



## Planning Committee

You are requested to attend a meeting of the Planning Committee to be held in West Monkton Primary School, Bridgwater Road, Bathpool, Taunton (Main School Hall) on 16 August 2017 at 18:15.

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### **Agenda**

- 1 Apologies.
- 2 Minutes of the meeting of the Planning Committee held on 19 July 2017 (attached).
- 3 Public Question Time.
- 4 Declaration of Interests  
To receive declarations of personal or prejudicial interests, in accordance with the Code of Conduct.
- 5 06/17/0021 Change of use of west side extension to form a home office and chapel of rest (viewing and occasional use only) at Yeomans, East Combe Lane, Bishops Lydeard
- 6 42/17/0015 Erection of two storey extension to side of 10 Dipford Orchard, Dipford Road, Trull
- 7 38/17/0244 Erection of single storey extension to rear of 28 Richmond Road, Taunton
- 8 Latest appeals and decisions received

Bruce Lang  
Assistant Chief Executive

14 October 2017

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.

Except at meetings of Full Council, where public participation will be restricted to Public Question Time only, 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.

**For further information about the meeting, please contact the Corporate Support Unit on 01823 356414 or email [r.bryant@tauntondeane.gov.uk](mailto:r.bryant@tauntondeane.gov.uk)**

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**Planning Committee Members:-**

Councillor R Bowrah, BEM (Chairman)  
Councillor M Hill (Vice-Chairman)  
Councillor J Adkins  
Councillor M Adkins  
Councillor C Booth  
Councillor W Brown  
Councillor J Gage  
Councillor C Hill  
Councillor S Martin-Scott  
Councillor I Morrell, BA LLB  
Councillor S Nicholls  
Councillor J Reed  
Councillor N Townsend  
Councillor P Watson  
Councillor D Wedderkopp

## **Planning Committee – 19 July 2017**

Present: - Councillor Bowrah (Chairman)  
Councillor Mrs Hill (Vice-Chairman)  
Councillors Booth, Brown, Coles, Gage, Gaines, Morrell, Nicholls,  
Mrs Reed, Sully, Townsend, Watson and Ms Webber

Officers: - Matthew Bale (Area Planning Manager), Tim Burton (Assistant Director  
- Planning and Environment), Julie Moore (Monkton Heathfield Project  
Team Leader), Martin Evans (Solicitor, Shape Partnership Services)  
and Tracey Meadows (Democratic Services Officer)

Also present: Councillors Berry for application No 38/16/0027. Councillor Stone for  
application No 24/17/0007. Councillor Habgood and Mrs A Elder,  
Chairman of the Standards Advisory Committee.

(The meeting commenced at 5.00 pm)

### **39. Apologies/Substitutions**

Apologies: Councillors Mrs Adkins, M Adkins, Martin-Scott  
and Wedderkopp

Substitutions: Councillor Gaines for Councillor Mrs Adkins  
Councillor Ms Webber for Councillor M Adkins  
Councillor Sully for Councillor Martin-Scott  
Councillor Coles for Councillor Wedderkopp

### **40. Minutes**

The minutes of the meeting of the Planning Committee held on the 21 June  
2017 were taken read and were signed.

### **41. Declarations of Interest**

Councillor Mrs Hill declared personal interests as a trustee to Hestercombe  
House and Gardens, a trustee to the Somerset Building Preservation Trust  
and as a Director of Apple FM. Councillor Nicholls declared a personal  
interest as a member of the Fire Brigade Union. Councillor Townsend  
declared that he was a Kingston St Mary Parish Councillor. Councillor Ms  
Webber declared that she was the Ward Member for application No  
48/14/0001 and declared that she had not 'fettered her discretion'. Councillor  
Coles declared a personal interest as a Member of Somerset County Council  
and as a member of the Devon and Somerset Fire and Rescue Authority.

### **42. Applications for Planning Permission**

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

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

**38/16/0227**

**Change of use of land from siting of agricultural workers accommodation to siting of holiday accommodation on land to the north of Cutliffe Farm, Sherford**

#### **Reasons**

1. The proposal would be contrary to Policy DM2 of the Taunton Deane Core Strategy in that this is not a form of holiday accommodation permitted outside settlement limits. The proposal would be contrary to Policy CP8 in that it would fail to maintain the green wedge: It would conflict with the key policy objectives of the green wedge, set out in the Taunton Deane Core Strategy. Insufficient information has been submitted with regard to the economic benefits to demonstrate that this would outweigh the harms that have been identified;
2. Insufficient information has been submitted to satisfy the Local Planning Authority that the proposal would be served by appropriate utilities, including foul drainage facilities;

**24/17/0007**

**Conversion of barn to dwelling at Garnseys Farm, Knapp, North Curry**

#### **Reason**

1. The proposed dwelling would be sited in an area of open countryside, distant from any well serviced settlement. No evidence has been provided to demonstrate whether there is a demand for the building to be used for other uses set out in the sequential approach of Policy DM2 (7.b). Furthermore, the building does not have any architectural merit worthy of retention that may have been an exception reason to convert if the sequential test was passed. The proposed development therefore conflicts with Taunton Deane Core Strategy Policies DM2 (7.b) and would result in a residential unit of accommodation in an unsustainable area of open countryside contrary to the aims of Core Strategy Policy SP1;
2. The proposed dwelling would be sited adjoining other larger agricultural buildings and allowing residential use in such close proximity would cause disturbance that would be harmful to the amenities of any occupants of the dwelling. The proposal is therefore contrary to Policy DM1 of the Taunton Deane Core Strategy.

