

You are requested to attend a meeting of the Planning Committee to be held in The John Meikle Room, The Deane House, Belvedere Road, Taunton on 11 August 2010 at 17:00.

Agenda

- 1 Apologies.
- 2 Public Question Time.
- 3 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 4 14/09/0043 – Conversion of barn to provide accommodation for seasonal farm workers at West Newton Fruit Farm, Adsborough
- 5 20/10/0007 – Change of use of land for the stationing of a temporary mobile home for an agricultural worker at Sweeters Pocket, Pickney Lane, Kingston St Mary
- 6 34/10/0019 – Erection of first floor extension to the side to enlarge two bedrooms at 3 Nash Green, Staplegrove
- 7 42/10/0030 – Erection of part two-storey/part single storey rear extension, front porch, covered yard to side and alterations to side garage at Rose Cottage, Staplehay
- 8 E/0315/34/09 - Car sales business running from residence at 6 Showell Park, Staplegrove, Taunton
- 9 Planning Appeals - The latest appeal lodged and appeal decision received (details attached)

Tonya Meers
Legal and Democratic Services Manager

03 August 2010

Members of the public are welcome to attend the meeting and listen to the discussions.

There is time set aside at the beginning of most meetings to allow the public to ask questions.

Speaking under “Public Question Time” is limited to 4 minutes per person in an overall period of 15 minutes. The Committee Administrator will keep a close watch on the time and the Chairman will be responsible for ensuring the time permitted does not overrun. The speaker will be allowed to address the Committee once only and will not be allowed to participate further in any debate.

If a member of the public wishes to address the Committee on any matter appearing on the agenda, the Chairman will normally permit this to occur when that item is reached and before the Councillors begin to debate the item.

This is more usual at meetings of the Council’s Planning Committee and details of the “rules” which apply at these meetings can be found in the leaflet “Having Your Say on Planning Applications”. A copy can be obtained free of charge from the Planning Reception Desk at The Deane House or by contacting the telephone number or e-mail address below.

If an item on the agenda is contentious, with a large number of people attending the meeting, a representative should be nominated to present the views of a group.

These arrangements do not apply to exempt (confidential) items on the agenda where any members of the press or public present will be asked to leave the Committee Room.

Full Council, Executive, Committees and Task and Finish Review agendas, reports and minutes are available on our website: www.tauntondeane.gov.uk



Lift access to the John Meikle Room and the other Committee Rooms on the first floor of The Deane House, is available from the main ground floor entrance. Toilet facilities, with wheelchair access, are also available off the landing directly outside the Committee Rooms.



An induction loop operates to enhance sound for anyone wearing a hearing aid or using a transmitter.

For further information about the meeting, please contact Democratic Services on 01823 356382 or email d.durham@tauntondeane.gov.uk

Planning Committee Members:-

Councillor P Watson
Councillor D Wedderkopp
Councillor M Floyd
Councillor B Denington
Councillor M Hill
Councillor D House
Councillor C Bishop
Councillor J Allgrove
Councillor C Hill
Councillor L James
Councillor T McMahon
Councillor S Coles
Councillor F Smith
Councillor A Wedderkopp
Councillor R Bowrah, BEM
Councillor E Gaines
Councillor I Morrell

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors McMahon and D Wedderkopp
- Employees of Somerset County Council – Councillors Mrs Hill and Mrs Smith
- Employee of Viridor – Councillor Miss James
- Director of Southwest One – Councillor Coles

14/09/0043

MR D HILL

CONVERSION OF BARN TO PROVIDE ACCOMMODATION FOR SEASONAL FARM WORKERS AT WEST NEWTON FRUIT FARM, ADSBOROUGH (AS AMENDED)

Grid Reference: 327879.129216

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed scheme is in association with a need for seasonal workers accommodation. The conversion of the barn can be undertaken without any adverse ecological impact or harm to the character of the rural building, the setting of the nearby listed building or to the appearance of the surrounding area. The scheme, as amended, is not considered to result in detriment to the amenities of neighbouring properties or to highway safety. As such, the proposal is in accordance with policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements) and EC6 (Conversion of Rural Buildings) of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 41108/4 Elevations
(A3) DrNo 41108/3 Floor plans
(A3) DrNo 41108/2 Elevations
(A3) DrNo 41108/1 Floor plans
(A2) DrNo 41108/5 Location/ Site plan (site plan superseded)
(A2) DrNo 41108/5 Rev B Location/Site plan

3. Reason: For the avoidance of doubt and in the interests of proper planning. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. All rooflights hereby approved shall be flush fitting Conservation Style with a central glazing bar.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

5. The windows and doors hereby permitted shall be of timber and thereafter maintained as such, unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policies S1(D) and S2(A).

6. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Alex Crossman Ecological Consulting's wildlife survey, dated June 2009 and any further surveys and include:

- Details of protective measures to include method statements to avoid impacts on wildlife during all stages of development;
- Details of the timing of works to avoid periods of work when nesting birds could be harmed by disturbance.
- Measures for the enhancement of places of rest for, wildlife.

Once approved the works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

The development shall not be occupied until the scheme for the maintenance and provision of the new bat and bird boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect wildlife and their habitats from damage, which are protected under Section 1 of the Wildlife and Countryside Act 1981 (as amended) in accordance with relevant guidance in PPS9.

7. Before the seasonal workers accommodation hereby permitted is first occupied, the first 6 metres of the access shall be properly consolidated and surfaced (not loose stone or gravel), details of which shall have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

8. Parking and turning for the seasonal workers accommodation hereby permitted shall be limited to the area shown on drawing 41108/5 Rev B and this area shall be kept clear of obstruction and shall not be used other than for parking and turning of vehicles in connection with the development hereby permitted.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

9. There shall be no obstruction to visibility greater than 900mm above adjoining road level in advance of lines drawn 2.4m back from the carriageway edge on the centre line of the access and extending to points on the nearside carriageway edge 43m to the left of the access and 25m to the right of the access. Such visibility shall be fully provided before the development hereby permitted is commenced and shall thereafter be maintained at all times.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and relevant guidance in PPG13.

