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

**Wednesday 6th April 2022**

**2.00 pm**

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

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

John Clark  
Nicola Clark  
Karl Gill  
David Gubbins  
Peter Gubbins  
Kaysar Hussain  
Andy Kendall

Mike Lock  
Pauline Lock  
Tony Lock  
Graham Oakes  
Wes Read  
David Recardo  
Gina Seaton

Peter Seib  
Alan Smith  
Jeny Snell  
Andy Soughton  
Rob Stickland

There are no planning applications to consider this month.

Any members of the public wishing to view, or 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 5<sup>th</sup> April 2022.

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 Monday 28<sup>th</sup> March 2022.

*Jane Portman, 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 South 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 South Committee

Meetings of the Area South Committee are usually held monthly, at 2.00pm, on the first 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](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 5<sup>th</sup> April 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](mailto:democracy@southsomerset.gov.uk) by 9.00am Tuesday 5<sup>th</sup> April 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](mailto:democracy@southsomerset.gov.uk) by 9.00am on Tuesday 5<sup>th</sup> April 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 South Committee

**Wednesday 6 April 2022**

## Agenda

### *Preliminary Items*

#### **1. Minutes**

To approve as a correct record the minutes of previous meetings held on 2<sup>nd</sup> March 2022. The draft minutes can be viewed at:

<https://modgov.southsomerset.gov.uk/ieDocHome.aspx?bcr=1>

#### **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 District Council's Regulation Committee**

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

Councillors Peter Gubbins, Tony Lock, David Recardo and Andy Soughton.

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. Public Question Time**

#### **5. Chairman's Announcements**

#### **6. Market Review Working Group - Verbal Update**

*Items for Discussion*

7. **Digital Demand Responsive Transport Update** (Page 7)
8. **East Coker Paddock Path Renewal Grant Application (Executive Decision)** (Pages 8 - 14)
9. **Dorcas Charitable Trust - Annual Report & Statement** (Pages 15 - 21)
10. **Visual Presentation - Yeovil Refresh** (Page 22)
11. **Area South Forward Plan** (Pages 23 - 24)
12. **Planning Appeals (For information only)** (Pages 25 - 35)

**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.**



## Digital Demand Responsive Transport Update

Strategic Director:	Peter Paddon, Acting Director Place and Recovery
Lead Specialist:	Peter Paddon, Lead Specialist
Specialist:	Joe Walsh, Specialist Economy
Contact Details:	Joe.walsh@southsomerset.gov.uk

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## Purpose of the Update

In Summer 2021, South Somerset District Council commissioned transport consultants Liftango to produce a study that examined the feasibility of Digital Demand Responsive Transport as a solution to rural transport issues in South Somerset.

The brief included:

- Analysing the potential for Digital Demand Responsive Transport and to simulate the benefits for the district
- Identify specific areas within South Somerset where DDRT can have the greatest impact if introduced
- Design and simulate DDRT configurations to further maximise the impact for the South Somerset region

It has been requested by Cllr John Clark that the final report is presented to Members of Area South.

The presentation will include:

- An introduction to Digital Demand Responsive Transport and the associated benefits
- Key findings from the report including recommendations
- Next steps



## East Coker Paddock Path Renewal Grant Application (Executive Decision)

Strategic Director: Kirsty Larkins, Director of Service Delivery  
Service Manager: Tim Cook, Locality Manager  
Lead Officer: Beth Poole, Locality Officer (Area South)  
Contact Details: beth.poole@southsomerset.gov.uk or 07458 129603

### Purpose of the Report

Councillors are asked to consider the awarding of a grant of £4,166.67 towards the East Coker Parish Council's project to renew a historic footpath at The Paddock.

### Public Interest

Awarding grants is a key way that SSSC supports and helps to deliver community projects sponsored by Parishes and voluntary community organisations in the towns and villages across the district.

East Coker Parish Council has applied to the Area South community grants programme for financial assistance with the costs to renew a historic footpath at The Paddock. The Locality Officer is submitting this report to enable the Area South Committee to make an informed decision about the application and has assessed the application.

### Recommendation

It's recommended that Councillors award a grant of £4,166.67, the grant to be allocated from the Area South capital programme and subject to SSSC standard conditions for community grants (appendix A).

### Application Details

Name of applicant:	East Coker Parish Council
Project:	Village Green footpath renewal
Total project cost:	£9,166.67 exc. VAT
Amount requested from SSSC:	£4,166.67
% amount requested	45%
Application assessed by:	Beth Poole



## Community Grants Assessment Score

The table below shows the grant scoring for this application. Applications must meet the minimum score of 22 to be considered for SSDC funding under Community Grants policies.

Category	Max Score available	Officer assessment score
A Supports Council Plan/Area Chapter	1	1
B Supports Equalities & Diversity	1	1
C Supports Environment Strategy	3	2
D Need for Project	10	8
E Capacity of Organisation	15	9
F Financial need	7	3
<b>Total</b>	<b>37</b>	<b>24</b>

## Background

East Coker Parish Council purchased land known as The Paddock from Coker Court circa 2003, which is a triangle of land between Church Terrace and Coker Marsh at the heart of its picturesque ham stone village through which a historic footpath runs. There are records of the footpath dating back at least 100 years, when locals were invited to admire over 200 species of lilacs planted in The Paddock by its former owners, so long as they kept to the path. Nowadays, the area is admired for its modest arboretum of trees and annual display of spring daffodils. It's also host to East Coker's annual lit Christmas tree, Carol Service and other village celebrations, such as VE Day and Jubilee events. East Coker's heritage makes the area a popular destination for walking and visitors, who can find a tourist information board and memorial bench at the higher end of the footpath in the Paddock. The area is well-used, though exact numbers are unknown, and it's not uncommon to see people picnicking there in fair weather or sat on the bench for rest and contemplation.

