

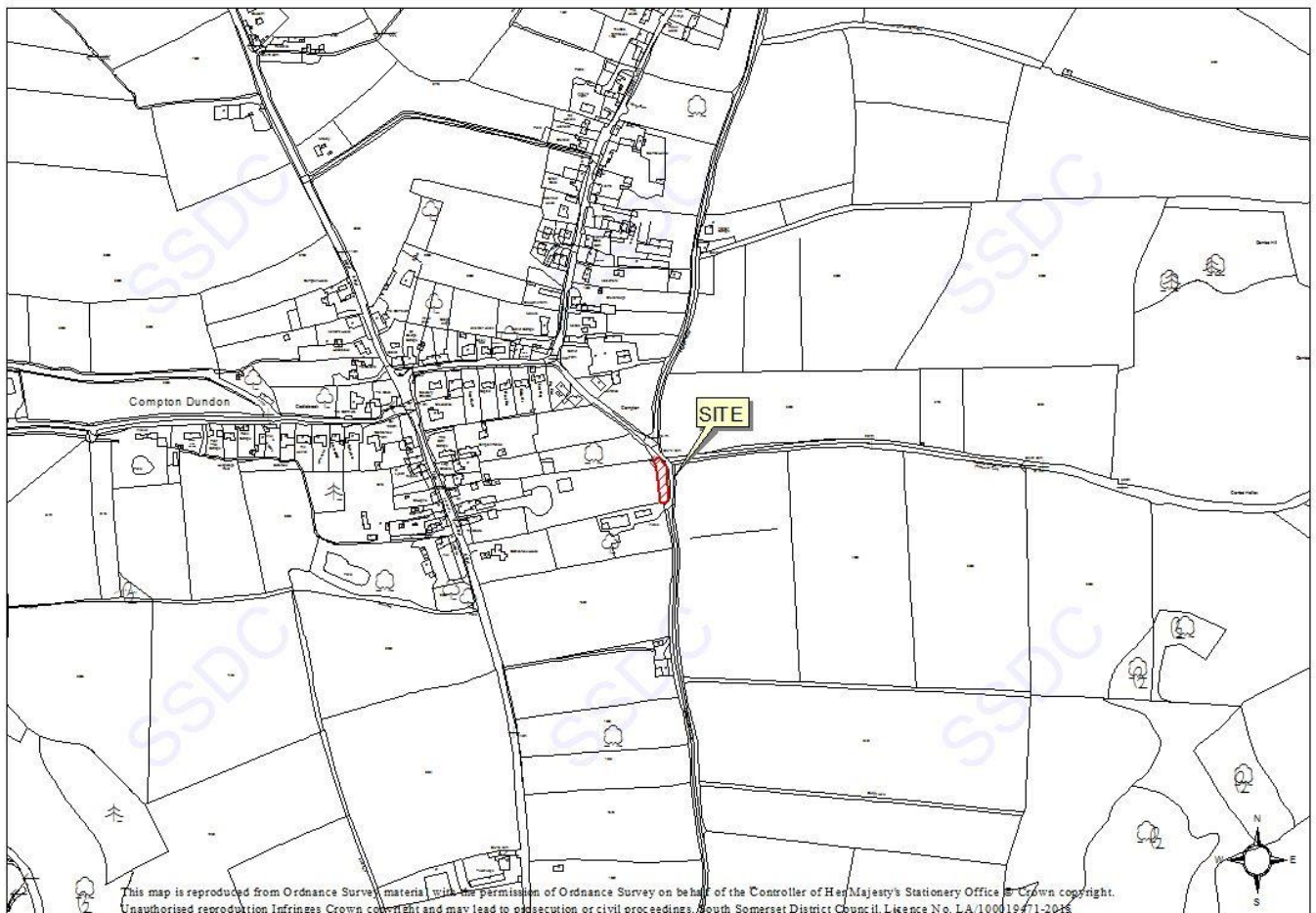
## Officer Report On Planning Application: 16/04723/FUL