#### 43. Miscellaneous Report

##### **(Part 1) - Application for the amendment of schedule 1 and clause 1.1 of the Section 106 Agreement for planning application 48/05/0072 requiring 25% of the housing shall be affordable and not 35% concerning land at Monkton Heathfield (48/14/0001)**

Reference Minute No 17/2005, reported that Members had previously resolved to agree to grant permission for the Section 106 (BA) Variation at Monkton Heathfield (Phase 1) in affordable housing levels from 35% to 25% subject to a mechanism being established to ensure the funding for the provision of the Western Relief Road (WRR) in a timely manner.

An independent viability report in 2014 had concluded that the scheme granted planning permission under 48/05/0072 was unviable, taking into account the need for the provision of the WRR.

The money released from the reduction in affordable housing would cover the purchase of the outstanding section of land from third party landowners but did not provide for the estimated construction costs for the road itself.

The mechanism, to ensure the delivery of the WRR had been agreed in a Memorandum of Understanding (MOU) signed by all parties whereby the approval for the reduction in affordable housing would be issued when contracts were let, thus providing the Council with some confidence that the road construction would proceed.

Following the signing of the MOU there had been significant progress in the project. The Consortium had been collaborating with Somerset County Council (SCC) and had funded all the detailed design work that SCC had undertaken to enable the construction of the road to commence.

In order to purchase the remaining WRR land the Consortium had entered into an agreement with the landowner at a beneficial rate. However, to proceed with the land purchase the Consortium urgently needed to release the funds resulting from the reduction of affordable housing prior to purchase.

Given the degree of collaboration between the Consortium and SCC there was now a greater degree of confidence that, once the land was purchased, the Consortium would commence the construction of the road. In the circumstances, authority was sought for the approval of the reduction in the affordable housing to be granted on land purchase. **Resolved** that the decision to adjust the level of affordable housing from 35% to 25% be delegated to the Assistant Director-Planning and Environment subject to a clause in the Section 106 Agreement being added to ensure that the land was transferred to Somerset County Council to enable the future provision of the road, in the event that it was not provided in line with the Memorandum of Undertaking within an agreed length of time.

## **Miscellaneous Report**

### **(Part 2) Erection of Local Centre including 5 No Retail Units with 18 No apartments above plus 69 No dwellings, with associated works and access including highway works to the adjacent A38 on land off Bridgwater Road, Monkton Heathfield (48/15/0053)**

Reported that the Memorandum of Understanding which set out the mechanism for the delivery of the road included a cascade for the release of additional funds in the event that the total road costs exceeded the total funds available.

Now that the detailed design of the road had been progressed it was clear that significant funds would be required to cover the cost of the construction of the road. Given that viability issues associated with the development and the need to secure the monies as soon as possible, it was considered advisable that those additional funds were best generated from the development itself. Whilst the agreed cascade allowed for this in principle, the detailed planning permission, 48/15/0053 did not.

In August 2016 permission was granted for the Local Centre parcel of land at Monkton Heathfield.

Whilst work on the site had started there was still an option to vary or remove all or part of the agreed affordable housing in order to release additional funds as required for the road construction works.

The WRR was essential for the delivery of the infrastructure necessary to cater for the traffic generated by the current permitted development and would enable the future delivery of the 2-3,000 additional dwellings (plus employment, district centre new schools etc.), 25% of which (500-750) would be additional affordable housing. It was considered vital that the funds were made available and in a time scale to enable the construction works to start on the WRR later on in the year.

**Resolved** that the decision to vary the Section 106 Agreement obligation relating to the quantum of affordable housing associated with planning permission No: 48/15/0053 be delegated to the Assistant Director - Planning and Environment based upon the need to release money from the scheme to contribute towards the construction of the Western Relief Road.

#### **44. Appeals**

Reported that two new appeals and three decisions had been received details of which were submitted.

**Resolved** that the report be noted.

(The meeting ended at 7.22 pm)



## **Declaration of Interests**

### **Planning Committee**

- Parish Councillor to Kingston St Mary Parish Council – Councillor Townsend
- Trustee to Bishop Fox's Educational Foundation, Trustee to Trull Memorial Hall – Councillor Stephen Martin-Scott
- Councillor to Comeytrove Parish Council, Member of the Fire Brigade Union – Councillor Simon Nicholls
- Trustee of Hestercombe House and Gardens, Trustee of the Somerset Building Preservation Trust, Director of Apple FM – Councillor Marcia Hill

06/17/0021

QUANTOCK FUNERAL SERVICES

**Change of use of west side extension to form a home office and chapel of rest (viewing and occasional use only) at Yeomans, East Combe Lane, Bishops Lydeard**

Location: YEOMANS, EAST COMBE LANE, BISHOPS LYDEARD, TAUNTON,  
TA4 3HU

Grid Reference: 316091.131091

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (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) DrNo 16.92.02 Site Location Plan

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

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

Reason: To preserve sight lines at a junction and in the interests of highway safety.

## 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 and has imposed planning conditions to enable the grant of planning permission.