### Parish information

Parish*	East Coker Parish Council
Parish Population	1,667
No. of dwellings	796

\*Taken from the 2011 census profile

## The project

East Coker Parish Council aims to renew the hazardous, worn and well-trodden footpath located within The Paddock. The footpath provides off-road access between local amenities including St Michael's and All Angels Church and The Helyar Arms Public House, and to sites of historical interest including the Almshouses and Coker Court, as well as linking two public rights of way, namely Y9/28 and Y9/8, either side of the busy, unpaved Coker Marsh road. The area is unlit at night, making both routes particularly hazardous. See Appendix B for mapping and images.

The project will involve removing approximately 118 sq. meters of existing pathway, and replacing it with a permeable resin-bound surface laid over a compacted under surface grid. This method is said to be used extensively by the National Trust at their properties, and has been carefully chosen to preserve the character and heritage of the local area, whilst offering a smooth and even surface that will cater to all user groups, and enabling surface rainwater to effectively run off or soak away.

## Local support / evidence of need

The footpath is showing clear signs of significant wear, weathering, erosion and deterioration. The surface is uneven with sharp, loose stones and deep hollows concealed underfoot by rotting leaf matter and water that is able to collect within the hollows. This presents a hazard of injury to users from slips, trips and falls, with increased risk to people with reduced mobility and those reliant on walking aids. The uneven surface also impedes access to people using wheeled aids, such as mobility scooters, wheelchairs or pushchairs, meaning that these people have to take the alternative route on the busy, unpaved road, near to a blind bend and a brook. Numerous constituents have expressed complaint about the hazardous condition of the footpath, and the treacherous alternative of bypassing it on the unpaved road.

## Project costs

<b>Project costs</b>	<b>Cost £</b>
All labours, materials and plant hire: Remove existing path surface, approx. 118 sq. meters Reinstate existing path edging stones; replace any damaged Lay geo-tex membrane, compacted scalping, and grid Infill grid with clean stone Overfill with resin-bound topping	£9,166.67
<b>Total</b>	<b>£9,166.67</b>

## Funding plan

Funding source	Secured or pending	Amount £
East Coker Parish Council	Secured	£5,000.00
SSDC Community Grant	Pending	£4,166.67



<b>Total</b>		<b>£9,166.67</b>

## Conclusion and Recommendation

It is recommended that a grant of £4,166.67 is awarded.

## Financial Implications

The balance in the Area South Capital programme is £136,342. If the recommended grant of £4,166.67 is awarded, £132,175 will remain.

Grants are awarded subject to all other funding being secured before the commencement of the project and are on a 50% basis of the full project costs. Payment of the grant cannot exceed the grant award and is proportionally reduced if full project costs are under budget.

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## Council Plan Implications

Council Plan themes and Areas of focus for 2021/22

Environment:

- Enhance the quality of the environment and its resilience and ability to adapt to climate change in partnership with our communities and businesses
- Initiate and support actions and infrastructure to encourage a shift to low carbon transport options including walking, cycling and electric mobility

Healthy, Self-reliant Communities:

- Work with partners to support people in improving their physical and mental health and wellbeing
- Enable quality cultural, leisure and sport activities

Area South Chapter:

- Support a range of improvements to community facilities through S106 and Community grants
- Improving opportunities for non-car transport including walking and cycling

## Carbon Emissions and Climate Change Implications

None identified.



## Equality and Diversity Implications

<i>An Equality Impact Relevance Check Form has been completed in respect of the Proposal?</i>	Yes
<i>The Impact Relevance Check indicated that a full EIA was required?</i>	No
<i>If an EIA was <b>not</b> required please attach the Impact Relevance Check Form as an Appendix to this report and provide a brief summary of its findings in the comments box below.</i>	
<i>If an EIA <b>was</b> required please attach the completed EIA form as an Appendix to this report and provide a brief summary of the result of your Equality Impact Assessment in the comment box below.</i>	
<b>Additional Comments</b>	
The project will increase accessibility of the open space to people with the protected characteristics of age, disability and gender (female carers of people with limited/reduced mobility), and aims to be inclusive of all characteristics.	

## Background Papers

Appendix: Equality Impact Assessment

## Appendix A

### Standard conditions applying to all SSDC Community Grants

#### The applicant agrees to: -

- Notify SSDC if there is a material change to the information provided in the application.
- Start the project within six months of the grant offer and notify SSDC of any changes to the project or start date as soon as possible.
- Confirm that all other funding sources have been secured before starting the project, if these were not already in place at the time of the application.  
Acknowledge SSDC assistance towards the project in any relevant publicity about the project (e.g. leaflets, posters, websites, and promotional materials) and on any permanent acknowledgement (e.g. plaques, signs etc.).
- Work in conjunction with SSDC officers to monitor and share the success of the project and the benefits to the community resulting from SSDC's contribution to the project.
- Provide a project update and/or supply before and after photos if requested
- Supply receipted invoices or receipts which provide evidence of the **full** cost of the project so that the grant can be released.
- Complete an evaluation survey when requested after the completion of the project.
- Note that they cannot apply for another community grant for the same project within a 3 year period of this award.

#### Standard conditions applying to buildings, facilities and equipment

- Establish and maintain a “sinking fund” to support future replacement of the building / facility / equipment as grant funding is only awarded on a one-off basis.
- Use the SSDC Building Control Service when buildings regulations are required.
- Incorporate disabled access and provide an access statement where relevant.

#### Additional conditions applying to Play & Facilities

- All play equipment considered for purchase will have passed an EN1176 test.
- All play equipment installed will have Impact Absorbing Surfacing (safety surfacing) installed to EN1177 standard.
- All play equipment installed will have a Post Installation Inspection completed by a fully trained person.
- Ensure that the play area is inspected and maintained in accordance with EN1176 or a successive standard
- Provide good quality signage to buildings and facilities.

