

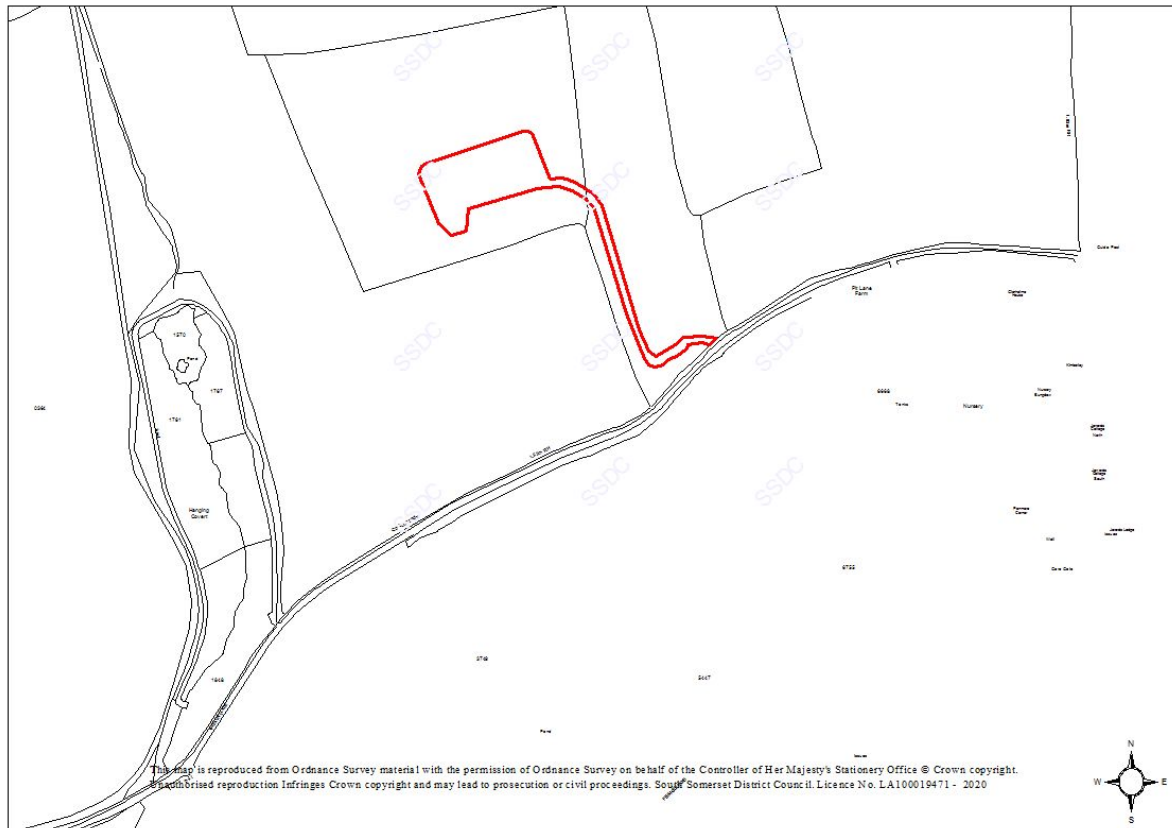
Officer Report on Planning Application: 20/00231/FUL

Proposal:	Change of use to land for the siting of a proposed tipi for cafe/farm shop.
Site Address:	Lavender Keepers, Great Pit Lane, Rimpton
Parish:	Rimpton
CAMELOT Ward (SSDC Member)	Cllr M Lewis
Recommending Case Officer:	Trudy Gallagher Tel: 01935 462462 Email: planningcaseteam@southsomerset.gov.uk
Target date:	13th April 2020
Applicant:	Mr & Mrs Hull
Agent: (no agent if blank)	Mr Edward Dyke Agriculture House Market Place Sturminster Newton DT10 1AR
Application Type:	Minor Other less than 1,000 sq.m or 1ha

Reason for Referral to Committee

This application is referred to the Area East Committee by the Chair, following supportive comments from the Parish Council, two local residents and a ward member to the contrary of the officer recommendation below.





SITE DESCRIPTION AND PROPOSAL

The site is located in open countryside to the north west of Sandford Orcas and comprises an agricultural field containing a large agricultural barn which is served by a hardcore track leading from the vehicular access in the south east corner of the site off Great Pit Lane. A large area of hardstanding surrounds the barn and part of the barn has been granted planning permission to be converted into a butchery unit, charcuterie unit, fridge and freezer unit (Use Class B2).

The site slopes down from the road to the south with the area directly around the barn having been engineered to provide a large flat platform. The building is relatively well shielded from views from the south and west by a high bank and mature trees along both these elevations of the building. From the platform are far reaching views of the countryside beyond from east to west.