## Proposal

The proposal is for the change of use of the existing side lean-to for use as an office and occasional chapel of rest. The room will not be used overnight but will be used by appointment and it is envisaged that the use will be no more than twice per month. This would be for very occasional use and for pre-planned visit of families to pay respects to their loved ones. Parking and turning will be provided on site.

## Site Description

The site lies on the northern side of the A358 and the building is a render and stone lean-to attached to the existing detached stone dwelling.

## Relevant Planning History

06/05/0040LB & 0041 - Erection of two storey extension at Yeomans, East Combe, Bishops Lydeard - RF 24/11/05

06/06/0039 & 0040LB - Erection of single storey extension at Yeomans, East Combe, Bishops Lydeard - CA 26/9/06

06/09/0043LB - Erection of single storey extension at Yeomans, East Combe, Bishops Lydeard - CA 15/12/09

## Consultation Responses

*BISHOPS LYDEARD & COTHELSTONE PARISH COUNCIL* - The Parish Council objects to the granting of permission for the following reasons:

- This is considered to be an inappropriate place to intensify use
- The proposed use is considered to be inappropriate for the property / area.

*SCC - TRANSPORT DEVELOPMENT GROUP* - The proposed development is to form a home office and a chapel of rest within a side extension at the above address. The proposal sits off the classified A358 approximately 1 mile north of Bishops Lydeard. The posted speed limit is 50mph. Observed vehicle speeds appear to be at or around the speed limit.

The applicant has stated that the anticipated use of the proposed chapel would be up to 12 times per year where vehicle movements associated with the proposal be via appointment only visits at sensible times. It appears that the proposal will be small scale and key, in traffic impact terms although this would result in an increase in vehicle movements but can't be considered to be severe to warrant an objection on traffic impact grounds.

Therefore, on balance of the above, subject to some improvements in visibility splay the Highway Authority have no objection to the proposal. If the Local Planning Authority were minded to grant planning permission the Highway Authority would require the following conditions to be attached:

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

*PLANNING ENFORCEMENT* - This application is the result of an investigation and there is no enforcement notice and the use has not commenced.

*HERITAGE* - No comment.

## **Representations Received**

21 letters of objection on the basis of

- poor visibility,
- hazard on the main road,
- inadequate turning space,
- people speeding,
- number of accidents on this busy stretch of road,
- more turning would be dangerous,
- increase in traffic movements will conflict with volume of agricultural traffic,
- Yeomans is situated on a dangerous part of a busy fast road,
- inadequate parking,
- opening hours are 24 hours a day throughout the year,
- the entrance is not visible and access situated on a junction

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,  
DM2 - Development in the countryside,  
A1 - Parking requirements,  
CP6 - Transport and accessibility,

CP8 - Environment,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

N/A

### **New Homes Bonus**

The development of this site would not result in payment to the Council of the New Homes Bonus.

## **Determining issues and considerations**

The proposal is the change of use of an existing lean-to extension on the existing house for use as an office and an occasional chapel of rest for the existing business run by the applicants. The main considerations are compliance with policy and highway safety.

The use proposed is a business use that is considered to comply with policy DM2 for uses in the countryside and the main issues raised by objectors relate to the highway safety impacts of the use. The lean-to building only measures 4.6m x 5m and the chapel of rest part of the building is 4.6m x 3m. The Highway Authority have been requested to look at the scheme in light of the objections received and have raised no objection based on the scale of the use and existing access and visibility. The site has adequate parking and turning and there is considered to be adequate visibility at the junction and a condition as requested will secure this visibility. A condition limiting the use of the building is not proposed as this is not considered enforceable.

In summary the proposed use is considered to be one that is low key generating limited traffic and would not harm the amenity of the area. The Highway Authority raise no objection to the use and the proposed development is therefore supported.

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

**Contact Officer: Ms A Penn**

42/17/0015

MR & MRS M MELHUIISH

**Erection of two storey extension to side of 10 Dipford Orchard, Dipford Road, Trull**

Location: 10 DIPFORD ORCHARD, DIPFORD ROAD, TRULL, TAUNTON, TA3  
7NP

Grid Reference: 320822.122223

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (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) DrNo 17/02C Revised Plans & Elevations as Proposed

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

### **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**

This proposal is for the erection of a two storey side extension to provide additional living space for the occupants of the dwelling. The proposed articulated extension projects off the south elevation by 3.6 metres. First floor windows to the west will be obscure glazed and a high level window on the south elevation is 1.7 metres from floor level.

## Site Description

This is a semi detached property finished in stone and render with brick detail under a double roman concrete tile roof and a front porch that is open on two sides. The site is level, with a close boarded 1.8m high fence surrounding the amenity space to front, side and rear, with hardstanding for two cars at the front, a paved patio area and lawn with some planting to the side and rear of the house.

Dipford Orchard is a small development of 11 properties built as an affordable housing scheme. No.10 was purchased outright at 70% of market value, a condition that remains with the property.

## Relevant Planning History

42/09/0001 - Erection of 7 affordable cottages and 2 affordable flats at land opposite Dipford Cottage, Dipford Road, Trull - CA

42/10/0045 - Erection of two affordable dwellings at land adjoining Dipford Road, Trull as amended - CA

## Consultation Responses

*TRULL PARISH COUNCIL* - Trull Parish Council objects to this application on the grounds that it will significantly increase the size of the property on this affordable housing scheme which was intended to provide housing for eligible households whose needs are not met by the market. An extension of this size is out of keeping with the existing Dipford Orchard development and the consequential increased value of the house would take it out of the affordable bracket for potential purchasers. The proposed extension would leave very little remaining garden space and is therefore contrary to the Neighbourhood Plan which stresses the importance of gardens in the community, and is against the practice of 'garden grabbing'. The Parish Council is concerned that if approved this application could set a precedent for any other similar applications in affordable housing schemes.