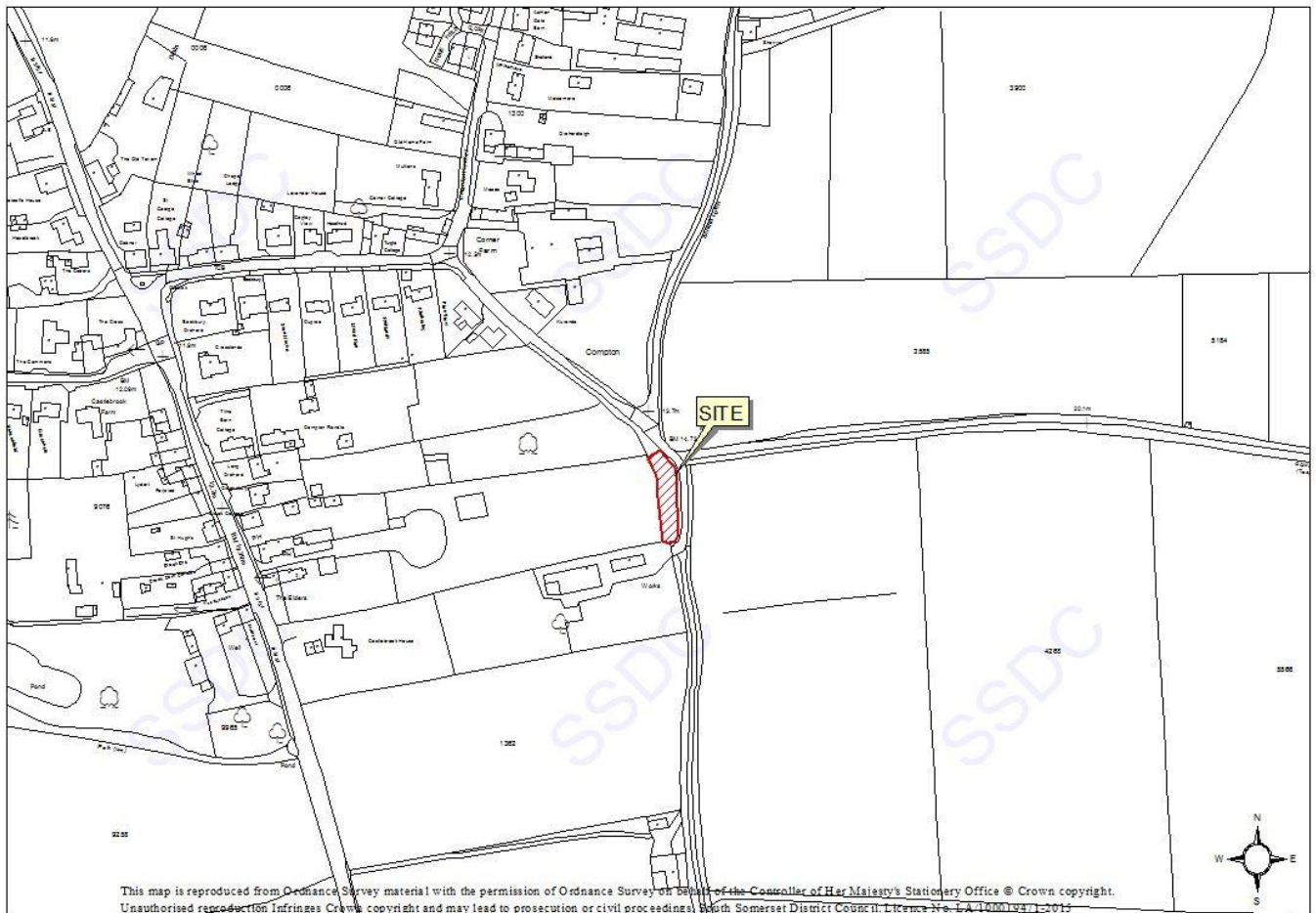
<b>Proposal:</b>	Erection of a single residential dwelling with onsite parking & turning.
<b>Site Address:</b>	Land At Junction Of Behind Town, Touch Lane, Compton Dundon.
<b>Parish:</b>	Compton Dundon
<b>WESSEX Ward (SSDC Members)</b>	Cllr S Page Cllr D Ruddle
<b>Recommending Case Officer:</b>	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
<b>Target date:</b>	29th December 2016
<b>Applicant:</b>	Mr C Swain & S Morris
<b>Agent: (no agent if blank)</b>	Amanda Hiley, Peter Golden Designs LLP, 62 Vestry Road, Street BA16 0HX
<b>Application Type:</b>	Minor Dwellings 1-9 site less than 1ha