#### Special conditions

*For example where an applicant has not provided all necessary information in the application and you are happy to wait for it eg access review; planning permissions. Or where some further encouragement could be given to do X or Y in future. Or to secure a definite outcome in the long term should the project fold, perhaps where land or buildings are concerned.*

# Equality Impact Relevance Check Form



The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. This tool will identify the equalities relevance of a proposal, and establish whether a full Equality Impact Assessment will be required.

What is the proposal?	
Name of the proposal	Footpath renewal at The Paddock, East Coker
Type of proposal (new or changed Strategy, policy, project, service or budget):	Project
Brief description of the proposal:	Resurfacing of historic footpath in village open space.
Name of lead officer:	Beth Poole

You should consider whether the proposal has the potential to negatively impact on citizens or staff in the following ways:

- Access to or participation in a service,
- Levels of representation in our workforce, or
- Reducing quality of life (i.e. health, education, standard of living)

A negative impact is any change that could be considered detrimental. If a negative impact is imposed on any citizens or staff with protected characteristics, the Council has a legal duty to undertake a full Equality Impact Assessment.

Could your proposal negatively impact citizens with protected characteristics? (This includes service users and the wider community)	<b>NO</b>
Could your proposal negatively impact staff with protected characteristics? (i.e. reduction in posts, changes to working hours or locations, changes in pay)	<b>NO</b>

<b>Is a full Equality Impact Assessment required?</b>	<b>NO</b>
<b>If Yes,</b> Please provide a brief description of where there may be negative impacts, and for whom. Then complete a full Equality Impact assessment Form	
N/A	
<b>If No,</b> Please set out your justification for why not.	
The resurfacing of the footpath aims to make the path accessible to people with reduced mobility and wheeled-aid users, rather than having to use a busy, unpaved road as the alternative. The project will, therefore, deliver positive impacts for people sharing certain of the Protected Characteristics.	
Service Director / Manager sign-off and date	Tim Cook - 16.02.22
Equalities Officer sign-off and date	Dave Crisfield 16 <sup>th</sup> February 2022

## **Dorcas Charitable Trust – Annual Report & Statements**

Strategic Director:	Kirsty Larkins, Director, Service Delivery	
Service Manager:	Tim Cook, Locality Team Manager	
Lead Officer:	Tim Cook, Locality Team Manager	
	Emily Wilce, Finance Specialist	
Contact Details:	tim.cook@southsomerset.gov.uk	or
	emily.wilce@southsomerset.gov.uk	

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### **Purpose of the Report**

To update members of the Area South Committee who collectively act as trustees for the Dorcas House Trust and to approve the 2020/21 Statement of Accounts.

### **Public Interest**

Dorcas House Trust (otherwise known as Portreeves or Corporation Almshouses) is a registered Charity, No. 235337 and is regulated under Charity Commission Schemes dated 3<sup>rd</sup> September 1973 and 1<sup>st</sup> February 1978. The Area South Committee acts as Trustees of the trust.

### **Recommendations**

- (1) To approve the Annual Accounts for the Dorcas House Trust
- (2) To note the update in the annual report

### **Background**

Dorcas House Trust (otherwise known as Portreeves or Corporation Almshouses) is a registered Charity, No. 235337 and is regulated under Charity Commission Schemes dated 3<sup>rd</sup> September 1973 and 1<sup>st</sup> February 1978.

As a local authority SSDC is required to demonstrate compliance with the underlying principles of good governance and that a framework exists to demonstrate this. One of the principles is accountability and by preparing and publishing the annual Statement of Accounts the Council achieves this objective.

The Accounts and Audit (England) Regulations 2011 came into force on 31 March 2011. The Dorcas House Statement of Accounts needs to be evidenced by the Chair of Area Committee South signing and dating the balance sheet and the annual report.

Dorcas House was located in Preston Grove, Yeovil. The land on which it sat was conveyed to the Borough of Yeovil by means of a Deed of Gift on 30th May 1910 as a site for an Almshouse. The trusteeship is vested in South Somerset District Council and delegated to the Area South Committee.

The Council was under obligation to erect an Almshouse. Once built, Dorcas House was only to be used for poor women inhabitants of the Parish of Yeovil. In more recent years SSDC applied to the Charities Commission to have the covenants changed to allow women and their children to reside in the property.

Concerns regarding the ongoing cost of maintaining and managing the building in future years, together with the unsuitability and inflexibility of the accommodation prompted the trustees to consider alternative options to meet the objectives of the trust.

Following advice from the Charities Commission that the Trustees were permitted to sell and re-provide without the need for formal permission, the property was sold in October 2013 producing a net capital receipt of £371,572 and in addition investments were realised for a sum of £52,032. Together with the cash balance there is now a capital fund of £454,410 for replacement properties.

## **Current Situation**

The intention has always been to seek replacement properties for the charitable foundation as opportunities arise within the settlement of Yeovil –as part of the obligated affordable housing on a qualifying site or as an adjunct to traditional housing association homes on an infill site. Unfortunately none of the proposed schemes explored to date has come to fruition. Once alternative provision has been completed, the original terms of the Dorcas House trust will continue to apply to the new accommodation.

## **Governance**

The governance arrangements will be reviewed and changes will be needed in light of Local Government Review.

## **Financial Implications**

Dorcas House draft statement of accounts details the financial position of the charity as at 31<sup>st</sup> March 2021 and is submitted at Appendix A for approval by Area South Committee at this April 2022 meeting. Grant Thornton, the District Auditors, will not review separately the annual Statement of Accounts and supporting working papers as the turnover is below £25k.

## **Council Plan Implications**

Include links to Council Plan 2020 – 2024 – which can be found on the staff portal at this link: [Council Plan | South Somerset District Council](#)





## Carbon Emissions and Climate Change Implications

Re-investment of the proceeds of sale will be used for property that will be built to modern standards, which will be more energy efficient.