*HOUSING ENABLING* - This is a discounted open market property with restrictions as set out in the Section 106 Agreement dated 12 May 2009 and the Deed of Variation dated 17 December 2010. However there are no restrictions that prevent an extension to the property per se and the usual planning criteria should be applied.

## **Representations Received**

5 objections received regarding the following points:

- Overdevelopment of the site.
- Overlooking of amenity space of No.9 Dipford Orchard and Greenacres Cottage.
- Loss of evening sun to garden of Briony Cottage.
- Affordability.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,  
D5 - Extensions to dwellings,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

Not applicable.

### **New Homes Bonus**

Not applicable.

## **Determining issues and considerations**

The main issues in the determination of this application are the impact on visual and residential amenity. These issues will be addressed as follows, taking into account the points raised above.

The proposed extension is to be finished in materials to match, maintaining the form and character of the main dwelling. The dimensions of the extension are such that it could be mirrored on the attached dwelling if desired at any point in the future, in order to maintain the appearance of a matching pair of cottages. It is considered to



present little significant impact on the appearance and character of the settlement or street scene and is subservient in scale and design. There is considered to be no direct overlooking of neighbouring properties from the windows of this dwelling and no significant adverse impact on the residential amenity of other dwellings in the vicinity. There will be adequate amenity space remaining for the enjoyment of the occupants of the dwelling and parking space is not affected by the development.

**Over development:**

Officers have negotiated a reduction in the size of the extension to address the concerns raised of over development of the site. Thus the roof line is stepped down and the front and rear elevations stepped in forming a subservient extension in relation to the original dwelling. The proposed development will leave more than 50% of the original amenity space remaining.

**Overlooking:**

Two first floor windows to the front will be obscure glazed as they are bathroom and dressing room windows. One first floor window to the south is high level with the sill at 1.7m preventing direct overlooking of 9 Dipford Orchard.

While the existing first floor windows of Nos.10 and 11 Dipford Orchard look out over the neighbouring gardens beyond the rear fence and mature trees on the rear elevation, from the position of the new windows there is no direct overlooking of property.

**Loss of light:**

While the light from the westering sun is blocked to some extent from the garden of Briony Cottage by the existing buildings 10 and 11 Dipford Orchard and the boundary fence, it is considered that the proposed extension will not significantly increase this impact.

**Affordability:**

This property was purchased outright at 70% of market value through the affordable homes scheme, a condition that remains with the property in perpetuity. If a property purchased under this scheme should increase in value, for whatever reason, any future sale will be valued at 70% of market value. There is no restriction or condition in the Section 106 Agreement dated 12 May 2009 or the Deed of Variation dated 17 December 2010 that prevents an extension to the property and the usual planning criteria have been applied.

For the above reasons this application is considered to comply with Policy DM1 of the TDBC Adopted Core Strategy 2011-2028 and Policy D5 of the Taunton Deane Adopted Site Allocations and Development Management Plan 2016 and approval is recommended.

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

**Contact Officer: Mrs M Pike**

38/17/0244

MS M THEN-BERGH

## **Erection of single storey extension to rear of 28 Richmond Road, Taunton**

Location: 28 RICHMOND ROAD, TAUNTON, TA1 1EW

Grid Reference: 321944.125285

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

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

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

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

(A4) DrNo PL.01 Location Plan  
(A3) DrNo PL.12 Block Plan as Proposed  
(A3) DrNo PL.13 Ground Floor Plan as Proposed  
(A3) DrNo PL.14 First Floor Plan as Proposed  
(A3) DrNo PL.15 Elevations as Proposed  
(A3) DrNo PL.16 Section E-E and West Elevation as Proposed

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.

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.

## Notes to Applicant

1. 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, including the foundations and roof overhang will encroach on, under or over the adjoining property.
2. 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 imposed planning conditions to enable the grant of planning permission.

## Proposal

It is proposed to remove the existing brick built extension on the rear (north) elevation and replace it with a larger extension in different materials to provide for a larger kitchen/dining area. The proposed extension will project 3.55 metres from the existing half-gable belonging to the property and project 7 metres long from the main bulk of the dwelling, filling the width available of 5.455 metres, with the wall of the extension to the west becoming the boundary wall with the neighbouring dwelling.

The extension will have the same height as the existing rear extension at 3.15 metres with an eaves height of 2.55 metres and within the roofline there will be a flat roofed section of 1.8 metres with a rooflight. In the western slope there will be two rooflights and where the extension meets the main dwelling there will be a glazed corner abutment. The walls will be rendered whilst the lean-to roofs will be slate and the flat roof grey EDPM or an alternative grey material. There will be a parapet wall to link and hide the intersections of the differing rooflines. There will be powder-coated aluminium or upvc bi-folding doors to the rear.

The application needs to be determined by the Planning Committee as the applicant is a member of staff.