### REASON FOR REFERRAL TO COMMITTEE

The application has been referred to Area North Committee at the request of the Ward Members and with the agreement of the Area Chair to enable the local views to be considered further as part of a full debate.

### SITE DESCRIPTION AND PROPOSAL





This application is seeking full planning permission for the erection of a single dwelling house and associated parking and turning.

The application site comprises a thin sliver of agricultural land that is enclosed by post and rail fencing and hedging and includes a number of mature trees growing around the periphery, three of which are now protected by a provisional Tree Preservation Order. At the time of visiting the site the grass had been mowed and there was evidence of works carried out to the vegetation that gave the site a slightly manicured appearance. The site is accessed off a public right of way (Restricted Byway L 7/12), which is a roughly made up track that also provides access to two neighbouring properties to the south, and which in turn is accessed via Compton Street, a narrow, single track lane.

## RELEVANT HISTORY

None.

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states 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)

SD1 - Sustainable Development

SS2 - Rural Settlement

HG4 - Provision of Affordable Housing - Sites of 1-5 dwellings

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EQ2 - General Development

EQ4 - Biodiversity

EQ5 - Green Infrastructure

National Planning Policy Framework:

Part 4 - Promoting sustainable transport

Part 7 - Requiring good design

Part 10 - Meeting the challenge of climate change, flooding and coastal change

Part 11 - Conserving and enhancing the natural environment

## CONSULTATIONS

**Compton Dundon Parish Council:** Recommend approval.

In relation to the imposition of the provisional Tree Preservation Order, we do not consider the trees in question to be significant and Councillors are happy with the remedial action proposed by the applicants. We also have concern regarding danger to the public and neighbouring property from the diseased tree.

**County Highways:** Referred to their standing advice

**SSDC Highway Consultant:** Consider sustainability (transport issues - accessibility and connectivity). The traffic impact of the development on the local highway network is unlikely to be severe. The means of access appears to derive from a private track. Ensure sufficient on-site car parking is provided in-line with the Somerset Parking Strategy standards.

**County Rights of Way:** Raised no objection but made the following observations.

There is a public right of way (PROW) that runs along the access to the site (restricted byway L 7/12). The health and safety of walkers and horse / horse riders must be taken into consideration during works to carry out the proposed development. SCC has maintenance responsibilities for the surface of the restricted byway only to a standard suitable for pedestrians and horse riders and will not be responsible for putting right any damage to the surface of the PROW as a result of the development. It is an offence to drive a vehicle along a restricted byway unless the driver has lawful authority (private rights) to do so.

**SSDC Rights of Way:** (Verbal comments) The public right of way that the site gains access via is a Restricted Byway, unaware of any legal restrictions with regard to the proposed access.

**County Archaeology:** No objections.

**SSDC Arborist:** Objects. It appears that there has already been some tree felling on-site. Further loss of trees on this site is not acceptable and it has been considered necessary to serve a Tree Preservation Order. The proposal appears to lack appropriate arboricultural input, the parking spaces and dwelling shown in close proximity to the trees to be retained seem likely to cause significant damage to the tree root systems. As the proposal currently stands I am obliged to object on the basis the proposal is contrary to the Council's aims to preserve existing landscape features, in accordance

with policies EQ2, EQ4 and EQ5.

**SSDC Ecology:** No comments received

**SSDC Landscape Officer:** Objects.

The plot lays at the immediate edge of a local lane and is a minor part of the small field network at the margins of the village, which both buffers the village from the wider agricultural field pattern and characterises the village edge. Whilst there is a singular residence to the south, that does not create a residential context on which to base further development, and the position of the house forming an immediate frontage on to the lane is very urban in appearance and intrusive at the highway's edge, contrary to the enclosed character of the bounding hedgerows. I therefore view this proposal as being at variance with local character and contrary to LP policy EQ2.