## Equality and Diversity Implications

<i>An Equality Impact Relevance Check Form has been completed in respect of the Proposal?</i>	Yes
<i>The Impact Relevance Check indicated that a full EIA was required?</i>	No
<i>If an EIA was <b>not</b> required please attach the Impact Relevance Check Form as an Appendix to this report and provide a brief summary of its findings in the comments box below.</i>	
<i>If an EIA <b>was</b> required please attach the completed EIA form as an Appendix to this report and provide a brief summary of the result of your Equality Impact Assessment in the comment box below.</i>	
<b>Additional Comments</b>	
The nature of the Charitable Trust dictates the client group whose needs are met by this provision. The purpose of the report is to agree the annual report and accounts to comply with Charity Commission rules. No changes which could negatively impact on those with protected characteristics are being proposed.	

## Background Papers

None

# Equality Impact Relevance Check Form



The Public Sector Equality Duty requires us to eliminate discrimination, advance equality of opportunity and foster good relations with protected groups. This tool will identify the equalities relevance of a proposal, and establish whether a full Equality Impact Assessment will be required.

What is the proposal?	
Name of the proposal	Dorcas House Annual report
Type of proposal (new or changed Strategy, policy, project, service or budget):	Update
Brief description of the proposal:	To ask Area South Members to agree the annual report.
Name of lead officer:	Tim Cook/Emily Wilce

You should consider whether the proposal has the potential to negatively impact on citizens or staff in the following ways:

- Access to or participation in a service,
- Levels of representation in our workforce, or
- Reducing quality of life (i.e. health, education, standard of living)

A negative impact is any change that could be considered detrimental. If a negative impact is imposed on any citizens or staff with protected characteristics, the Council has a legal duty to undertake a full Equality Impact Assessment.

Could your proposal negatively impact citizens with protected characteristics? (This includes service users and the wider community)	<b>NO</b>
Could your proposal negatively impact staff with protected characteristics? (i.e. reduction in posts, changes to working hours or locations, changes in pay)	<b>NO</b>

<b>Is a full Equality Impact Assessment required?</b>	<b>NO</b>
<b>If Yes,</b> Please provide a brief description of where there may be negative impacts, and for whom. Then complete a full Equality Impact assessment Form	
<b>If No,</b> Please set out your justification for why not.	
The funds held and purpose of the charity do have a direct impact on those with protected characteristics as they are to be used to provide accomodation specifically for 'poor women inhabitants of the Parish of Yeovil'. However, this report does not address the purpose of the charity and recommendations relate solely to the running of the charity and are required to comply with Charity Law.	
Service Director / Manager sign-off and date	Tim Cook - 17/03/22
Equalities Officer sign-off and date	Dave Crisfield 17 <sup>th</sup> March 2022

# Dorcas House Trust

*(otherwise known as Portreeves or Corporation  
Almshouses)*

**ANNUAL REPORT  
and  
STATEMENT OF ACCOUNTS  
2020/21**

Registered Charity Number: 235337

DORCAS HOUSE TRUST

STATEMENT OF FINANCIAL ACTIVITIES  
For the Year Ended 31st March 2021

	2020/21 Income Fund		2019/20 Income Fund	
	£	£	£	£
<b><u>Incoming Resources</u></b>				
Rental Income		0.00		0.00
<b><u>Investment Income</u></b>				
Interest on Investment		2,889.73		3,177.01
<b>Total Incoming Resources</b>		<b>2,889.73</b>		<b>3,177.01</b>
<b><u>Resources Expended</u></b>				
Professional fees				
Debtor Provisions adjustments	0.00		175.34	
<b>Total Resources Expended</b>		<b>0.00</b>		<b>175.34</b>
<b>Net Resources</b>		<b>2,889.73</b>		<b>3,001.67</b>
<b><u>Other Recognised Gains</u></b>				
Gain on revaluation of investments		0.00		0.00
<b>Net Movement in Funds</b>		<b>2,889.73</b>		<b>3,001.67</b>
<b><u>Reconciliation of Funds</u></b>				
Fund balances brought forward		451,520.39		448,518.72
		<b>454,410.12</b>		<b>451,520.39</b>

**DORCAS HOUSE TRUST**

**BALANCE SHEET**

**As at 31st March 2021**

	2020/21		2019/20	
	£	£	£	£
<b>Current Assets</b>				
Investments	0.00		0.00	
Debtors	0.00		0.00	
Cash	454,410.12		451,520.39	
	454,410.12		451,520.39	
<b>Net Current Assets</b>		454,410.12		451,520.39
<b>Represented by:</b>				
Endowment Fund		0.00		0.00
Capital/Unrestricted Funds		454,410.12		451,520.39
<b>Total Funds</b>		454,410.12		451,520.39

These accounts were approved by the Trustees on \_\_\_\_\_ and signed on their behalf by:

Peter Gubbins  
(Chairman of Joint Area Committee South)



## **Visual Presentation - Yeovil Refresh**

Strategic Director:	Peter Paddon, Acting Director of Place and Recovery
Service Manager:	Natalie Fortt, Regeneration Programme Manager
Lead Officer:	Ian Timms, Yeovil Refresh Project Manager
Contact Details:	ian.timms@southsomerset.gov.uk or 01935 462 961

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## **Purpose of the Report**

Following on from last month's Area South Committee, members requested that a further visual presentation be brought to committee to highlight the works being carried out within Yeovil Town Centre. The Yeovil Refresh Project Manager will be attending to give a visual presentation and update members on the works.



## Area South Forward Plan

Director: Nicola Hix, Strategy & Support Services  
Lead Officer: Jo Boucher, Case Officer (Strategy & Commissioning)  
Contact Details: Jo.boucher@southsomerset.gov.uk or (01935) 462011

## Purpose of the Report

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

## Recommendations

Members are asked to:

- a. Comment upon and note the proposed Area South Forward Plan as attached;
- b. Identify priorities for further reports to be added to the Area South Forward Plan, developed by the SSDC lead officers.