## Site Description

28 is a mid-terrace Victorian constructed in buff-coloured brickwork, with red brick quoins on the front elevation, red bricks and flettons to the rear and a slate roof. To the rear there is a red brick and fletton extension, with the base painted in white and a clay Double Roman tiled roof. This extension stretches across the rear of the neighbouring property, no. 26.

## Relevant Planning History

None.

## Consultation Responses

None.

## Representations Received

None.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,  
D5 - Extensions to dwellings,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

### **Community Infrastructure Levy**

The proposal is not liable for CIL.

## **Determining issues and considerations**

The determining issues are the affect on the amenities of neighbours, the appearance of the dwelling and the terrace.

### **Affect on amenities of neighbours**

Between nos. 28 and 30 there is a wall of about 1.8 metres of about 3.25 metres in length, projecting from the rear of the dwelling. This rises to a 2.14 metre high fence. This wall and fence will be replaced by a rendered wall of 2.4 metres high. The first 1.95 metre section of wall will have the glazed corner abutment on top and then there will be the lean-to roof of 1 metre on top of the wall, making the boundary just over 3 metres high. This is taller than the current boundary treatments but the glazed corner section will soften any overbearing impact and it is considered that the proposal will only cause a slight loss of light to the neighbouring property. There are no windows in the side elevation of no. 30 so there will be no overlooking between the properties.

The proposed extension will be the same length and ridge height as the existing extension, but with a slightly higher eaves height. It will sit next to the extension on

the adjoining property and will not cause any harmful impact on the adjoining property to the east, no. 26.

To the rear there is a garden room with the cemetery beyond so there will be no impact on residential amenity to the rear.

### **Appearance of the dwelling**

The rear elevations of this terrace are predominantly red brick and fletton, with single or two-storey extensions and slate or clay roofs. Although the use of render will be adding a different material to this dwelling and the terrace, it is considered that a coloured smooth render will not look too out of place and will be more attractive than the painted bricks present at the moment. The roofline of the extension adds a new dimension to no. 28, but there are already some flat roofed dormers of varying sizes on neighbouring properties so this will be in keeping with the appearance of the rear terrace. The extension will add a contemporary feel to the dwelling and make the best use of the space available, without impacting on the neighbouring properties. The fenestration at the rear is mixed with different styles and materials. The use of glazing and the bi-folding doors will therefore provide for light and open living accommodation whilst not harm the setting of the terrace.

There will be no impact on the traditional frontage of the dwelling or terrace and as the proposed development will not be visible from the highway there will be no impact on the street scene.

The proposal is therefore acceptable and in accordance with policy DM1 of the Taunton Deane Core Strategy and policy D5 of the Taunton Site Allocations and Development Management Plan and is recommended for conditional approval.

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

**Contact Officer: Mrs S Wilsher**

## Appeal Decisions – 16 August 2017

**Site: 70 MEAD WAY, MONKTON HEATHFIELD, TAUNTON, TA2 8LT**

**Proposal: Application to fell two ash trees included in Taunton Deane Borough (West Monkton No.13) Tree Preservation Area 2001 at 70 Mead Way, Monkton Heathfield (TD897)**

**Application number: 48/17/0001T**

**Reasons for refusal: The trees are healthy and have high amenity value, being very prominent in the street scene. It is considered that there is insufficient justification for the removal of trees protected by Tree Preservation Order. No evidence has been submitted with the application to support the suggestion that the roots of the trees are damaging the property.**

**Appeal Decision: Dismissed**

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**Site: FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD, TAUNTON, TA3 7RW**

**Proposal: UNAUTHORISED SITING OF MOBILE HOME AND CHANGE OF USE OF STABLE TO RESIDENTIAL OCCUPATION AT FAIRFIELD STABLES, MOOR LANE, CHURCHINFORD**

**Application Number: E/0196/10/15**

**Reasons for Enforcement: It appears to the Council that the above breach of planning control has occurred within the last ten years.**

The Site comprises an agricultural field located in open countryside within the Blackdown Hills Area of Outstanding Natural Beauty ("the AONB"). The mobile home is distinctly visible from the adjacent highway and at this location is visually intrusive. The continued presence of the mobile home is detrimental to the character and appearance of the area.

The mobile home and the stable building represent unjustified residential use outside the defined settlement limits, the cumulative impact of which would lead to unplanned sporadic development in the open countryside and the AONB. The presence of the mobile home and the residential use of the stable building is detrimental to the character and appearance of the countryside and collectively increases the need to travel by private motor vehicle in order to access day to day services. This is contrary to Policies SP1 (Sustainable Development Locations), CP8 (Environment), DM1 (General Requirements) and DM2 (Development in the Countryside) of the Taunton Deane Core Strategy.

The Council do not consider that planning permission should be given, because planning conditions could not overcome these objections

**Appeal Decision: Mixed**

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# Appeal Decision

Site visit made on 7 July 2017

**by Paul Griffiths BSc(Hons) BArch IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 July 2017

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## Appeal Ref: APP/TPO/D3315/6129

**70 Mead Way, Monkton Heathfield, Taunton TA2 8LT**

- The appeal is made under regulation 19 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 against a refusal to grant consent to undertake work to trees protected by a Tree Preservation Order.
  - The appeal is made by Mr Robert Frounks against the decision of Taunton Deane Borough Council.
  - The application Ref: 48/17/0001/T, dated 9 January 2017, was refused by notice dated 6 March 2017.
  - The work proposed is the removal of two ash trees.
  - The relevant Tree Preservation Order (TPO) is Taunton Deane Borough (West Monkton No.1) Tree Preservation Order 2001, which was confirmed on 7 March 2001.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. This is the impact of the work proposed on the amenity of the area and whether it is justified, having regard to the reasoning advanced for it.

