

Planning Committee

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 1 May 2013 at 17:00.

Agenda

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 10 April 2013 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests
To receive declarations of disclosable pecuniary interests or personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 44/13/0002 - Variation of condition 09 (for the private use only of stable/workshop/barn) of application number 44/07/0025 at Burts Farm, Ford Street, Wellington (as amended).
- 6 30/13/0009 - Erection of 2 No. two storey detached dwellings with associated garages on land to the side of Cheriton Close, Curdleigh Lane, Blagdon Hill, as amended.
- 7 E/0039/48/13 - Unauthorised erection of new building at Quantock Farm, West Monkton.
- 8 Planning Appeals - The latest appeals received (attached).

Tonya Meers
Legal and Democratic Services Manager

15 May 2013

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.

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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.

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Planning Committee Members:-

Councillor B Nottrodt (Chairman)
Councillor S Coles (Vice-Chairman)
Councillor J Allgrove
Councillor C Bishop
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 F Smith
Councillor P Tooze
Councillor P Watson
Councillor A Wedderkopp
Councillor D Wedderkopp
Councillor G Wren

Planning Committee – 10 April 2013

Present: - Councillor Nottrodt (Chairman)
Councillor Coles (Vice-Chairman)
Councillors Mrs Allgrove, Bishop, Bowrah, Denington, C Hill, Mrs Hill,
Miss James, Morrell, Mrs Smith, Watson, A Wedderkopp,
D Wedderkopp and Wren.

Officers: - Bryn Kitching (Development Management Lead), Matthew Bale (Area
Co-ordinator West), Gareth Clifford (Area Co-ordinator East), Judith
Jackson (Legal Services Manager), Maria Casey (Planning and
Litigation Solicitor) and Emma Hill (Corporate Support Officer)

Also present: Councillors D Durdan and Miss K Durdan in connection with
application No 14/12/0015 and Mrs A Elder, a Co-opted Member of the
Standards Committee.

(The meeting commenced at 5.00 pm)

40. Apology

Councillor A Govier.

41. Minutes

The minutes of the meeting of the Planning Committee held on 20 March
2013 were taken and read and were signed.

42. Declarations of Interest

Councillor D Wedderkopp declared a personal interest as a Member of
Somerset County Council. Councillor Govier also declared that application
No 43/12/0130 had been considered at a Wellington Town Council he had
attended. He had not 'fettered his discretion'. Councillor Nottrodt declared
personal interests as a Director of Southwest One and that he knew one of
the members of the public who had made representations in respect of
application No 14/12/0015. Councillor Mrs Hill declared a personal interest as
an employee of Somerset County Council. Councillor Wren declared a
personal interest as an employee of Natural England. Councillors Watson
declared that application No 06/13/0001 had been considered at a meeting of
the Bishops Lydeard and Cothelstone Parish Council which he had attended.
He had not 'fettered his discretion'.

43. 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 **planning permission be granted** for the under-mentioned development:-

38/13/0074

Replacement of conservatory with the erection of a single storey extension to the side of 25 Batts Park, 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 following approved plans:-

- (A1) DrNo 3412_01 Existing and Proposed Floor Plans and Elevations;
(A4) DrNo 3412_02 Location Plan;
(A4) DrNo 3412_03 Site Plan.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.)

Reasons for granting planning permission:-

The proposed extension had been designed to reflect the style of the existing property and did not appear dominating to it. It was not deemed to cause harm to the appearance of the street scene and would have no impact on highway safety or to the residential amenities of the occupiers of neighbouring properties. As such, the proposal was in accordance with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy and retained Policy H17 (Extensions to Dwellings) of the Taunton Deane Local Plan.

48/13/0010

Erection of wooden carport at Greystones, Goosenford, Cheddon Fitzpaine

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 following approved plans:-

- (A4) Side View;
(A4) Side Elevation;
(A4) Layout Plan;
(A4) Location Plan.

(Note to applicant:- Applicant was advised that in accordance with

paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way and has granted planning permission.)

Reasons for granting planning permission:-

The proposal was considered not to have a detrimental impact upon visual or residential amenity and was therefore considered acceptable and, accordingly, did not conflict with Policy DM1 (General Requirements) of the Taunton Deane Core Strategy.

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

14/12/0015

Change of use of land to site 5 No. mobile homes and 5 No. touring caravans with the conversion of stables to a utility block at Laphorn, Adsborough

Reasons

- (a) The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of the Taunton Deane Core Strategy (adopted 11/09/12) since the increased use of the existing access together with the generation of additional conflicting traffic movements, such as would result from the proposed development, would be prejudicial to highway safety;
- (b) The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of Taunton Deane Core Strategy (adopted 11/09/12) since the access to the application site does not incorporate the necessary visibility splays which are essential in the interests of highway safety;
- (c) The use of the access to the site in connection with the development proposed would be likely to increase the conflict of traffic movements close to an existing junction resulting in additional hazard and inconvenience to all users of the highway. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) and Policy DM3(f) of Taunton Deane Core Strategy (adopted 11/09/12);
- (d) The proposal is contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review (adopted Apr 00) since the proposed development is likely to generate an increase in pedestrian traffic on a highway lacking adequate footways with consequent additional hazards to all users of the highway.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has looked for solutions to enable the grant of planning permission. However,

in this case the applicant was unable to satisfy the key policy test in relation to highway safety and as such the application has been refused.)

49/13/0004

Outline application with all matters reserved for the erection of a dwelling in the garden of Dene View, West Road, Wiveliscombe

Reasons

- (a) The site is located in open countryside outside of the defined settlement boundary of Wiveliscombe. As such the development would increase the reliance of the private motorcar and foster a growth in the need to travel. There is no lit pedestrian footway or cycle access from the site and as such the proposal would fail to provide safe access for all highway users. The proposal is therefore contrary to Somerset and Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 and Policy 49 and Taunton Deane Core Strategy Policies SP1, CP4, CP6, DM1 and DM2 together with guidance contained within the National Planning Policy Framework;
- (b) The proposed siting of the dwelling located outside of the defined built up area of Wiveliscombe would be detrimental to the rural character and appearance of the landscape. Moreover, the dwelling, garaging, and access would detract from the setting and approach route into Wiveliscombe. The application site is sited in an area that is open in character with attractive elevated public views across to the site. By intruding into this open and rural setting, the proposal would have a detrimental effect on the form and appearance of the settlement. The proposal is therefore contrary to Policies STR1 and STR6 of the Somerset and Exmoor National Park Structure Plan and Taunton Deane Core Strategy Policies DM1, DM2 and CP8 together with guidance set out within the National Planning Policy Framework;
- (c) The proposed scheme seeks a new access onto a County Route to serve a residential development sited outside of the defined settlement boundary. The Local Planning Authority considers that no overriding special need or benefit has been demonstrated to derive access from a County Route. The proposal would therefore be contrary to Policy 49 of Somerset and Exmoor National Park Joint Structure Plan Review;
- (c) The proposals fail to demonstrate that the necessary visibility splays required in order to provide a safe access point onto the B3227 can be achieved. The proposals are therefore contrary to the requirements of Policy 49 of the Structure Plan and Policies DM1 and CP6 of the Taunton Deane Core Strategy.

(Note to applicant:- Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council works in a positive and pro-active way with applicants and looks for solutions to enable the grant of planning permission. However in this case the applicant was unable to satisfy the key policy test and as such the application has been refused.)

44. Outline planning application (with all matters reserved) for the erection of 10 No dwellings on The Paddock, Taunton Road, Bishops Lydeard (06/13/0001)

Reported this application.

Resolved that subject to the applicant entering into a Section 106 Agreement to secure the provision of:-

- (i) 25% affordable housing provision. 1 social rented; 1 intermediate housing.
- (ii) Contributions of £2,688 for each 2+ bed dwelling to provide children's play.
- (iii) Contributions of £1,454 for each dwelling towards the provision of facilities for active recreation;
- (iv) Contributions of £194 per dwelling for allotment provision; and
- (v) Contributions of £1,118 per dwelling towards local community hall facilities in Bishops Lydeard,

the Growth and Development Manager be authorised to determine the application in consultation with the Chairman or Vice-Chairman and if planning permission was granted, the following conditions be imposed:-

- (a) Approval of the details of the layout, scale, appearance, access and landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. Application for approval of the reserved matters shall be made to the Local Planning Authority not later than the expiration of three years from the date of this permission. The development hereby permitted shall be begun, not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved;
- (b) The layout and alignment, gradient, widths and levels of the proposed road, road junctions, and points of access, visibility splays, footpaths, turning spaces, street lighting and drainage shall be provided in accordance with details that shall first have been submitted to and approved in writing by the Local Planning Authority. The roads shall be laid out prior to the occupation of any dwelling, or any dwelling in an agreed phase of the development that may have been agreed by the Local Planning Authority, in accordance with the approved details.
- (c) (i) The landscaping scheme that shall be submitted to and approved as part of a reserved matters application 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. (ii) 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;
- (d) A plan indicating the positions, design, materials and type of boundary treatment to be erected shall be submitted with any reserved matters application seeking approval of layout. The agreed boundary treatments shall be completed before any dwelling hereby permitted is first occupied and thereafter shall be so maintained;
- (e) No development shall take place until a detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 1 in 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall also include:-
- Details of which areas drain to which attenuation facility and the associated volumes projected ;
 - Details of how the scheme shall be maintained and managed after completion.
- The scheme shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority;
- (f) No development approved by this permission shall be commenced until such time as a scheme to dispose of foul drainage has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved;
- (g) 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 gate fence wall or other means of enclosure shall be erected on the site beyond the forward-most part of the dwelling house(s) or of the exposed flank wall of any corner dwelling, other than that expressly authorised by this permission, without the further grant of planning permission;
- (h) There shall be no vehicular access to the site from Brendons without the further grant of planning permission.

(Notes to Applicant:- (1) Applicant was advised that in accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission; (2) Applicant was advised that where works have to be undertaken on or adjoining the public highway a Section 50 New Roads and Street Works Act 1991 licence will be required. These are obtainable from the County Highway Authority; (3) Applicant was advised that where works are to be undertaken on or adjoining the publicly maintained highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to

be consulted concerning their services. A proposed start date, programme for works and traffic management layout will be required prior to approval being given for commencement of works on the highway; (4) Applicant should be aware that it is likely that the internal layout of the site will result in the laying out of a private street and as such under Sections 219 to 225 of the Highways Act 1980, will be subject to the Advance Payments Code (APC). Therefore in order to qualify for an exemption under the APC, the road should be built and maintained to a level that the Highway Authority considers will be of sufficient integrity to ensure that it does not deteriorate to such a condition as to warrant the use of the powers under the Private Street Works Code; (5) Applicant was advised to agree a point of connection to the foul sewerage network with Wessex Water; (6) Applicant was advised to contact Wessex Water in respect of infrastructure charges which may be payable in respect of the development; (7) Applicant was advised to note that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation; (8) Applicant's attention is drawn to the needs of the disabled in respect of new housing and the requirements under Part M of the Building Regulations.)

45. E/0122/42/12 – Unauthorised business running from Farthings Farm, Lipe Hill Lane, Comeytrove, Taunton

Reported that it had come to the attention of the Council that a site comprising old farm buildings and a yard at Farthings Farm, Lipe Hill Lane, Comeytrove, Taunton was being used without planning permission in connection with a wood chipping business, together with the storage and distribution of wood products connected with the business.

The owner of the land had been contacted who had indicated that a planning application to regularise the situation would be submitted. Subsequently, an application for a Certificate of Lawfulness was submitted claiming the use of the land had begun more than 10 years ago and was therefore immune from enforcement action.

The Legal Services Manager had considered this application and had concluded that on the balance of probabilities, the claimed use of the land had not been continuous for a period of ten years.

Resolved that:-

- (1) Enforcement action be authorised to secure the cessation of the wood chipping business being operated from the site at Farthings Farm, Lipe Hill Lane, Comeytrove, Taunton and any machinery used in association with that function;
- (2) Any enforcement notice served should have a two month compliance period and;

(3) Subject to being satisfied with the evidence, the Solicitor to the Council institute legal proceedings should the enforcement notice not be complied with.

46. 38/12/0265 – Erection of 7 No detached dwellings on land to the rear of 14-28 Stoke Road, Taunton

Reference Minute Nos. 5 and 36/2013, reported that the Landscape Support Officer inspected the work that had been undertaken to the three Cherry trees covered by a Tree Preservation Order on this development site.

The inspection had revealed that one of the Cherry trees had been felled and the other two had had branches removed.

Reported that the tree survey by JP Associates, dated November 2012, stated that all three trees were in moribund condition and would be recorded as category U trees under the BS5837 criteria. These were trees that were 'unsuitable for retention beyond the short term and should normally be removed as part of any development proposals'.

The tree that had been felled was mostly dead with some of the main limbs having already collapsed. Although no evidence of the branches that had been pruned from the other two trees was seen, they were likely to have been dead or decayed, as the trees were generally in poor condition with evidence of basal decay and weeping.

Under the revised Tree Preservation Order legislation that came into force last year, it was now a requirement that five days notice had to be given to the Local Planning Authority before dead or dangerous trees or branches were removed, unless urgency dictated immediate action. No such notice in respect of the Cherry trees was received.

Based on the above comments above and the recent decision of the Planning Committee to grant permission for the removal of the trees, it was not considered expedient to take any further action. Replacement trees would be secured by the planning permission and therefore any prosecution action would not secure any further mitigation.

Members expressed concern that neither the developer nor the tree surgeon had given the required five day notice and requested the Landscape Lead to send an appropriate letter seeking confirmation that notice would be given to the Council in similar circumstances in the future.

Resolved that other than sending letters to the developer and the tree surgeon concerned, along the lines indicated above, no further action be taken.

47. Appeals

Reported that two new appeals had been lodged and one appeal decision

received since the last meeting of the Committee, details of which were submitted.

(The meeting ended at 8.20 pm.)

Declaration of Interests

Planning Committee

- Members of Somerset County Council – Councillors Govier and D Wedderkopp
- Employee of Somerset County Council – Councillor Mrs Hill
- Director of Southwest One – Councillor Nottrodt
- Employee of UK Hydrographic Office – Councillor Tooze
- Employee of Natural England – Councillor Wren

44/13/0002

MR S WRIGHT

VARIATION OF CONDITION 09 (FOR THE PRIVATE USE ONLY OF STABLE/WORKSHOP/BARN) OF APPLICATION NUMBER 44/07/0025 AT BURTS FARM, FORD STREET, WELLINGTON (AS AMENDED)

Grid Reference: 314904.119581

Removal or Variation of Condition(s)

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal is considered not to have a detrimental impact upon highway safety or residential amenity and the building will continue to be restricted to a private use only. The proposal is therefore considered acceptable and, accordingly, does not conflict with Policies DM1, DM2 and CP6 of the Taunton Deane Core Strategy and Structure Plan Policy 49. The proposals also accord with the provisions of the National Planning Policy Framework.

RECOMMENDED CONDITION(S) (if applicable)

1. The use of the stable/workshop/barn hereby permitted shall be for a single private use only and not used for any business or commercial use whatsoever or subdivided into additional units.

Reason: The Local Planning Authority wish to exercise control over matters referred to in the interests of highway safety and amenity within the area, in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49 and Policies DM1 and DM2 of the Taunton Deane Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

PROPOSAL

The application originally sought the removal of condition 09 of planning permission 44/07/0025 attached to a workshop, barn and stable building on land at Burts Farm, Ford Street, Wellington. The proposal would allow an open commercial or business

use of the building, which is currently restricted to a private use, ancillary to the principle dwelling at the site.

Since submission the applicant has written and confirmed verbally that a variation to the wording of the condition would be acceptable to them, whereby a private use to the building can be retained but the ancillary domestic tie to Burts Farm removed.

The following report considers both the removal and variation of the condition in tandem.

SITE DESCRIPTION AND HISTORY

The application site is located approximately 200 metres Southeast of Wellington and the associated settlement limit of the town. The site is accessed off a classified highway to the Southwest from the highway connecting Wellington and Ford Street. Burts Farm comprises the main dwelling house together with outbuildings inclusive of that subject of this application. The site has nearby residences to the South East but is otherwise surrounded by agricultural land.

Planning permission was granted for the building subject of this permission under LPA reference 44/07/0025. This application indicated on plan that the building would be used as a stable, barn and/or workshop. The building is of a steel portal frame construction, clad externally in horizontal timber boarding over a brick lower wall; the building is accessed via two metal rolling doors to the Southeast elevation. The building is surrounded by a yard laid with loose stone to form a parking and turning area. An earth bund and landscaping is positioned to the North East and West. The applicant has advised that the building is used for domestic private needs associated with a personal interest in motor vehicles, and that no business or commercial operation is undertaken at the site.

In order to satisfy the request of the Highway Authority at that time, a restrictive condition was placed upon the use of the building approved under reference 44/07/0025; the condition reads as follows:

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any subsequent order amending or revoking and re-enacting that Order), the use of the stable/workshop/barn hereby permitted shall be for private use only ancillary to the dwelling and not used for any business or commercial use whatsoever.

Reason: The Local Planning Authority wish to exercise control over matters referred to in the interests of highway safety in accordance with Somerset and Exmoor National Park Joint Structure Plan Review Policy 49.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No objection to the discharge of the condition.

WELLINGTON WITHOUT PARISH COUNCIL - Object to the proposals. Concerned over additional traffic movements onto the busy highway

Representations

2 letters received from local residents raising the following planning related matters:

- A commercial use would lead to more traffic and noise;
- This land is S.S.I graded;
- Concerned about any alternative use to domestic for the building;
- The entrance is close to a bad corner on the road.

4 letters of OBJECTION received from local residents and members of the public raising the following planning related matters:

- If removed the building and land could be used for any commercial activity including manufacturing, repair, wholesale and retail nature which would create additional noise and disturbance to the area, which is largely residential;
- No control on traffic movements could be imposed over an access close to a blind bend;
- Increased traffic flow close to this bend would be a danger to highway safety;
- The building would suit a commercial use and this would be totally out of character;
- There are purpose built trading estates in the area and this is not the correct place for another one;
- The area already looks like an industrial unit with large entrance, lights and cameras;
- Commercial traffic turning right onto the nearby A38 would lead to further problem at an already dangerous junction;
- The existing landscaping is not maintained and kept weed free;
- The property appears to be used commercially already, in breach of the planning consent. Apple County Muscle Cars and Apple County Modified are linked to the property on Google and are clearly commercial; this is not an appropriate location for such a use due to noise and traffic;
- The applicants need to sell is not relevant

Letter for applicant in response to comments and objections providing the following additional information:

- The barns are not used commercially but for recreational car clubs run by myself and son-in-law, as we both have a keen interest in the motor industry; any services offered are offered on a mobile basis or outsourced;
- We were originally unaware of the clause when we placed the building and land for sale; reasons for sale are genuine as we wish to stay at the site but down size;
- The major objection seems to be to a commercial use; it is unfortunate that the clause includes a commercial use;
- We applied to break the tie to the house; if the clause was adjusted to remove "ancillary to the dwelling" but the "private use" left in place then that would be all we are asking; such would work in our favour as we would be neighbours following a sale; we chose to put the property out to sale by tender for this reason; we do not wish to have a commercial business as our neighbour;
- The major objection is over a commercial use of the barn and I can only reiterate that this is not our intension.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
DM2 - TD CORE STRATEGY - DEV,
CP2 - TD CORE STRATEGY - ECONOMY,
CP6 - TD CORE STRATEGY - TRANSPORT AND ACCESSIBILITY,
S&ENPP49 - S&ENP - Transport Requirements of New Development,
NPPF - National Planning Policy Framework,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are planning policy, highway safety and amenity within the area, having regard to the potential business/commercial use of the building should the private ancillary tie to the dwelling be removed.

Planning Policy

The site is located in close proximity to the settlement boundary of Wellington to the North. Notwithstanding, for the purposes of planning policy the site is outside of the settlement and within the open countryside.

Policy DM2.2 (c) of the Core Strategy supports B class business uses within existing buildings; similarly Policy DM2.7 (b and c) also supports business and other employment generating uses for proposals involving the conversion of existing buildings. Such policy support is subject to the proposals meeting a number of criteria, which includes having no adverse impact upon highway safety and residential amenity.

These matters are dealt with in more detail below where it is demonstrated that removing the ancillary domestic tie between the building and property known as Burts Farm is acceptable, subject to the use of the building being restricted to a private use only. Therefore the proposals are not considered to conflict with planning policy.

Highway Safety

The original reason given for imposing a restriction upon the use of the building was based upon highway safety. Having regard to the comments received from the public and Parish Council, there is clearly some concern that an intensified use of the site access will be detrimental to highway safety, virtue of the bend in the highway South of the access.

It is clear that a building of this size would accommodate a commercial use comfortably. The public highway at the point of access is subject to a national 60mph speed limit; whilst no detailed comments have been received from the Highway Authority, visibility to the North is considered to be acceptable; to the South it is more restricted by the roadside hedge and gentle corner within the road alignment. If permitted, the removal of the ancillary domestic use restriction over the building would potentially allow commercial or business use at the site and such would likely result in more vehicle movements to and from the site.

The Highway Authority has not objected to the removal of the condition and such expert advice carries significant weight in the determination of this application.

Notwithstanding, clearly local residents will be aware of any safety issues along this stretch of the public highway and having exited the site personally, it is true that vehicles approaching from the South cannot be readily seen for a significant distance as to make the access wholly safe for an intensification in vehicle movements.

Virtue of the concerns submitted to the Council for consideration, the applicant has suggested that a variation to the wording of the condition to allow only a private use of the building, thereby relinquishing the ancillary domestic tie to Burts Farm, would be acceptable.

A private use would likely generate fewer trips than a full commercial and business operation. On the basis of the above, such is considered to be a reasonable balance and one acceptable to the applicant. Given the lack of an objection from the Highway Authority, a variation to the condition allowing only a private use of the site would be considered acceptable in highway safety terms.

Amenity

The site is within a close proximity to a number of private residential properties located off the highway leading to Ford Street. The nearest of these properties is Burts Farm, where the applicant currently resides and further dwellings are located immediately to the South. Despite being the applicant, consideration of amenity must be given to Burts Farm as any future occupier of this dwelling may be affected by a commercial use of the building to an unacceptable degree in the same way as those neighbouring the site might also be affected. The applicant himself has suggested that living next door to a commercial premises, which would likely generate high vehicle movements and additional noise, would not be desirable.

A commercial use would also likely impact upon neighbouring residential properties through additional noise particularly given that the building has permission to be used as a workshop; the use of the buildings as a stable and/or barn would have much less of an impact upon neighbouring amenity.

For these reasons, in order to ensure that neighbouring amenity is not unduly affected by an alternative use of the building, a variation to the condition to allow a private use of the building, without an ancillary tie to Burts Farm, would protect neighbouring amenity to an acceptable degree.

Other matters

Concern has been raised that the originally approved landscaping scheme has not been maintained in such a condition as to comply with the original condition of planning approval 44/07/0025. This is not a material consideration to this planning application and in any case the condition only required maintenance for 5 years, which is now likely to have passed.

Conclusions

Concern has been raised regarding an unrestricted use of the building should condition 09 of the original approval be permitted. Such could lead to a commercial workshop or other such use operating from the site. This is likely to have an adverse impact upon highway safety and neighbouring amenity. Whilst the proposals accord with principles of planning policy for the use of buildings within the countryside, the

applicant has indicated that varying the condition to allow a private use of the building would be acceptable to them. Such would allow the building to be sold and used without an ancillary tie to Burt Farms being in place whilst also preventing a commercial scale operation at the site.

This proposed variation is considered to be a suitable alternative to the removal of condition 09 and would allay many points of objection that have been received. A private use of the stable, workshop and barn would not result in a significant adverse impact upon highway safety or neighbouring amenity and it is therefore recommended that planning permission be granted subject to said variation in the wording of condition 09.

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

CONTACT OFFICER: Mr R Williams Tel: 01823 356469

TRUSTEES OF THE A S TURNER WILL TRUST

ERECTION OF 2 NO. TWO STOREY DETACHED DWELLINGS WITH ASSOCIATED GARAGES ON LAND TO THE SIDE OF CHERITON CLOSE, CURDLEIGH LANE, BLAGDON HILL AS AMENDED

Grid Reference: 321212.118207

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposal, for residential development, is located within defined settlement limits where the principle of new housing is considered acceptable and the development would not have a significant detrimental impact upon visual or residential amenity or important views of the AONB and is therefore considered acceptable. Therefore, the scheme accords with Policies DM1 (General Requirements), CP8 (Environment) and SP1 (Sustainable Development Locations) of the Taunton Deane Core Strategy and retained Policy M4 (Residential Parking Provision) of the Taunton Deane Local Plan.

RECOMMENDED CONDITION(S) (if applicable)

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

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

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

(A3) DrNo 1974-4 Access Plan
(A3) DrNo 1974-1 Location Plan

Sun Path Windows Photos
(A3) DrNo1974-2A Site Plan
(A3) DrNo1974-3A Block and Roof Plan
(A3) DrNo1974-5A Indicative Site Sections
(A3) DrNo1974-6A Unit A Ground and First Floor Plans
(A3) DrNo1974-7A Unit A Second Floor Plan
(A3) DrNo1974-8A Unit A Front and Rear Elevations
(A3) DrNo1974-9A Unit A Side Elevations
(A3) DrNo1974-10A Unit A Garage and Store

- (A3) DrNo1974-11A Unit B Front and Rear Elevations
- (A3) DrNo1974-12A Unit B Side Elevations
- (A3) DrNo1974-13A Unit B Garage and Store
- (A3) DrNo1974-15 Unit B Ground and First Floor Plans
- (A3) DrNo1974-16 Unit B Second Floor Plans

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

3. 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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. No wall construction, excluding site works, shall begin until a panel of the proposed stone/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: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

5. 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 building(s) is/are occupied** and thereafter maintained as such, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

6.
 - (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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

- 7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that order with or without modification) the first floor windows to be installed in the west elevations of the new dwellings shall be obscured glazed and non-opening (unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed). The type of obscure glazing shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation and shall thereafter be so retained. No additional first floor windows shall be installed in these elevations without the need for planning permission.

Reason: To protect the amenities of nearby dwellings in accordance with Policy DM1(E) of the Taunton Deane Core Strategy.

- 8. The development hereby permitted shall not be commenced until details of a strategy to protect and enhance the development for wildlife has been submitted to and approved in writing by the Local Planning Authority. The strategy shall be based on the advice of Country Contract's submitted report, dated January 2013 and include:

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

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.

Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect wildlife and their habitats from damage.

- 9. The accesses, parking and turning areas shall be properly consolidated and surfaced (no loose stones or gravel) in accordance with details, which shall have been submitted to and approved by the Local Planning Authority or unless otherwise agreed with the Local Planning Authority and carried out prior to occupation.

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

10. The area allocated for parking/turning on the submitted plan shall be kept clear of obstruction and shall not be used other than for the parking/turning of vehicles in connection with the development hereby permitted.

Reason: To ensure vehicles can leave the site in forward gear in the interests of highway safety in accordance with Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

11. The means of tree protection during construction and service provision shall be carried out as specified in the submitted Hellis tree consultants report and there shall be no variation thereto without the approval in writing of the Local Planning Authority.

Reason: In order to protect trees in the interests of the visual amenity of the area in accordance with policy DM1 of the Core Strategy.

Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Wessex Water advise that their infrastructure crosses the site. Wessex Water normally require a minimum, three-metre, easement width on either side of their apparatus, for the purpose of maintenance and repair. Diversion of protection works may need to be agreed.
3. New water supply and waste water connections will be required from Wessex Water to serve this development. Application forms and guidance information is available from the Developer Services web-page at www.wessexwater.co.uk/developerservices. As from 1st October 2011, all sewer connections serving more than a single dwelling will require a signed adoption agreement with Wessex Water before the connection can be made. Further information can be obtained from our New Connections Team by telephoning 01225 526222 for Water Supply and 01225 526333 for Waste Water.
4. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

The condition relating to wildlife requires the submission of information to protect species. The Local Planning Authority will expect to see a detailed

method statement clearly stating how wildlife will be protected through the development process and be provided with a mitigation proposal that will maintain favourable status for the bats that are affected by this development proposal.

5. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

PROPOSAL

Erection of two detached dwellings and garages in field to side of Cheriton Close together with access off Curdleigh Lane, Blagdon Hill. The field is on average 65m x 40m and is open to the countryside to the north.

SITE DESCRIPTION AND HISTORY

The site consists of a grass field within the settlement limits, outside of the Area of Outstanding Natural Beauty, and between the existing property known as Cheriton Close and the single storey building at East-o-brook and a two storey property at Little Bridges accessed off Adcombe Close. There are views of the site from Blagdon Green to the south west.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

PITMINSTER PARISH COUNCIL - Object

The dwellings are relatively large and a house adjacent to the small bungalow will have huge impact on the well being of the present and future residents. The majority of houses sited in a row will normally have a depth of about 7-8 metres and when sited adjacent to each other have little impact on each other. The west elevation of the proposed house is nearly 15m in depth. It will block an enormous amount of light into their property and also the garden, they will feel overwhelmed by such a very high building and of such vast proportions abutting their property.

The proposed drive entrance looks to be relatively narrow which may require the cutting back or removal of the beech hedge fronting Cheriton Close.

SCC - TRANSPORT DEVELOPMENT GROUP - No objection

The site lies within the development boundary of Blagdon Hill. Curdleigh Lane is an Unclassified Lane which has a variable width with a measurement of 3.5m at the site access. Cheriton Close is served by a private access and the proposal is to extend the private access road to serve the two new dwellings. The visibility is currently 2m x 33m to the East and 2m x 15m to the West. Due to the nature of the road vehicle speeds are slow and there have been no recorded accidents in the vicinity. There is a footpath which runs along the edge of the open field to the south of the application site which links Curdleigh Lane to the village.

The proposed parking and turning on site is considered acceptable and is consistent with the optimum outlined in the Somerset Parking Strategy for the area.

Given that the development proposals would result in more than two dwellings off a private drive, it is essential that the access is constructed to an appropriate standard. It should be noted that we would not require any amendments to the width of the access provided that the access would serve no more than the existing dwellings and the two additional dwellings which are proposed.

I would therefore raise no highway objection to the application subject to conditions.

DIVERSIONS ORDER OFFICER - No observations.

WESSEX WATER - Comment

New water supply and waste water connections will be required to serve this development. All new connections subject to new regulations will require a signed adoption agreement with Wessex Water before drainage works commence. A public sewer is shown on the records and it appears the development proposal will affect this. The applicant should contact Wessex Water Sewer Protection Team for further advice. No building will be permitted within the statutory easement width of 3m without agreement.

DRAINAGE ENGINEER - Comment

I note surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (Sept 91) and made a condition of any approval.

AONB PARTNERSHIP - Comment

Although outside the AONB boundary, the site is located adjacent to one of the main 'gateways' to the Blackdown Hills and to all intents this part of Blagdon Hill is seen in association with the AONB. I would therefore suggest that the potential impact on the AONB is a relevant consideration in this case.

While in principle this site may be suitable for residential development, the proposed dwellings appear large and of a scale at odds with neighbouring properties. They could therefore appear as prominent intrusions in the wider landscape setting. Given that views from the northern slopes of the Blackdown Hills across the lower slopes and vale of Taunton are a particular quality of the AONB, any development that may impact on these should receive careful consideration. One of the circular walks promoted by the AONB Partnership and Neroche starts at Blagdon Hill and follows the path across Blagdon Green; from what I have seen the dwellings would be particularly evident from this public vantage point. Equally, views along the forested hills, such as Woodram and Adcombe, are part of the experience of driving through Blagdon Hill and it is not clear to what extent this development would affect these views.

LANDSCAPE -

The tree survey does not show a marked up root protection area plan which would help with an assessment of the impact of the road and services (if they are to be routed along the access driveway). My other comment relates to the impact of the proposed housing in views from the 'green' and public footpath to the west of the site where longer views would be partially obscured.

The revised detail addresses the protection and avoidance of root damage.

BIODIVERSITY -

The application is for the erection of two dwellings on agricultural land to the side of Cheriton Close, Curdleigh Lane, Blagdon Hill.

The access track to the land has an established hedgerow along the south west side which continues to form the south western field boundary. A small watercourse follows this boundary. Country Contracts carried out an ecological assessment of the site in January 2013.

Findings were as follows:

Bats - No pre existing records for bats at the site are known. There were no structures on site which could shelter bats and the surveyed trees did not have bat roosting potential. The surveyor did however consider that vegetation on site could provide foraging and commuting routes for bats. I support the proposal to include bat boxes in the new development.

Reptiles and Amphibians - No reptiles or amphibians were found during the survey although the surveyor considered that they could be present along the watercourse and ditch, which should not be disturbed.

Nesting birds - The vegetation on site offers suitable habitat for birds. I agree that any clearance of vegetation should take place outside of the bird nesting season.

Badgers - No setts were found although a badger path was found along the SW boundary of the site. The surveyor was aware of badger setts in the vicinity of the site. I support the surveyor's recommendations with regard to badgers.

Dormice - There is a record for dormice within 1.5 km of the site but the surveyor considered that dormice are not present on this site. The hedgerows have limited connectivity, there are significant barriers (roads) and the hedgerows are regularly flailed.

Suggests a condition requiring details of a strategy to protect and enhance the development for wildlife to be submitted to and approved in writing by the Local Planning Authority.

Representations

17 letters of OBJECTION raising issues of:

- It does not preserve the rural environment in an AONB,
- Seems an overdevelopment,
- Size of properties excessive and too big in relation to the plots
- Does not protect privacy of neighbours
- Unnecessary development spoiling the green setting of Blagdon Hill,
- Affects an area of local amenity and scale of properties would alter ambience block view from village green.
- Plot A is too close to the adjacent bungalow and should be resited.
- The dwellings should be set further south.
- Overlooking and loss of privacy.
- Overbearing and overshadowing to residents of Eastobrook.
- Dormer windows are out of keeping.
- Dwellings out of keeping with character of the area and concrete tiles are not appropriate.
- Bungalows with green roofs would be better
- Smaller family homes are required
- A single dwelling should be looked at.

2 letters on amended plan reiterating previous objection and suggesting any first floor windows in north and west elevations should be fixed and obscure glazed.

1 letter of NO OBJECTION on the basis of the access shown on the submitted plan.

PLANNING POLICIES

NPPF - National Planning Policy Framework,
SD1 - SD 1 TDBC Presumption in Favour of Sustain. Dev,
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
CP1 - TD CORE STRAT. CLIMATE CHANGE,
CP4 - TD CORE STRATEGY - HOUSING,
CP8 - TD CORE STRATEGY- ENVIRONMENT,
SP1 - TD CORE STRATEGY SUSTAINABLE DEVELOPMENT LOCATIONS,
M4 - TDBCLP - Residential Parking Provision,

LOCAL FINANCE CONSIDERATIONS

The development of this site would result in payment to the Council of the New Homes Bonus.

1 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£2,158
Somerset County Council (Upper Tier Authority)	£540

6 Year Payment

Taunton Deane Borough Council (Lower Tier Authority)	£12,949
Somerset County Council (Upper Tier Authority)	£3,237

DETERMINING ISSUES AND CONSIDERATIONS

The site lies within the settlement limits of Blagdon Hill where new small scale proposals are accepted under policy SP1 of the Core Strategy. The main issue here is design and whether the dwellings will have an adverse landscape impact and any adverse amenity impact on the adjacent properties.

The access to the site is via an existing drive access to the field and the visibility at the junction is considered to be acceptable. There is adequate parking and turning space for each plot and the proposal meets the Highway Authority's parking requirements. The Highway Authority raise no objection to two additional dwellings subject to conditions. Given the size of the parking and turning area and the nature of the existing access the proposed highway conditions 2, 4 and 5 are considered unnecessary in respect of the proposal.

The proposed dwellings are two storey and are of a design that match each other. The plots are approximately 20m x 65m and the provision of a detached dwelling in a plot of this size is not considered to be overdevelopment or out of keeping with the character of the area. At present the existing nearby houses are all of a slightly different design and therefore the design of the proposed dwellings is not considered out of keeping. The depth of the properties is 7m which reflects those on Curdleigh Lane and there is a 7m projection to the rear into the new gardens. The side elevations will have first floor windows serving a hall and ensuite/bathroom and it is appropriate that these are obscure glazed to prevent loss of privacy to neighbours. The dormer windows on the rear face north and are considered of an acceptable design not to adversely impact the amenity of neighbours and not to be out of keeping. The materials of the dwellings have been amended to delete the mix of brick, render and tile hanging. The proposal now incorporates natural stone and clay roof tiles and the details of which will be conditioned. The design also includes solar panels and air source heat pumps as energy efficiency measures to reduce fuel costs.

The proposal provides a double garage for each plot set in the front garden. Given the private access to the site these would not be visible in street scene terms. The dwellings themselves will be set behind the garages and the site as a whole will be visible from the footpath through Blagdon Green. The properties will obstruct the view out from the Green towards Taunton, although they are set some 40m back and downslope from the edge of the Green. There is no right to a view however, and the site is not within the AONB. The properties will also be visible from the footpath to the north and east but they will be viewed in connection with the other adjacent properties in the area and the landscape impact of this in terms of setting of the village and AONB is not considered to be detrimental in landscape terms to warrant a reason for refusal.

The dwelling of plot A lies adjacent to the property at East-o-brook and is set 5m off the boundary. The position of the plot has been sited to avoid impacting on private amenity space or the main outlook of the neighbour. The amended proposal hands the dwelling so the rear projection is moved to the eastern side of the plot as has the garage. A sunlight survey drawing shows there only to be shadowing of East-o-brook at early morning in the winter time and there not to be a material impact for the rest of the time given the orientation of the property. The main outlook from the sun room on the property to the north east would not be directly obstructed by the new house.

This revision and associated impact on the neighbour is considered to be an acceptable one in amenity terms.

The wildlife survey indicated no protected species directly affected by the proposal and the Biodiversity Officer considers an appropriate condition to address wildlife enhancement for the area. The proposed foul drainage will be to the existing foul sewer that runs through the site and the surface water disposal is intended to soakaways.

In summary the site is within the settlement limits of the village, there is not considered to be a significant adverse landscape impact or such an adverse amenity impact on neighbours to warrant refusal and the design and materials of the dwellings are considered acceptable and the proposal is recommended for approval.

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

CONTACT OFFICER: Mr G Clifford Tel: 01823 356398

E/0039/48/13

UNAUTHORISED ERECTION OF NEW BUILDING AT QUANTOCK FARM, WEST MONKTON

OCCUPIER:

OWNER: MR & MRS G QUICK
QUANTOCK FARM, QUANTOCK LANE, WEST MONKTON
TAUNTON
TA2 8LR

PURPOSE OF REPORT

To consider whether it is expedient to serve an Enforcement Notice requiring the removal of an agricultural building forming a covered area over existing buildings in a farm complex at Quantock Farm, West Monkton.

RECOMMENDATION

No further action to be taken.

SITE DESCRIPTION

Quantock Farm, is to the north west of the village of West Monkton, and is accessed along Quantock Lane via rural lanes. The open barn is in a field on the eastern side of an existing complex of agricultural buildings, and to the south east of a recently approved building. The land is open to the south, and it is some distance to nearest dwellings in this direction. A public footpath passes through part of the farm and the main vehicular access to the farm. The site is in Open Countryside, within the Quantocks Landscape Character Area, outside the West Monkton Conservation Area and outside the Quantock Hills Area of Outstanding Natural Beauty. There is a County Archaeological site to the east.

BACKGROUND

A complaint was brought to the Council's attention on 1st March 2013. A site visit was carried out and the owner was surprised that Planning permission was required as he had obtained a grant from Natural England to provide this building under their new legislation. As the building and other building works that are being carried out on the farm has cost him a considerable amount, including matching the grant he was awarded he is not willing at this stage to submit a retrospective application for consideration of its retention.

DESCRIPTION OF BREACH OF DEVELOPMENT CONTROL

The barn is an open steel frame building with a corrugated sheet roof and measures 24.384m x 36.576m. It is sited on the south east side of the site and covers an existing concrete area that the animals used and old farm buildings. One of the old buildings has virtually gone and the other is of stone with a double roman clay roof but is falling into disrepair due to been exposed to the elements. Natural England has advised that under cover areas within the farm for animals to be housed or fed during bad winter weather would be advantageous.

RELEVANT PLANNING HISTORY

There have been a series of applications and permissions for agricultural buildings, covered stock yards, works to the Listed Building, and change of use and conversion of barns to holiday units. The most recent are listed below.

48/11/0039 Erection of agricultural cubicle building, at Quantock Farm, West Monkton. Approved 15/12/11, (phase 1 of 2).

48/12/0007 Erection of agricultural cubicle building, at Quantock Farm, West Monkton. Approved 27/03/12, (phase 2 of 2).

RELEVANT PLANNING POLICES

National Policy, Guidance or Legislation

National Planning Policy Framework

Taunton Deane Core Strategy Policy DM2 (4) Agriculture Related.

DETERMINING ISSUES AND CONSIDERATIONS

The building is sited away from any residential property and thus if used for the housing of animals should not give rise to detrimental impact on amenity. It is in an open area to the southeast of several modern agricultural buildings and whilst close to a public footpath is not on the line of that path. The building which the roof structure has been constructed over, may be historic. This building is stone with a double roman clay roof. The old building appears on maps including the 1947 footpath map and may have been built at the same time as the original farm buildings or some time later. However as there is no specific reference to this building in the listing, it is not covered by Listed Building Legislation. The Conservation Officer wishes to have an accurate record of the building, but this is not possible as no planning application has been made and the building is not Listed. Previous recent proposals have resulted in a large number of objections from local residents. Any new application for an agricultural building would be likely to result in similar objections. The existing building may have protected species nesting/roosting/using it, and they are protected by law. The owners should be reminded of the need to abide by this legislation.

There would be no planning objection to the new agricultural building. The Conservation Officer's wish to have an accurate recording of the existing building on the site cannot be achieved as no application has been forthcoming.

It is therefore considered that it would not be expedient to take action in this case.

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

PLANNING OFFICER: Ms K Marlow

PLANNING ENFORCEMENT OFFICER: Mrs A Dunford

CONTACT OFFICER: Mrs A Dunford, Telephone 01823 356479

APPEALS RECEIVED FOR COMMITTEE AGENDA – 01 MAY 2013

APPEAL NO	PROPOSAL	APPLICATION NUMBER
APP/D3315/A/13/2194111	OUTLINE PLANNING APPLICATION FOR THE ERECTION OF A DWELLING IN THE GARDEN OF HEATHCOTE, CREECH ST MICHAEL (RESUBMISSION OF 14/12/0006)	14/12/0039
APP/D3315/C/13/2195921	NON COMPLIANCE WITH PLANNING CONDITION AT OLD BARN COURT, WRANGWAY, TAUNTON	44/12/0022 & E/0085/44/09
APP/D3315/C/13/2196139	UNAUTHORISED CHANGE OF USE OF LAND FOR SITING OF TWO CARAVANS WITH RESIDENTIAL OCCUPATION ON LAND KNOWN AS GYPSY PLATT, LEIGH HILL, NR BURNWORTHY	E/0008/30/13