## Area South Committee Forward Plan

The forward plan sets out items and issues to be discussed by the Area Committee over the coming months.

The forward plan will be reviewed and updated each month, by the joint lead officers from SSDC, in consultation with the Area Committee Chairman. It is included each month with 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 request an item is placed within the forward plan for a future meeting, by contacting the Agenda Coordinator.

## Background Papers

None

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Notes

- (1) Items marked in *italics* are not yet confirmed, due to the attendance of additional representatives.
- (2) For further details on these items, or to suggest / request an agenda item for the Area South Committee, please contact the Case Officer – Strategy and Commissioning; Jo Boucher.

<b>Meeting Date</b>	<b>Agenda Item</b>	<b>Lead Officer</b>
<b>Monthly Ongoing</b> -	Verbal Update – Yeovil Market Review Group	Cllr Karl Gill
<b>4<sup>th</sup> May 2022</b>	<i>This meeting is cancelled due to the elections.</i>	
<b>1st June 2022</b>	Appointment of Working Groups & Outside Bodies Annual Report	Jo Boucher, Case Officer – Strategy & Commissioning
<b>1st June 2022</b>	Scheme of Delegation Annual Report	Jo Boucher, Case Officer – Strategy & Commissioning
<b>TBC</b>	<i>Yeovil Crematorium Update Report</i>	<i>Robert Orrett, Commercial Property, Land and Development Manager</i>
<b>TBC</b>	<i>Update on recent road improvements in the town and the public feedback</i>	SCC
<b>TBC</b>	<i>Community Funding Requests</i>	Ongoing





## Planning Appeals

Director: Kirsty Larkins, Service Delivery  
Lead Officer: John Hammond, Lead Specialist Planning  
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.

## Report Detail

### Appeals – Split Decision

Ward: Yeovil College  
Proposal: Proposed Demolition of existing single storey buildings and construction of new single storey buildings together with loft conversion.  
Appellant: Mrs S Forbes  
Site: 163 St Michaels Avenue Yeovil Somerset BA21 4LP

### Appeals Dismissed

Ward: Coker  
Proposal: Prior approval for the change of use of an agricultural building into a dwelling house.  
Appellant: Mr D Mead  
Site: Land Os 9521 Part West Coker Road Yeovil Somerset

Ward: Coker  
Proposal: Notification of prior approval for conversion of agricultural building into dwelling.  
Appellant: Mr P Richards  
Site: Woodentop Farm West Coker Hill West Coker Yeovil Somerset BA22 9DG

## Background Papers

Decision Notices attached.

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## Appeal Decision

Site visit made on 22 February 2022

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

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**Appeal Ref: APP/R3325/D/21/3286855**

**163 St Michaels Avenue, Yeovil, Somerset BA21 4LP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mrs S Forbes against the decision of South Somerset District Council.
  - The application Ref 21/02415/HOU, dated 11 July 2021, was refused by notice dated 29 September 2021.
  - The development proposed is the demolition of an existing single storey building and construction of a new single storey building, together with a loft conversion.
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### Decision

1. The appeal is dismissed insofar as it relates to the loft conversion. The appeal is allowed insofar as it relates to the proposed demolition of an existing single storey building and construction of a new single storey building at 163 St Michaels Avenue, Yeovil, Somerset BA21 4LP in accordance with the terms of the application, Ref 21/02415/HOU, dated 11 July 2021, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan; Site plan, drawing number PA/05/21/F/3 & Floor Plans and Elevations as Proposed, drawing number PA/521/F/2.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

### Reasons

3. The section of St Michaels Avenue near to the appeal site mostly comprises two storey dwellings arranged in semi-detached pairs. Notwithstanding that some properties have been extended or altered to the rear, visual coherence remains strong with regards to the most public elevations. This is in part derived from the regularity of the set back and the similarity of materials used. In particular, the appeal building forms part of a series of four broadly similar semi-detached mirrored pairs on the western side of the road. They possess architectural features somewhat typical of 1930s houses including arched porch entranceways, double height semi-circular bay windows topped by a gablet and

- a hipped roof form. The symmetry of these dwellings within the pairs and as part of a wider group makes a valuable contribution to the richness of the residential area. Moreover, as they are elevated in comparison to the road, they are clearly visible from the street. Overall, this results in a pleasant sub-urban character to the area.
4. The proposal is broadly composed of two elements, a replacement single storey rear extension and a loft conversion. There is no dispute between the parties that the former would be acceptable<sup>1</sup>. Given the modest scale and discrete siting of the rear extension I have no reason to find otherwise. Nevertheless, there is disagreement regarding the effect of the loft conversion.
  5. The proposed loft conversion would alter the hipped roof to form a gable end and in addition would introduce a box roof dormer across most of the width of the rear roof slope. Consequently, this would add considerable volume to the side and rear of the dwelling. The massing and boxy form of the large dormer would markedly increase the bulk of built form at upper storey level and would therefore be unsympathetic to the proportions of the original dwelling. Furthermore, as these alterations affect the upper part of the dwelling the gable end and side of the dormer would be apparent in the street.
  6. Moreover, the context of the appeal site described above makes the appeal dwelling sensitive to alterations that affect the more prominent parts of the structure. Therefore, the negative impact would extend wider than the appearance of No.163 as it would diminish the symmetry with the attached No.161. Further still, the unmatched pair would appear discordant upsetting the balance of the wider grouping of the other mirrored pairs previously mentioned. This would increase the degree of harm to the distinctiveness of the local area.
  7. Paragraph 130 of the National Planning Policy Framework stipulates that planning decisions should ensure, amongst other things, that developments add to the overall quality of the area and are sympathetic to local character, including the surrounding built environment. For the reasons outlined, the proposed loft conversion would fail to do so.
  8. My attention is drawn to a similar development that has taken place at 58 Glenthorne Avenue. This semi-detached property does not form part of the street scene with the appeal site but as it is in the neighbourhood, I was able to observe it at my site visit. If anything, the extension at No.58 serves to illustrate the awkward and bulky nature of such alterations and the consequent deterioration to the balance of mirrored semi-detached dwellings. Hence, its presence would not justify further similarly harmful development.
  9. The appellant suggests that the loft conversion may constitute permitted development under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order). However, in the absence of a Certificate of Lawfulness to confirm this contention, it is not certainly shown. Even if it were to be the case, planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise<sup>2</sup>. Policy