## Reasons

3. The ash trees at issue are semi-mature specimens that sit within a group of trees and shrubs adjacent to the A3259. The prominence of the ash trees within the group is an important constituent of the attractive frontage the group provides to the road.
  4. However, No.70 Mead Way sits rather close to the group and the ash trees restrict the amount of daylight and sunlight that reaches the rear of the house, and the rear garden. The appellant is concerned too about damage to the house in the event of the trees falling, or through the action of the root systems, and the danger they present to pedestrians, amongst other things.
  5. In that context, I can appreciate why the appellant would want to take some action. Having said that, the loss of the ash trees would seriously reduce the attractiveness of the frontage the group provides to the A3259, to the detriment of the amenity of the area.
  6. Balancing those conflicting issues, it seems to me that felling the trees, as proposed, is too drastic a response. There seems to me no good reason why crown reduction, which would address some or all of the appellant's concerns, while maintaining much of the contribution the trees make to the amenity of the area, could not be considered first.
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7. On that basis, the proposed works are unacceptable and the appeal is dismissed.

Paul Griffiths

**INSPECTOR**





## Appeal Decisions

Hearing Held on 27 June 2017

Site visit made on 27 June 2017

**by Andrew R Hammond MSc MA CEng MIET MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 04 August 2017**

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### **Appeal A Ref: APP/D3315/C/16/3149290**

**Fairfield Stables, Moor Lane, Churchinford, Taunton, Somerset TA3 7RW**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Ms S Lock against an enforcement notice issued by Taunton Deane Borough Council.
  - The enforcement notice, numbered E/0196/10/15 was issued on 17 March 2016.
  - The breach of planning control as alleged in the notice is without planning permission the change of use of the site from agricultural use to domestic use by the stationing of a mobile home that is being used together with a stable building as a single residential unit on the site.
  - The requirements of the notice are: -
    - (i) Cease using the mobile home for residential use;
    - (ii) Remove the mobile home from the site;
    - (iii) Cease using the stable building for residential use; and
    - (iv) Remove from the stable building all residential and domestic equipment and materials associated with the domestic use.
  - The period for compliance with the requirements is 3 months from the date the notice takes effect.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) & (g) of the Town and Country Planning Act 1990 as amended.
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### **Appeal B Ref: APP/D3315/W/3172566**

**Fairfield Stables, Moor Lane, Churchinford, Taunton, Somerset TA3 7RW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Ms S Lock against the decision of Taunton Deane Borough Council.
  - The application Ref 10/16/0028, dated 22 November 2016, was refused by notice dated 3 February 2017.
  - The development proposed is change of use of the land and buildings from equine to commercial dog breeding business and retention of mobile home for use as a temporary workers dwelling.
- 

## Procedural Matters

1. The lawful use of the land at the appeal site is equestrian and it is not proposed that use would cease entirely. Both the enforcement notice (Appeal A) and the description of the development proposed (Appeal B) should refer to a change of use to a mixed use including equestrian use.
2. No prejudice would be caused to any party by the correction of the allegation in the

appeal A enforcement notice to read 'without planning permission the

material change of use of the site from equestrian to a mixed use of equestrian and residential use by the stationing of a caravan that is being used together with a stable building as a single residential unit on the site.

3. The description of the development in Appeal B includes the 'retention of mobile home'. Retention is not development. I have determined the appeal as being against refusal of planning permission for development already carried out in accordance with s73A of the Town and Country Planning Act. Furthermore, 'mobile home' is not defined for planning purposes but the structure in question is a caravan. I have therefore adopted the description of the proposed development in Appeal B as 'change of use from equestrian use to a mixed use of equestrian, a commercial dog breeding business and the stationing of a caravan for residential purposes.' The matter of the temporary nature of the stationing of the caravan is appropriately controlled by condition.

## Decision Appeal B

4. The appeal is allowed and planning permission is granted for change of use from equestrian use to a mixed use of equestrian, a commercial dog breeding business and the stationing of a caravan for residential purposes at Fairfield Stables, Moor Lane, Churchinford, Taunton, Somerset TA3 7RW in accordance with the terms of the application, Ref 10/16/0028, dated 22 November 2016, and the plans submitted with it, subject to the following conditions:
- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans;
    - i) Drawing number 200.03 Rev C Site location and block plan
    - ii) Drawing number 200.04 Rev B Site plan as proposed
    - iii) Drawing number 200.05 Rev A Plans and elevations as proposed
    - iv) Drawing number 200.09 Proposed plans and elevations
    - v) Drawing number 200.10 Indicative floor plans and elevations.
  - 3) The use of the site for the stationing of a caravan for residential purposes, hereby permitted, shall be for a limited period being the period of three years from the date of this decision. The use hereby permitted shall be discontinued and the land restored to its former condition on or before three years from the date of this decision in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
  - 4) The occupation of the caravan shall be limited to a person solely or mainly working, or last working, in the commercial dog breeding business at Fairfield Stables, Moor Lane, Churchinford, Taunton, Somerset TA3 7RW, or a widow or widower or surviving civil partner of such a person, and to any resident dependants.
  - 5) No dogs other than those kept for breeding purposes shall be kept on the site and the number of dogs shall be limited to no more than 15 breeding bitches and their puppies awaiting sale.