## REPRESENTATIONS

Written representations have been received from 7 separate households raising the following objections:

- Over-development of this part of the village.
- Concerned this could lead to further similar applications being made.
- Not needed, there are already sufficient new builds being constructed or planned in the village to make this application irrelevant on the grounds of need.
- Will set a dangerous precedent with significant implications for the rest of the village.
- Outside the development area for the village.
- This is in the open countryside.
- The supporting letters mention the personal circumstances of the applicants however it is understood that personal circumstances cannot be considered.
- There have been several similar applications that have been refused recently.
- Was in agricultural use until 3 years ago when the site was cleared prior to making this application.
- There will be no benefit to economic activity, it will foster the growth in the need to travel, not maintain or enhance the environment, not protect the countryside. It is remote from adequate services.
- Contrary to the rural character of this locality.
- Will spoil this beautiful edge of village location.
- Poorly related to the village, will obtrude into the countryside and be at variance with the established local pattern of development.
- Over-development of the site. The proposed development is out of proportion to the size of the plot and out of keeping with the rest of the village.
- There is very little garden to the front or rear of the proposed house. The visual effect of the property will be very overbearing and have an unacceptably high impact on the open aspect of this edge of the village. The adjacent property (Coombe Springs) is set well back from the restricted byway.
- The four large trees that surround the land make a huge significant difference to the landscape, contrary to the Parish Council's views.
- The view from Coombe Springs will be dominated by the new building.
- The site has only ever been used to keep pigs.
- The number of recent developments permitted that rely on this small lane has reached its limit.
- Increased traffic along this single track lane. There is limited visibility along these lanes from existing properties towards the proposed dwelling and the potential increase in traffic may pose a safety issue.

- This is a beautiful part of the village enjoyed by walkers, horse riders and campers from the pub.
- Flooding has got worse over the years on this lane and the worst place is where the applicants want to build. A number of ditches converge at this point and feed into a stone culvert 10 feet from their front gate and simply cannot take the growing amount of water and regularly overflows. The surrounding properties are all elevated compared to this land. The lane can sometimes be like a river.
- The application states it is not within 20m of a watercourse, which it clearly is. The applicants have said they intend to dispose of surface water runoff into existing watercourses which is a contradiction. Following heavy rain this area floods severely to the extent that the road becomes impassable.
- The applicants say that they have been using this plot as an amenity garden, I do not recollect a change of use being applied for.
- We pass the land every day to get to our own property and dispute the applicant's assertion that they visit the site every day.
- Concerned that the byway could be blocked by delivery vehicles and construction vehicles which will be unacceptable.
- There is insufficient room for vehicles to turn and park which could lead to the displacement of parked vehicles on to the restricted byway or vehicles reversing out contrary to highway safety
- There are large trees that surround the proposed dwelling and which will cause apprehension and excessive shading, it is likely that future residents will resent these trees leading to demands for severe pruning or felling
- Increased light pollution
- Harm to the tranquillity and character of the area.
- Due to the position of the proposed house it will take away the glorious view of Coombe Hill Wood from the garden of the Castlebrook Inn.

Written representations have been received from 14 separate households expressing support for the proposal:

- Support this family home.
- Location is ideal. This is a vacant piece of land that otherwise would go to waste. The applicants have worked very hard to keep the plot tidy and well managed compared to how it used to look.
- The site is not separated from the village and is adjacent to other properties.
- The village needs younger couples like this to keep it thriving and sustainable.
- We are encouraged to self-build by the government.
- There have been a number of applications granted recently that are within close proximity to the site.
- The applicants are of excellent character and would be a real asset to the local community. They will be good neighbours and keep their property in tiptop condition.
- The applicants have strong ties to the village, living here meets their requirements.
- The application is not for personal gain but for a functional family home that will be close to work and family who have lived here for many years.
- The proposal carefully considers its environment and neighbours.
- The new dwelling sits well with the neighbouring property and looks uniformed and in keeping with the surrounding residential properties.
- I understand that other such permissions have recently been granted within the vicinity.
- Living in the village we appreciate the need for more houses here, especially affordable smaller properties. There is a severe shortage of houses in the village to meet current needs.

