

Officer Report On Planning Application: 16/00381/S73

Proposal :	Removal of condition 1 (occupancy) attached to 13/03252/S73A (GR:365434/131408)
Site Address:	Grove Farm Quarry Lime Kiln Lane Pitcombe
Parish:	Pitcombe
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	24th March 2016
Applicant :	Mr R Comer And D York
Agent: (no agent if blank)	
Application Type :	Minor Dwellings 1-9 site less than 1ha

This application was considered in May by Area East Committee at which time Members determined to defer the application to seek additional information regarding the applicant's business case and the financing of business plans. May's committee report is attached as an appendix to this report, for information.

The applicant has submitted a business case that generally repeats much of what was said by them at the last committee meeting that had impressed Members to defer the item. The document states that the applicant operates the two quarries, at Hadspen and Keinton Mandeville. The business's financial history shows sales between 2013 and 2015 to have doubled, and projected sales to have doubled again in 2017.

It is anticipated that 5 new staff would be needed in the next two years while the extra equipment for the increased production is realised by the additional borrowing raised by their home not having an unrestricted occupancy. Their figures indicate a minimum of £110,000 that could be accessed, facilitating expansion of the business in the immediate future.

Having considered the additional information, it is recognised that the quarry occupancy condition would eventually cease to have a purpose with no reason to retain its presence. While the Officer's report (below) was concerned that the potential sale of the family home, separating it from the workings, could give rise to amenity concerns in-turn bringing about pressures on the quarry operations: in effect the applicant has a greater urgency to access investment than to sell off the family home. Importantly in removing the occupancy condition that is associated with this quarry use the action is considered would have few repercussions for other occupancy condition related sites.

On the basis of the additional information the Officer recommendation is now to approve removal of condition 1 attached to 13/03252/S73A. The Decision Notice would be issued re-attaching the following condition:

- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), there shall be no extensions to this building, and no outbuildings or other structures erected within the residential curtilage without the prior express grant of planning permission.

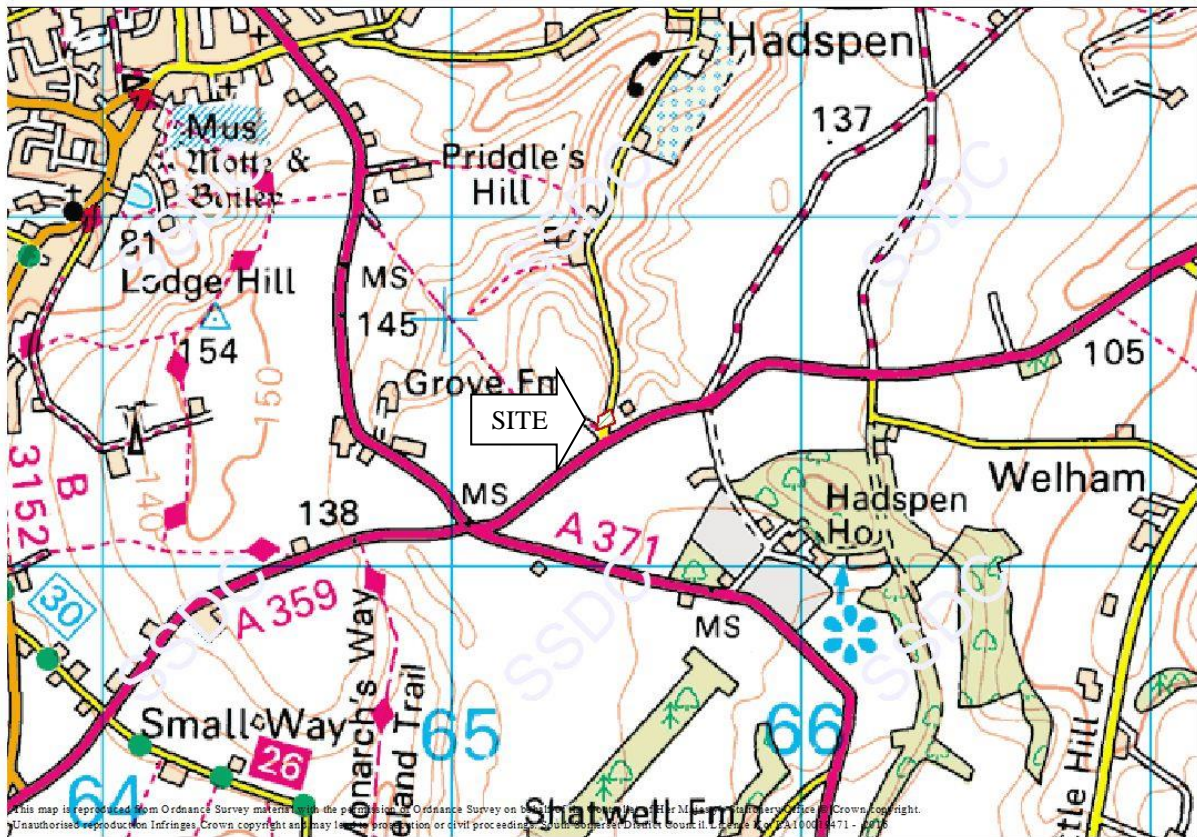
Reason: To safeguard the character and appearance of the building to accord with Policy EQ2 of the South Somerset Local Plan.

