued presence on site has been proven.

As such the residential development would be to the detriment of the character of this rural, agricultural part of South Somerset, contrary to the objectives of Policy EQ2 of the South Somerset Local Plan.

Highways and Parking

It is accepted that the statutory consultee has suggested additional information be provided to evidence sight lines / visibility for egress from the site. It is also noted that during the course of the sites' previous appeal that the matter of sight line visibility was considered acceptable by the Inspector / LPA and the appeal was not dismissed on this ground.

It is considered that the necessary sight lines and parking provision can be achieved. Accordingly, there is no objection to the proposal on Highway grounds.

Residential Amenity

Due to the size and position of the proposed dwelling and the position of neighbouring dwellings, it is considered that the proposed dwelling could be comfortably accommodated on site without causing demonstrable harm to the residential amenity of adjoining occupiers.

The Inspector to the appeal of refused planning application 16/05511/FUL raised concerns regarding the possible impact the nearby sewage works may have upon the future occupiers of the dwelling and noted that no assessment had been undertaken. In response, this application has been supported by an Odour Impact Assessment (report reference: 01.0148.001/OIA v1 (2019)). This has concluded that the proposed dwelling would be unlikely to experience odours from the works. Accordingly, this matter is considered to have been appropriately addressed, and that there would be no demonstrable impact on the amenity of occupiers were the proposal to be approved.

Phosphates

The site is not identified as being within the Somerset Levels and Moors Ramsar Site Catchment Area. As such a formal Habitats Regulations Assessment (HRA) is not deemed necessary.

Were the scheme to be approved, it would not be contrary to Policies EQ4 and EQ7 of the South Somerset Local Plan as the proposal would not affect the biodiversity value of the protected site.

5 Year Housing Land Supply (5YHLS)

In this instance paragraph 11 of the National Planning Policy Framework (NPPF), which states that plans and decisions should apply a presumption in favour of sustainable development and grant permission when decision taking where the policies which are most important for determining the application are out-of-date (this includes circumstances where there is no five-year supply of deliverable housing sites with the appropriate buffer), is not applicable in this instance as SSDC can and has demonstrated a deliverable 5YHLS. Therefore Paragraph 11 is a very limited material consideration with regard to the tilted balance of the presumption of

sustainable development.

The proposed scheme would deliver 1 dwelling, and as SSDC does not have a 5YHLS, this should be afforded appropriate material weight in deliberations and may qualify as justification in support of the provision of a dwelling house, albeit still in open countryside (and as such an unsustainable location).

Conclusion and Planning Balance

Without a demonstrable five year supply of housing land in South Somerset, paragraph 11 of the NPPF is engaged.

This application has already been assessed as being located in an unsustainable location through the previous applications 16/05511/FUL and 19/02186/FUL, both of which were refused (and 16/05511/FUL also having been dismissed at appeal).

It is considered that, with the inability of the LPA to evidence a deliverable 5YHLS, there has been a change that qualifies as a material considerations of the aforementioned two planning applications.

However, even without a demonstrable 5YHLS, the site is still in open countryside and is still one that could not be tied to the use of the land. It is still considered to be an unsustainable location and the delivery of one dwelling in such a location (which would be contrary to policy and the NPPF) is not deemed sufficient to alter the material weight that should be afforded to the protection of the open countryside from sporadic residential development.

In this instance, the lack of a 5YHLS and the delivery of a single dwelling would still not make the application acceptable in policy terms.

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

01. The proposal would represent new residential development in open countryside, for which an overriding essential need has not been justified. The application site is remote from local services and as such will increase the need for journeys to be made by private vehicles. This identified harm is not outweighed by the contribution of the proposal towards the supply of housing in the district or by any other benefit arising from the scheme. The proposed development therefore constitutes unsustainable development that is contrary to policies SD1, SS1 and SS2 of the South Somerset Local Plan (2006-2028) and to the aims and objectives of the National Planning Policy Framework.
02. The proposal to develop a residential plot in this rural location characterised by agricultural development would not accord with local settlement and landscape character, contrary to policy EQ2 of the South Somerset Local Plan (2006-2028).