## CONSIDERATIONS

This application is seeking planning permission to erect a detached dwelling.

### Principle:

Compton Dundon is a small rural village which benefits from a number of local facilities including a public house, church, village hall and recreation ground and on this basis is accepted as a Rural Settlement / Policy SS2 settlement.

At present SSDC is unable to demonstrate a five-year housing land supply, in such circumstances paragraph 49 of the NPPF states that relevant development plan policies for the supply of housing, such as policy SS2, should not be considered up-to-date. Subsequent case law, High Court decision (Woodcock Holdings Ltd), concludes that appropriate weight can be attached to 'out-of-date' housing supply policies when considered in the 'planning balance' of whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits.

In this instance Compton Dundon is considered to be an acceptable location for a modest level of growth provided that the scale and nature of the development accords with the character of the settlement and its context. Whilst the proposal is modest in scale, due to its position and constrained nature the residential development of this site is considered to be contrary to the existing pattern of development of the area and to be intrusive and out of keeping with the rural character of the locality and local landscape. This is further exacerbated by the likely harm that would arise from the development to a number of protected trees that are within the site.

The applicant has stated that the proposed dwelling is sought for their own family home, that Mr Swain has been renting a house in the village for a number of years and that they have been looking for a suitable home in the village that would meet the applicants' combined family needs and which they can afford. They have noted that this is a good location for Mr Swain in regards to his work and that Ms Morris has a strong local connection with family living locally and that she helps on the family farm in Littleton and also works locally in Somerton.

Whilst the applicants' personal desire to live in the village, based on these personal circumstances, is understandable it is not considered to amount to a demonstrable special need for a dwelling in this location that might then outweigh other material considerations. It is recognised that the applicant has stated that they do not intend to sell the property on, however, as an open market property there would be nothing to prevent this from happening in the future and so the development must be treated the same as any other open market residential development scheme.

There has been considerable public interest in this application and it is noted that a number of members of public have remarked that the government have expressed support for promoting more self-builds. Whilst this may be the case, at present there are no specific planning policies that make any special concessions for self-builds and as such the usual planning policy considerations should be applied.

Due to the modest scale of this proposal the contribution it will make towards the district's housing supply is limited, equally only very limited weight can be afforded to the applicants' personal desire to live in this location. It is further acknowledged that there will be some economic benefit arising from employment during the construction phase of the development, however, as this will only last for a short period of time, only limited weight should be attributed to this benefit. Conversely, the resulting harm to visual amenity and local character will be substantial and permanent, and is contrary to LP policies SS2 and EQ2, and therefore attracts great weight and is considered to outweigh the limited benefits that the development offers. As such the principle of the development is considered to be unacceptable.

### Visual amenity / Landscape character

The location of the site is divorced from the built core of the village and in a village margin position where the settlement edge peters out in to the countryside and acts as a soft buffer between the village and the countryside beyond. The delineation between the village and the countryside can also be interpreted as being marked by the change from adopted highway to green drove, i.e. at the northern end of the site. Whilst it is acknowledged that there is residential form to the south, it is not considered that this creates a residential context on which to consolidate further development. It is further noted that two new build developments have been permitted recently a short distance to the north, however, these immediately adjoin the built core of the village and address the public highway and so are also not considered to set any form of precedent for the current site.

The long thin shape of the plot makes for a constrained site that does not naturally lend itself to the accommodation of a dwelling. This shape means the house has to be positioned close to the frontage and alongside the drove, adding to the urban appearance of the development and leading to an intrusive presence at the edge of the drove. Such an arrangement will be contrary to the prevailing character of Compton Street and adjoining drove which is one of enclosure by the bounding hedgerows.