10. Prior to the commencement of development the applicant shall investigate the history and current condition of the site to determine the likelihood of the existence of contamination arising from previous uses. The applicant shall:

- (a) Provide a written report to the Local Planning Authority which shall include details of the previous uses of the site for at least the last 100 years and a description of the current condition of the site with regard to any activities that may have caused contamination. The report shall confirm whether or not it is likely that contamination may be present on the site.
- (b) If the report indicates that contamination maybe present on or under the site, or if evidence of contamination is found, a more detailed site investigation and risk assessment shall be carried out in accordance with DEFRA and Environment Agency's "Model Procedures for the Management of Land Contamination CLR11" and other authoritative guidance (or guidance/procedures which may have superseded or replaced this). A report detailing the site investigation and risk assessment shall be submitted to and approved in writing by the Local Planning Authority.
- (c) If the report indicates that remedial works are required, full details shall be submitted to the Local Planning Authority and approved in writing and thereafter implemented prior to the commencement of the development or at some other time that has been agreed in writing by the Local Planning Authority. On completion of any required remedial works the applicant shall provide written confirmation that the works have been completed in accordance with the agreed remediation strategy.

Reason: To ensure that land contamination can be dealt with adequately

prior to the use hereby approved by the Local Planning Authority in accordance with Taunton Deane Local Plan Policy EN32.

11. The seasonal workers accommodation shall not be occupied between the months of November to February (inclusive) in any one year.

Reason: The local planning authority are of the opinion that the unit is only acceptable on the basis of providing seasonal workers accommodation in connection with the fruit farm and not permanent accommodation, as set out in the guidance in PPS7.

12. The occupation of the seasonal workers accommodation shall be limited to a person or persons solely or mainly working on West Newton Fruit Farm.

Reason: The local planning authority are of the opinion that the unit is only acceptable on the basis of providing seasonal workers accommodation in connection with the fruit farm and not permanent accommodation, as set out in the guidance in PPS7.

13. Notwithstanding the provisions of Article 3, Schedule 2, Part 5, Class A of the Town and Country Planning (General Permitted Development) Order 1995 ("the 1995 Order") (or any order revoking and re-enacting the 1995 Order with or without modification), the land edged red shall not be used as a caravan site for the accommodation during a particular season of a person or persons employed in farming operations or forestry on land in the same occupation being a circumstance for which a caravan site licence is not required as referred to in Section 2, Schedule 1, paragraphs 7 and 8 of the Caravan Sites and Control of Development Act 1960 without the further grant of planning permission.

Reason: To ensure that the proposed development makes a satisfactory contribution to the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

Notes for compliance

1. Note to applicant at request of Nature Conservation Officer:
 - Condition 6 requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed method statement clearly stating how wildlife will be protected through the development process and to be provided with a mitigation proposal that will maintain favourable status for these species that are affected by this development proposal.
 - It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

2. Note at the request of the County Highways Authority:

The alteration of the access will involve construction works within the existing highway limits. These works must be agreed in advance with the Highway Service Manager Taunton Deane Area Office, Burton Place, Taunton Tel Num 0845 3459155. He will be able to advise upon and issue the relevant licenses, necessary under the Highways Act 1980.

3. Note at request of Wessex Water:

- It will be necessary, if required, for the developer to agree a point of connection with Wessex Water, for water supply.
- The developer should be aware of the importance of checking with Wessex Water to ascertain whether there may be any uncharted sewers or water mains within (or very near to) the site. If any such apparatus exists, applicants should plot the exact position on the design site layout to assess the implications. Please note that the grant of planning permission does not, where apparatus will be affected, change Wessex Water's ability to seek agreement as to the carrying out of diversionary and/or conditioned protection works at the applicant's expense or, in default of such agreement, the right to prevent the carrying out of any such development proposals as may affect its apparatus.

4. Soakaways should be constructed in accordance with British Research Digest 365 (September 1991).

5. With reference to Condition 7, the use of a concrete or similar is considered a more appropriate material for a countryside location than tarmac.

6. Note at request of Council's Drainage Engineer:

- With reference to the installation of the septic tank, percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage.
- Environment Agency consent to discharge to underground strata may be required.

PROPOSAL

The barn is a stone and tile barn, on which various works have taken place over the years. It is situated in the corner of an agricultural field, to the east of Adsborough and to the east of Adsborough Farmhouse, a Grade II listed building. To the south is a further residential property, separated from the site by a boundary of fir trees. The barn is accessed from the lane running between Adsborough and West Newton, via a track running around the edge of the field. The track is not hardsurfaced. It is understood that there is also a right of way across land to the south of Adsborough Farmhouse to access the site.

This application seeks permission to convert the barn to provide accommodation for seasonal workers on the fruit farm. The accommodation would provide a lounge, kitchen/dining room, 4 bedrooms (one en-suite) and a bathroom. Accompanying information states that the building would be to accommodate a maximum of 10

adults between the months of March to October. Further clarification was received from the agent (email received 10 March 2010) confirming that the proposed vehicular access to the barn is to be over the track identified on the site plan and not over the right of way through the adjoining property.

It was initially proposed to provide the car parking and turning area at the rear of the garden at Adsborough Farmhouse, however following concerns raised, amended plans were received repositioning this to the east of the barn.

The application was accompanied by a structural survey, which concluded that the barn was capable and suitable for conversion into habitable accommodation.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development site lies outside any development boundary limits and is therefore distant from adequate services and facilities, such as, education, employment, health and retail. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000) and Policy S7 of the Taunton Deane Local Plan, and would normally receive a recommendation of refusal from the Highway Authority as a result.

However it is noted that the application is for an agricultural workers dwelling and therefore it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car.

It should be noted that the proposal would look to utilise an existing farm access to the site. It is my opinion that this access does not provide sufficient visibility in either direction and is not properly consolidated and surfaced. Suggests conditions.

Subsequent comments following revisiting site:

Following our conversation in regards to the required splays for this proposal I have taken the opportunity to revisit the site and I have the following observations to make.

