

Officer Report On Planning Application: 21/03171/FUL

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

REASON FOR REFERRAL

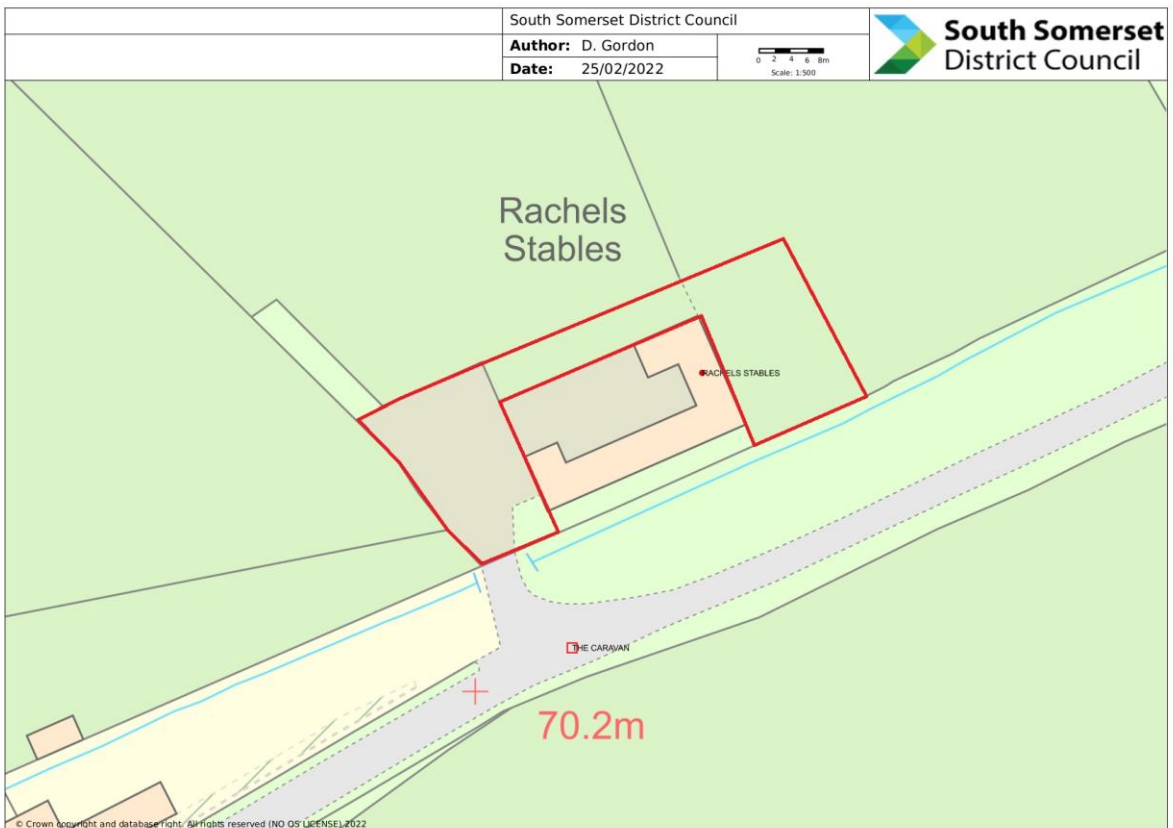
The application is appropriate for determination by Ward Members as comments have been received that are contrary to the officer's recommendation.

SITE DESCRIPTION AND PROPOSAL

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

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

The site has no statutory designations.



RELEVANT HISTORY

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

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

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

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

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

POLICY

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

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

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy SS2 - Development in Rural Settlements

Policy SS4 - District-wide Housing Provision

Policy SS5 - Delivering New Housing Growth

Policy TA1 - Low Carbon Travel

Policy TA5 - Transport Impact of New Development

Policy TA6 - Parking Standards

Policy EQ1 - Addressing Climate Change in South Somerset

Policy EQ2 - General Development

Policy EQ4 - Biodiversity

Policy EQ7 - Pollution Control

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

National Planning Policy Framework - July 2021

Planning Practice Guidance (PPG)

National Design Guide - September 2019

Other:

Somerset County Council Parking Strategy (September 2013)

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

CONSULTATIONS

ABBAS AND TEMPLECOMBE PARISH COUNCIL: No objection

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

SCC HIGHWAYS: Standing Advice

SSDC HIGHWAYS:

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

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

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

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

REPRESENTATIONS

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

The Support letters cite:

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

CONSIDERATIONS

Principle of Development

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

Such circumstances include:

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

None of those five circumstances apply in this instance.

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

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

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

Policy SS2 states:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Scale and appearance of the proposed dwelling

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

Impact on character of area

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

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

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

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

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

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

Highways and Parking

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

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

Residential Amenity

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

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

Phosphates

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

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

5 Year Housing Land Supply (5YHLS)

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

sustainable development.

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

Conclusion and Planning Balance

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

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

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

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

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

RECOMMENDATION

Refuse

SUBJECT TO THE FOLLOWING:

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