There is evidence that a certain amount of site clearance and tidying has taken place on site recently. The Council's Tree Officer has raised an objection to the loss of any further trees on the site and has served a Tree Preservation Order on the three remaining mature trees, one at the northern end of the site by the proposed parking area and two towards the southern end of the site (one of these trees is identified for removal on the plans and the other to be cut back). No arboricultural assessment has been provided with the application and the Tree Officer is of the view that due to the proximity of the parking spaces and dwelling to the protected trees that the proposal is likely to cause significant damage to the trees' root systems. The loss of trees on this prominent site where it is open to public view from the adjacent lane and drove is considered to be unacceptable and to further exacerbate the over-development, urbanisation and character concerns raised above.

In terms of design, the dwelling is fairly underwhelming and has the appearance of a bulky bungalow. The use of velux cabrio balcony in the front roof slope however is considered to be an alien feature that is at odds with the more traditional character of development in Compton Dundon and therefore unacceptable. If it was not for the proposed balcony velux however it would be difficult to object on the grounds of general design of the dwelling.

For these reasons the proposed development is considered to be contrary to the requirements of LP policy EQ2 and to be unacceptable from a landscape and visual point of view.

### Residential amenity

The position of the dwelling, its one and a half storey height, lack of any first floor openings in the southern elevation and distance of the dwelling from the boundary with the nearest neighbour to the south is such that the proposal is not considered to give rise to any significant residential amenity concerns.

### Highway safety

The highway authority has referred to their standing advice which sets out a minimum on-site parking requirement of 2.5 parking spaces plus additional space for on-site. The applicants have indicated that 3 parking spaces would be provided with some space for turning, albeit turning would be awkward and require more than one turning manoeuvre. On the submitted block plan it has been stated that there would be visibility splays of 43m in either direction however it has not been shown how this would be achieved without resulting in the newly planted front hedge and existing fencing being significantly disrupted.

Given that the access gives on to the drove, which is only very lightly trafficked, the awkward turning

arrangements and potentially restricted visibility in a southerly direction are not considered to represent a significant highway safety issue. There is a public right of way that also passes along the drove and so it is likely to be used frequently by walkers, cyclists and horse riders. The nature and condition of the drove and the proposed access are such that drivers accessing and egressing the site would realistically be travelling very slowly and exerting a suitable level of caution, especially as future occupiers will be aware of the possibility of the different types of users passing by their access. For these reasons the proposal is not considered to give rise to any substantive highway safety concerns.

#### Drainage / flooding

It has been noted by a number of local residents that surface water runoff often collects to the front of the site at times of heavy rainfall with the adjacent culvert often overflowing into the drove and lane. Whilst this may be the case the site is raised up slightly above the level of the drove and lane and there has been no suggestion or any evidence provided to indicate that the site itself is affected by flooding. The site is not located within a defined flood risk area and as such there is nothing to substantiate that this development would be at risk of flooding or put other properties at increased risk of flooding.

#### Ecology

There are no identified ecological concerns in relation to this proposal.

#### Summary

Due to the modest scale of this proposal the contribution it will make towards the district's housing supply is limited, equally only very limited weight can be afforded to the applicants' personal desire to live in this location and any economic benefits arising from employment during construction. The resulting harm however to visual amenity and local character, as set out above, will be substantial and permanent and is contrary to LP policies SS2 and EQ2 and are considered to attract great weight and to outweigh the limited identified benefits. The development is not therefore considered to accord with the principles of sustainable development and is recommended for refusal.

### **RECOMMENDATION**

Refuse consent for the following reason:

The proposed development, by reason of its siting, layout and design, is considered to be an unjustified and inappropriate form of development that is contrary to the existing pattern of development in the area and intrusive and out of keeping with the rural character of the locality and the local landscape. Furthermore, the development is likely to cause significant harm to a number of trees within the site that are considered to make a positive contribution to the amenity of the area and are protected by Tree Preservation Orders. The development is therefore considered to be contrary to the aims and objectives of policies SD1, SS2, EQ2 and EQ5 of the South Somerset Local Plan and the provisions 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 there were no minor or obvious solutions to overcome the significant concerns caused by the proposals.