APPENDIX: A

REASON FOR REFERRAL

This application is referred to the committee at the request of the Ward Member with the agreement of the Area Chairman to enable local concerns to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The application site is located adjacent to the A359 near Hadspen. The site is located outside of the development area and has a lawful use as a quarry. The front section of the site contains the worked out quarry in which stands the dwelling house originally approved under application 07/04546/FUL. A later permission ref: 13/03252/S73A permitted variation of the occupancy condition (2) attached to the 2007 permission re-issuing condition 2 as condition 1 of 13/03252/S73A that is now proposed to be removed.

Condition 1 reads:

'The occupation of the dwelling hereby approved shall be limited to a person, or persons, solely/mainly working or last working in the adjacent quarry and to any resident dependants or relatives.

Reason: The Local Planning Authority would not have been prepared to grant planning permission but for this special need to accord with policy ST3 of the South Somerset Local Plan.'

HISTORY

13/03248/FUL - Conversion of sub-floor void area into annexe, Approved.

13/03252/S73A - Vary condition 2 (occupancy condition) of planning permission 07/04546/FUL to allow habitation of dwelling to those other than dependents, Approved. OFFICER Note: This is the condition quoted above and the additional wording was: 'and to any resident dependants or relatives'.

12/02562/NMA - Application for a non-material amendment to planning permission 07/04546/FUL for the removal of dormers and change of roofing materials (Retrospective), approved.

11/03337/NMA - Application for a non-material amendment to planning permission 07/04546/FUL for alterations to porch, doors and windows – Approved.

07/04546/FUL - Erection of quarry managers workplace/ home and change of use of land from agricultural to domestic curtilage, Approved.

07/001705/FUL - Erection of dwelling house for Quarry Manager, formation of new vehicular access and change of use of land from agricultural to domestic curtilage, Approved.

07/01623/CPO (Consultation with County Planning) - Proposed 0.3 hectare extension to allow further building stone extraction and new access road, Approved.

04/03514/CPO (Consultation with County Planning) - Extension of quarry into adjoining land and retention of existing quarry infrastructure to service the extension, Approved.

96/02208/CPO (Consultation with County Planning) - The continued use of quarry for the extraction of building stone, Approved.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

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

HG10 - Removal of Agricultural and other Occupancy Conditions, reads:

'Planning permission for the removal of a restrictive occupancy condition for an agricultural, forestry or other similar worker on a dwelling will only be given where it can be evidently shown:

- That there is no longer a continued need for the property on the holding or for the business,
- There is no long term need for a dwelling with restricted occupancy to serve local need in the locality,
- The property has been marketed locally for an appropriate period (minimum 18 months) at an appropriate price and evidence of marketing is demonstrated.'

EQ2 - General development

Regard shall also be had to:

National Planning Policy Framework - March 2012

Paragraph 123

National Planning Policy Guidance

Other Relevant Documents

Somerset Highways Standing Advice - June 2015.

CONSULTATIONS

Pitcombe Parish Council had no objections or observations to make on it.

County Highway Authority - No objection

REPRESENTATIONS

None

CONSIDERATIONS

Principle of Development:

The applicant's Planning Statement is noted however their case simply reiterates the purpose for why there is planning support for occupancy conditions, to quote: 'It is generally accepted that property and land values with occupancy conditions are somewhat in the region of at least a third less than they would have been without the restriction'. Isn't this the purpose for the imposition of an occupancy condition; the approach, as already stated, that is criticised by the applicant, is considered the basis for an occupancy condition that is fully supported in planning terms. There can be no weight given to the applicant's argument for removal of the occupancy condition.

Policy HG10 is the applicable policy approach that offers a clear policy context in considering the removal of occupancy conditions. The application fails to address the policy requirement. The planning statement is also clear that there is no intention of marketing the property on the basis that they want to continue to occupy the dwelling.

The occupancy condition was originally attached by Area Committee. Members at the time considered that a case had been made to support a dwelling in that there was a proven need and that the application satisfied the criteria for an occupational dwelling for a quarry worker. With this established and that we are dealing with a planning permission that dates from 2007, but more importantly there is continuing quarrying activities, it is considered that in this instance there is no reason not to adhere to the local plan policy framework. There are no other material circumstances brought forward or engaged by the current application to relax the approach taken by Policy HG10 that requires the submission of a marketing appraisal. On the basis that the application fails to provide any marketing appraisal evidence there can be no 'in principle' support.

Other Matters:

Removal of the occupancy condition is considered would not have any negative impact on character and appearance, or highway safety, however there would be a potential residential amenity concern in the event the dwelling was separated from the on-going quarrying activity.

RECOMMENDATION

Refuse to remove condition

Reasons for Refusal:

01. The applicant has failed to demonstrate that the restricted occupancy dwelling is not needed to meet the needs of the quarrying business. No marketing for a reasonable period of time has been undertaken or submitted contrary to policy HG10 of the South Somerset Local Plan 2006- 2028.
02. Loss of the occupancy condition would result in a dwelling whose potential occupancy was unconnected to the adjacent quarrying activity that introduces residential amenity concerns that would be to the detriment of the long term quarrying business contrary to Policy EQ2 of the South Somerset Local Plan 2008- 2028 and paragraph 123 of the National Planning Policy Framework.

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
 - offering a pre-application advice service, and
 - as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions.