

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 20 April 2011 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 23 March 2011 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct. The usual declarations made at meetings of the Planning Committee are set out in the attachment.
- 5 24/10/0023 - Formation of hardstanding for the siting of a caravan, in connection with the maintenance of the orchard, erection of storage building and creation of an access track at Daisy Alice Orchard, West Sedgemoor Road, Helland, North Curry.
- 6 36/11/0004 - Erection of agricultural building (Cubicle House) at Dykes Farm, Stoke St Gregory.
- 7 38/11/0092 - Erection of single storey extension to the rear, erection of porch to the front and erection of detached garage at 26 Fremantle Road, Taunton (retention of works already undertaken in relation to garage).
- 8 48/10/0046 - Siting of a temporary agricultural workers mobile home for a period of three years at The Willows, Noahs Hill, West Monkton (retention of work already undertaken).
- 9 E/0086/25/09 - Various unauthorised signs at Courtlands Farm, Minehead Road, Norton Fitzwarren, Taunton.
- 10 Tree Replacement Notice MC/R59/PD/22/833, issued 27 March 2009 in relation to land at Beauford Park, Norton Fitzwarren.
- 11 Planning Appeals - The latest appeal lodged (details attached).

Tonya Meers
Legal and Democratic Services Manager

28 July 2011

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

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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

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Planning Committee Members:-

Councillor C Bishop	(Chairman)
Councillor S Coles	(Vice-Chairman)
Councillor J Allgrove	
Councillor R Bowrah, BEM	
Councillor B Denington	
Councillor A Govier	
Councillor C Hill	
Councillor M Hill	
Councillor L James	
Councillor N Messenger	
Councillor I Morrell	
Councillor J Reed	
Councillor F Smith	
Councillor P Tooze	
Councillor P Watson	
Councillor A Wedderkopp	
Councillor D Wedderkopp	
Councillor G Wren	

Planning Committee – 23 March 2011

Present:- Councillor Bishop (Chairman)
Councillor Mrs Hill (Vice-Chairman)
Councillors Mrs Allgrove, Brooks, Coles, Denington, Gaines,
C Hill, House, Miss James, McMahon, Morrell, Mrs Smith,
Stuart-Thorn, Watson, A Wedderkopp and D Wedderkopp

Officers:- Mr B Kitching (Development Management Lead), Mr M Bale (West Area Co-ordinator), Mr G Clifford (East Area Co-ordinator), Mrs J Jackson (Legal Services Manager), Ms M Casey (Planning and Litigation Solicitor) and Mrs G Croucher (Democratic Services Officer)

Also present: Councillors Beaven and Mrs Lewin-Harris in connection with application No 05/10/0042; Councillor Guerrier in connection with application No 34/11/0001; Councillor Farbahi in connection with application No 38/11/0022; Councillors Govier, Henley and Mrs Wilson in connection with application No 43/10/0130; Councillor Cavill in connection with agenda item No 18 and Mrs A Elder, Chairman of the Standards Committee

(The meeting commenced at 5.00 pm)

22. Apologies/Substitutions

Apologies: Councillors Bowrah and Mrs Floyd

Substitutions: Councillor Stuart-Thorn for Councillor Bowrah
Councillor Brooks for Councillor Mrs Floyd

23. Minutes

The minutes of the meeting of the Planning Committee held on 2 March 2011 were taken as read and were signed.

24. Public Question Time

Councillor Mrs Herbert asked for the current position regarding the enforcement action in relation to 31 Shoreditch Road, Taunton.

Mrs Jackson replied that she would provide a written response to Councillor Mrs Herbert. The response would also be circulated to all Members of the Planning Committee.

25. Declarations of Interest

Councillors Brooks, McMahon and D Wedderkopp declared personal interests as Members of Somerset County Council. Councillor McMahon declared a personal interest as a Director of Southwest One. Councillor Watson declared a personal interest as an alternate Director of Southwest One. Councillors Mrs Hill and Councillor Mrs Smith declared personal interests as

employees of Somerset County Council. Councillor Miss James declared a personal interest as an employee of Viridor. Councillor Mrs Allgrove declared a personal interest in application No 05/10/0042 as she knew the applicant. Councillor Miss James declared that she had “fettered her discretion” in connection with application No 38/11/0022 and she stood down from the Committee during the consideration of this item. She also declared a personal interest in application Nos 05/10/0042 and 05/10/0044 as she knew a member of the public speaking against the application. Councillor Stuart-Thorn declared that he had previously spoken in connection with application No 05/11/0002 and considered he had “fettered his discretion”. He left the meeting during the discussion of this item. Councillor Gaines declared that he had previously spoken in connection with application No 49/11/0003 and considered he had “fettered his discretion”. He left the meeting during the discussion of this item. Mr Kitching declared that he knew the applicant in connection with application No 05/11/0002 and left the meeting during the discussion of this item.

26. Applications for Planning Permission

The Committee received the report of the Growth and Development Manager on applications for planning permission and it was **resolved** that they be dealt with as follows:-

- (1) That the **reserved matters be approved** for the under-mentioned development:-

38/11/0029

Application for the approval of reserved matters for application 38/10/0214 for the erection of 2711 sq.m of office (B1) floorspace together with associated car and cycle parking, landscaping, plant, refuse store and infrastructure works at Priory Bridge Road Car Park, Firepool and 82-94 Priory Bridge Road, Taunton

Condition

No development, excluding site works, shall begin until a panel of the proposed brickwork measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason for granting planning permission:-

The development was on an allocated site in the Taunton Town Centre Area Action Plan and proposed an appropriate mix of uses to secure a strategic office site that had good sustainable access links, provided a high quality layout with public realm improvements and would not harm the amenity of the area. The proposal accorded with Policies FP1, FP2, IM1, IM2, TR2, TR3, TR4, TR5, F1, F2, and ED1 of the Taunton Town Centre Area Action Plan,

Policies S1, S2 EN4 and T3 OF the adopted Taunton Deane Local Plan, Policies STR1 and STR4 of the Somerset and Exmoor National Park Structure Plan and the advice and guidance contained in Planning Policy Statement 4.

- (2) That **planning permission be granted** for the under-mentioned developments:-

05/10/0042

Demolition of bungalow and erection of replacement dwelling and garage at 28 Mountway Road, Bishops Hull

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
- (d) (i) Before any part of the permitted development is commenced a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) The access and area allocated for parking and turning shall be hard surfaced before the dwelling hereby permitted is occupied. It shall be properly consolidated and surfaced in a porous material, not loose stone or gravel, or, alternatively, provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling hereby approved, details of which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (f) The area allocated for access, parking and turning on the submitted plan (Drawing 199/L2 and L3) shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning in connection with the development hereby permitted;
- (g) The windows in the north elevation shall be glazed with obscure glass in accordance with details that shall first have been agreed in writing by the Local Planning Authority and shall thereafter be so retained. There shall

- be no alteration or additional windows in this elevation without the further grant of planning permission;
- (h) Notwithstanding the provisions of Article 3 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 or dormer windows shall be installed in the north and south elevations of the development hereby permitted without the further grant of planning permission;
 - (i) Notwithstanding the provisions of Article 3 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), there shall be no extension, addition or outbuilding, including alterations to the roof, other than that expressly authorised by this permission, without the further grant of planning permission;
 - (j) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of David F Wills' submitted report dated February 2011 and include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the retention and replacement and enhancement of places of rest for the species. 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 and thereafter the resting places and agreed accesses for wildlife shall be permanently maintained. The development shall not be occupied until the scheme for the maintenance and provision of the new resting places and related accesses have been fully implemented;
- (Note to applicant:- Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and to ensure that any activity undertaken on the site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation)

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and M4 (Residential Parking Provision).

05/10/0044

**Demolition of dwelling and garage and erection of four dwellings,
garages and associated external works at Milanwil, Mountway Close,
Bishops Hull**

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out, and thereafter retained as such, in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
- (d) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (e) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (f) The access and area allocated for parking and turning shall be hard surfaced before the dwelling hereby permitted are occupied. It shall be properly consolidated and surfaced in a porous material, not loose stone or gravel, or, alternatively, provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellings hereby approved, details of which shall be submitted to, and approved in writing by, the Local Planning Authority;
- (g) The area allocated for access, parking and turning on the submitted plan (Drawing: 17 Rev B) shall be kept clear from obstruction at all times and shall not be used other than for access, parking and turning, in connection with the development hereby permitted;
- (h) The garage doors shall be of a roller shutter type and permanently retained as such;
- (i) Notwithstanding the provisions of Article 3 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), there shall be no extension, addition or outbuilding, including

alterations to the roof, and no incorporation of the garage into the dwelling house carried out without the further grant of planning permission;

- (j) The development hereby permitted shall not be commenced until details of a strategy to protect wildlife has been submitted to, and approved in writing by, the Local Planning Authority. The strategy shall be based on the advice of Country Contracts' submitted report dated January 2011 and include:- (i) Details of protective measures to include method statements to avoid impacts on protected species during all stages of development; (ii) Details of the timing of works to avoid periods of work when the species could be harmed by disturbance; and (iii) Measures for the retention and replacement and enhancement of places of rest for the species.

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

(Notes to applicant:- (1) Applicant was advised that the access hereby permitted should not be brought into use until drop kerbs have been installed at the carriageway edge and a vehicle cross-over constructed across the footway fronting the site for the width of the access; (2) Applicant was advised that it should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and it should be ensured that any activity they undertake on the application site, regardless of the need for planning consent, must comply with the appropriate wildlife legislation).

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 (Development in Towns) and Policy 49 (Transport Requirements for New Development) and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

05/11/0002

Erection of 2 No dwellings and garages with associated access at land to rear of 50 Stonegallows, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-

enacting or modifying that Order), no windows or dormer windows, other than those expressly authorised by this permission, shall be constructed at first floor level on the west or east elevations of the dwellings;

- (d) Prior to the occupation of the dwellings, the windows in the west and east elevations at first floor level shall be glazed with obscure glass and non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed, in accordance with details which shall first be submitted to, and agreed in writing by, the Local Planning Authority. Development shall be carried out in accordance with the agreed details prior to the occupation of the dwelling and shall thereafter be so retained;
- (e) Notwithstanding the provisions of Article 3, 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 extensions shall be carried out without the further grant of planning permission;
- (f) Prior to the commencement of the development, details or samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the agreed details and thereafter retained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (g) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (h) The hedgerow and trees along the west and east boundaries of the site shall be retained and maintained in accordance with a maintenance schedule. The aforementioned schedule shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of development on site. Any trees or hedgerow removed without the Local Planning Authority's consent or which die or become seriously diseased or otherwise damaged within five years of the completion of the development shall be replaced by trees and species of a similar size to be agreed in writing by the Local Planning Authority. The replacement species agreed by the Local Planning Authority shall be planted within the first available planting season;
- (i) There shall be no obstruction to visibility greater than 600mm above adjoining road level forward of lines drawn 2m back from the carriageway edge on the centre line of the access and extending to the eastern extremity of the site frontage. Such visibility splay shall be fully provided before works commence on the construction of the dwellings hereby permitted and shall thereafter be retained at all times;

- (j) Prior to the occupation of the dwellings hereby permitted, a properly consolidated and surfaced access and turning area shall be constructed, not loose stone or gravel, details of which shall be submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out in accordance with the approved details prior to the occupation of the dwellings and thereafter maintained as such.

(Notes to applicant:- (1) Applicant was advised that, having regard to the powers of the County Highway Authority under the Highways Act 1980, the creation of the new access will require a Section 184 Permit; (2) Applicant was advised that the application states that surface water is to be discharged to a soakaway. The soakaway should be constructed in accordance with BRD365 (Sep 91)).

Reason for granting planning permission:-

The proposal for residential development was located within the defined settlement limits of Taunton where new housing was encouraged and it was considered would not adversely affect the character or appearance of the area or the residential amenities of nearby dwellings. The proposal therefore accorded with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR4 and Policy 49 and Taunton Deane Local Plan Policies S1, S2, M4 and EN12.

18/11/0002/LB

Conversion of agricultural buildings to form three permanent residential dwellings with erection of ancillary garaging with stores at Northway Farm, Halse

Conditions

- (a) The works for which consent is hereby granted shall be begun not later than the expiration of three years from the date of this consent;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) No works shall take place until samples of the materials to be used in the construction of the external surfaces of the works hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. Development shall be carried out and thereafter retained as such in accordance with the approved details as above unless otherwise agreed in writing by the Local Planning Authority;
- (d) Prior to commissioning, specific details of the following shall be submitted to, and approved in writing by, the Local Planning Authority with such approved details being strictly adhered to in the implementation of the approved works and thereafter so maintained unless any variation thereto is first agreed in writing by the Local Planning Authority:- details of the proposed tanking to Units A and C; finished treatment to all joinery; doors; architraves; windows and cills; skirtings; staircases; means of venting and terminal details, where appropriate, for kitchens, showers, bathrooms, recovered roofs; means of compliance with Part L of the Building Regulations and floors;

- (e) All guttering, downpipes and rainwater goods shall be constructed of cast iron and painted black and thereafter maintained as such unless an application for listed building consent is first submitted to, and approved in writing by, the Local Planning Authority;
- (f) No development, excluding site works, shall begin until a panel of the proposed stone and brickwork walls measuring at least 1m x 1m has been built on the site and both the materials and the colour and type of mortar for pointing used within the panel have been agreed in writing by the Local Planning Authority. The development shall be completed in accordance with the agreed details and thereafter maintained as such;
- (g) Prior to the commencement of the works hereby approved, a schedule of all existing doors and shutters to be retained as part of the development hereby approved shall be submitted to, and agreed in writing by, the Local Planning Authority. The approved works shall be carried out in complete accordance with the agreed details and thereafter so maintained unless an application for listed building consent is first submitted to, and approved in writing by, the Local Planning Authority;
- (h) No external lighting shall be installed without the prior written agreement of the Local Planning Authority. In the event that external lighting is requested to be installed the precise type, location and design shall be submitted to, and agreed in writing by, the Local Planning Authority. The lighting shall be installed in complete accordance with those agreed details and shall thereafter be retained as such.

Reason for granting planning permission:-

The proposed works would preserve and enhance the character and historic interests of the listed buildings and the setting of Northway Farm through the provision of an appropriate re-use for the traditional agricultural buildings. The proposal was therefore considered to be in line with guidance contained within Planning Policy Statement 5 and Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review. Further, the listed building and its setting and any features of special architectural or historic interest would be preserved in accordance with Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

34/11/0001

**Erection of two storey side extension at 20 Drake Close, Taunton
(amended scheme 34/10/0033)**

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) 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;
- (d) Notwithstanding the provisions of Article 3 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 or dormer windows shall be installed in the east elevation of the development hereby permitted without the further grant of planning permission.

Reason for granting planning permission:-

The proposed development would not harm either visual or residential amenity, nor would it be damaging to the character of the main dwelling. Accordingly, the proposal did not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings).

38/11/0022

Erection of 6 dwellings with associated parking spaces, erection of garage and relocation of 3 parking spaces following demolition of garages at Priorswood Place, Dorchester Road, Taunton

Conditions

- (a) The development hereby permitted shall be begun within three years of the date of this permission;
- (b) The development hereby permitted shall be carried out in accordance with the approved plans;
- (c) 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;
- (d) (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to, and approved in writing by, the Local Planning Authority; (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority; (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy, weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority;
- (e) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The agreed boundary treatment shall be completed before the buildings are occupied and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority;
- (f) 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:- (i) 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; (ii) If the report indicates that contamination may be 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 the 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; (iii) 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;

- (g) Details of the external safety barrier between the rear footway and service yard shall be submitted to, and approved in writing by, the Local Planning Authority prior to completion of the dwellings and shall be provided as agreed prior to occupation and thereafter maintained.

Reason for granting planning permission:-

The proposal for residential development was located within defined settlement limits where the principle of new housing was considered acceptable. The proposed access would be satisfactory and the development would not have a detrimental impact on the amenity of surrounding residential properties in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policies STR4 and 49 and Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), and M4 (Residential Parking Provision).

49/11/0003

Change of use from A1 retail to mixed use A1 retail and D1 veterinary surgery at 4-6 North Street, Wiveliscombe (retention of works already undertaken)

Condition

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

- (A4) Location Plan
- (A4) Existing ground floor plan
- (A4) Plan of internal layout

Reason for granting planning permission:-

The proposal was considered to be an acceptable use in this central location not impacting unreasonably upon the vitality and viability of the town centre, local highway network or character and appearance of the Conservation Area. It was, therefore, considered to be in accordance with Planning Policy Statement 4, Planning Policy Statement 5, Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design); Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), 9 (The Built Historic Environment) and 49 (Transport Requirements of New Development); and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

(3) That **planning permission be refused** for the under-mentioned developments:-

18/11/0001

Conversion of agricultural buildings to form three permanent residential dwellings, erection of ancillary garaging and stores and formation of vehicular access at Northway Farm, Halse

Reason

By reason of there having been no marketing of the buildings for employment use, it had not been demonstrated that the premises were unlikely to attract a suitable business re-use. The proposal was, therefore, contrary to Policy H7 of the Taunton Deane Local Plan and represented unjustified and unsustainable residential development in the open countryside, contrary to Policy S7 of the Taunton Deane Local Plan.

Reason for refusing planning permission contrary to the recommendation of the Growth and Development Manager:-

The Committee considered that, as the premises had not been marketed for employment use, it was unlikely that a suitable business would be attracted.

18/11/0003

Erection of double garage with store and formation of vehicular access at Northway Farmhouse, Halse

Reason

The proposed development by reason of its siting and design failed to preserve the setting of the adjoining listed building. It was, therefore, contrary to Policy 9 of the Somerset and Exmoor National Park Joint Structure Plan Review and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Reason for refusing planning permission contrary to the recommendation of the Growth and Development Manager:-

The Committee considered that the proposed development was inappropriate within the curtilage of a listed building.

43/10/0130

Demolition of The Sportsman Inn Public House and erection of seven dwellings and associated parking at 46 Waterloo Road, Wellington

Reason

The proposed development made insufficient parking provision on the site which would be likely to encourage the parking of vehicles on the adjoining public highway and would interrupt the free flow of traffic and thereby add to the hazards of highway users at this point. The proposal was, therefore, contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

Reason for refusing planning permission contrary to the recommendation of the Growth and Development Manager:-

The Committee considered that an insufficient number of parking places had been provided for the proposed development.

27. Drakes Lodge, Wellington

Reported that over four years ago, all the windows and external doors at Drakes Lodge, Wellington had been replaced with uPVC units without listed building consent being obtained.

On 28 March 2007 the Committee had resolved to take listed building enforcement action against the owners (Minute No 49/2007 refers). At this time, the owners of Drakes Lodge were at the point of exchanging contracts for the sale of the property to purchasers who had been made aware of the position regarding the window and doors.

It was therefore agreed to defer the serving of the enforcement notice for 12 months to enable the new owners to rectify the situation. However, to date no application to carry out the remedial works had been received and the new owners had stated that the monies that had been allowed against the purchase price of the property had been used to carry out other repair works.

Following further discussions, the owners had applied to English Heritage to have the property de-listed but this application was refused in October 2008.

A listed building enforcement notice was subsequently served requiring the doors and windows to be replaced with timber units. An appeal against this notice was dismissed in November 2009 with a nine month compliance period allowed.

Since September 2010, when the works should have been completed, the Council had tried to secure compliance with the notice without the need for formal prosecution action, in view of the age and health of both owners.

However, despite suggestions that the Council could deal with a relative or friend, the owners had continued to prevaricate and now believed the Council was out of time to take any further action.

Reported that the former owner of Drakes Lodge who had sold the property at a considerable discount, had expressed concerned that the matter remained unresolved and the works undone. He had confirmed that at the time of the sale the owners' children were active in the negotiations.

Further reported that there appeared to be the following options open to the Committee to secure the works:-

- (1) Members could agree that no further action to secure compliance with the Notice was taken until both the current owners had left the property;
- (2) Members could resolve to take prosecution action against one or both of the owners, subject to such proceedings not being issued for a period of three months to allow a third party to become involved and take satisfactory steps to resolve the matter; or
- (3) The Council did have the power to carry out works in default and charge the costs against the property. There would however be logistical problems in doing so if the owners were not co-operative and there was no money budgeted for such works.

The owners of Drakes Lodge had had the opportunity to test the Council's enforcement notice at appeal and had had the benefit of the additional time for compliance allowed by the Inspector on appeal. They had refused to allow a family member or friend to deal with the matter and although their ages and ill health were factors that had to be considered, the Council had also to be seen to be dealing with such cases in a consistent manner.

Resolved that:-

- (a) The Solicitor to the Council be authorised to issue prosecution proceedings against the current owners of Drakes Lodge, Wellington for failure to comply with the Listed Building Enforcement Notice served on the 22 May 2009 and upheld on appeal on the 1 December 2009; and
- (b) Such proceedings be not issued for a period of three months during which time the owners would be encouraged to engage with the Council in order to secure compliance with the Notice or appoint a representative to do so on their behalf.

28. Change of use of land to site mobile home as agricultural workers dwelling and use of stables for residential purposes at Alebar Farm, Bussells Farm Lane, West Buckland, Wellington

It had come to the Council's attention that stables at Alebar Farm, Bussells Farm Lane, West Buckland, Wellington that had been granted planning permission in 2008, were currently being used as a dwelling.

A visit had been made to the site where it was found that the owner was living in the timber stables with an area set up as a kitchen and a lounge area. She was in the process of planting additional trees and proposed to use the land to rear goats and keep a number of ducks and horses.

A subsequent visit had revealed that a large hole had been dug on the land ready to receive a septic tank and that a mobile home had also been brought onto the site.

The owner was advised that planning permission was required in order to reside on the land and any application had to be supported by an agricultural appraisal.

An application was submitted at the beginning of the year which was refused under delegated powers on 1 March 2011 for the reasons set out in the report.

It was clear that the application had not been supported by a justified agricultural or special need and Members enquired what the owner of the barn could now do in an attempt to regularise the situation.

The Legal Services Manager stated that an appeal against the refusal of permission could be submitted or a further application could be made with a supporting agricultural appraisal. The organisation Planning Aid could also be contacted for advice.

Resolved that the item be deferred for three months to enable the owner of land at Alebar Farm, Bussells Farm Lane, West Buckland, Wellington to obtain appropriate advice.

29. Use of residential dwelling as a children's care home at Chamarel, Sidbrook Orchard, Greenway, Monkton Heathfield

Reported that a number of complaints had been received that the property Chamarel, Sidbrook Orchard, Greenway, Monkton Heathfield was currently being used as a children's care home without the necessary planning consent.

Initially when the complaints were investigated, it appeared that the dwelling was being used as a single family house with two carers and it was therefore considered that no change of use had occurred.

However, further complaints were subsequently received that between 8 to 9 cars were being parked on the drive as well as on the highway on any particular day causing disruption to other residents.

The occupiers were once again contacted about the way the property was

being used and from the information supplied it appeared that a change of use to the property had been made.

Although a planning application had been requested from the occupiers to regularise the situation, no such application had been received to date and the unauthorised change of use of the dwelling continued.

Resolved that:-

- (1) Enforcement action be authorised to ensure the cessation of the use of Chamarel, Sidbrook Orchard, Greenway, Monkton Heathfield as a care home; and
- (2) Subject to being satisfied with the evidence, the Solicitor to the Council be authorised to institute legal proceedings should the enforcement notice not be complied with.

30. Appeals

Reported that two new appeals had been lodged, details of which were submitted.

(The meeting ended at 9.50 pm)

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 McMahon
- Alternate Director of Southwest One – Councillor Watson

FORMATION OF HARDSTANDING FOR THE SITING OF A CARAVAN, IN CONNECTION WITH THE MAINTENANCE OF THE ORCHARD, ERECTION OF STORAGE BUILDING AND CREATION OF AN ACCESS TRACK AT DAISY ALICE ORCHARD, WEST SEDGEMOOR ROAD, HELLAND, NORTH CURRY AS AMENDED BY APPLICANTS LETTER DATED 12TH OCTOBER 2010, DESIGN AND ACCESS STATEMENT AND ATTACHED PLANS.

Grid Reference: 333045.124216

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed hardstanding and store are required in connection with the maintenance and up keep of the small orchard and are considered to be acceptable and would not harm visual nor residential amenity of the area. Therefore, the scheme accords with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7(Outside Settlement) , and EN12 (Landscape Character Areas).

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) Implement Store Elevation plans received on 13th October 2010
(A1) Block plan and location Plan dated Oct 2010 and received on 13th October 2010

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

3. Only those materials specified specified on the submitted plans 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 Policies S2 and EN12 of the Taunton Deane Local Plan.

4. (i) Before any part of the permitted development is commenced, a landscaping scheme, which shall include details of new willow trees to be planted along the boundary with the highway at the south of the site, shall be submitted to and approved in writing by the Local Planning Authority.
- (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended or amended with the agreement in writing of the Local Planning Authority.
- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by 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 EN12, S1 and S2.

5. The finished level of the hard-standing shall be set between 6.7m AOD and 6.8m AOD.

Reason: To protect the development and any future occupants from flooding in accordance with the requirements of Planning Policy Statement 25 and to ensure that the hard-standing is not elevated above ground level in order to protect the visual amenity and character of the area in the event of any caravan/motorhome being sited on it in the future, in accordance with the requirement of Taunton Deane Local Plan policy S1, S2 and EN12.

6. Prior to the siting of a any form of temporary accommodation on the hard-standing hereby permitted, a flood warning and evacuation plan shall be submitted to and approved in writing by the Local Planning Authority. The approved plan shall thereafter be implemented whenever temporary accommodation is sited on the hard-standing.

Reason: To reduce the impact of flooding on the users of the site in accordance with Planning Policy Statement 25.

Notes for compliance

1. You are advised that under Class B Part 4 of The Town and Country Planning (General Development) Order 1995 the siting of one caravan or

motorhome id permitted development UP TO a maximum of 28 days in any calendar year. The siting of a caravan/motorhome for 29 days or more in any calendar year will require planning permission.

2. Your proposed hard standing would be adjacent to the Sedgemoor Old Rhyne and drainage ditches where the Parrett Internal Drainage Board's Bylaw 10 prohibits the construction of any building or structures including landscaping within 9m of the watercourse without the prior consent of the Drainage Board. The Board may be able to agree a lesser distance if a Land Drainage Consent application is first submitted and you are advised to contact The Parrett Internal Drainage Board on 01278 789906, drainage.boards@btconnect.com to discuss this further.
3. Whilst it would appear from the application that the proposed development is to be entirely within the curtilage of the application site, care should be taken upon the commencement and during the course of building operations to ensure that no part of the development, will encroach on land outside of your ownership without the permission of the landowner .
4. This permission does not include the creation of bridge in the south west corner of the site as it is not referred to on the planning application forms, it involves highway land not in the ownership of the applicant and no details have been supplied in the application.

PROPOSAL

The proposal is for the creation of a caravan hard standing measuring 6m x 12m and the erection of a machinery store, measuring 3m x 4m x 3.1m high. The machinery store would be constructed with timber shiplap boarding and a pitched mineral felt roof. The caravan hard standing and store would be located at the west of the site adjacent to an existing treed area where its impact on the wider landscape is limited. A new entrance track would be formed adjacent to the new gates at the east of the site. This would be 3m wide and 10m in length and formed by formed with crushed stone. The applicant intends to site a caravan on the hardstanding for temporary periods in order to maintain the orchard, such equipment is currently sited in an old caravan.

SITE DESCRIPTION AND HISTORY

The site is located in the open countryside approximately 1 mile from the settlement limit of North Curry. It is accessed from a minor lane, at the north east corner of the site, which runs north from the A378 to North Curry. The Orchard is 0.28 ha (0.68 acres) and the submitted plan shows 12 apple trees growing on the site. The site runs parallel to the highway and is approximately 85m long x 32m wide. A hedge and/or drain run around the boundaries of the site and are between 3m and 4m in width.

24/09/0031- Erection of log cabin and wooden apple store on land at Daisy Alice Cider Orchard, West Sedgemoor Road, Helland, North Curry. Permission refused 23rd December 2009

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - The proposed development site lies outside any Development Boundary Limits and is therefore distant from services and facilities whilst public transport services are likely to be infrequent. As a consequence, occupiers of new development are likely to be dependant on their private vehicles. Such fostering of growth in the need for travel would be contrary to advice contained within PPG 13 and RPG10 and to the provisions of Somerset and Exmoor National Park Joint Structure Plan review policies STR1 and STR6 and policy S7 of Taunton Deane Local Plan policy S7. It is noted however that the application is now for temporary use in connection with the maintenance of the orchard and I have no objection as this would be a low level of vehicular use.

NORTH CURRY PARISH COUNCIL - object, granting permission for a hardstanding for a caravan and erection of a small storage shed would set a precedent for the area that is not justified on business grounds in relation to the orchard; an earlier permission for this was previously refused and the reasons are still extant; it is located on a site designated as at risk of flooding.

ENVIRONMENT AGENCY - withdraw the original objection as the site of the hardstanding is shown to be an area of flood zone 1. The land is surrounded by floodplain and therefore the hardstanding must have a minimum height of 6.7m AOD. The applicant should provide safe access over the stream at the south of the site to the highway, which is considered suitable as a means of escape in the case of flooding. There are no proposals for such an access and ownership of the land, that would be required to provide a bridge across the stream, is unclear. Furthermore land drainage consent would be required from the Internal Drainage Board. In the event that safe escape route cannot be provided the applicant would need to consider a stay put approach that would result in occupants being stranded until the flood waters subside. In any event the provision of a flood warning and evacuation plan should be conditioned.

HERITAGE AND LANDSCAPE OFFICER - original proposal : Given the open nature of the site i am concerned that the touring caravan and shed will have a significant landscape impact contrary to EN12. Revised proposal: The amended position of the shed is unlikely to have a significant landscape impact.

ECONOMIC DEVELOPMENT MANAGER - no comment

PARRETT INTERNAL DRAINAGE BOARD - Any increase in surface water run off will discharge into the Boards area within which it has jurisdiction and powers over matters relating to Ordinary Water Courses. To the north of the site there is a watercourse called the Sedgemoor Old Ryan which is a viewed rhyne and is maintained by the Drainage Board. Access to maintain all watercourses must be protected and this includes the field ditched around the site, which are considered a riparian responsibility. The siting of the hardstanding is within the Boards Bylaw requirement and could impede on the access to maintain the watercourse on the western boundary of the site. The Board's policy on development in close proximity to watercourses has changed in recent times and previously the Board concentrated on the protection of the viewed rhyne network, Bylaw 10 of the Parrett Internal Drainage Board's Bylaws prohibits the construction of any building or structures, including landscaping within 9m of any watercourse without the Board's consent.

Whilst the hardstanding is unlikely to present as problem with the maintenance of the adjacent watercourse the location of a caravan on the hardstanding clearly might. The Board can agree a lesser distance than the 9m if a land drainage consent application is submitted to the Board outlining the proposals. Within the details a maintenance strategy to maintain the watercourse should be detailed and any other information outlined. Whilst discussing the Land Drainage Consent requirements the Board believes that the current access arrangements have been modified. Those details should be identified to the Board but if the work has already been done they cannot be consented retrospectively. If the LPA are minded to allow this proposal an informative should be added.

Representations

4 Letters of objection have been received from 3 members of the public raising the following objections:-

- The site is subject to flooding, within a flood zone 3b, it does not seem practical to site a caravan in areas prone to flooding;
- The proposal could result in a new dwelling in the long term, the site is remote from all facilities and is unsuitable even for the proposed use;
- The application is retrospective,
- The position of the hardstanding would be contrary to the drainage Board bylaws.;
- The orchard is adjacent to a high level stewardship facility and there have never been any buildings of the field before;
- An old caravan has recently been installed on the site;
- A hardstanding in this location is inappropriate and a means to an end;
- Bees have not been placed in this site;
- There has been no recent maintenance of the orchard and there are only a few cider apple trees with little fruit so there is no agricultural need for equipment storage;
- The applicant has blocked an existing right of way which the adjacent farmer claims to use on a regular basis.

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S7 - TDBCLP - Outside Settlement,
EN28 - TDBCLP - Development and Flood Risk,
EN12 - TDBCLP - Landscape Character Areas,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
PPS7 - Sustainable Development in Rural Areas,
PPS25 - Development and Flood Risk,
PPS4 - Planning for Sustainable Economic Growth,

DETERMINING ISSUES AND CONSIDERATIONS

Daisy Alice Cider Orchard is located on the Somerset Levels, beyond the settlement limits where new development is strictly controlled. Policy S7 restricts all such development unless it conforms to a specific development policy and where it involves new building it requires the building to be designed and sited to minimise

visual impact, be compatible with the rural location, relate well to existing buildings, avoid breaking the skyline; and use colours and materials which harmonise with the landscape. The proposed storage building would house machinery that would be used to maintain the orchard but the hardstanding would be used solely to provide a site for a temporary caravan or motor-home to be provided on a temporary basis (under the 28 day permitted development).

The site lies within an area that is liable to flood. There is a small raised area within the site which is outside of the land which would flood (in Flood Zone 1) but it is surrounded by land in Flood Zone 2 and 3b where vulnerable uses, such as would be resisted. The Environment Agency do not object to the siting of a future caravan as it is placed on the Zone 1 area and whilst they would prefer to see a safe exit from the site to the road to the south if the applicant proposed to stay put in the case of the surrounding land flooding they would not object.

The site is accessed via a windy single track road which, whilst considered by the County Highway Authority to be unsuitable for use in connection with a touring caravan site (due to the likely number and type of vehicular movements), would be considered suitable for the temporary use (28 day max) for the maintenance of the orchard.

The site is located in a landscape character area where the visual impact of the development on the wider area is considered to be important. The proposed hardstanding would not be detrimental to the landscape of the area and the store had an agricultural design and has been sited at the far west of the site where its visual impact on the wider area is limited.

The cider apple trees are a form of agriculture and the applicant wishes to be able to visit the site in order to maintain the "orchard". The applicant can site a caravan for up to 28 days without requiring planning permission so there would be no additional visual impact as a result of any permission.

One of the objectors claims to have a right of way blocked by the applicant but land ownership issues are a private matter and are not a planning consideration.

Overall, the proposal is considered to be acceptable.

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

CONTACT OFFICER: Mrs J Moore Tel: 01823 356467

ERECTION OF AGRICULTURAL BUILDING (CUBICLE HOUSE) AT DYKES FARM, STOKE ST GREGORY

Grid Reference: 335201.127848

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon visual amenity, landscape character or setting of listed farmhouse and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design) and EN12 (Landscape Character) and PPS5 (Planning for the Historic Environment).

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:

(A1) Drg elevations
(A4) Site location plan
(A3) sitel location plan

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

3. 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

The proposal comprises the erection of an agricultural building for livestock. Three sides of the building will have open access. The proposed building measures 30.4m x 21.3m x 4.26m (eaves height), and will be constructed with a natural grey fibre cement roof and Yorkshire timber boards to one gable end of the building.

The proposal will replace a much smaller building and will allow increased welfare of the livestock.

This application is presented before the Planning Committee as the applicant is related to a Councillor.

SITE DESCRIPTION AND HISTORY

The site for the building is within an agricultural farm yard adjoining the farm house. The building can be assessed from different points.

The main farmhouse is a grade II listed building and the holding consists of 180 acres.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No observations.

STOKE ST GREGORY PARISH COUNCIL - Views awaited.

Representations

None received

PLANNING POLICIES

S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
EN12 - TDBCLP - Landscape Character Areas,
PPS 5 - PPS5 Planning for the Historic Environment,

DETERMINING ISSUES AND CONSIDERATIONS

The main considerations are impact on the landscape character of the area and setting of the listed building.

Visual Amenity

The proposed agricultural building will replace an existing smaller building and is sited within the existing farm yard. The new building would therefore be seen within

the context of the site and is not considered to harm the visual amenity of the area. There is also not considered to be any impact on the landscape character of the area due to the siting of the building.

Setting of Listed Building

The new building is set away from the listed farmhouse, and both can only be viewed together from certain angles. Given the distance between the building, the siting of the new building, and the setting of the new building (within other agricultural buildings), there is not considered to be any harm to setting of the listed building.

As such, regard has be given to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires that development proposals must be assessed to ensure that they preserve the listed building, its setting or any features of special architectural or historic interest which it possess.

Conclusion

The proposed agricultural building will allow the farm to maintain the welfare of livestock with no detrimental harm to visual amenity, landscape character or the setting of the listed farmhouse. 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

ERECTION OF SINGLE STOREY EXTENSION TO THE REAR, ERECTION OF PORCH TO THE FRONT AND ERECTION OF DETACHED GARAGE AT 26 FREMANTLE ROAD, TAUNTON (RETENTION OF WORKS ALREADY UNDERTAKEN IN RELATION TO GARAGE)

Grid Reference: 323705.123293

Retention of Building/Works etc.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed extensions have been designed to reflect the style of the existing property and do not appear excessively dominating to it. The garage, although large, is not clearly visible in the street scene. The extensions and garage are therefore not deemed to result in detriment to the character of the property or to that of the street scene, and will not result in material harm to the residential amenities of the occupiers of the adjacent properties. As such, the proposal is in accordance with policies S1 (General Requirements), S2 (Design) and H17 (Extensions to Dwellings) 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:

- (A4) Elevations of garage
- (A4) Existing and proposed ground floor
- (A4) Proposed side elevation
- (A4) Proposed side elevation
- (A4) Proposed front and rear elevation
- (A4) Location Plan
- (A4) Block Plan

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order) the use of the garage hereby permitted shall be limited to the domestic and private needs of the occupier and shall not be used for any business or other purpose whatsoever.

Reason: In the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and to protect the character of the area in accordance with Policy S1(D) of the Taunton Deane Local Plan.

Notes for compliance

PROPOSAL

The existing property is a brick and tile semi-detached dwelling in a row of similar style properties. Opposite is a row of larger detached properties.

This application seeks permission for the erection of a porch to the front and a single storey extension to the rear. The rear extension would abut the boundary with No.28. To the rear of No.28 and set away from the boundary is a two storey flat roof extension.

The application also includes the retention of a flat roof garage to the rear. Whilst this has been in place for over 10 years, the applicant is of the opinion that planning permission may have been required due to the height. As such, it has been included in this application, in order to regularise the situation.

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

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - Although no drawings showing internal measurements provided, from external measurements of 3.7m x 6.7m, I am confident that the required internal dimensions of 2.4m x 5m can be achieved. Raise no objection, suggest condition.

Representations

None

PLANNING POLICIES

T1 - TDBCLP - Extent of Taunton,
STR2 - Towns,
STR4 - Development in Towns,

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

DETERMINING ISSUES AND CONSIDERATIONS

The property has a canopy to the front which extends above the bay window and over the front door. This is a feature generally evident on properties in Fremantle Road. The proposed porch will come forward of the building line marginally, although this is not considered to harm the appearance of the street scene. The lean-to style of the roof reflects the design of the canopies on other properties and is not considered out of keeping with the surrounding area.

The detached flat roof garage is large. It is however set back to the rear of the property and as such, is not prominent in the street scene. Whilst the garage lies on the boundary with No.24, it abuts the parking space and a garden shed, rather than the main amenity space. As such, this does not have an adverse impact upon the residential amenities of the occupiers of No.24.

The rear extension is of an appropriate design that will not result in harm to the character of the property. It protrudes 5.5 metres from the rear, which is a significant length, however due to the sloping ground level, the eaves are low. Over the boundary at No.28 is a door with a small window to either side. To the other side of this is the two-storey flat roof extension. Due to the land levels at the rear, the door is in an elevated position, with steps leading down to the garden. By virtue of the position of the door, in context to the roof of the extension, the proposal is not considered to result in a material loss of light to the adjacent door/window. Whilst the extension will have some impact upon the patio area over the boundary at No.28, this has already been dominated by the previous two storey extension at the property. It is not considered that the proposed extension would exacerbate this to an unacceptable level.

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

MR & MRS A COURTNEY

SITING OF A TEMPORARY AGRICULTURAL WORKERS MOBILE HOME FOR A PERIOD OF THREE YEARS AT THE WILLOWS, NOAHS HILL, WEST MONKTON (RETENTION OF WORK ALREADY UNDERTAKEN)

Grid Reference: 325794.128468

Retention of Building/Works etc.

RECOMMENDATION AND REASON(S)

Recommended Decision: Refusal

- 1 The site lies in a countryside location, where it is the policy of the Local Planning Authority to resist new housing development unless it is demonstrated that the proposal serves a genuine agricultural or other appropriate need. Whilst the business being operated from the site comprises a mix of enterprises, the overall business remains of a small scale and of a nature where the vast majority of work can be carried out and most problems/emergencies are likely to occur during part of the normal working day (however long that day may be). As such, it has not been proven that it is essential for the proper functioning of the enterprise for a worker to be readily available at most times. As such, the functional need for the retention of the mobile home has not been demonstrated and the development fails the tests set out in Planning Policy Statement 7, Annex A. The proposal therefore represents an unjustified dwelling in the countryside, contrary to Policies S1 (General Requirements) and S7 (Outside Settlements) of the Taunton Deane Local Plan and Policies STR1 & STR6 of the Somerset & Exmoor National Park Joint Structure Plan Review.
- 2 The approach roads providing access to the site, by reason of their restricted width, poor alignment, condition and maintained standard, are considered unsuitable to serve as a means of access and accommodate the volume and type of traffic likely to be generated by the proposed development. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

As the mobile home is already on site with residential use occurring, it is further recommended that should residential use continue the Solicitor to the Council be authorised to serve an Enforcement Notice to ensure that the mobile home is not used for residential purposes and take prosecution proceedings, subject to satisfactory evidence being obtained that the notice has not been complied with.

RECOMMENDED CONDITION(S) (if applicable)

PROPOSAL

The Willows is situated at Noah's Hill, West Monkton. It is a block of land of approximately 2.5 acres, owned by the applicants. On the site is a stable block and agricultural barn, for which permission has been granted. A mobile home has also been sited on the land. This application seeks permission to retain the mobile home for a period of three years.

The applicants are currently using the site for the breeding of micro pigs and the appraisal states that they have obtained a herd of five sows/gilts and one stud boar, with a target of producing approximately 100 pigs per annum. In addition, the site is used for free range egg production currently with a small flock of 100 birds (proposed to be increased to up to 350 in the future) supplying eggs on a farm gate sales basis; ornamental poultry breeding with a view to producing 100 per annum; and the breaking in of young horses/ponies, approximately 4 horses in the first year. (Figures taken from Appraisal and Business Plan). The site itself is approximately 2.5 acres, with a further 10 acres opposite held on a Farm Business Tenancy and small parcels elsewhere on annual informal agreements (although no information has been provided on this).

The applicants state that they have entered into an agreement with the Little Pig Farm Limited to sell all piglets to them and also agreed that "at least one person be on site at all times."

During the processing of the planning application (February 2011), an update to the business plan was received stating:

- Due to the loss of a breeding sow, year one of the micropigs operation was behind the budgeted target, but year two is on target.
- The equine element has progressed as planned, although this did state that only one horse had been broken and schooled (although 4 were planned in the first year).
- The egg-laying flock is at the initial budgeted 100 birds with egg sales achieving the budgeted revenue.
- The ornamental poultry season is about to begin, being a spring business.
- It is proposed to expand with a small flock of pedigree Wiltshire Horn rare breed sheep. This will begin with 12-15 ewes and a ram and expand to 20-25 ewes in the future.

SITE HISTORY

An outline application for a bungalow (48/85/0024) was refused in August 1985. Subsequently, an earth-sheltered dwelling (48/90/0035) was refused by planning committee in November 1990 on the grounds that the site lies in open countryside and there is no genuine agricultural or other appropriate need; the proposed access would be detrimental to the visual amenity and character of the rural lane; the approach road by reason of its restricted width and poor alignment is considered unsuitable to serve as a means of access to further residential development; and the proposal would constitute undesirable development and an inappropriate level of domesticity, which would be detrimental to the character and visual amenity of the area. This was subsequently dismissed at appeal in August 1991.

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, health, 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 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.

In terms of the technical detail the applicant has indicated that by allowing this proposal it would reduce the level of vehicle movements as the applicant would not need to visit the site twice a day as indicated in the Design and Access Statement. However it should be noted that a normal dwelling would generate 8-10 vehicle movements per day. Reading the other documentation submitted as part of the proposal it is apparent that this site has a number of uses which potential generate an increase in vehicle movements. Although no details have been provided on the exact number of movements I have concerns that these uses would generate an increase in vehicle movement. From visiting the site it was observed that the approach roads are single width and sinuous in nature with high hedges either side of the carriageway. I do not believe that these approach roads are of sufficient standard to accommodate any additional vehicle movements.

I note that part of Design and Access Statement refers to previous applications on this site. One related to the erection of an earth-sheltered dwelling this proposal went to appeal where it was dismissed. The applicant has indicated that part of the appeal related to highway issues. These issues were dismissed by the Inspector as such the applicant feels that this appeal is a material consideration. In response to this although I note the Inspectors comments this appeal was in 1991 and planning and highway policy has significant changed since then as such any highway concerns should still be considered to be relevant. Raise objection.

WEST MONKTON PARISH COUNCIL - 4 votes in support, 3 votes against and 2 abstentions. Request application considered by planning committee. Comments – represents sustainable use of land; at the end of 3 years if another application forthcoming, evidence must show realisation of business plan submitted; insufficient visibility splay to west, made worse by sale at gate of free range eggs; permission is for 3 years and at end it must come back to TDBC for review.

LANDSCAPE LEAD - No further comments

WESSEX WATER - The development is located within a foul sewered area although as temporary a septic tank has been indicated. There are water mains within the vicinity of the proposal and it will be necessary for the developer to agree a point of connection onto the system. Council should be satisfied with arrangements for surface water disposal. Suggests note to applicant regarding uncharted sewers or water mains.

DRAINAGE ENGINEER - Note that foul flows are to connect to an existing septic tank. The applicant shall ensure that suitable and satisfactory drainage provision is made. The applicant shall ensure that the capacity of the septic tank system is satisfactory to provide for the maximum possible number of occupants and only appliances that discharge foul water into the existing system, including flows from any source for which it already serves. With regard to surface water drainage, I note soakaways are to be utilised. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval.

Representations

Four letters received in support on the grounds of:

- Important to be on site to look after livestock, due to developing specialist breeds, more important to protect their investment and maintain quality and security.
- Great importance for security, supervision and care/welfare of the animals.
- Security of neighbouring property is enhanced.
- Project of this type and size would not be detrimental to the area and maintain village roots in agriculture and livestock production. This type of enterprise should be encouraged.
- Brings business to a small village, helping local economy grow and bring opportunities for local children.

One letters received stating no objection.

Four letters received raising concerns/objections on the grounds of:

- Development already undertaken seems excessive for a small agricultural unit.
- Site outside village boundary. Previous unsuccessful planning permissions.
- Concern over future attempt to build a permanent residence, setting a precedent. After 3 years, owner will seek permission to build a dwelling, an application that the previous West Monkton Parish Council consistently refused.
- Does not enhance the area.
- Concerns regarding smell, noise, several vehicles, effluence.
- Inadequate room for free range poultry on the 2.5 acres.
- Poor exit at the top of hill, people pulling up immediately outside force oncoming traffic from the west blindly into the path of upcoming traffic. Traffic in this area often travels at speed. Hazardous and unsafe.
- Equine and livery is not an agricultural need. Stables built for owner occupation, not for business. Business will again increase traffic.
- No clear intention and ability to develop. Existing farm buildings were not built in relation to this proposed enterprise.
- Owner has dwelling house not too far from the site.
- Previous application for small barn was allowed with serious planning restrictions sought by Parish Council.
- Concerns regarding effluent and impact it will have on nearby freshwater lake.
- Queries parking facilities for customers buying eggs

Letter received from Black Rock Vets stating:

- Micro pigs are labour intensive
- Mating needs to be accurately timed and monitored to ensure animals safety, by handlers that pigs are used to.
- Problems can occur during farrowing that need prompt response.
- Piglets can deteriorate rapidly if ill, regular checks required.
- Vet practice attended farm three times in two month period and prescribed animals antibiotics that need injecting daily.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
EN8 - TDBCLP - Trees in and around Settlements,
S1 - TDBCLP - General Requirements,
S7 - TDBCLP - Outside Settlement,
STR1 - Sustainable Development,
STR6 - Development Outside Towns, Rural Centres and Villages,
S&ENPP49 - S&ENP - Transport Requirements of New Development,

DETERMINING ISSUES AND CONSIDERATIONS

Whilst the agent is of the opinion that the mixed enterprise operating from the site does not require planning permission, the local planning authority is not in agreement with this. The local planning authority consider that that the breeding of micropigs as domestic pets; and the equestrian activities being undertaken at the site, do not fall within the definition of agriculture and as such, planning permission is required for these aspects. This is a view shared by Kernon Countryside Consultants (KCC), who have been consulted on the application as specialists in the agricultural field.

Whilst the agent considers micro pigs do fall within the definition of agriculture and that KCC have misunderstood the definition of agriculture, as agricultural specialists it is believed that they would be well versed in the definition of agriculture and qualified to comment on whether a business falls within this.

However, notwithstanding the agent's dispute over the definition of agriculture, he then goes on to say that in any event, the main use of the holding will (in time) be 350 free-range hens and 25 ewes. As such, in comparison, the micro-pig enterprise and equestrian activity is small and is consequently ancillary to the main primary use, being chickens and sheep. As such, he is not of the opinion that planning permission is required for those aspects. It is important to note that in disputing the need for planning permission, the agent points out that the micro pig breeding enterprise and equestrian activity is small, weakening his later argument that they do in fact form a large part of the business, fundamental in justifying the need for a dwelling on site.

However regardless of this, the main issue for consideration is whether the retention of the unauthorised mobile home on site is essential to support the business as described above. In assessing this need, it is necessary to consider whether the following criteria are satisfied:

- i) Clear evidence of a firm intention and ability to develop the enterprise concerned;
- ii) there must be a functional need for one or more workers to be readily available on the holding at most times. For example, if workers are needed to be on hand day and night;
- iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- iv) no other dwellings should be capable of meeting the identified need, either on the property or in the area, which is suitable and available;
- v) other planning requirements. For example, access or impact upon the countryside must be satisfied.

Each of these Criteria are discussed below:

Intention and ability to develop the enterprise

As mentioned above, the local planning authority is not of the opinion that the necessary consents have been obtained at the site for the breeding of micro pigs and the commercial equestrian activities. As such, in the absence of the necessary planning permissions, it is not considered that the applicants have the ability to operate the current enterprise.

The agent's view is acknowledged, although not accepted. However, even if the applicants did have the required consents, this would not automatically mean that a dwelling is acceptable. The need for this is considered through assessment against four other criteria, including the functional need.

Functional need

Annex A Paragraph 4 states that it should be essential for the proper functioning of the enterprise for the worker to be readily available at most times, for example if he/she is needed to be on hand day and night. In assessing this, it is necessary to take into account whether the required problems/emergencies are likely to occur during normal working hours (even if these hours are long). If this is the case, emergencies/problems can be dealt with as part of the day to day routine and this does not call for a worker to live on site.

Whilst it is considered that the necessary planning consents for the micro pigs and commercial equestrian enterprise have not been obtained, for the purpose of the functional test, the requirements of these enterprises have been taken into account. Although in doing so, the functional test has still not been met.

In terms of the micro pigs, the business plan states that the target is to provide 100 pigs at 8 weeks old per year, though 24 farrowings. The nucleus herd currently on the site contains 5 sows and gilts and as pigs generally produce 2 litters per year, this number of farrowings is not achievable (no information is provided as to any proposed increase in this herd). In any event, whether the number of farrowings is to be 10 per year, based on the existing number of sows or increased to 24 per year by expanding the herd size, the enterprise remains reasonably small, as would be the risk of problems occurring that need essential care at short notice.

Regardless of whether there are 10 or 24 farrowings per year, the mating of boar and sow would normally be undertaken as part of the normal working day, allowing adequate supervision of this. Whilst it is acknowledged that problems can occur

during farrowing, which require rapid action, the limited amount of farrowings, being no more than 2 per month, is not considered to be of a size that warrants a worker being readily available at most times. It is important to note that a competent stock man would have a good idea of when a sow is likely to farrow, and whilst many would farrow down in the day, if necessary he/she could return to the site to check the occasional sow that might farrow at night. Furthermore the large workload associated with feeding, cleaning, monitoring, treating with antibiotics and additional handling due to breeding for the pet market would all be carried out as part of the normal working day, rather than at night. As such, these tasks do not add to the justification of a worker being readily available at most times.

There are currently 100 free range poultry on site, although this is proposed to be increased to 350 in the future. Even using the upper figure of 350, the associated activities of feeding, watering and egg collection are all activities that would be undertaken as part of a normal working day and do not necessitate a worker being readily available at most times.

Whilst little information has been provided about the operation of the poultry enterprises, it is normal to assume that the laying birds are shut up at night to protect them from predators. On this basis, they are at little risk at night and as none of the birds are housed within controlled conditions, there is no requirement for someone to be on hand to deal with any power/system failure, in order to prevent suffering. Whilst it is accepted that eggs are likely to be incubated and young birds likely to be reared under heat, it is not stated that these systems are linked to an alarm. As such, even if a worker was living on site, a change in temperature is not something he/she would be aware of until checking the stock in the morning. Furthermore, due to the small scale of these enterprises, it follows that the risk of loss would be minimal.

As such, it is not considered that an on-site dwelling is essential to provide an adequate level of welfare for the poultry enterprise. It is also important to note that welfare could be significantly improved with the introduction of an alarm system, which triggered calls to a mobile phone if temperatures fell/rose to critical levels, enabling a worker to return to the site to check the eggs and chicks.

The sheep enterprise of 25 ewes is also small scale and lambing would take place over a relatively short time period. As such, if a worker wanted to reside on site during the lambing period, this could be accommodated through the provisions for seasonal workers under the General Permitted Development Order. There is therefore no justification for a worker being readily available at most times for this element of the business.

Whilst there is also the equestrian business of breaking in/schooling horses, there would only be one horse on site at any one time. Due to this being a very small scale and entailing work that would take place during the course of a normal working day and not at night, this is not considered to warrant a worker to live on site

In summary, there are several different enterprises being operated on the site, being poultry breeding, free range egg laying, micro pig breeding, commercial equestrian activities and sheep breeding. Each part of the business is reasonably small scale and even when considered together, the vast majority of the work/problems/emergencies can be dealt with during a normal working day, albeit possibly a long working day.

With livestock, there will always be the occasion where emergencies may arise or problems require an animal to be carefully monitored, however due to the scale of the business on the holding, it is not considered essential to the proper functioning of the enterprise for a worker to be readily available at most times. As a result, a functional need has not been proven.

The agent argues the need for security of the stock. PPS 7 clearly states that "the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify an agricultural dwelling".

It is understood that the applicants signed a contract with the Little Pig Farm Limited in August 2010, agreeing that "at least one person be on site at all times". The agent states that the only way this can be achieved is through a dwelling on the site and if no worker is available, the contract will be broken. Therefore he considers it is essential to the proper functioning and viability of the enterprise that a worker can live on site.

Members should be aware that the applicants signed the contract in August 2010, having no consent to live on site. In view of the fact that they signed the agreement in the absence of such permission, it is considered that they must have felt that they could comply with the terms of the agreement without having a residential unit on site.

Furthermore it is important to note that simply because an applicant signs an agreement which requires a worker to be on site at all times rather than "readily available at most times" as per the requirements of PPS 7, does not automatically mean that the functional test is met. This is an argument that could be repeated all too often by other farmers/rural business operators, who would only need to sign a contract that required them to live on site, in order to meet the functional test and consequently demonstrate the need for a dwelling.

An additional consideration is that even if there was a residential presence on site, that does not necessarily mean that somebody would be on site at all times as per the requirements of the contract. This would be almost impossible to achieve as the occupier(s) of the dwelling will no doubt have to leave the site at certain times i.e. social activities, shopping, to make deliveries etc. Accordingly the only way that it can be ensured that a worker is on site at all times is if shifts are undertaken - as is regularly the case with other enterprises where staff are needed on site at all times. As such, if shifts are worked, the workers do not need to live on site and there is no justification for an agricultural dwelling.

Proposed enterprise planned on a sound financial basis

The budgets provided include all of the aforementioned enterprises. As stated above, the local planning authority is not of the opinion that the required consents have been obtained and as such, is not of the opinion that these unauthorised enterprises should be taken into account in the financial information.

The micro pig enterprise accounts for a significant proportion of the income, with the equine enterprises being the next highest. Without taking these two aspects of the business into account, the profitability of the business is significantly reduced to a

level that would not even be capable of providing a full time wage. As such, taking into account the aspects of the business that can be operated from the site under the current consents, it has not been planned on a sound financial basis.

If however, the outstanding issues were dealt with, enabling the micro pigs and equine enterprises to be taken into account, the budgets would indicate a reasonable profit before drawings. It must be noted however, that the financial test is not met at the current time.

No other dwellings

Based on the above, it is not considered essential for the proper functioning of the enterprise for a worker to be readily available at most times. The agent states that the applicants have a dwelling 3.2 miles away, which is not considered an excessive distance to travel to be able to operate the business on a daily basis, returning to the site for a night time check on the rare occasion that this may be necessary.

The agent has stated that the nearby dwellings in West Monkton are not within sight and sound of the site and would not therefore meet the functional test. However, the local planning authority, as mentioned above, are not of the opinion that there is a functional need to live on site.

Furthermore it is stated that house prices in West Monkton are well above average and as such there is little likelihood that these would be within the affordability of the business. However, no information has been provided regarding any houses currently on the market in close proximity and the guide prices.

v) Other planning requirements satisfied

Whilst the proposal is not considered to satisfy the other necessary criteria as set out in Annex A of PPS 7, the siting of the mobile home is not considered to result in an unacceptable impact upon the surrounding landscape.

However, there are issues on the grounds of highway safety and sustainability.

The site lies in a remote countryside location, some distance from any urban area and therefore distant from adequate services and facilities, such as education, employment, health, retail and leisure. There are very limited public transport services in close proximity to the site and therefore very limited transport opportunities other than the private car. As such, occupiers of a residential unit in this location would be largely dependent on private vehicles, rendering this an unsustainable form of development.

In view of the lack of functional need for the agricultural worker's dwelling, it is not believed that there are any planning merits of this proposal that would outweigh the highway sustainability concerns raised.

In terms of highway safety, whilst it is acknowledged that agricultural activities can be undertaken on the site, as can small scale activities ancillary to those, such as farm gate sales of the eggs, there are other unauthorised activities being carried out on the site, including the micro pig breeding and equestrian enterprises, which generate additional traffic. The surrounding network of roads are single width, sinuous in nature with high hedges either side of the carriageway and unsuitable to

serve as a means of access for the associated type of traffic. As such, the approach roads are not deemed to be of sufficient standard to accommodate the level and type of traffic to be generated by the development proposed.

It is not therefore considered that other planning requirements have been satisfied.