Firstly the concerns raise in my original letter dated 15th March 2010 over the site being in an unsustainable location in terms of transport policy still stand. However it is a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reduce reliance on the private car.

The application will utilise an existing access onto the highway. From visiting the site it is apparent that the hedgerows either side of the access are over grown which limits the visibility in either direction. However if the applicant were to cut back the

existing hedge to a approximate height of 900mm this would provide a splay of 42.9m to the left of the access. This is considered to be acceptable.

However even if the applicant were to cut back the hedge to the right of the access it would only provide a splay of 25.5m. I understand that the Local Authorities Conservation Officer is resistant to removal of the hedge as such I would be happy if the applicant could provide a splay of 35m. This would mean removing the first 10m of hedge to provide this splay. I hope this is acceptable to your colleague.

Finally the access would be required to be properly consolidated and surfaced. Raise no objection and suggest conditions.

CREECH ST MICHAEL PARISH COUNCIL - Support subject to conditions that: access would be from existing track entrance at West Newton Lane and no access will be permitted through Mr Stoakley's farm/garden; and no vehicles or caravans shall be parked behind the barn to impede Mr Stoakley's view from his listed building, hedge and wall.

It was explained to the Parish Council that the use of the right of way crossing the adjacent site is a private/legal matter, which is outside of the remit of planning and as such, the first suggested condition could not be applied as it fails to meet the criteria set out in Circular 11/95 (The Use of Conditions in Planning Permissions).

Following this, further correspondence was received stating that the Parish Council object due to highway safety as the lane at West Newton Farm was very narrow. Mini buses using the lane and number of workers walking through the village was a safety issue. Noise and disturbance, loss of privacy, the effect on the listed building and conservation area was also raised.

ENVIRONMENTAL HEALTH – Suggest contaminated land condition.

NATURE CONSERVATION & RESERVES OFFICERS - The application is for conversion of a barn to provide accommodation for seasonal farm workers at West Newton fruit farm, Adsborough. Alex Crossman Ecological Consulting carried out a wildlife survey of the site in June 2009.

Findings were as follows:

- Bats - The surveyor found no bats or signs of bat usage. He did however find some sites that could be exploited by crevice dwelling bats. A precautionary approach is required in the conversion of the building. I support the surveyor's suggestion that provision should be made for bats, on completion of the development as the building has some connectivity to the wider landscape via hedgerows.
- Birds - The surveyor concluded that the barn offered suitable potential for nesting birds, particularly swallows. In accordance with PPS9 I would like to see wildlife protected and accommodated in this development.

Suggest condition for protected species and informative.

DRAINAGE ENGINEER - Septic tank to be installed to treat foul sewage. Percolation tests should be carried out to ascertain the required lengths of sub-surface irrigation drainage. EA consent to discharge from underground strata may also be required. Suggests soakaway informative.

CONSERVATION OFFICERS - No objection

WESSEX WATER - Proposal not within a Wessex Water sewered area. There are water mains within the vicinity of the proposal. It will be necessary for the developer to agree a point of connection onto the system for water supply and council should be satisfied with arrangements for foul and surface water disposal. Suggests note to applicant regarding uncharted sewers or water mains.

Representations

13 letters of objection received (from 10 households) on the grounds of:

- Intensification of use of access and increased traffic on narrow lane, increased use of junction of Adsborough Lane and A38, potential highway safety issues.
- Possibly 20 – 25 traffic movements per day.
- Detriment to character of adjoining listed building.
- Mini-buses would lead to loss of privacy of adjoining listed property and loss of their visual amenity.
- Noise and disturbance of mini-buses shuttling workers to and from the site.
- Seasonal accommodation only used 3 months a year, could be provided through caravans or other temporary accommodation like previously.
- Could be up to 28 people living in building, hostel for 28 is disproportionate to the size of the hamlet.
- Proposal contrary to PPG13, distant from local amenities and West Newton Farm where other seasonal workers are housed and where sorting/packing of fruit takes place.
- Proposal outside of development limits of the village, other development in Adsborough has been turned down.
- Transport Development Manager expressing strong reservations about access to West Newton Lane. Applicant and successors could decide to use Halflands Lane, far more dangerous than West Newton Lane, causing concern to highway safety.
- Despite it being the height of the strawberry picking season there are only caravans accommodating four workers on the site this year.
- Request application be dealt with by planning committee.

Other matters raised including:

- Increased security risk to existing residents with unknown people roaming the village day and night.
- Increased pedestrians in Adsborough, hazard at night as Maypole pub other side of A38.
- There have been break-ins in hamlet as people cross fields from West Newton Lane, using the right of way as a means of access. Use of barn for seasonal workers could weaken security of properties as workers would be unknown to residents and legitimacy of people using access could not be proven.
- Previously workers accessed the hamlet to visit the Maypole pub during daytime hours but once residing have the opportunity to access it all evening, 20 people going through hamlet could cause more noise and disturbance.
- Increased use of lane between Adsborough Farm and Adsborough Lane could result in weakening boundary wall at Rock House. Commercial vehicles have in the past got stuck in the lane.
- Hedge planted in front of ornamental archway, main feature of garden.

1 letter of support received on the grounds of:

- In favour of a plan that finds a use for an existing rural building, located within the village.
- More sense environmentally and aesthetically to have barn restored than collection of caravans in same place.

PLANNING POLICIES

S&ENPP5 - S&ENP - Landscape Character,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
EC6 - TDBCLP - Conversion of Rural Buildings,
EN12 - TDBCLP - Landscape Character Areas,
PPS7 - Sustainable Development in Rural Areas,

DETERMINING ISSUES AND CONSIDERATIONS

West Newton Fruit Farm produces 60 acres of Strawberries, for which a great deal of seasonal workers are required. Due to the nature of the fruit grown, preparation of the ground commences in mid March, followed by the planting of different varieties, which can take until mid May. This is then followed by picking, which is stated to take place until mid-October, when the beds and plastic are cleared. On this basis, due to the large amount of strawberries grown and the labour-intensive nature of the fruit, it is plausible that seasonal workers accommodation is required.