This application seeks permission for a seasonal tipi from which a farm shop and small café is proposed to operate, with around 70% of the floor space proposed for the shop use, however this is flexible as no floor plan has been submitted. The tipi is stated to have a maximum footprint of 132 sqm and a maximum height of 7.7m within the planning statement, however the plans appear to be a different scale, with the tipi shown being approximately 18m in height. The tipi will be in situ between April and October, and then removed and stored away during the winter months. With the recent establishment of the butchery and charcuterie units, the shop and café is intended to sell pork produce, seasonal flowers, vegetables and baked goods produced at the site, as well as other local produce sourced off site.

HISTORY

19/03363/COU - Change of use of part of agricultural building to house butchery unit, charcutery unit, fridge and freezer unit (Use Class B2). Application permitted with conditions - 17/02/2020

17/04176/FUL - Siting of 1 no. mobile home for agricultural worker (temporary dwelling) and alterations to access (part retrospective). Application permitted with conditions.

15/05159/FUL - Erection of temporary dwelling. Application refused 19/01/2016 - Appeal dismissed 13/10/2016.

15/04685/FUL - Erection of temporary dwelling. Application withdrawn.

15/02666/AGN - Notification of intent to erect a steel framed agricultural building for housing equipment and feed and laying of hardcore track. Permission not required.

15/02042/AGN - Notification of intent to erect a steel framed agricultural building for housing equipment and feed and laying of hardcore track. Prior approval required.

POLICY

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

For the purposes of determining current applications the local planning authority considers that the adopted development plan is the South Somerset Local Plan (2006-2028). On this basis the following policies are considered relevant:-

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy EP4 - Expansion of Existing Businesses in the Countryside

Policy EP5 - Farm Diversification

Policy EQ2 - General Development

Policy EQ7 - Pollution Control

Policy TA1 - Low Carbon Travel

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

National Planning Policy Framework

6 - Building a strong competitive economy

11 - Making effective use of land

12 - Achieving well designed places

National Design Guide 2019

CONSULTATIONS

PARISH COUNCIL - Resolved to support the application but wish to draw attention to the following concerns and abnormalities:

1. The answer to Question 22 on the Application Form needs to be corrected.
2. The application appears to contradict Condition 5 of consent 19/04363/COU.
3. The paperwork for 20/03363/FUL and 15/02666/AGN suggests that the proposed tipi would be higher than the barn and dominate the site but the applicant has given assurances that this would not be the case.

COUNTY HIGHWAY AUTHORITY - Objection. The applicants have provided visibility splay drawings which address my previous concerns on this subject.

However, whilst the applicant may be able to achieve appropriate visibility splays my previous comments regarding the nature of the approach road (Great Pit Lane)- size, passing places, forward visibility and alignment still stand and therefore I continue to recommend refusal as the approach roads by reason of their restricted width and poor alignment, with limited forward visibility, are considered unsuitable to serve as a means of access to the proposed development. The proposal is therefore contrary to Section 9 of the National Planning Policy Framework (NPPF) and Policy TA5 of the South Somerset District Local Plan (adopted March 2015).

HIGHWAY CONSULTANT - Somerset County will provide comments as the Highway Authority.

ENVIRONMENTAL PROTECTION - No comments received.

REPRESENTATIONS

Two letters of support have been received making the following points:

- We should all do what we can to help responsible farmers
- Have visited their farm and it is clean, well-kept and the animals are happy and relaxed
- Not easy for small farmers to make a living
- Meat from the farm is high quality, natural and delicious
- Viewed from our village, Rimpton, in the valley below, the tipi will break up the current sight (albeit distant) of the large barn, thus it will be an improvement. There is a dip between the barn and the vegetable growing area and tipi so that any cars parked will not be seen from the valley below.
- Farmers are young entrepreneurs and should be encouraged

CONSIDERATIONS

PRINCIPLE OF DEVELOPMENT

Paragraph 83 of the NPPF states 'planning policies and decisions should enable:

- a) The sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) The development and diversification of agricultural and other land-based rural businesses'.

Policy EP5 (Farm Diversification) of the South Somerset Local Plan is also relevant, which states the following:

Proposals for development for the purpose of farm diversification within established agricultural holdings will be permitted if they comply with the following criteria:

- The character, scale and type of proposal is compatible with its location and landscape setting;
- A development will not be allowed to proceed unless it can be demonstrated that it will not result in any adverse impacts to the integrity of Natura 2000 sites and other national and international wildlife sites and landscape designations;
- They form part of a comprehensive farm diversification scheme and are operated as part of a viable farm holding and contribute to making the holding viable;

- Appropriately located existing buildings should be re-used where possible; and
- Where new or replacement buildings are required, the proposal is in scale with the surroundings and well related to any existing buildings on the site.

The agricultural enterprise is fairly new as it began in 2015, however it has expanded since and is considered to be well established for the purposes of EP5. The seasonal nature of the tipi, which will be removed during the winter and could be subject to a condition requiring it to be removed permanently once it is no longer required, means that it meets the criteria within policy EP5, as it would have only a temporary, small impact on the landscape and the negligible impact on wildlife. The shop would clearly support the viability of the enterprise as they would be able to sell more of their own produce directly from the site, and the tipi is located close to the existing building on site and is considered to be well related. It should also be noted that the existing building is not suitable to be reused as a farm shop and café as it is already well used as part of the agricultural business.