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<sup>1</sup> Page 2, Council's Officer Report – Impact on Visual Amenity

<sup>2</sup> Section 38(6) Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

EQ2 of the South Somerset Local Plan 2006-2028, March 2015 (LP) requires, amongst other things, that development should preserve or enhance the character and appearance of the district. The existence of permitted development rights would not provide adequate justification to permit a proposal that would run counter to this policy.

10. Accordingly, I find that the proposal by virtue of the loft conversion would be harmful to the character and appearance of the area and would conflict with policy EQ2 of the LP. This general development policy requires, amongst other matters, development to achieve a high quality design which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district.

### **Other matters**

11. The proposal would provide additional accommodation that would be beneficial to the appellant as well as future occupants of the dwelling. Furthermore, in reaching my findings I have taken account of the support given to it by Yeovil Town Council. Nevertheless, I am required to make my own assessment as to the merits of the case and these factors would not address nor outweigh the harm I have identified.

### **Conclusion**

12. The proposed loft conversion would be unacceptably harmful to the character and appearance of the area and would conflict with the development plan policy that seeks high quality design. Therefore, this element of the proposal should not succeed. Nevertheless, the proposed single storey rear extension would not result in harm and appears to be severable from the remainder of the proposals in physical and functional terms. Under section 79(1)(b) of the Town and Country Planning Act 1990 I have discretion to split the decision by allowing one part of a scheme and dismissing the rest. It would be appropriate to use the power in these circumstances to allow the rear extension but to dismiss the remainder of the proposal.
13. In relation to the rear extension, I have imposed conditions to reflect the three year period in which the planning permission may be implemented and have specified the relevant approved plans such that the rear extension shall be undertaken in accordance with these, as this provides certainty. As the proposed plans clearly state that brickwork to match the existing dwelling will be used there is no need for a further condition regarding materials. The Council also suggest a condition to provide a bat box. However, the established residential area is unlikely to be ideally suited for roosting or foraging bats and I have not seen any information to show otherwise. Hence, I am not convinced that it would be necessary to make the replacement single storey extension acceptable in planning terms.
14. Therefore, for the reasons given above I conclude that the appeal should be allowed in part and dismissed in part.

*Helen O'Connor*

Inspector



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## Appeal Decision

Site visit made on 22 February 2022

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

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**Appeal Ref: APP/R3325/W/21/3282898**

**Land OS 9521 Part, West Coker Road, Yeovil, Somerset BA22 8TB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr D Mead against the decision of South Somerset District Council.
  - The application Ref 21/01517/PAMB, dated 19 April 2021, was refused by notice dated 30 June 2021.
  - The development proposed is described as 'Prior approval submitted under Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended, for the change of use of the agricultural building to 1 No. residential dwelling (Use Class C3).
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for costs was made by Mr D Mead against South Somerset District Council. This application is the subject of a separate Decision.

### Main Issue

3. The main issue is whether the proposal would be permitted development under Article 3 and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the Order) having particular regard to the proposed building operations.

### Reasons

4. The application was made under Article 3 and Schedule 2, Part 3, Class Q of the Order which permits development consisting of: (a) a change of use of a building and any land within its curtilage from a use as an agricultural building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order; and (b) building operations reasonably necessary to convert the buildings. The application form and plans show that approval is being sought under both Classes Q(a) and (b).
5. The Order further states at paragraph Q.1(i) that development under Class Q(b) is not permitted if it would consist of building operations other than the installation or replacement of windows, doors, roofs or exterior walls, or water,

- drainage, electricity, gas or other services to the extent reasonably necessary for the building to function as a dwellinghouse.
6. Permission under Class Q is conditional upon the developer first applying to the local planning authority for a determination as to whether its prior approval would be required as to the matters set out in paragraph Q.2(1) of the Order. However, paragraph W(3) of the Order stipulates that the local planning authority may refuse an application where, in its opinion, the proposed development does not comply with any conditions, limitations or restriction specified as being applicable to the development in question. The parties disagree as to whether the building operations proposed in this instance would fall within the scope of the works permissible under Class Q(b) of the Order.
  7. The proposal relates to a Dutch barn which has been extended using a single storey mono-pitch structure. The structural report<sup>1</sup> submitted describes the Dutch barn as having a steel frame comprising 'I' steel sections and tubular trusses. The main frame of the mono pitch barn comprises steel beams with timber purlins and sheeting rails. In general terms both buildings have profiled steel sheeting to three elevations and are open on the eastern elevation, albeit that there are low level metal sheet doors. The roof of the mono pitch barn is also profiled metal sheeting whereas the curved roof of the Dutch barn is corrugated fibre cement sheeting. The floor for both elements is comprised of soil. It further states that none of the columns have any sort of concrete surround or base plate and it is likely that the posts are concreted into the foundations. No direct comment is made on the nature of the foundations. Nevertheless, the report states that the existing building is in very good condition.
  8. The proposed building operations detailed reflect the conclusion found that the building would be unlikely to perform adequately under a greater load condition. As such, means of supporting additional weight independent of the existing structure would be necessary to secure the structural integrity of the proposed dwelling. Within the mono-pitch barn a new ceiling structure would be supported on perimeter walls of lightweight masonry or timber framing inside of the existing steel frame. A similar approach could be used in relation to the Dutch barn, or alternatively modern insulated composite panels of similar weight to the existing materials might be used. A lightweight first floor within the Dutch barn would be supported by external perimeter walls and lightweight internal partitions. A new concrete floor slab and perimeter foundation would support the upper structure. The new supporting system proposed would rely upon a diaphragm action in the floors and racking resistance within wall panels and would be mechanically tied to the existing frame.
  9. The Council does not dispute the structural information which has been prepared by a qualified engineer, and I have not been provided with any technical evidence to undermine it. Hence, it carries significant weight to show that the proposed development could perform adequately in structural terms. My approach in this regard is generally consistent with that of the Inspector in the appeal highlighted<sup>2</sup>.