The barn in question is an existing building, in a reasonable state of repair. The proposed conversion can take place, utilising existing openings, without significant rebuilding, extension or alteration of the rural building. The barn is set in the corner of a field, whilst it is visible from West Newton Lane, this is some distance away and set against the backdrop of dwellings at Adsborough, it does not therefore appear prominent in the landscape. The use of this barn for seasonal workers accommodation is considered more acceptable in terms of landscape impact than the siting of temporary mobile homes, as has occurred on the site in the past. The building is considered to be a sufficient distance from the listed building to avoid any impact upon it's setting and the Conservation Officer raised no objection. The wildlife survey concluded no evidence of bats, although did identify some potential sites for crevice dwelling bats and potential for nesting birds. On this basis, a condition requiring a strategy to protect wildlife will ensure that the scheme will have no adverse ecological impact.

The site falls outside of the defined limits to development, however this is not an application for a new dwelling, but for seasonal workers accommodation. Accommodation for agricultural workers is assessed under different policies to that of new residential units. Whilst the site is remote from services and facilities, it lies on the edge of the fruit farm and as such, close to work for the occupants. It could therefore be argued that it is sustainable in these terms.

It was originally proposed to site the parking/turning adjacent to the garden of Adsborough Farmhouse. This has now been amended to the other side of the barn, which is considered to be a sufficient distance to prevent material harm to the

residential amenities of the occupiers of that property. Several objections were raised regarding highway safety. The County Highways Authority has assessed the proposal and no objection has been raised. Whilst a condition has been suggested to improve visibility, this would necessitate the removal of approximately 10 metres of hedgerow to the west, which would result in an adverse impact on the rural character of the country lane. In view of the existing/previous use of the site for accommodating seasonal workers, which has involved associated traffic exiting this site, coupled with the marginal shortfall in visibility, the removal of the hedge is not considered essential in this instance.

The Parish Council suggested a condition to prevent the right of way adjacent to Adsborough Farmhouse being used to access the site. Any conditions attached to a planning decision need to meet the criteria as set out in Circular 11/95 (The Use of Conditions in Planning Permission). As this condition relates to a private/legal matter and not a planning matter, it fails to meet the tests of the Circular. The submitted plans clearly indicate that the access would be from West Newton Lane and this access track is outlined in red. Furthermore the agent has confirmed in writing that access will be via the track from West Newton Lane. The adjacent right of way has not been included within the red line, hence it falls outside of the application site, and there is no reason to believe that this is proposed to be the means of access.

An objection was also raised regarding the proposed position of the hedge, in front of the ornamental archway. As planning permission is not required to plant a hedge, this is not an aspect of the scheme that the local planning authority should attribute significant weight.

In addition, concerns were raised regarding the impact upon the listed building and conservation area. It is important to note that there is no Conservation Area in Adsborough. The Conservation Officer has made an assessment of the impact upon the adjacent listed building and has raised no objection.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Miss K Purchase Tel: 01823 356468

20/10/0007

MR R J SWEET

CHANGE OF USE OF LAND FOR THE STATIONING OF A TEMPORARY MOBILE HOME FOR AN AGRICULTURAL WORKER AT SWEETERS POCKET, PICKNEY LANE, KINGSTON ST MARY

Grid Reference: 319868.128416

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

It is considered that having regard to Taunton Deane Local Plan Policies S1, S2, S7 and EN12, the proposal would not adversely affect visual or residential amenity and would comply with the tests set out in Annex A of PPS7, and material planning considerations do not indicate otherwise.

RECOMMENDED CONDITION(S) (if applicable)

1. The permission hereby granted shall be for a limited period expiring on 11 August 2013, on or before which date the mobile home shall be removed from the site and the land restored to its former condition in accordance with a scheme of work submitted to and, approved in writing by the Local Planning Authority beforehand.

Reason: The development is of a type not considered suitable for permanent retention and is in an area of countryside where dwellings are not permitted unless considered essential in the interests of agriculture or forestry in accordance with Taunton Deane Local Plan Policies S7 and guidance contained within PPS7

2. The occupation of the mobile home shall be limited to a person solely or mainly working, on the land known as Sweeters Pocket, as identified in the application, in agriculture or a widow or widower of such a person, and to any resident dependants.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need in accordance with Policy H13 of Taunton Deane Local Plan and Guidance in PPS7. The application is allowed on the sole basis of allowing the enterprise to establish.

3. Prior to occupation details of the foul water drainage system and surface water drainage works shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be carried out in accordance with the approved details before the mobile home on the site is occupied.

Reason - To avoid pollution of the environment and/or flooding in accordance with Taunton Deane Local Plan Policy S1 and EN26 and advice contained within PPS25.

Notes for compliance

1. If the applicant is minded to extract water from a borehole the Environment Agency should be contacted prior to any works, on 01278 984 644, to discuss the requirements and ascertain whether an abstraction license or consent is required.
2. Percolation tests should be carried out to ascertain the required length of sub-surface irrigation drainage. The Environment Agency's Consent to discharge to underground strata is also required.
3. It is noted that the application seeks the use of non-mains drainage facilities. The applicant should advise why a connection to a public sewer is unfeasible. If a new septic tank/treatment plant is the only feasible option for the disposal of foul water, or there is an increase in effluent volume into an existing system, a Consent to Discharge may be required. This must be obtained from the Environment Agency (if required) prior to any discharge and before any development commences. The applicant is advised that this can take up to four months to complete and no guarantee can be given regarding the eventual outcome of any application. The applicant is advised to contact the Environment Agency on 08708 506506 for further details on Consents to Discharge.

PROPOSAL

Planning permission is sought for the change of use of land for the stationing of a mobile home for an agricultural worker. The mobile home would be sited to the rear of the farm yard and agricultural buildings. An agricultural appraisal, undertaken by Greenslade Taylor Hunt, accompanies the application.