## **Decision Appeal A**

5. It is directed that the enforcement notice be corrected by the deletion of the breach of planning control alleged and the substitution thereof by 'The breach

of planning control as alleged in the notice is without planning permission the material change of use of the site from equestrian to a mixed use of equestrian and residential use by the stationing of a caravan that is being used together with a stable building as a single residential unit on the site.'

6. Subject to this correction the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended. Reliance is placed on s180 of the Act which states that where after the service of a copy of an enforcement notice planning permission is granted before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

## **Appeal B Main Issues**

7. The main issues in this appeal are the effect of noise disturbance on the Blackdown Hills Area of Outstanding Natural Beauty (AONB), with particular regard to tranquillity, and the functional requirement for residential occupation.

## **Appeal B Reasons**

8. The appeal site is located approximately 400m from the edge of the village of Churchinford within the Blackdown Hills AONB. The nearest residential property is Fairhouse Farm some 100m to the south east on the opposite side of Moor Lane. The next nearest property is some 200m to the west along Moor Lane.
9. The authorised use of the appeal site is equestrian and planning permission for the provision of an occupational dwelling in the form of a mobile home for a period of three years was granted on appeal in September 2009.
10. The appellant currently operates a commercial dog breeding business from the appeal site and the planning application sought planning permission for that business along with permission to site the existing, but now unauthorised, mobile home (caravan) on the site for residential purposes in association with the dog breeding business.
11. An existing building in the north west of the site, adapted and extended with penned runs is proposed for the housing of the dogs (replacing temporary kennels and runs closer to Moor Lane) and an isolation kennel is proposed in one of the existing stables. A new solid wall to the south east of the runs along with a new earth bund screen is proposed to the south east of the runs to attenuate the propagation of any noise towards Fairhouse Farm.
12. The Council contend that the proposal would introduce noise to the AONB contrary to Policies CP 8 and DM 1 of the Taunton Deane Core Strategy (CS). CS Policy CP 8 is a general core policy aimed at conserving and enhancing the natural environment. The policy states that the Borough Council will conserve and enhance the natural and historic environment and will not permit development proposals that would harm these interests or the setting of the towns and rural centres unless material factors are sufficient to override their importance. CS Policy DM 1 sets out a number of criteria to be met by new development, including criterion (e) which seeks to prevent noise pollution or nuisance.
13. Clearly the breeding of dogs has the potential to introduce noise which is not

capable of strict control. The Council contend, therefore, that the proposed

development has the potential for significant detriment to the tranquillity of the AONB, one of its principal attributes. The AONB Management plan has the following objectives and policies related to tranquillity; The Blackdown Hills landscape is valued as a place where a sense of tranquillity can be enjoyed free from man-made noise and visual intrusion (Objective LC 3); support and promote initiatives for the understanding of tranquillity and encourage the quiet enjoyment of the AONB. (Policy LC 3/A); and support measures to conserve and enhance tranquillity and dark skies. (Policy LC 3/B).

14. The parties agree that there is no objective guidance on the subject of tranquillity or a consistent application of approach. The appellant, however, has produced an assessment based on a numerical methodology assigning weight to various positive and negative visual and aural aspects, utilising the Cranborne Chase and West Wiltshire Downs AONB Tranquillity Mapping Ground Truthing and Methodology (December 2009). Given that this methodology is not generally recognised I have given the results little weight in the determination of the appeal.
15. The likely receptors of any noise resulting from dogs barking are walkers along Moor Lane or the occupiers of Fairhouse Farm, some 100m away. Any noise emanating in that direction, from dogs within the kennels and runs, would be constrained due to the orientation of the building, the proposed wall to the south east and bund. The dog exercise area would be located further to the north away from the road. Some barking noise may be carried over the valley to the north but any receptors would in all likelihood be sufficiently distant not to be caused nuisance.
16. Furthermore all dogs kept at the premises would be breeding dogs and would be used to their environment and local circumstances. Although some may bark in the presence of strangers, as witnessed during the site visit, they would be less likely to be distressed than dogs in boarding kennels. The number of dogs can be controlled by condition as can a restriction ensuring that only the 'resident' dogs, kept for breeding purposes, are housed on the appeal site.
17. Whilst there remains the potential for a degree of barking to be audible in the immediate vicinity, any nuisance and detriment to tranquillity would be limited.
18. The National Planning Policy Framework (the Framework) sets out a presumption in favour of sustainable development, sustainability having three dimensions,; economic, environmental and social. Noise disturbance clearly weighs against environmental sustainability and potentially social sustainability.
19. In relation to noise, the Framework states, at paragraph 123 that planning policies and decisions should aim to avoid noise from giving rise to significant adverse impact; referring to the Noise Policy Statement for England (Defra 2010) (NPSE). That document explains that there are two established concepts from toxicology that are currently being applied to noise impacts, for example, by the World Health Organisation. They are:

NOEL – No Observed Effect Level

This is the level below which no effect can be detected. In simple terms, below this level, there is no detectable effect on health and quality of life due to the noise.