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<sup>1</sup> Structural Report prepared by Fairhurst, reference 138678 dated August 2020 & Addendum Structural Engineers Report prepared by Fairhurst, dated July 2021.

<sup>2</sup> Appeal Reference APP/W3330/W/21/3268761, Paragraph 5: Appendix 7, Appellant's Statement of Case

10. Nevertheless, Planning Practice Guidance (PPG)<sup>3</sup> advises that the permitted development right under Class Q assumes that the agricultural building is capable of functioning as a dwelling, clarifying that it is not the intention of the permitted development right in Class Q(b) to allow rebuilding work which would go beyond what is reasonably necessary for the conversion of the building to residential use. In this respect the PPG refers to relevant case law<sup>4</sup> to which I have had regard.
11. The caselaw established that Class Q(b) only permits building operations necessary to convert the building, and therefore if a development does not amount to a conversion, then it fails at the first hurdle, even though the building operations may fall within those listed in paragraph Q.1(i). Furthermore, whether a proposal constitutes a conversion or a rebuild is a matter of planning judgement and the nature and extent of the proposed building operations are a relevant consideration in making that assessment.
12. In this case, from my own observations and the information provided, the following can be deduced. Firstly, it appears that the existing profiled sheet metal cladding to the walls would be replaced<sup>5</sup>, as would the roof covering<sup>6</sup>. Effectively, aside from the existing structural steel frame, new walling would be introduced to the majority of all four elevations and notable areas of new fenestration would be inserted in the currently open eastern elevation. This amounts to a substantial amount of new material.
13. Moreover, in addition to the vertical diaphragms and horizontal systems described in the addendum structural report, internal works would be required to provide appropriate insulation to the walls and roof, as well as providing the first floor and internal partition walls. Although PPG confirms that internal works are not generally development, these contribute to the overall building operations proposed to provide the dwelling in this case. In addition, new mains services and a private drainage system would be provided. Accordingly, taken cumulatively, these works amount to extensive building operations.
14. Furthermore, a new floor slab and perimeter foundations are proposed. The proposed cross section<sup>7</sup> is annotated showing new foundations in addition to the existing pad foundations. The excavation and installation of foundations are not included in the list of permitted operations set out in paragraph Q.1(i) but based on the structural information provided would be necessary to support the totality of the works. In the absence of evidence to show otherwise, this comprises development outside of the scope of development permitted by Class Q of the Order.
15. Consequently, the cumulative extent of the works proposed to facilitate the residential use would be extensive and of such magnitude that they would go beyond what might reasonably be described as a conversion. In practical terms, the proposed development would need to start afresh with only a modest amount of help from the original Dutch barn and mono-pitch building.

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<sup>3</sup> Paragraph 105 Reference 13-105-20180615

<sup>4</sup> *Hibbitt and another v Secretary of State for Communities and Local Government and Rushcliffe Borough Council* [2016] EWHC 2853 (Admin)

<sup>5</sup> Paragraph 5.2(i) Appellant's Statement of case; Recommendations of Structural Report dated August 2020; Plan detail 4295/011 of Existing External Walls, Appendix 6, Appellant's Statement of Case.

<sup>6</sup> Cross section through Dutch Barn, drawing no 4295/010, Appendix 5 Appellant's Statement of Case.

<sup>7</sup> Drawing number 4295/010, Appendix 5, Appellant's Statement of Case

16. In reaching my findings I have paid close attention to the structural reports provided and the opinion given that the existing structure could be converted to residential use. I do not disagree with that conclusion but find that the extent of the works necessary to do so, would fall outside of the limitations of the permitted development in Class Q of the Order.
17. As this turns upon a judgement regarding the extent of building operations in any given case, it is not entirely surprising that outcomes will differ according to the individual circumstances of the relevant building. By comparison, the appeal decision previously mentioned concerned a horticultural glasshouse with a solid concrete floor slab, where it was proposed to retain the glass roof, low-level block walls and majority of glazed side wall panels. Hence, it related to an entirely different type of building and did not propose the same building operations as the proposal before me. Therefore, in this respect it carries little weight in the assessment of the appeal proposals.
18. Accordingly, I find that the development proposed would go beyond building operations reasonably necessary to convert the building in question into a dwellinghouse and as such, would not benefit from the permitted development rights under Schedule 2, Part 3, Class Q(b) of the Order.

### **Other matters**

19. There is no dispute between the parties regarding the matters listed in Condition Q.2(1)(a)-(g) of the Order. Nevertheless, this would not detract from the overall nature and extent of the building operations proposed in this case. Hence these factors would not lead me to find otherwise in relation to the main issue.
20. The site is within the catchment of the Somerset Levels and Moors Ramsar site, a habitat recognised as a European site under the Conservation of Habitats and Species Regulations 2017 (the Regulations) as being of international importance for birds. Phosphate levels, in part arising from residential development are having a negative impact on the integrity of the habitat. Article 3(1) of the Order grants planning permission for the classes of development specified in Schedule 2 subject to Regulations 75-78 of the Regulations. In general terms, where the development is likely to have a significant effect on the integrity of a European site, separate written approval must be obtained from the local planning authority before any development can commence. The appellant questions whether this would be applicable in this case<sup>8</sup>. However, given that I have found the proposal would not be permitted development under the Class of the Order claimed, there is no need to consider this matter further.