The business currently runs 6 Pedigree Aberdeen Angus Cows and one Aberdeen Angus Bull. The applicant is in the process of rebuilding the herd after 30 suckler cows suffered with Bovine Tuberculosis and had to be destroyed. The applicant is seeking to rebuild the herd with the business plan indicating 15 Pedigree Aberdeen Angus Cows and 15 commercial cows over the next 3 year period. The applicant currently grazes the cows and stores cattle on the land at Enmore and brings the cows to the current site when they are ready for calving. In winter the applicant can only house the most vulnerable cattle, but with the new calf building will be able to house the majority of the stock.

The applicant proposes to rear (all year round) 100 calves in batches of 25 at a time in the next twelve months, rising to 120 calves per annum in batches of 30 by year 3. These will consist mainly of Hereford and Aberdeen Angus purchased at 2-3 weeks of age. These will be sold at approx 12 months of age.

The applicant also runs a sheep enterprise consisting of 5 breeding ewes and 48 store lambs. The intention is to increase this to 40 Lowland Spring Suffolk x Breeding Ewes and will put these on a Charolais Ram. It is also intended to buy 100 Suffolk x or Charolais x Store Lambs in Years 2 & 3.

SITE DESCRIPTION AND HISTORY

The site comprises agricultural land and is accessed via a field gate from an unclassified road. The site lies to the north east of Fitzroy and west of Kingston St Mary. There is a mature high hedgerow along the roadside hedgerow. The site comprises a range of agricultural buildings - see history below. The holding comprises 8.12 hectares owned (currently negotiating to purchase a further 2.83ha). Sweeters Pocket comprises 3.75 hectares with a further 4 hectares at Enmore. The applicant currently rents a further 29 hectares.

Permission was granted on the 10th May 2007 for the erection of a cattle shed, reference 20/07/0011. The holding is currently stocked with a herd of pedigree cattle.

Planning permission was refused, reference 20/09/0014, for the siting of a temporary agricultural workers dwelling, a calf rearing building, and, a bull pen. The application was refused on the basis of the justification for the temporary agricultural worker dwelling did not meet the tests set out in PPS7.

Planning permission was subsequently granted, reference 20/09/0018, for the erection of a concrete blockwork bull pen, adjacent to an existing cattle shed. The pen measures 4.8m x 4.6m with a mono-pitch roof measuring 2.5m to the ridge.

Planning permission was granted, reference 20/10/0003, for the erection of a steel framed calf rearing shed on land to the north of the existing farm yard.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PARISH COUNCIL - The Parish Council objects to the development on the grounds that it is not warranted for the enterprise on the information available.

HIGHWAY AUTHORITY - The proposed development site lies outside any Development Boundary Limits and is therefore distant from adequate services and facilities, such as, education, employment, retail and leisure. In addition, public transport services are infrequent. As a consequence, occupiers of the new development are likely to be dependant on private vehicles for most of their daily needs. Such fostering of growth in the need to travel would be contrary to fostering of growth in the need to travel would be contrary to government advice given in PPG13 and RPG10, and to the provisions of policies STR1 and STR6 of the Somerset and Exmoor National Park Joint Structure Plan Review (Adopted April 2000), and Policy S7 of the Taunton Deane Local Plan and would normally receive a recommendation of refusal from the Highway Authority as a result.

However it is noted that the application is for an agricultural workers dwelling and

therefore it must be a matter for the Local Planning Authority to decide whether there is sufficient need or justification for such a development in this location, which outweighs the transport policies that seek to reliance on the private car.

In terms of detail the proposal will utilise the existing agricultural access. This access has been subject to some minor improvements which were carried out under planning permission 20/2007/011. As such I am satisfied that the access is of sufficient capacity to be able to accommodate this proposal.

No objection raised.

DRAINAGE ENGINEER - (as per 20/09/0014) I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (Sep 91) and made a condition of any approval.

With regards to foul drainage I note that a septic tank is to be installed to treat foul sewage. Percolation tests should be carried out to ascertain the required length of sub surface irrigation drainage. The Environment Agency's consent to discharge to underground strata is also required and they should be consulted.

WESSEX WATER - No objections in principle.

HERITAGE AND LANDSCAPE OFFICER - (as per 20/09/0014) My main concern is the visual impact of the mobile home. Whereas the materials of the agricultural buildings are dark and blend in relatively well the mobile home with its white panels will stand out. Is there scope for putting it closer to the access gateway off the lane so that it can be screened by the agricultural buildings?

ENVIRONMENT AGENCY - (as per 20/09/0014) No objections, in principle, subject to the imposition of a number of informatives

Representations

The application is accompanied by a letter of SUPPORT from the NFU and three letters from individuals.

National Farmers Union – support the proposal for the following reasons: - farm business fulfils both the functional and financial tests; farm business suffered severe set back with loss of all their previous cattle and shown a real commitment to the farm by reinvesting in stock and buildings; enthusiasm for the farming business; current welfare codes require highest levels of animal welfare to be achieved – essential dwelling is situated within sight and sound of the livestock, particularly at calving; improve security; bio-security.

Additional letters from local residents accompany the application: Summary of comments: - no objection in principle; increased security; welcome opportunity for animals to graze at nearby farm.

5 letters of OBJECTION have been received. Summary of objections: -

- The initial planning officers report for the cattle shed stated 'development of the site into the future for residential purposes is contrary to national and local planning policy and therefore not a realistic concern for the site';

- Applicant seeking to exploit loop holes in planning law turning an agricultural field (bare of any structures and with no access from the road, no mains water, no electric and no sewage) into a site which is now only a few steps from being granted planning permission;
- Applicant has sought to facilitate a route to residential development under the pretence of agriculture;
- Current site used regularly as a building yard with high levels of delivery vehicle activity on the local roads;
- Will this lead to a permanent dwelling?
- What if the applicant chooses not to farm in a number of years? - will this lead to residential development in the countryside;
- Applicant has a clause in the purchase of additional agricultural land if planning permission is gained for housing;
- planning laws waived for agricultural applications - it is easy to removed agricultural ties;
- Development would set a precedent;
- Greenfield site;
- Contrary to Policy;
- Intimidation - previous objection letters posted on farm gate;
- Highway Safety issues arising from increased traffic movements (including at access with A356);
- Who monitors highway movements into and from the site;
- Narrow access at entrance resulted in applicant filling in a ditch to help builders vans access the site;
- Initial cattle shed now incorporates a secure concrete block workshop/store;
- Buildings have been erected prior to planning permission being determined;
- Applicant aware of the isolated location of the site prior to thefts of the building;
- Why hasn't the applicant rented or bought an existing farm with agricultural dwelling and acreage?
- The appraisal has omitted a number of residential dwellings in Norton Fitzwarren which would be suitably priced;
- It would make more sense for the applicant to site the property at Enmore where he owns 10 acres and rents 72 acres;
- Mobile Home in situ.
- exacerbate flooding and threaten water supply.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
 PPS3 - Housing,
 PPS7 - Sustainable Development in Rural Areas,
 STR1 - Sustainable Development,
 STR6 - Development Outside Towns, Rural Centres and Villages,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 S7 - TDBCLP - Outside Settlement,
 EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

It is considered that the following key considerations are pertinent to the assessment of the application: - principle of the development; landscape impact; access; and, amenity.

Principle of the development

There has been opposition from local residents on the basis that the original planning officers report for an agricultural building (cattled shed) stated 'Development of this site in the future for residential purposes is contrary to national and local planning policy and therefore not a realistic concern for this site'. This response was as a result of local residents expressing concern that as the applicant was a builder the proposal would give rise to residential development on this site. Whilst speculative market housing would, due to its location outside of the defined settlement boundary, be resisted an application for an 'agricultural workers dwelling' must be assessed against government guidance contained within PPS7. Annex A of PPS7 states that 'one of the few circumstances in which isolated residential accommodation may be justified is when accommodation is required to enable agricultural forestry and certain other full time-workers to live at or in the immediate vicinity of their place of work'.

In order to assist officers' in the assessment of the previous application, for a temporary workers dwelling, Kernon Countryside Consultants were commissioned to appraise the agricultural appraisal. The findings are incorporated into this report where applicable.

(i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);

The applicant has gained planning permission and erected a number of agricultural buildings on the site. These actions all demonstrate an intention to develop the proposed enterprise.

It is noted that the applicant, although a builder by trade, has previously operated a Suckler Cow enterprise. It is also understood that he has also previously worked on farms.

In summary there is no reason to doubt the applicant's intention and ability to develop the enterprise.

(ii) A functional need is defined as one which establishes whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times.

The suckler cow herd will initially start with low numbers, it is however planned to increase to 30 suckler cows in Year 3, plus followers. The suckler cows need constant supervision during day and night calving. It is also proposed to develop the Pedigree Aberdeen Angus cows reared through to 24 months of age. The Breeding Ewes will also require supervision during the lambing period. The applicant is also proposing to rear a large quantity of calves per annum and it is intended to rear up to 120 calves a year on milk substitutes.

The Kernon findings agreed with the GTH appraisal that during calving cows require constant supervision. The appraisal also shares the view that mortality rates in young calves will be reduced if a worker is living on site, in particular problems such as pneumonia and scours, can be quickly identified and dealt with. These problems will be a particular issue when calves first come onto the farm, they will be

experiencing a change in surroundings and diet and will be mixing with animals from different farms all of which will make them more susceptible to illness.

It is concluded that on the basis of the information submitted the farming activities, taken together, constitutes a marginal functional need on the size of the enterprise.

Does the need relate to a full time worker who is primarily employed in agriculture and does not relate to a part time requirement?

The agricultural appraisal sets out a labour calculation of 0.78 full time workers on the holding in Year 1, 1.42 in Year 2 and 1.55 in Year 3.

Clear evidence to demonstrate the enterprise has been based on a sound financial basis?

The previous application was refused on the basis that it had not clearly been demonstrated that the test had been complied with. Post decision the applicant's agent has responded to Kernons request for further financial information including forage costs for the enterprise. On the basis of the revisions Kernon are now satisfied that the variable costs associated with the livestock enterprises are broadly comparable with that set out in recognised budgeting books and accordingly should be achieved. There is clear evidence that the predicted profit for Year 3 is achievable. There is also further evidence that the profit may be increased if the animals are sold at an increase in value as suggested thus providing an adequate return on the applicant's labour and capital investment (further agricultural building/purchase of additional land).

Landscape impact

The site is well screened along the road frontage by a mature high hedgerow and a condition has been previously imposed requiring its retention. The mobile home would not be visible from the gateway to the site although it would be viewed from distant views diagonally across the field; however it would be viewed in the context of the existing farmyard and agricultural buildings. It is therefore considered the proposed siting of the mobile home is acceptable

Access and Parking

The development would utilise the existing access drive to serve the site and it is considered there would be sufficient parking within the site.

Amenity

The proposed siting would have no adverse impact on residential amenity by reason of its siting and existing separation distances. The Environment Agency has not previously raised any objections to the proposal. A condition is imposed seeking further details of the drainage system.

Summary

It is considered that the proposed agricultural appraisal complies with the tests set out in Annex A of PPS7 in so far as: -

- There is no reason to doubt the applicant's intentions or ability to develop the proposed enterprise;
- there is a marginal functional need;
- there is 'clear evidence' to demonstrate that the enterprise has been planned on a sound financial basis;
- due to the isolated position of the farm holding there are no properties reasonably available within 'sight and sound' of the holding.
- the position of the mobile home sited adjacent to the existing barn from a functional perspective is acceptable

In addition the development would not adversely affect visual or residential amenity or highway safety and is therefore considered acceptable.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr A Pick Tel: 01823 356586

ERECTION OF FIRST FLOOR EXTENSION TO THE SIDE TO ENLARGE TWO BEDROOMS AT 3 NASH GREEN, STAPLEGROVE

Grid Reference: 320933.126241

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development would harm neither visual nor residential amenity, the appearance of the street scene, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A2) DrNo 10.1215/01 Plans, elevations and sections as existing
(A2) DrNO 10.1215/03 Location plan
(A2) DrNo 10.1215/02 Rev A Plans, elevations and sections as proposed

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

4. 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) the **en suite** window to be installed in

the **south** elevation of the extension shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of nearby dwellings in accordance with Policy S1(E) of the Taunton Deane Local Plan.

5. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (“the 1995 Order”) (or any order revoking and re-enacting the 1995 Order) (with or without modification), no window/dormer windows shall be installed in the first floor elevation of the development hereby permitted, unless the window is obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained.

Reason: To protect the amenities of adjoining residents in accordance with Policy S1(E) of the Taunton Deane Local Plan.

Notes for compliance

1.

The applicant may wish to view the Considerate Constructors Scheme website, www.ccscheme.org.uk.

PROPOSAL

The proposal comprises the erection of a first floor extension to the side of the dwelling above the existing garage. The extension will increase the size of two bedrooms and provide an en suite. The roof will match the existing dwelling and a small gable will be formed to the front elevation. New inner blockwork is proposed to the garage and office at ground floor.

The extension will be constructed in brick with concrete pantile's to match the existing dwelling.

SITE DESCRIPTION AND HISTORY

The detached dwelling is sited near to the entrance of Nash Green, a cul-de-sac within a residential area to the North East of Taunton within the parish of Staplegrove. Nash Green is characterised by detached two storey dwellings, set back from the road with open plan front gardens and off-road parking spaces. The properties have been designed with a hipped roof, with a gable/gablet within the front elevation and have been finished with either brick or render on the first floor of this elevation.

To the rear garden of the application site there is a 1.8m fence along the boundary between No 1 Nash Green and along the boundary of No 11.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

STAPLEGROVE PARISH COUNCIL -

Initial comments, dated 2nd July 2010

- Supports application.
- some reservations as believe some neighbours unhappy. Also, if more properties build this could spoil appearance of attractive residential area.

Revised comments, dated 29th July 2010

- Now wish to object.
- Regard to unsightly nature and over large roof of extension and having received adverse comments from local residents, would like to modify previous decision.
- Previous reservations still stand.

Representations

FOUR LETTERS OF OBJECTION: -

- Solid wall replacing existing sloping roof, 3ft from fence of No 1 Nash Green.
- If other properties extended, planned detached houses will resemble a terraced appearance.
- Change character of Nash Green, breaking continuity of design
- Would set a precedent.
- May adversely affect value, light and views of surrounding area.
- Intrusive, alters outlook from rear of property.
- Overlooks.
- Size of extension not in keeping with surrounding area.
- Unsightly contrast between materials of ground floor and first floor.
- Future development may take place in loft space, will further overlook.
- Construction will cause disruption. Sleep of young children (under 5) will be disturbed if work is carried out early morning or late at night. Is the contractor aware of the Considerate Contractor Scheme.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
H17 - TDBCLP - Extensions to Dwellings,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations are considered to be impact upon the amenity of the adjoining property (No 1 Nash green) and the impact upon the street scene/visual amenity.

Though the appearance/view from the neighbouring garden (No1) will differ than existing, there is not considered to be any detrimental harm. As the dwelling for this application is sited to the north of the neighbouring garden there will not be any detrimental loss of sunlight to the garden/dwelling. To the rear of No 1, the extension would be 1m away from the boundary and 2m from the side of the property. Given the above, there is not considered to be any detrimental harm on the amenity of the neighbouring property.

The first floor extension will not project beyond the rear of the existing dwelling and the additional first floor window in the rear elevation will serve an existing bedroom (extended). As such, there is not considered to be any further overlooking than the existing windows within the rear elevation. The first floor window within the side elevation will serve an en suite and will have obscure glazing.

The extension will project forward with a small gable, reflecting gables/gablets found on the front elevation on the majority of properties within Nash Green. Providing the gable within the front elevation provides a break within the roof as not to allow the new hipped roof to dominate the street scene. Given the staggered siting of the dwelling with its neighbour, there is not considered to be a terracing effect within the street scene. Furthermore, a gap of two metres will be retained between the dwellings, with a further gap of 2.5m as a single garage is attached to the side of No 1 Nash Green, at this point.

The proposal is not considered to set a precedent. Any future applications to other properties will be assessed on their own merits.

The use of brick within the extension will reflect the main material used within the existing dwelling.

Any future accommodation within the roof space may not require planning permission, this will apply whether the property has been extended or not.

The proposal is therefore considered acceptable.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Mr D Addicott Tel: 01823 356463

42/10/0030

MR R HARVEY

ERECTION OF PART TWO-STOREY/PART SINGLE STOREY REAR EXTENSION, FRONT PORCH, COVERED YARD TO SIDE AND ALTERATIONS TO SIDE GARAGE AT ROSE COTTAGE, STAPLEHAY (REVISED SCHEME TO APPROVED APPLICATION 42/10/0013)

Grid Reference: 321294.121719

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

Subject to no further objections being received

The proposal is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design).

RECOMMENDED CONDITION(S) (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A4) DrNo 0510-02 Site plan
(A4) DrNo 0510-01 Location plan

3. Reason: For the avoidance of doubt and in the interests of proper planning. Only those materials specified in the application shall be used in carrying out the development hereby permitted unless otherwise agreed in writing with the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

Notes for compliance

PROPOSAL

Rose Cottage is a white painted stone and tile detached property, with a large upvc clad flat roof dormer to the rear. It fronts Honiton Road, whilst the surrounding residential properties are generally set back from the road. To the west, to the other side of Danemead and Smithy are the garage and pub.

Planning permission was granted in May of this year for a part two storey/part single storey rear extension to form a new kitchen and living room with an additional bedroom above; a porch to the front; alterations to the existing attached garage to reduce the length, clad walls in timber and replace the roof with a pitched tile roof; and erect a timber and tile covered yard to the side. This application seeks to change the positioning, design and size of the side garage to provide one car parking space to the front.