LOAEL – Lowest Observed Adverse Effect Level

This is the level above which adverse effects on health and quality of life can be detected.

and that extending these concepts for the purpose of this NPSE leads to the concept of a significant observed adverse effect level.

#### SOAEL – Significant Observed Adverse Effect Level

This is the level above which significant adverse effects on health and quality of life occur.

20. NPSE adds that it is not possible to have a single objective noise-based measure that defines SOAEL that is applicable to all sources of noise in all situations. Consequently, the SOAEL is likely to be different for different noise sources, for different receptors and at different times. It is acknowledged that further research is required to increase our understanding of what may constitute a significant adverse impact on health and quality of life from noise. However, not having specific SOAEL values in the NPSE provides the necessary policy flexibility until further evidence and suitable guidance is available.
21. The first aim of the NPSE states that significant adverse effects on health and quality of life should be avoided while also taking into account the guiding principles of sustainable development. The second aim of the NPSE refers to the situation where the impact lies somewhere between LOAEL and SOAEL. It requires that all reasonable steps should be taken to mitigate and minimise adverse effects on health and quality of life while also taking into account the guiding principles of sustainable development.
22. The third aim of the NPSE seeks, where possible, positively to improve health and quality of life through the pro-active management of noise while also taking into account the guiding principles of sustainable development, recognising that there will be opportunities for such measures to be taken and that they will deliver potential benefits to society. The protection of quiet places and quiet times as well as the enhancement of the acoustic environment will assist with delivering this aim.
23. The proposed development would result in some noise impact in Moor Lane and at Fairhouse Farm. Whilst this could be above the 'LOAEL' it would not reach the level where it would have significant adverse effects on health and quality of life. Measures have been incorporated into the proposal to mitigate adverse effects.
24. It is not possible to predict or place strict controls on the level of noise resulting from barking dogs. However by restricting the operation to housing only breeding dogs and limiting the numbers by condition, it would be possible to limit the likely levels of noise to that which would not adversely affect the tranquillity of the AONB. In that event the proposed development of the commercial dog breeding business would not be contrary to the development plan policies cited above or with the Framework.
25. CS Policy DM 2 allows for affordable housing in rural areas to meet an identified local need which cannot be met in the nearest identified rural centre. It is a condition of the licence required for a commercial dog breeding establishment that there is a residential presence on the site to ensure the health and wellbeing of the dogs. The appellant has demonstrated that the commercial



business is economically viable but for the period during which the viability is being fully tested a temporary dwelling in the form of a caravan is justified.

26. For the reasons given above I conclude that Appeal B should be allowed.

## **Conditions**

27. A condition requiring the development to be carried out in accordance with the approved drawings is necessary in the interests of proper planning.

28. A condition requiring the occupation of the caravan to be limited to a person involved in the commercial dog breeding business and to be for a temporary period of 3 years is necessary given the justification for the development.

29. A condition limiting the number of breeding bitches kept on the site is necessary to limit the potential for noise disturbance.

## **Appeal A Reasons**

### ***The Ground (a) Appeal***

30. A ground (a) appeal seeks planning permission for what is alleged in the notice (in this case as corrected), namely the material change of use of the site from equestrian to a mixed use of equestrian and residential use by the stationing of a caravan that is being used together with a stable building as a single residential unit on the site. There is no mention in the enforcement notice of the commercial dog breeding business.

31. The justification for the siting of the caravan for residential purposes is based upon the commercial dog breeding business and any planning permission granted as a result of allowing the ground (a) appeal could not be subject to a condition requiring occupation to be limited to a person involved in an unauthorised business.

32. Therefore, notwithstanding the above decision on Appeal B Appeal A is dismissed and reliance is placed on s180 of the Act which states that where after the service of a copy of an enforcement notice planning permission is granted before the grant of that permission, the notice shall cease to have effect so far as inconsistent with that permission.

### ***The Ground (g) Appeal***

33. Under ground (g) the appellant pleads that 3 months would be insufficient time to relocate and clear the site in accordance with the requirements of the notice, particularly given the need to relocate the dogs.

34. The enforcement does not require the removal of the dogs from the site, albeit that their removal would be necessitated by the appellant vacating the site.

35. However, provided that the appellant carries on the commercial dog breeding business for which purpose the dogs are kept on the site, the requirements of the notice shall cease to have effect.

36. For the above reasons the Appeal A on ground (g) fails.

*Andrew Hammond*

Inspector

## **APPEARANCES**

FOR THE APPELLANT:

Mr James Whilding  
(Acorus) Ms Laura Wall  
(Acorus)

Ms S Lock

Mr S Liddle

FOR THE LOCAL PLANNING AUTHORITY:

Ms Ann Dunford (Taunton Deane District  
Council) Mr Gareth Clifford (Taunton Deane  
District Council)

**APPEALS RECEIVED –16 AUG 2017**

**Site:** LAND WEST OF BAGLEY ROAD, ROCKWELL GREEN, WELLINGTON

**Proposal:** Outline Application with all matters reserved, except for means of access, for the erection of up to 205 dwellings and up to 60 apartments with care (Class C2), with public open space, landscaping, sustainable drainage system and vehicular access points from Exeter Road on land to the west of Bagley Road, Rockwell Green

**Application number:** 43/17/0002

**Appeal reference:** APP/D3315/W/3179264

**Start Date:** 27 JULY 2017

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