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 – 20 April 2011

Report of the Development Manager

Enforcement Item

Parish:

- 1. File/Complaint Number** E/0086/25/09
- 2. Location of Site** Courtlands Farm, Minehead Road, Norton Fitzwarren, Taunton, TA2 6NS
- 3. Names of Owners** Mr P Schicht
- 4. Name of Occupiers** Mr P Schicht
- 5. Nature of Contravention**

Various unauthorised signs at Courtlands Farm, Minehead Road, Norton Fitzwarren, Taunton

6. Planning History

The unauthorised signs were brought to the Council's attention in March 2009. Contact was made with the owner and a site visit was arranged. The Planning Officer and I met Mr Schicht on site and verbally agreed that a corporate sign would likely to be acceptable in the event of an advert application being submitted. In March 2010 an advert application was submitted and subsequently approved on the 9 June 2010 with a note attached advising the applicant that the unauthorised signs should be removed within 3 months to avoid prosecution action being taken by the Local Planning Authority. Further contact has been made in September 2010 and January 2011 requesting that the unauthorised signs be removed and the approved corporate sign be erected. In February 2011 the approved corporate sign was erected but the unauthorised signs were not removed and to date they still remain in situ.

7. Reasons for Taking Enforcement Action

The signs by reason of their number, siting, proportion, design and materials create visual clutter and hence are contrary to Policy EC26 (A), (C) of the Taunton Deane Local Plan.

8. Recommendation

The Solicitor to the Council be authorised to commence prosecution proceedings to secure the removal of the unauthorised signs.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER:

Mrs A Dunford Tel: 01823 356479

Planning Committee – 20 April 2011

Report of the Development Manager

Tree Replacement Notice MC/R59/PD/22/833, issued 27 March 2009 in relation to land at Beauford Park, Norton Fitzwarren. (An earlier Tree Replacement Notice was served in 2007 but was not enforced due to a land-ownership dispute on the site.)

1. Site

Beauford Park, Norton Fitzwarren, TA2 6QJ. The area in question is at the southern end of the site, adjacent to the Norton Brook.

2. Owner and occupier of land in question

J and B Small Park Homes (also at Buckingham Orchard Park Home Estate, Plymouth Road, Chudleigh Knighton, Devon, TQ13 0EW).

3. Nature of Contravention

Failure to comply with Tree Replacement Notice (TRN). A copy of the notice is appended to this report.

4. Planning History

The area of land in question is Wood 1 (W1) of Tree Preservation Order (TPO) TD726 (Norton Fitzwarren No.2, 1997). W1 was an area of mixed willow and alder trees. All the trees in W1 have now gone.

Under section 206(1) of the Town and Country Planning Act the land-owner is under a duty to replace trees in woodlands that are removed in contravention of the TPO.

It was first noticed by this officer in June 2005 on a routine site check that not all the trees in W1 were present. It is suspected (but not known) that the previous owner of the site, Mr Pring, may have felled some of the trees. Tree surgeons began to fell some of the trees in 2007 without first gaining planning consent. They were stopped, but not before some trees had been severely cut.

Consent was granted in 2007 to fell two of the remaining trees because they were considered dangerous. It is thought that many of the trees in the area had gone into decline because of the large amounts of hardcore, broken tarmac and concrete that had been deposited in the area. Much of this material is still present. Other dangerous trees were subsequently removed (with consent) by tree surgeons acting for the company St. Modwen, who at the time owned the area of land in question.

In 2008, St. Modwen agreed the boundary line with Mr Small and agreed to allow him to have approximately half of the area of W1. In April 2008 a letter was sent to Mr Small reminding him of his duty to replace the lost trees in the area that was now his. (The area to the south of his boundary would now be re-planted as part of the development of the land to the west by Barratts, and the re-alignment of the Norton Brook).

The Tree Replacement Notice was re-issued in October 2009, but the planting was not carried out by Mr Small – various excuses were given for not doing the work. Several deadlines have come and gone; a final reminder was sent on 21 February this year.

Under section 209 of the Town and Country Planning Act, failure to comply with the Tree Replacement Notice means that the Council may enter the land, plant the trees and recover from the land owner the expenses incurred. Anyone who wilfully obstructs the Council from using these powers is guilty of an offence and is liable, if convicted in the Magistrate's Court, to a fine of up to £1000.

5. Reasons for taking action

The trees were protected by a TPO. There is a duty to replace the trees – this duty transfers to a new owner if the land changes hands. It is clear that Mr Small does not intend to carry out the work himself.

It should be noted that Mr Small has allowed some additional park homes to be erected so that they are encroaching on the area of W1. There is also now an electricity sub-station on the land.

6. Recommendation

That the works are carried out by Taunton Deane's DLO and that the expenses are recovered from the owner. The works will involve removing all the hardcore, broken tarmac and concrete to prepare the ground for planting. The TRN states that 120 trees should be planted, 117 as bare-root whips and feathered trees, and 3 as standards.

In preparing this report the Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: David Galley, 356493 (2423)

Appendix

TOWN AND COUNTRY PLANNING ACT 1990 Section 207

TREE REPLACEMENT NOTICE

Tree Preservation Order 1997: (Norton Fitzwarren No 2) (PD22A/027/TD726) ('the Order')

TAUNTON DEANE BOROUGH COUNCIL ('the Council')

IMPORTANT - THIS COMMUNICATION AFFECTS YOUR PROPERTY

1. **THIS IS A FORMAL NOTICE** which is served by the Council under section 207 of the Town and Country Planning Act 1990 (the Act) because it appears to them that you have not complied with a duty to plant trees under S106 of the Act
2. **THE LAND AFFECTED**

Land at Beauford Park, Norton Fitzwarren shown on the attached plan.

3. **REASONS FOR SERVING NOTICE**

On or around June 2005 an oak tree, a group of ash trees and some willow and alder trees protected by the Order were cut down. Under section 206 of the Act the owner of the land is under a duty to plant replacement trees. It appears to the Council that this duty has not been complied with. The Council wrote to the owner in June 2005 and in January 2006 advising the owner that the trees should be replaced. In its letters the Council also advised that if the replacement planting is not carried out then the Council has a duty to enforce it by serving a Tree Replacement Notice.

4. **WHAT YOU ARE REQUIRED TO DO**

You are required to plant a mixture of 20 common alder trees (*alnus glutinosa*), 20 goat willow trees (*salix caprea*), 20 hawthorn (*crataegus monogyna*), 20 hazel (*corylus avellana*), 20 dogwood (*cornus sanguinea*), 10 field maple (*acer campestre*), 5 guelder rose (*viburnum opulus*), 3 common ash (*fraxinus excelsior*) and 2 English oak (*quercus robur*) within the area shown edged green on the attached plan. These replacement trees are to be planted as whips or feathered trees except for the ash and oak trees which should be planted as standard trees, minimum girth 8-10 cm. The plants should be spaced at approximately 1.5 metres apart, grown in accordance with British Standard BS3936 and planted in accordance with British Standard BS4428. The larger species should be planted towards the southern part of the site.

Time for compliance: By 31 December 2009

5. WHEN THIS NOTICE TAKES EFFECT

This notice takes effect on 28 November 2009 unless an appeal is made against it beforehand.

Dated: 27 October 2009

Signed:

Legal Services Manager on behalf of Taunton Deane Borough Council , The
Deane House, Belvedere Road, Taunton TA1 1HE

6. YOUR RIGHT OF APPEAL

You can appeal to the Secretary of State against this Notice by writing to The Planning Inspectorate, Environment Team, 4/04 Kite Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN. Your appeal must be received, or posted in time for it to be received, before 28 November 2009. You can appeal on any one or more of the following grounds:-

- (1) that the provisions of the duty to replace trees or, as the case may be, the conditions of consent requiring the replacement of trees, are not applicable or have been complied with;

- (2) that in all the circumstances of the case the duty to replace trees should be dispensed with in relation to any tree;
- (3) that the requirements of the notice are unreasonable in respect of the period or the size or species of trees specified in it;
- (4) that the planting of a tree or trees in accordance with the notice is not required in the interests of amenity or would be contrary to the practice of good forestry;
- (5) that the place on which the tree is or trees are required to be planted is unsuitable for that purpose.

You must also state the facts on which your appeal is based.

FAILURE TO COMPLY

If you do not comply with this notice, the Council may enter the land, plant the trees and recover from you any reasonable expenses incurred.

ADVICE

If you have any questions about this notice or would like some advice on how to comply with it, please contact:-

David Galley at Landscape & Heritage, Taunton Deane Borough Council, The Deane House, Belvedere Road, Taunton (01823 356493).

APPEALS RECEIVED : FOR COMMITTEE AGENDA : 20 APRIL 2011

Proposal	Start Date	Application/Enforcement Number
CHANGE OF USE OF LAND TO DOMESTIC, CONSTRUCTION OF SWIMMING POOL WITH ASSOCIATED POOL HOUSE AND WORKS AT COURT PLACE LODGE, ASHBITTLE	29 MARCH 2011	01/10/0003