### **Conclusion**

21. For the reasons given and based on the evidence presented, I conclude that the proposal is not permitted development within Schedule 2, Part 3, Class Q of the Order. The appeal, is therefore, dismissed.

*Helen O'Connor*

Inspector

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<sup>8</sup> Email dated 11 November 2021





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## Appeal Decision

Site visit made on 22 February 2022

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 February 2022

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**Appeal Ref: APP/R3325/W/21/3283979**

**Woodentop Farm, Ridge Lane, West Coker, Yeovil BA22 9DG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Paragraph Q.2 of The Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
  - The appeal is made by Mr P Richards against the decision of South Somerset District Council.
  - The application Ref 21/02357/PAMB, dated 26 July 2021, was refused by notice dated 9 September 2021.
  - The development proposed is the conversion of an agricultural building into a larger dwellinghouse.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. In my heading above I have summarised the description of development given on the application form.

### Main Issue

3. The main issue is whether the proposal would constitute permitted development under Article 3 and Schedule 2, Part 3, Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended (the Order).

### Reasons

4. In broad terms Article 3 and Schedule 2, Part 3, Class Q of the Order permit the change of use of agricultural buildings to dwellinghouses together with building operations reasonably necessary to convert the building in question. However, Class Q is subject to specified limitations and in addition, requires the developer to first apply to the local planning authority for a determination as to whether prior approval would be required as to the matters set out in Paragraph Q.2(1) of the Order.
5. In relation to applications made under Part 3 of the Order, paragraph W(3) stipulates that the local planning authority may refuse an application where, in its opinion, the proposed development does not comply with any conditions, limitations or restrictions specified as being applicable to the development in question. The refusal reason on the Council's decision notice relates to the

limitation specified in paragraph Q.1(g)(i) of the Order. Paragraph Q.1(g) stipulates that development is not permitted by Class Q if –

*'(g) development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit— (i) since 20th March 2013; or (ii) where development under Class Q begins after 20th March 2023, during the period which is 10 years before the date development under Class Q begins'.* Essentially, the parties dispute whether the proposal would conflict with this limitation.

6. It is highly relevant to my determination that a previous prior approval application for a similar proposal was made fairly recently at the appeal site. This was dismissed on appeal<sup>1</sup> in 2017 as the Inspector concluded that the proposal would not be permitted development under Class Q by virtue of its failure to comply with a similarly worded restriction to paragraph Q.1(g)<sup>2</sup>. He found that development under Part 6 of the Order had been carried out since 20<sup>th</sup> March 2013 and hence, the proposal did not qualify as permitted development under Class Q.
7. The Inspector further found that it was not necessary for the works permitted under Part 6 to be completed. The works in question were groundworks and two steel stanchions with a steel beam connecting them. They were found to be sufficient to constitute a material operation such that development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) had been carried out on the established agricultural unit (hereafter referred to as Part 6 development).
8. The appellant did not, and still does not dispute that the works described took place after 20<sup>th</sup> March 2013. However, following the receipt of the appeal decision he has removed the two stanchions and beam and states that no part of the building constructed under Part 6 now exists. He asserts that as no part of the structure existed at the time of the current application, development under Part 6 had not been carried out. He concludes that therefore, the proposal before me would not be contrary to paragraph Q.1(g)(i) of the Order.
9. However, I am unable to agree with the appellant's interpretation for the following reasons. Firstly, there is no dispute as to the fact that works did take place under the requisite sections of Part 6 on the established agricultural unit since 20<sup>th</sup> March 2013. The occurrence that they were subsequently removed is an additional fact but does not negate the first fact that the development happened. Therefore, on a straightforward interpretation of the wording of paragraph Q.1(g)(i), and consistent with the findings of the previous Inspector, despite subsequent events, it remains the case that development under Class A(a) or Class B(a) of Part 6 of this Schedule (agricultural buildings and operations) has been carried out on the established agricultural unit since 20<sup>th</sup> March 2013.
10. There is no exception or further qualification made in this wording to restore rights permitted under Class Q should the disqualifying development under Part 6 be subsequently removed. Nor am I aware that I have any discretion to read additional meaning into the specific wording of the Order.

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<sup>1</sup> Reference APP/R3325/W/17/3173237

<sup>2</sup> At that point the relevant section was Paragraph Q.1(f)

11. My approach is reinforced when the remainder of paragraph Q.1(g) is read. Paragraph Q.1(g)(ii) indicates that provision is made for development under Class Q where development under Part 6 has been carried out but only with the passage of considerable time.
12. Furthermore, I find nothing to support the appellant's approach in the Planning Practice Guidance<sup>3</sup> that explains the limitations to the change to residential use permitted by Class Q. It states that the Class Q rights cannot be exercised where works to erect, extend or alter a building for the purposes of agriculture under the existing agricultural permitted development rights have been carried out on the established agricultural unit since 20 March 2013, or within 10 years before exercising the change to residential use, whichever is the lesser.
13. The deemed permission granted by Class Q of the Order is subject to the criteria listed in paragraph Q.1. Notwithstanding that the proposal may meet other criteria in paragraph Q.1, it is necessary to meet all of the applicable requirements for the proposal to qualify as permitted development. Accordingly, I find that the circumstances presented would mean that the proposal would fall outside of the scope of the development permitted under Class Q of the Order by virtue of the terms of paragraph Q.1(g)(i).

### **Conclusion**

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

*Helen O'Connor*

Inspector

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<sup>3</sup> Paragraph: 106 Reference ID: 13-106-20180615