As such, it is considered to be an acceptable use that would support the rural economy, in line with meaning of the aims and objectives of the NPPF and Policy EP5 of the South Somerset Local Plan, and is therefore acceptable in principle.

VISUAL AMENITY/ LANDSCAPE CHARACTER

The proposal is to be sited within on the existing hardstanding area adjacent to the existing building and, provided the measurements within the planning statement are correct, a height of 7.7m is not considered to cause any demonstrable impact on visual amenity or the wider landscape character. However, the submitted plans show different measurements, with the tipi being in excess of 18m in height. It is therefore difficult to assess whether the proposal complies with policy EQ2 of the South Somerset Local Plan.

If this discrepancy was the only refusal reason, then a revised plan could have been requested, however given the objection from the Highway Authority (see below) it was not considered reasonable to request amended plans whilst still recommending refusal.

RESIDENTIAL AMENITY

The site is in a remote location and there are no immediate residential properties. The Environmental Protection officer has raised no objection to the proposal. On this basis it is not considered that it would harm the local residential amenity and is considered to comply with policy EQ2 of the South Somerset Local Plan.

HIGHWAY SAFETY

During the course of the application, revised plans were considered to address concerns raised by Somerset County Council, who are the Highway Authority at this location. This revisions demonstrated that the access point of the site on Great Pit Lane has adequate visibility and adequate parking can be achieved within the site however they were unable to overcome the other concerns raised.

The site is approximately 0.9 miles along Great Pit Lane from the junction with the B3184. Great Pit Lane is a classified highway which is rural in nature and of single car width with limited passing places, most of which are ad-hoc and non-consolidated. The proposed farm shop and café will intensify the use of Great Pit Lane and the Highway Authority has confirmed that this would be highly likely to result in vehicle conflict due to the nature of the highway and the limited passing places, with the width, alignment and topography of Great Pit Lane limiting forward visibility for those travelling in vehicles. There is also high potential for conflict between large vehicles (which may include deliveries of produce for the shop and those accessing the

approved B2 units at the site) and vulnerable highway users such as pedestrians, cyclists and horse-riders.

It is noted that the applicant advises that retail sales already take place at the site with customers visiting to buy pork and therefore the vehicle movements will not change significantly, however any existing retail sales are in breach of condition 5 of application 19/03363/COU and cannot be considered as a lawful fall-back position. The applicant has also drawn comparisons between this proposal and a farm shop called Old Parlour Farm Shop at Mill Farm approved in 2015 (15/02408/FUL). Whilst each application should be determined on its own merits, officers consider that the highway issues on this site at Great Pit Lane are more acute than at the Mill Farm site. This application requires a journey of 0.9 miles along Great Pit Lane in either direction, whilst Mill Farm is within 0.2 miles and 0.3 miles of the villages of Weston Bamfylde and Sparkford respectively, meaning that vehicles travel a lesser distance on a single track highway and also allows for a higher percentage of visitors to be walkers or cyclists.

Paragraph 109 of the NPPF states that 'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.' It is considered that the development will result in an unacceptable impact on highway safety for road users, and this would be contrary with the aims and objectives of Policy TA5 of the South Somerset Local Plan and the NPPF.

CONCLUSION / PLANNING BALANCE

Given the above, it is considered the proposal would not be acceptable in terms of highway safety due to the nature of Great Pit Lane, with an objection from the Local Highway Authority. The scheme would provide benefits to the rural economy as it would improve the viability of the existing farm whilst also providing a small amount of job opportunities, however on balance the benefits are not considered to be outweighed by the severe impact on highway safety.

Furthermore, the plans show the tipi to be 18m in height which contradicts the 7.7m stated within the supporting information. Whilst the applicant has confirmed that 7.7m is correct, and revised plans could have overcome this, given the highway safety objection it was not deemed necessary to request amendments. Instead the uncertain size of the proposed tipi will form an additional refusal reason as it cannot be demonstrated that the scale of the tipi would not result in harm to local character.

RECOMMENDATION

Permission is refused for the following reasons:

SUBJECT TO THE FOLLOWING:

01. The development proposed, if approved, would result in the intensification of Great Pit Lane, which is not suitable for intensification due to its narrow width, limited forward visibility and insufficient passing places. It is highly likely that this would lead to vehicle conflict due to the nature of the highway, as well as conflict between more vulnerable road users and delivery vehicles, resulting in an unacceptable impact on highway safety. This would be contrary to policy TA5 of the South Somerset Local Plan (Adopted) 2015 and the aims and objectives of the NPPF.
02. The submitted plans and supporting information contain contrary information regarding the size of the proposed tipi. It is therefore not possible to confirm whether the height and

scale of the development is acceptable, to the contrary of policy EQ2 of the South Somerset Local Plan (Adopted) 2015.