This application comes before the planning committee as the agent is related to a member of staff.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

NB At the time of writing the report, the consultation period is still running. No comments have yet been received from the County Highways Authority, which will be essential as the scheme relates to the garage/parking space. Members will be updated of their comments and any further representations received at the committee meeting.

SCC - TRANSPORT DEVELOPMENT GROUP - Comments awaited

TRULL PARISH COUNCIL - No further comments

Representations

None at time of writing report.

PLANNING POLICIES

T1 - TDBCLP - Extent of Taunton,
STR2 - Towns,
STR4 - Development in Towns,
EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The two storey and single storey extensions, front porch, covered yard and alterations to the garage have already been permitted by committee earlier this year. This application seeks solely to change the size, design and positioning of the garage.

The design has been amended to a gabled roof design, which will reflect the style of

the existing dwelling. The garage will now extend backwards to the same extent as the approved single storey rear extension. Due to the shape of the boundary line, the side wall of the garage would be stepped, although this is not considered to result in harm to the form of the property and will have no impact upon the appearance of the street scene.

The proposed garage will be of similar dimensions to the existing, albeit slightly deeper, linking in with the approved single storey extension. Whilst the proposed pitched roof will result in the element abutting Danemead being higher than that existing and that approved, over the boundary at Danemead is a detached double garage on a higher land level with the dwelling located some distance away. As such, the proposed extensions will have no adverse impact on the residential amenities of the occupiers of the adjacent property.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

CONTACT OFFICER: Miss K Purchase Tel: 01823 356468

Planning Committee – Wednesday 11 August 2010

Enforcement Item

1. File/Complainant Number: E/0315/34/09

2. Location of Site: 6 SHOWELL PARK, STAPLEGROVE, TAUNTON,
TA2 6BY

3. Name of Owner: Mr and MRS G HILL
SUMMER PLACE
FONS GEORGE ROAD
TAUNTON
TA1 3JU

4. Names of Occupiers: Mr M WILSON
6 SHOWELL PARK
STAPLEGROVE
TAUNTON
TA2 6BY

5. Nature of Contravention: Car sales business running from residence at 6
Showell Park, Staplegrove, Taunton

6. Background and Consideration

Complaint was received on 8th October 2009 that a number of vehicles were being parked at the premises and it had been noticed, especially at weekends, that persons were visiting the property and viewing the vehicles. A Planning Contravention Notice (PCN) was served on 13th October 2009 to ascertain what activity was occurring at the Property. A reply was received within the prescribed time from Mr Wilson stating that he was a motor trader operating as Mr Carz Ltd and the business was located at St Audries Garage, West Quantoxhead. It was stated that Mr Wilson changes his cars daily and sometimes meet other traders at his home to exchange cars as its more convenient.

After this the activity appeared to diminish but April 2010 additional cars appeared at the premises and neighbours observed sales taking place, test drives etc at all hours of the day and evening. Information was received that the premises at West Quantoxhead had been vacated by Mr Carz Ltd. A letter was sent to Mr Wilson on 27th May 2010 enclosing a further PCN. To date no reply has been received. Since then we have received lists of vehicle registration numbers from neighbours indicating that there are more vehicles at the premises than one would normally expect. On 13th July 2010 a letter was sent to the owner of the property advising that the matter would be referred to the Planning Committee recommending Enforcement Action be taken. Mr Hill telephoned to say that Mr Wilson was actively finding premises to operate the business, had now found a suitable location and would be removing the vehicles by the end of the week. He pointed out that Mr Wilson owns two cars, his partner has a car and the two lodgers have a car each so there will always be 5 cars at the property.

Two calls were received on 27th July 2010 from neighbours confirming that the

vehicles are still at the property and on the highway and sales etc are still taking place. In addition a caravan has been brought to the site.

It is considered that, on the evidence available, retail sales are continuing to occur at the property. This has a detrimental impact on the amenities of the neighbouring property, due to the disturbance caused by people visiting the site, test driving vehicles and conducting their business with the occupier of the property. The highway at this point, being a residential road, is fairly narrow and the additional parking of vehicles for sale and visitors to the site causes inconvenience to neighbouring residents. For these reasons, the activity is considered to be unacceptable

7. Reasons for Taking Action

The retail selling of vehicles from the Property is considered detrimental to the amenities enjoyed by the occupants of the adjoining residential properties by reason of disturbance from members of the public viewing the cars, loss of privacy and inconvenience due to the narrowness of the highway. Therefore the use is contrary to Policies S1,S2 and EC7 of the Taunton Deane Local plan.

8. Recommendation

The Solicitor to the Council be authorised to serve an Enforcement Notice on the owner and occupier to cease offering motor vehicles for sale at the property and remove from the property all motor vehicles being offered for sale. To take prosecution action, subject to satisfactory evidence, that the notice has not been complied with

Contact Officer John A W Hardy 356466

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 11 AUGUST 2010

Appeal Proposal	Start Date	Application Number
ERECTION OF DWELLING AND GARAGE IN GARDEN OF FROG HOUSE, 43 MOUNT STREET, BISHOPS LYDEARD AS AMENDED BY PLANS RECEIVED 30.06.2010 (BLOCK PLAN 6695.3 REV C)	22 JULY 2010	06/10/0008

APPEAL DECISION FOR COMMITTEE AGENDA – 11 AUGUST 2010

APPEAL	PROPOSAL	REASON(S) FOR INITIAL DECISION	APPLICATION NUMBER	DECISION
APP/D3315/A/10/2126533/NWF	Erection of two single storey one bedroom residential units at the rear of 49-53 Silver Street, Taunton	The proposed residential development of this rear garden area behind terraced properties would be out of character with the pattern of development in the area contrary to policies S1(D) and S2(A) of the Taunton Deane Local Plan.	38/09/0357	The Inspector considered the proposed backland development would appear cramped, incongruous with the existing pattern of development and and would harm the character and appearance of the area. He therefore DISMISSED the appeal.

TDLP = Taunton Deane Local Plan **SENP** = Somerset & Exmoor National Park